

[39 & 40 VICT.] *London, Essex, and Kent Coast* [Ch. ccxliii.]
Junction Railway Act, 1876.



CHAPTER ccxliii.

An Act for making Railways in the Counties of Essex and Kent to connect the London, Tilbury, and Southend Railway with the South-eastern and London, Chatham, and Dover Railways; and for other purposes. A.D. 1876.

[15th August 1876.]

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

And whereas the persons herein-after in that behalf named, with others, are willing to execute the undertaking, and it is expedient that they be incorporated into a Company for that purpose:

And whereas it is expedient that the Company so to be incorporated, (in this Act called "the Company,") and the other companies in that behalf mentioned in this Act, be empowered to enter into and carry into effect working and other agreements as herein-after provided:

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

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

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

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Short title.

Provisions of certain general Acts incorporated.

Interpretation of terms.

Company incorporated.

Power to make railways and wharf according to deposited plans.

1. This Act may be cited as "London, Essex, and Kent Coast Junction Railway Act, 1876."

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

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

4. John Evans Freke Aylmer, James Goodson, Worsley Roberts, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the "London, Essex, and Kent Coast Junction Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways and wharf hereinafter described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that pur-

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pose. The railways herein-before referred to and authorised by this Act are,— A.D. 1876.

A railway (No. 1), five miles nine chains and fifty links in length, commencing in the parish of Wennington, in the county of Essex, by a junction with the London, Tilbury, and Southend Railway, at a point thereon about three hundred yards measured in a south-easterly direction along the railway from the distance post thereon indicating fourteen miles from London, thence passing under the River Thames, and terminating in the parish of Stone, in the county of Kent, by a junction with the North Kent line of the South-eastern Railway Company, at a point thereon about five hundred and fifty yards measured along that line in an easterly direction from the point where the road leading from the main London and Dover road to Cotton Farm crosses the said North Kent line on the level:

A railway (No. 2), four miles four furlongs two chains and fifty links in length, all in the county of Kent, commencing in the parish of Dartford by a junction with Railway No. 1 in a field belonging or reputed to belong to George Solomon, at a point about four hundred and ninety-five yards measured in a northerly direction from the north-eastern corner of Temple Farm Buildings, and terminating in the parish of Sutton-at-Hone by a junction with the main line of the London, Chatham, and Dover Railway, at a point thereon about one hundred and thirty-two yards measured in a westerly direction from the booking office at the Farningham Road Station:

A railway (No. 3), four miles seven furlongs nine chains and sixty links in length, all in the county of Kent, commencing in the parish of Sutton-at-Hone by a junction with Railway No. 2, at a point in a field in the occupation of Maurice Bayley, about three hundred and forty yards measured in a northerly direction from the place where the road leading to Swanley Bottom Farm diverges from the road leading from Darent to Swanley, and terminating in the parish of Eynsford by a junction with the Sevenoaks, Maidstone, and Tunbridge Railway at a point about two hundred and eighty-six yards measured in a southerly direction from the booking office of the Eynsford Station thereon:

A railway (No. 4), one mile two furlongs four chains and seventy links in length, all in the said parish of Dartford, commencing by a junction with Railway No. 2, at a point about seventy-seven yards eastward of the south-eastern end of the Phoenix

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Paper Mill Pond, and terminating on the right bank of the River Darent, opposite the place where the River Cray falls into that river :

A railway (No. 5), one mile three furlongs two chains and eighty links in length, wholly in the said parish of Dartford, commencing by a junction with Railway No. 4, at a point in a field about three hundred and fifty yards measured in a southerly direction from where the River Cray falls into the River Darent, and about two hundred and forty-two yards measured in an easterly direction from the right bank of the said River Darent, and terminating on the foreshore of the River Thames at a point about sixty-six yards measured in a northerly direction from Longreach Tavern :

A wharf for the landing and shipping of goods and merchandise, at the termination of Railway No. 5, extending along and on the south side of the River Thames for a distance of about fifty yards on either side of that railway.

Capital.

6. The capital of the Company shall be five hundred and ten thousand pounds in fifty-one thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

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

Receipt in case of persons not sui juris.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

10. The Company may from time to time, in respect of the capital of five hundred and ten thousand pounds which they are by this Act authorised to raise, borrow on mortgage any sum not exceeding in the whole one hundred and seventy thousand pounds, in manner following; (that is to say,) in respect of each sum of two hundred and fifty-five thousand pounds, forming part of the total capital of five hundred and ten thousand pounds, the Company may borrow any sum not exceeding eighty-five thousand pounds, but no part of any such sum of eighty-five thousand pounds

shall be borrowed until shares for so much of the portion of the capital in respect of which it is authorised to be borrowed are issued and accepted, and one half thereof is paid up and actually expended in and towards the construction either of Railway No. 1 or of Railways No. 2 and No. 3 by this Act authorised, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof. A.D. 1876.

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

12. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

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

14. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

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

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Qualification
of directors.

Quorum.

First direc-
tors.

Election of
directors.

Lands for ex-
traordinary
purposes.

Powers for
compulsory
purchases
limited.

Power to
deviate from
levels of sec-
tions.

16. The qualification of a director shall be the possession in his own right of not less than fifty shares.

17. The quorum of a meeting of directors shall be four, and if the number of directors be reduced to three the quorum shall be two.

18. John Evans Freke Aylmer, James Goodson, Worsley Roberts, and four other duly qualified persons to be nominated by them, or a majority of them, in that behalf, and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the powers herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845;" and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

19. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed four acres.

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

21. The Company may in the construction of the railway deviate from the levels and gradients marked on the deposited sections to such an extent as may be found necessary or convenient for crossing under the River Thames, or for avoiding or accommodating the drainage or sewers, or other works, in or under the lands through which the railway will be made within a distance of two miles of the said river, and the Company may alter the inclination of their railway accordingly.

22. The powers of this Act so far as they affect the London, Tilbury, and Southend Railway shall, unless with the previous consent of the London, Tilbury, and Southend Railway Company (in this enactment called the Tilbury Railway Company) under their common seal, be exercised only subject to and in accordance with the following provisions :

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For protec-
tion of Lon-
don, Tilbury,
and South-
end Railway
Company.

1. The junction of Railway No. 1 with the London, Tilbury, and Southend Railway shall, consistently with the deposited plans and sections, be effected in all respects in such manner and in such position as shall previously have been approved by the engineer for the time being of the Tilbury Railway Company, and the junction and the works connected therewith shall be executed and hereafter maintained by the Tilbury Railway Company, and the costs thereof 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 :
2. The Company shall not take, use, enter upon, or interfere with or acquire any right, title, or interest to or in any lands belonging to the Tilbury Railway Company except such as may be required for the purpose of effecting the said junction, and the works connected therewith, nor shall the Company with respect to such lands of the Tilbury Railway Company as may be so required take the same ; but the Company may purchase and take, and the Tilbury 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 Tilbury 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 said junction, and the working and management of such signals and conveniences, wherever situate, shall be under the exclusive regulation and control of the Tilbury Railway Company, and all the expenses of erecting and maintaining, and if necessary of altering, 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 to the Tilbury Railway Company by the Company, and in default

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thereof may be recovered from the Company with full costs of suit in any court of competent jurisdiction :

4. The Company shall bear and on demand pay to the Tilbury Railway Company the expense of the employment by them during the making of the said junction, and the works connected therewith, of a sufficient number of inspectors, watchmen, and signalmen 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 arising 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 :
5. If by reason of any works or proceedings of the Company with reference to the construction of the said junction, or other portion of the railway proposed, there shall be any obstruction of or interference with the railway of the Tilbury Railway Company so as to prevent or impede the convenient passage of engines and carriages along the same, the Company shall pay to the Tilbury Railway Company all costs and expenses to which that Company may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs, expenses, and compensation to be recoverable with full costs by the Tilbury Railway Company from the Company in any court of competent jurisdiction.

Saving for
Commissioners of
Sewers from
Lombards
Wall to
Gravesend
Bridge.

23. Any works to be constructed, laid down, or executed in exercise of the powers conferred by this Act, and which shall cross over or under or interfere with or affect the banks of the Dartford and Crayford Creeks, or either of them, or the banks of the River Thames, or the common sewer and other ditches under the jurisdiction of the Commissioners of Sewers for the limits extending from Lombards Wall to Gravesend Bridge, in the county of Kent, or any repairs from time to time required to such works, shall be constructed, laid down, and executed under the superintendence and to the satisfaction of the said Commissioners according to plans which shall be previously submitted to them, and subject to such reasonable requirements, stipulations, and conditions as shall be prescribed by the said Commissioners before the said works or repairs are commenced, and the Commissioners may appoint and employ such necessary inspectors and watchmen as they may think proper to superintend the execution of such works and repairs, and the costs of all such before-mentioned works and repairs, as well as

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of the superintendence thereof as before provided for, shall be borne and defrayed by the Company. A.D. 1876.

24. In passing through the land numbered on the deposited plans twenty-six and twenty-seven in the parish of Wilmington, it shall not be lawful for the Company, unless with the consent of Frederick Talbot Tasker, his heirs or assigns, to deviate to a greater extent on the western side of the centre line of the railway No. 2 than one hundred feet measured from such centre line. For the protection of Frederick Talbot Tasker.

25. For the protection of the South Essex Waterworks Company (herein-after called "the Water Company") the Company shall not construct any tunnel under the River Thames, or any approaches thereto, except subject to the restrictions and conditions and in accordance with the provisions following; (that is to say,) For protection of the South Essex Waterworks Company.

1. The Company shall not take or lift water by pumping or otherwise, or cause or permit water to flow or escape from or in consequence of any of their works or operations in the construction and maintenance or use of any such tunnel, or of the approaches thereto, in any quantity exceeding in the whole five million gallons a day, without the permission of the Water Company in writing, under the hand of some person by them duly empowered in that behalf, and such permission shall, upon the request of the Company, be granted to them by the Water Company at all times, when and so long as the level of the water in the chalk adjacent to the wells of the Water Company at Grays shall not be lower than twenty feet below Trinity high-water mark, and every such permission shall express the quantity of water in excess of the said five million gallons a day which may be pumped or otherwise dealt with as aforesaid by the Company; and the Company shall not, after the granting to them of any such permission and before written notice from the Water Company that the said water has actually been lowered below the said level, incur any penalty under the provision herein-after contained by reason of such water having been so lowered:

2. Any person or persons duly authorised by the Water Company for that purpose may, at any time or times, enter upon any part of the property and inspect any works and operations of the Company comprised in or carried on for the construction of the said tunnel and the approaches thereto, with the view of ascertaining whether any water in excess of the maximum quantity prescribed by this section, or by any such permission as aforesaid, is being pumped, or lifted, or flowing, or escaping as aforesaid; and the Company shall at all times

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afford to the Water Company, and any such person or persons as aforesaid, all requisite facilities for ascertaining whether or not the Company have complied and are complying with the provisions of this section; and the Company may at all reasonable times, by their agents duly authorised by them in that behalf, enter upon the property and works of the Water Company at Grays, and therein make all such examinations and inquiries as may be necessary or expedient for ascertaining the level of the water in the wells of the Water Company, and in the chalk adjacent thereto:

3. If the Company offend against any of the foregoing provisions of this section they shall be subject to a penalty, to be recoverable in any court of competent jurisdiction by and for the use of the Water Company, of fifty pounds for every such offence, and to a further penalty, to be recoverable in like manner, of fifty pounds for every day during which such offence shall be repeated or continue: Provided nevertheless, that the foregoing penalty or penalties shall not disentitle the Water Company to any other remedy or remedies against the Company, whether by injunction or otherwise:
4. The Company, if required by the Water Company, shall at the expense of the Company provide and convey to the Water Company a piece of land not less than a quarter of an acre in extent at a convenient spot in the parish of Purfleet, in the county of Essex, not being more than one hundred yards to its nearest point in a straight line from the pumping shaft of the Company intended to be sunk at the north end of the said tunnel, or more than two hundred yards from the northern bank of the River Thames at the point where the proposed railway is intended to be constructed under that river, for the construction by the Water Company of a reservoir; and the Company shall convey into the said reservoir at the surface level of the land to be so conveyed for the use of the Water Company free of charge so much of the water which may be from time to time taken, pumped, or lifted by the Company as the Water Company may from time to time desire to have for the purposes of their undertaking, and will permit the Water Company to collect, store, and use for the purposes of their undertaking all or any of the water which shall flow or escape as aforesaid.

Power to
cross road on
the level.

26. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may,

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in the construction of the railway, carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned; (that is to say,) A.D. 1876.

No. on deposited Plan.	Parish.	Description of Road.
RAILWAY No. 3.		
26	Sutton-at-Hone	Public.

27. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,) Inclination of roads.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
RAILWAY No. 2.			
11	Dartford	Public	1 in 12 on one side of the bridge.
RAILWAY No. 3.			
59	Horton Kirby	} Public	{ 1 in 14 on one side of the bridge and level on the other.
1	and Farningham		
11	Eynsford	Public	1 in 13 on one side of the bridge and level on the other.

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

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
RAILWAY No. 1.				
10	Stone	Public	14	15

29. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company may think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,) Widths of certain road ways.

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No. on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
RAILWAY No. 1.			
28	Dartford -	Public -	20 feet.
3	Stone -	Public -	20 feet.
RAILWAY No. 2.			
3	Dartford -	Public -	20 feet.
4	Sutton-at-Hone -	Public -	20 feet.
7	Sutton-at-Hone -	Public -	20 feet.
10	Sutton-at-Hone -	Public -	20 feet.
14	Sutton-at-Hone -	Public -	15 feet.
16	Sutton-at-Hone -	Public -	20 feet.
RAILWAY No. 3.			
3	Sutton-at-Hone -	Public -	20 feet.
6	Sutton-at-Hone -	Public -	15 feet.
11	Eynsford -	Public -	15 feet.
17	Eynsford -	Public -	20 feet.

Works not to be commenced without consent of Conservators.

Company not to interfere with bed of Thames except according to plan.

Not to take materials from river without consent of Conservators.

Lights to be kept burning.

30. The Company shall not make or commence any work whatsoever on the shore or bed of the River Thames without the consent of the Conservators of the River Thames in writing under the hand of their secretary first had and obtained.

31. Nothing in this Act contained shall authorise the Company to embank, encroach upon, or interfere with any part of the soil or bed of the River Thames, or the shore thereof, except according to the plan approved by the Conservators of the River Thames.

32. The Company shall not take any gravel, soil, or other material from the bed of the River Thames without the previous consent of the Conservators of the River Thames in writing under the hand of their secretary.

33. During the construction of the works authorised by this Act the Company shall hang out or exhibit thereat or near thereto, and for ever after the completion of the said works the Company shall hang out or exhibit upon the said works every night, from sunset to sunrise, lights to be kept burning by and at the expense of the Company, and proper and sufficient for the navigation and safe guidance of vessels, and the lights shall be from time to time altered by the Company in such manner and be of such kind and number and be so placed as the Conservators of the River Thames shall by writing under the hand of their secretary approve of, and in case the Company shall neglect to exhibit and keep the lights burning

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as aforesaid they shall forfeit and pay for every such offence the sum of ten pounds. A.D. 1876.

34. If any work to be constructed by the Company in, under, over, through, or across the River Thames, or if any portion of any work which affects or may affect that river, shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Conservators of the River Thames to abate and remove the same, or such part or parts thereof as they may at any time or times deem fit and proper, and to restore the site thereof to its former condition, at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Conservators, and if not paid upon demand may be recovered as a debt due to the Conservators, with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company. Conservators may remove abandoned works at expense of Company.

35. Except as by this Act expressly enacted, nothing in this Act contained shall extend to or be construed to extend to prejudice or derogate from the estates, rights, interests, liberties, privileges, or franchises of the Conservators of the River Thames, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of passing this Act the Conservators did or might lawfully claim, use, or exercise. Saving rights of Conservators.

36. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partly 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 the Company have made known their intention to take the same in manner herein-before required. Notice to be given of taking houses of labouring classes.

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

38. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of twenty-seven thousand Deposit money not to be repaid until line

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opened or
half the
capital paid
up and ex-
pended.

two hundred and thirty-seven pounds consolidated three per centum annuities, being equal in value to five per centum upon the amount of the estimate in respect of the railway, has been transferred into the name of Her Majesty's Paymaster General on account of the High Court of Justice (Chancery Division) in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said annuities shall not be transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said annuities shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

39. The said annuities transferred 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 railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation 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 High Court of Justice (Chancery Division) may seem fit; and if no such compensation shall be payable, or if a portion of the said annuities shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said annuities, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be transferred to or for the account

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of Her Majesty's Exchequer in such manner as the said Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said annuities have been retransferred to the transferors, or have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

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

Period for completion of works.

41. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

Tolls for passengers and animals.

In respect of passengers and animals conveyed on the railway,—

For every person conveyed in or upon any carriage, the sum of twopence per mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one halfpenny per mile;

For every horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny per mile;

For every ox, cow, bull, or head of neat cattle, the sum of twopence per head per mile; and if conveyed in carriages belonging to the Company, an additional sum of one halfpenny per mile;

For every calf or pig, one penny each per mile; and if conveyed in carriages belonging to the Company, an additional sum of one farthing per mile;

For every sheep, lamb, or other small animal, one halfpenny each per mile; and if conveyed in carriages belonging to the Company, an additional sum of one farthing per mile.

In respect of goods conveyed on the railway,—

Tolls for goods.

For all coals, slack, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, ashes, dung, compost, and all

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sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny;

For all ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile not exceeding one penny halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny;

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, iron hurdles, and for light iron castings, per ton per mile not exceeding twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny;

For cotton and other wools, drugs, rags, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny;

For every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, not exceeding sixpence per mile; one penny halfpenny per mile for every additional quarter of a ton which any such carriage may weigh.

Tolls for
propelling
power.

42. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations
as to tolls.

43. The following provisions and regulations shall apply to the fixing of all tolls and charges under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railway for a less distance than four miles, the Company may demand tolls and charges as for four miles:

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls and charges

for passengers as for one mile, and for animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile :

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For a fraction of a ton the Company may demand tolls according to the numbers of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton :

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

44. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following ; (that is to say,)

Tolls for small parcels and single articles of great weight.

For the carriage of small parcels on the railway, as follows :

For any parcel not exceeding seven pounds in weight, threepence ;

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

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

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

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

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight :

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons, but shall not exceed eight tons, the Company may demand any such sum as they think fit, not exceeding fourpence per ton per mile ; and if conveyed in or upon a carriage provided by the Company, a further sum not exceeding twopence per ton per mile ;

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For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum
rate for
passengers.

45. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile;

For every passenger conveyed in a second-class carriage, the sum of twopence per mile;

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

Maximum
rates for
animals and
goods.

46. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks, or locomotive power, and every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier where any other service is performed by the Company), shall not exceed the following sums; (that is to say,)

For every horse, mule, or other beast of draught or burden, fourpence per mile;

For cattle, threepence per head per mile;

For calves and pigs, one penny halfpenny per mile;

For sheep, lambs, and small animals, one penny per mile;

For all coal, coke, and other articles herein-before classed therewith, one penny halfpenny per ton per mile;

For all iron and other articles herein-before classed therewith, twopence per ton per mile;

For all sugar, grain, and other articles herein-before classed therewith, threepence per ton per mile;

For all cotton and other articles herein-before classed therewith, fourpence per ton per mile;

And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence; and one penny halfpenny for every additional quarter of a ton weight which such carriage may weigh.

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

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Passengers
luggage.

48. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Terminal
station.

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

Foregoing
charges not
to apply to
special
trains.

50. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Company
may take
increased
charges by
agreement.

51. The London and North-western Railway Company and the North London Railway Company may run over and use with their engines and carriages of every description, clerks, officers, and servants, and for traffic of every description, except local traffic, the railways of the Company, with the stations, watering-places, water, sidings, works, and conveniences belonging thereto or connected therewith, subject to the reasonable byelaws and regulations of the Company, in so far as the same shall be applicable to those companies in the exercise of such powers, and on payment (to be made monthly in accordance with the Clearing-house regulations) in respect of such running and user powers of the mileage proportion attributable to the portion of railway run over of their gross receipts from such traffic, after deduction therefrom of the usual Clearing-house terminals (but terminals arising on the railways of the Company are to belong to and to be paid to the Company), paid-ons, paid-outs, proportions paid or due to other companies, Government duty, and a reasonable allowance for working expenses, such allowance in case of difference to be determined by arbitration under the Railway Companies Arbitration Act, 1859, save that the appoint-

Running
powers for
London and
North-
western and
North Lon-
don Railway
Companies.

[Ch. cexliii.] *London, Essex, and Kent Coast* [39 & 40 VICT.]
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A.D. 1876. — ment of a single arbitrator or umpire, as the circumstances of the case may require, is to be made by the President of the Institution of Civil Engineers, and the Company shall perform and render to the said companies respectively upon and at the railways, stations, works, and conveniences which may be so run over and used, all necessary and usual services and accommodations in that behalf.

Running powers to London, Tilbury, and Southend Railway Company.

52. The London, Tilbury, and Southend Railway Company may run over and use with their engines and carriages of every description, clerks, officers, and servants, and for traffic of every description, except local traffic, the railways of the Company, with the stations, watering-places, water, sidings, works, and conveniences belonging thereto or connected therewith, subject to the reasonable byelaws and regulations of the Company in the exercise of such powers, and on payment (to be made monthly in accordance with the Clearing-house regulations) in respect of such running and user powers of the mileage proportion attributable to the portion of railway run over of their gross receipts from such traffic, after deduction therefrom of the wharfage and ferry charges (if any) due to the London, Tilbury, and Southend Railway Company and of the usual Clearing-house terminals (but terminals arising on the railways of the Company are to belong to and be paid to the Company), paid-ons, paid-outs, proportions paid or due to other companies, Government duty, and a reasonable allowance for working expenses, such allowance in case of difference to be determined by arbitration under the Railway Companies Arbitration Act, 1859, save that the appointment of a single arbitrator or umpire, as the circumstances of the case may require, is to be made by the President of the Institution of Civil Engineers, and the Company shall perform and render to that company, upon and at the railway, stations, works, and conveniences which may be so run over and used, all necessary and usual services and accommodations in that behalf.

Running powers for South-eastern Railway Company.

53. The South-eastern Railway Company may run over and use with their engines and carriages of every description, clerks, officers, and servants, and for traffic of every description, except local traffic, the railway (No. 1) by this Act authorised, with the stations, watering-places, water, sidings, works, and conveniences belonging thereto or connected therewith, subject to the reasonable byelaws and regulations of the Company, in so far as the same shall be applicable in the exercise of such powers, and on payment (to be made monthly in accordance with the Clearing-house regulations) in respect of such running and user powers of the mileage proportion attributable to the portion of railway run over of their gross receipts from such traffic, after deduction therefrom of the usual Clearing-

[39 & 40 VICT.] *London, Essex, and Kent Coast* [Ch. ccxliii.]
Junction Railway Act, 1876.

A.D. 1876.

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house terminals (but terminals arising on the railway of the Company are to belong to and to be paid to the Company), paid-ons, paid-outs, proportions paid or due to other companies, Government duty, and a reasonable allowance for working expenses, such allowance in case of difference to be determined by arbitration under "The Railway Companies Arbitration Act, 1859," save that the appointment of a single arbitrator or umpire, as the circumstances of the case may require, is to be made by the President of the Institution of Civil Engineers, and the Company shall perform and render to the South-eastern Railway Company upon and at the railway, stations, works, and conveniences which may be so run over and used, all necessary and usual services and accommodations in that behalf.

54. The London, Chatham, and Dover Railway Company may run over and use with their engines and carriages of every description, clerks, officers, and servants, and for traffic of every description, except local traffic, the railways No. 1 and No. 2 by this Act authorised, with the stations, watering-places, water, sidings, works, and conveniences belonging thereto or connected therewith, subject to the reasonable byelaws and regulations of the Company, in so far as the same shall be applicable in the exercise of such powers, and on payment (to be made monthly in accordance with the Clearing-house regulations) in respect of such running and user powers of the mileage proportion attributable to the portion of railway run over of their gross receipts from such traffic, after deduction therefrom of the usual Clearing-house terminals (but terminals arising on the railways of the Company are to belong to and to be paid to the Company), paid-ons, paid-outs, proportions paid or due to other companies, Government duty, and a reasonable allowance for working expenses, such allowance in case of difference to be determined by arbitration under "The Railway Companies Arbitration Act, 1859," save that the appointment of a single arbitrator or umpire, as the circumstances of the case may require, is to be made by the President of the Institution of Civil Engineers, and the Company shall perform and render to the London, Chatham, and Dover Railway Company upon and at the railways, stations, works, and conveniences which may be so run over and used, all necessary and usual services and accommodations in that behalf.

Running powers for London, Chatham, and Dover Railway Company.

55. The Company on the one hand and the London, Tilbury, and Southend Railway Company and the London and North-western Railway Company, or either of those companies, on the other hand, may, subject to the provisions of Part III. of "The

Power to enter into working arrangements.

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Junction Railway Act, 1876.

A.D. 1876. Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873," from time to time enter into agreements with respect to the following purposes or any of them; (that is to say,)

The management, use, working, and maintenance of the railway, or any part or parts thereof;

The supply of any rolling stock and plant and of officers and servants for the conduct of the traffic on the railway;

The payments to be made and the conditions to be performed with respect to the matters aforesaid;

The interchange, accommodation, and conveyance of the traffic coming from or destined for the respective undertakings of the contracting companies;

The division and appropriation of the revenue arising from such traffic.

Saving rights of London and Blackwall Railway Company and Great Eastern Railway Company.

Provided always, that in the event of any such agreement with the London, Tilbury, and Southend Railway Company and the London and North-western Railway Company, or either of those companies respectively, for working the traffic on the railways by this Act authorised, the said two companies, or either of them, shall not, without the consent in writing of the Great Eastern Railway Company, under their common seal, exercise any rights of user of or powers of working over the London and Blackwall Railway and the Great Eastern Railway, or the stations, works, and conveniences of such railways respectively, other than or in extension of such rights of user and working as the said two companies would have possessed if this Act had not been passed.

Power to enter into traffic arrangements.

56. The Company on the one hand and the Great Eastern Railway Company, the London, Chatham, and Dover Railway Company, and the South-eastern Railway Company, or any one or more of those companies, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873," from time to time enter into agreements with respect to the following purposes or any of them; (that is to say,)

The use of the railway, or any part or parts thereof;

The payments to be made and the conditions to be performed with respect to such use;

The interchange, accommodation, and conveyance of the traffic coming from or destined for the respective undertakings of the contracting companies;

The division and appropriation of the revenue arising from such traffic.

[39 & 40 VICT.] *London, Essex, and Kent Coast* [Ch. ccxliii.]
Junction Railway Act, 1876.

57. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway or any part thereof by any other company or companies, the railway of the Company and of such other company or companies shall for the purposes of short-distance tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railways of such other company or companies for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company and partly on the railways of such other company or companies.

58. Nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, abridge, or take away any of the jurisdictions, rights, powers, or authorities vested in the Commissioners of Sewers for the several levels and marsh grounds lying and being within the limits between Rainham Bridge and Mucking Mills, and the meadow grounds between Childerditch Ponds and Purfleet Mills, in the county of Essex, or in the borders or confines of the same, or any of the jurisdictions, rights, powers, or authorities of any other Commissioners of Sewers under whose jurisdiction or control the levels may be through which the railway may pass; but all the jurisdictions, rights, powers, and authorities vested in them respectively shall be as good, valid, and effectual to all intents and purposes as if this Act had not been passed.

59. Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates, rights, interests, liberties, privileges, or franchises of the Commissioners of Sewers for the limits extending from Lombards Wall to Gravesend Bridge, in the county of Kent, or to prohibit, defeat, alter, or diminish any powers, authorities, or jurisdictions at the passing of this Act claimed, used, or exercised by the said Commissioners respectively, but such powers, authorities, and jurisdictions shall remain in full force and effect as if this Act had not been passed.

60. And whereas it is necessary that the lands, hereditaments, and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department, for the public

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Tolls on traffic conveyed partly on the railway and partly on other railways.

Saving for Commissioners of Sewers of Grays levels.

Saving for Commissioners of Sewers from Lombards Wall to Gravesend Bridge.

Saving rights of Her Majesty's Principal

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Secretary of
State for the
War Depart-
ment.

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

Interest not
to be paid on
calls paid
up.

61. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

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

Railway not
exempt from
provisions of
present and
future gene-
ral Acts.

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

Expenses of
Act.

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

THE
PRIVATE ACTS

PASSED IN THE

THIRTY-NINTH AND FORTIETH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA;

BEING THE

THIRD SESSION OF THE TWENTY-FIRST PARLIAMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND:

WITH

AN INDEX.

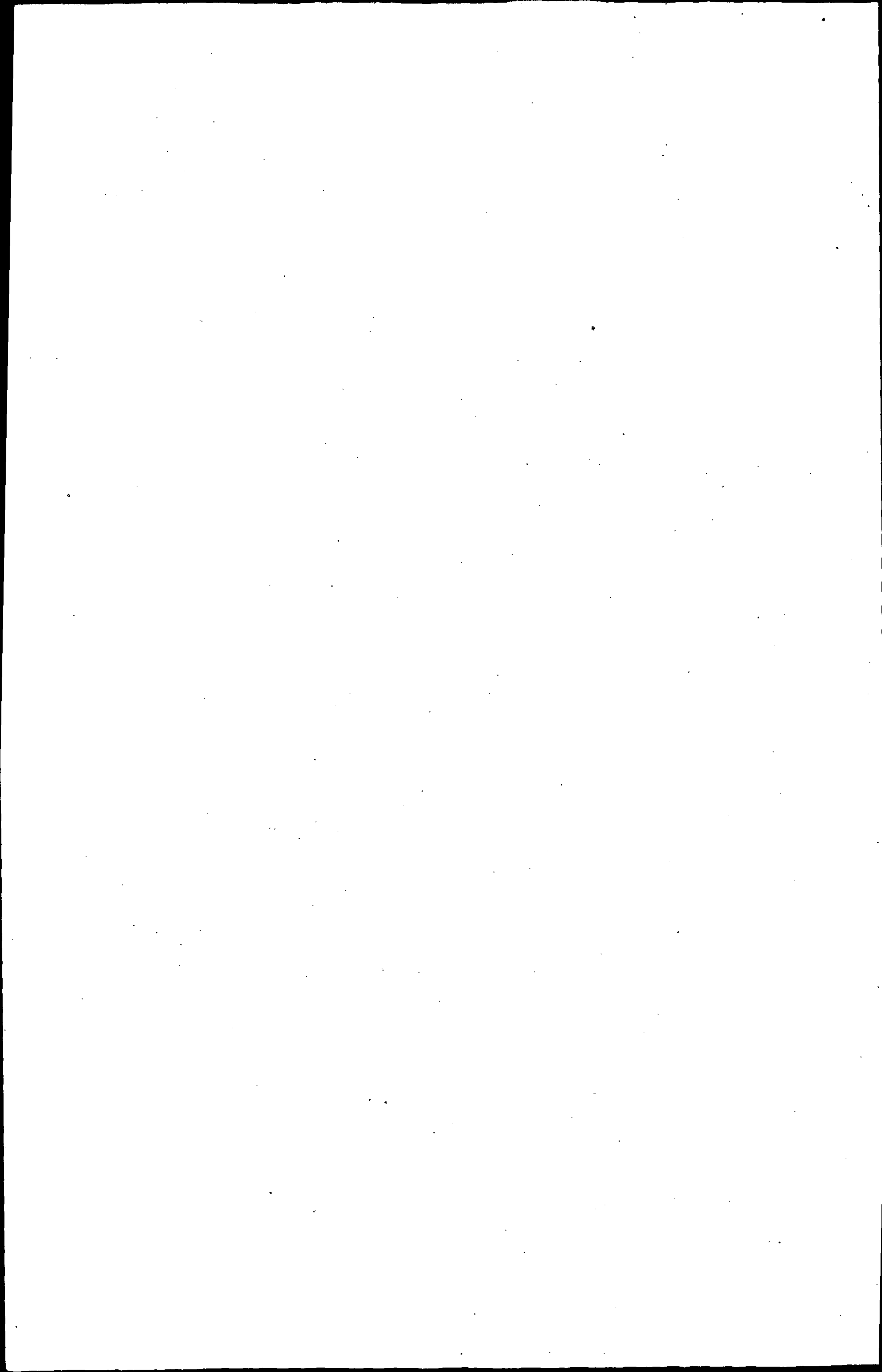


LONDON:

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PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1876.





PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. **A**N Act to enable the Trustees of the Settled Estates of Sir Charles Henry Tempest, Baronet, to raise money on mortgage for the improvement thereof; and for other purposes.
 2. An Act to authorise the sale of certain portions of the lands of Dochfour in the county of Inverness, being parts of the entailed estates now held by Evan Baillie of Dochfour, and to authorise the purchase of other lands to be entailed; to excamb portions of said entailed estates in the parish of Laggan for Dunain, Ness Castle, and others in the parish of Inverness; and for other purposes.
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