



### CHAPTER c.

An Act to authorise the execution of certain works and to confer further powers on the South Eastern Railway Company in reference to their own undertaking and the undertakings of other companies and for other purposes.

A.D. 1893.

[29th June 1893.]

**W**HEREAS it is expedient that the South Eastern Railway Company (herein-after called the Company) should be empowered to execute the works herein-after mentioned and to acquire additional lands for the purpose of extending their station siding and other accommodation and for other purposes connected with their undertaking :

And whereas it is expedient that the undertaking of the Folkestone Sandgate and Hythe Tramways Company with all the rights powers and privileges attaching thereto should be transferred to and vested in the Company and that the tramways company should be dissolved :

And whereas it is expedient that the several periods now limited for the compulsory purchase of certain lands in this Act specified should be extended as herein-after provided :

And whereas it is expedient that the Railways Nos. 1 and 2 originally authorised by the Lydd Railway (Extensions) Act 1882 and known as the Headcorn Tenterden and Appledore Railway (which railways are now vested in the Company) should be constituted a separate and distinct undertaking of the Company with a separate share and loan capital and that the Company should be authorised to guarantee interest to the holders of capital of the separate undertaking :

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

And whereas plans and sections showing the situation and the lines and levels of the works by this Act authorised and plans showing the lands to be taken compulsorily under the powers of

A.D. 1893. — this Act and books of reference to those respective plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the respective clerks of the peace for the counties of London Kent and Sussex and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

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

Short title. 1. This Act may be cited as the South Eastern Railway Act 1893.

*Incorporation of Acts and Definition.*

Incorporation of general Acts.

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

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ; and

Part II. (relating to extension of time) of the Railways Clauses Act 1863.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or places within the metropolis as defined by the Metropolis Management Act 1855 in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in any Act wholly or partly incorporated with this Act shall for the purpose



of this Act 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 : A.D. 1893:

The expression "the Folkestone Sandgate and Hythe Tramways Acts" means the Folkestone Sandgate and Hythe Tramways Act 1884 the Folkestone Sandgate and Hythe Tramways Act 1886 the Folkestone Sandgate and Hythe Tramways Act 1888 the Folkestone Sandgate and Hythe Tramways Act 1889 the Folkestone Sandgate and Hythe Tramways Act 1891 the Folkestone Sandgate and Hythe Tramways Act 1892 and all other Acts relating to the Folkestone Sandgate and Hythe Tramways Company :

The expression "continental agreement" means the agreement dated the 7th day of September 1865 and made between the Company of the one part and the London Chatham and Dover Railway Company of the other part :

The expression "continental joint committee" means the joint committee constituted pursuant to the continental agreement :

The expression "the two companies" means the Company and the London Chatham and Dover Railway Company.

*Powers for Miscellaneous Improvements.*

4. Subject to the provisions of this Act the Company may in the lines shown upon the deposited plans relating thereto divert stop up and discontinue the footpaths and roadways and portions of footpaths and roadways and exercise the other powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for the purposes aforesaid (that is to say) :— Power to Company to divert and stop up footpaths &c.

They may—

In the county of Kent—

(a.) Divert so much of the public footpath in the parish of Brenchley as lies between the commencement of the said footpath at the point opposite the Kent Arms Public House where it joins Church Road and the point where the said footpath crosses the Company's main line of railway on the eastern side of the Paddock Wood Station ;

(b.) Stop up discontinue and extinguish all rights of way over the level crossing on the London side of and near the Company's station at Crayford in the parish of Bexley :

In the county of London—

(c.) Stop up and discontinue for public traffic so much of the roadway known as Bankside in the parish of St.



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Saviour Southwark as is situate in the north-east corner of Bankend and Bankside and having a superficial area of one hundred and eighty feet or thereabouts;

(d.) Stop up and discontinue for public traffic the passage or roadway in the said parish of St. Saviour Southwark lying between the northern end of Park Street and south side of Clink Street and having a superficial area of eight hundred and thirty feet or thereabouts.

Certain land at Clink Street and Bankside to be thrown into public thoroughfare.

5. Before the Company stop up appropriate or interfere with any part of the public ways numbered on the deposited Plans 1 and 2 in the parish of St. Saviour Southwark they shall at their own cost pull down and remove so much and such parts of the building known as Crown Wharf adjoining Clink Street and Bankside in the said parish as is situate on the land coloured pink on the plan signed in duplicate by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords one part of which plan is deposited in the Office of the Clerk of the Parliaments and they shall throw into the public way and dedicate to the public use the whole of the lands coloured pink on the said plan.

Power to deviate.

6. The Company in diverting the footpath herein-before described may deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans.

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

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

Extinguishment of rights of way.

8. All rights of way over or along the several footpaths and roadways or portions thereof which shall under the provisions of this Act be diverted stopped up and discontinued and all rights of way over any of the lands which shall under the compulsory powers of this Act be purchased or acquired shall be and the same are hereby extinguished.

Sanctioning level crossing on Cranbrook and Paddock Wood Railway.

9. The construction of the level crossing on the Paddock Wood to Hope Mill section of the Cranbrook and Paddock Wood Railway at a point 5 miles and 26 chains or thereabouts from the junction of the said Paddock Wood to Hope Mill section with the Company's railway at Paddock Wood is hereby sanctioned.



10. 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 three acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land so taken.

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Lands for extra-ordinary purposes.

11. 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 for all or any of the purposes of their undertaking enter upon take hold and use the whole or any part or parts of the lands and all or any of the buildings next herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto namely:—

Purchase of additional lands for general purposes.

In the county of London—

- (1) Lands and buildings in the parish of Lewisham known as Nos. 7 8 9 10 11 and 12 Maythorn Cottages and Nos. 9 and 10 Maybank Cottages Hither Green Lewisham :

In the county of Kent—

- (2) Lands in the parish of Bexley adjoining the northern side of the Company's Crayford Station and siding being inclosures numbered respectively upon the  $\frac{1}{2500}$  Ordnance map of that parish 550 550A and 551 ;
- (3) Lands in the parish of Brenchley wholly on the southern side of the Company's main line of railway near the Paddock Wood Station and being parts of the inclosures numbered 79 80 and 81 on the  $\frac{1}{2500}$  Ordnance map of that parish ;
- (4) Lands and buildings in the parish of Capel-le-Ferne being inclosures numbered respectively upon the  $\frac{1}{2500}$  Ordnance map of that parish 161 162 188 192 195 196 197 199 202 to 208 inclusive 210 211 213 to 220 inclusive 222 to 229 inclusive 231 233 to 251 inclusive 256 257 so much of 260 as does not belong to the Earl of Radnor 261 and 262 or some part or parts thereof respectively ;
- (5) Lands and buildings in the parish of Hougham being inclosures numbered respectively upon the  $\frac{1}{2500}$  Ordnance map of that parish 200 207 214 216 217 218 223 to 229 inclusive 231 to 242 inclusive 244 to 248 inclusive 250 251 253 254 256 257 259 260 and 268 or some part or parts thereof respectively :

In the county of Sussex—

- (6) Lands and buildings in the parish of Holy Trinity Hastings being Nos. 70 72 74 76 78 80 82 and 84 Braybrooke Road Hastings.



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For the protection of the Kent County Council.

**12.** The Company shall not use the lands and buildings acquired by them in the parishes of Capel-le-Ferne and Hougham in any way which may cause damage or inconvenience to or in any way prejudice or interfere with the main road running through those parishes.

The acquisition by the Company of lands or buildings adjoining the main road in the parishes of Capel-le-Ferne and Hougham shall not be deemed to confer on them any rights with regard to the said main road other than those ordinarily possessed by owners of land adjoining a highway.

Period for compulsory purchase of lands.

**13.** The powers of this Act for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

Power to owners to grant easements.

**14.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement 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.

Confirming purchase of certain lands.

**15.** The purchase by agreement by or on behalf of the Company of the lands next herein-after described and now held by them or on their behalf is hereby sanctioned and confirmed and the Company to the extent of their estate and interest therein may hold and use the same for extraordinary purposes as defined in the Railways Clauses Consolidation Act 1845 and for the general purposes of the Company but nothing in that Act or in this Act shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such lands The said lands are as follow:—

In the county of Kent—

- (1) Lands and houses in the parish of St. Dunstan's Canterbury being Nos. 41 65 66 and 67 St. Dunstan's Street Canterbury;
- (2) Two cottages and land at Chartham being Nos. 6 and 7 Apsley Cottages and garden ground adjoining containing 1 rood and 3 perches;
- (3) Land in the parish of Tonbridge adjoining the south-east or down side of the Company's railway at High Brooms Tunbridge Wells and containing 1 rood and 1 perch or thereabouts;



(4) Land in the parish of Tonbridge adjoining the north-west or up side of the Company's railway at High Brooms Tunbridge Wells containing 3 roods and 20 perches or thereabouts ;

(5) Land in the parish of Tonbridge adjoining the south-east or down side of the Company's railway at High Brooms Tunbridge Wells containing 2 roods and 11 perches or thereabouts ;

(6) Land in the parish of Bexley adjoining the south side of the Company's railway near the Crayford station containing one acre or thereabouts :

In the county of London—

(7) Land in the parish of Lewisham adjoining the Company's railway at Hither Green containing 1 rood and 31 perches or thereabouts ;

(8) Lands in the parish of Lewisham being houses and premises Nos. 2 3 4 7 8 and 9 Elgin Terrace Catford Bridge ;

(9) Lands and houses at Bermondsey being Nos. 91 93 95 97 99 101 105 and 107 St. James's Road ;

(10) Land in Millstream Road Bermondsey adjoining the Company's railway on the north side thereof ;

(11) Lands and houses at Rotherhithe being Nos. 90 to 138 (even numbers) inclusive Silwood Street ;

(12) Lands at Rotherhithe being Nos. 1 and 2 Commercial Cottages Corbett's Lane.

*Extensions of Time for compulsory Purchase.*

**16.** The period now limited for the compulsory purchase of the additional lands severally described in and authorised by section 14 sub-sections 1 (a) (b) (c) (d) 2 (e) 3 (f) (g) 7 (k) 9 (m) of the South Eastern Railway Act 1890 is hereby extended for a period of two years from the 4th day of August 1893.

Extending time for purchase of additional lands under South Eastern Railway Act 1890.

**17.** The period limited for the compulsory purchase of the lands required for the construction of the railways and railway widenings described in and authorised by section 4 sub-sections 1 to 6 of the South Eastern Railway Act 1890 is hereby extended for a period of two years from the 4th day of August 1893.

Extending time for purchase of lands authorised by South Eastern Railway Act 1890.

*Power to Company to acquire Folkestone Sandgate and Hythe Tramways and provisions incidental thereto.*

**18.** Within one year from the date of the passing of this Act the undertaking of the Folkestone Sandgate and Hythe Tramways Company (herein-after called "the tramways company") and all

Transfer to Company of Folkestone Sandgate



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and Hythe  
Tramways  
Company's  
rights and  
powers.

the powers rights privileges and authorities granted to the tramways company by the Folkestone Sandgate and Hythe Tramways Acts in relation thereto shall by virtue of this Act be transferred to and vested in the Company and as from the date of such transfer the Company may exercise all the powers and shall be subject to all the duties obligations and liabilities conferred or imposed on or incurred by the tramways company in connexion with their undertaking and as from the date of the transfer the tramways company shall be dissolved.

Amendment  
of section 3 of  
Folkestone  
Sandgate  
and Hythe  
Tramways  
Act 1891.

**19.** Section 3 of the Folkestone Sandgate and Hythe Tramways Act 1891 is hereby amended by adding after the words "but the" "said tramway shall not" the words "without the previous" "consent in writing of the Right Honourable William Earl of" "Radnor or his successors."

Power to  
enter into  
working and  
traffic agree-  
ments with  
Hythe  
Sandgate and  
Folkestone  
Omnibus  
Company.

**20.** The Company may from time to time enter into and carry into effect contracts agreements and arrangements with the Hythe Sandgate and Folkestone Omnibus Company Limited for or with respect to the following purposes or any of them (that is to say):—

The working use management and maintenance of the undertaking of the Hythe Sandgate and Folkestone Omnibus Company Limited and the undertaking of the Folkestone Sandgate and Hythe Tramways Company as transferred to the Company by this Act:

The supply and maintenance during the continuance of any agreement for the working or use of the said undertakings or any part thereof of plant or working stock horses and machinery and of officers and servants for the conveyance and conduct of traffic:

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the Company and the tramways or omnibuses of the contracting companies:

The fixing collection payment division appropriation and apportionment of the tolls fares rates charges and other income and profits arising from such traffic aforesaid.

For pro-  
tection of  
Postmaster  
General.

**21.** The transfer to the Company of the undertaking of the Folkestone Sandgate and Hythe Tramways Company by this Act authorised shall not be deemed to impose upon the Postmaster General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster General and the Company made in pursuance thereof any larger number of telegraphic messages of the Company free of charge than he would have been bound to transmit had this Act not become law.



*Labouring Class Houses.*

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22.—(1.) The Company shall not under the powers of this Act or under the powers of any former Act extended by this Act purchase or acquire in any parish in the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or in any other city borough or urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

Restrictions  
on displacing  
persons of  
labouring  
class.

- (a.) Shall have obtained the approval in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme (herein-after in this section called "the scheme") for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the said Secretary of State or the Local Government Board (as the case may be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and
- (b.) Shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

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

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



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

(4.) Any provisions of any scheme under this section or any conditions subject to which the said Secretary of State or the Local Government Board (as the case may be) may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State or the Local Government Board (as the case may be) out of the High Court.

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

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

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

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



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

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

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

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

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

(11.) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(12.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.



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(13.) Any houses on any of the lands shown on the deposited plans or purchased by agreement under the section of this Act of which the marginal note is "Confirming purchase of certain lands" occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Secretary of State or the Local Government Board (as the case may be) under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the said Secretary of State or the Local Government Board (as the case may be) is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Secretary of State or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

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

*Provisions as to Cranbrook and Bexley Heath Companies.*

Power to sell shares in Cranbrook and Bexley Heath Companies and to guarantee interest on capital of Cranbrook Company.

**23.** The Company may with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose from time to time sell transfer or otherwise dispose of all or any of the shares held by them in the respective capitals of the Cranbrook and Paddock Wood Railway Company and the Bexley Heath Railway Company and the Company may also with the like authority from time to time guarantee the payment of interest or dividends or other annual payments on the debenture stock or some part thereof of the Cranbrook and Paddock Wood Railway Company not exceeding in the whole forty-three thousand pounds.



*Provisions as to Constitution of separate Undertaking.*

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**24.** If the Company shall at an extraordinary general meeting of the Company by the votes of the proprietors present personally or by proxy holding at least three fourths of the paid-up capital represented at such meeting pass a resolution to the effect that it is expedient that so much of the capital raised or to be raised under the Lydd Railway (Extensions) Act 1882 as may be applicable to the construction of the Railways Numbers 1 and 2 (known as the Headcorn Tenterden and Appledore Railway) by that Act authorised (which railways are now vested in the Company) be constituted a separate capital and that such railways and the powers and rights relating thereto be constituted a separate undertaking then such railways with all lands buildings and property purchased or to be purchased for the purposes thereof shall form a separate undertaking (herein-after referred to as "the separate undertaking") distinct and apart from the general undertaking of the Company and shall be called the Lydd Railway (Headcorn Tenterden and Appledore Extension) Undertaking or some other distinctive name.

Provision for making Railways Nos. 1 and 2 authorised by Lydd Railway (Extensions) Act 1882 a separate undertaking.

**25.** The directors of the Company may make such regulations and byelaws as they think necessary as to the control working and management of the separate undertaking and as to the exercise of the powers by this Act conferred on the Company in respect of such separate undertaking and they and any committees appointed by them for the purpose of that undertaking shall have and may exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to any other part of the Company's undertaking.

Management of separate undertaking.

**26.** The separate undertaking and the revenues arising therefrom shall not be liable for the principal or interest of any mortgage or debenture debt or other charge on any other part of the Company's undertaking.

Exemption of separate undertaking from liabilities affecting general undertaking. Separate accounts.

**27.** Separate accounts shall be kept of the capital and revenue of the separate undertaking and of the payments made in respect thereof in the same form and subject to the same conditions as nearly as may be as if the separate undertaking belonged to an independent Company.

**28.** The directors of the Company may from time to time make such provision as to them seems expedient for repayment by the separate undertaking to the general undertaking of the Company of money expended or to be expended out of the revenue or capital of the general undertaking for any of the purposes of the separate undertaking.

Repayment to general undertaking of money spent for proprietors of separate undertaking.

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Separate  
undertaking  
to be worked  
in an efficient  
manner.

**29.**—(1.) After the opening of the separate undertaking for public traffic the Company shall work the same and convey traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic of the district to be served by the said undertaking.

(2.) If any difference shall arise between the Company and any of the holders of shares or stock in the separate capital with respect to any working or non-working or insufficient working by the Company of the separate undertaking or otherwise in relation thereto whereby the holders of such shares or stock deem themselves to be injuriously affected that difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party and the arbitrator so appointed shall have full power to settle and determine the difference and to order the Company to do or to abstain from doing any such acts matters and things as he shall think fit and to make such order with respect to the costs of the arbitration as he shall think just.

(3.) If the Company make default in complying with any such order of the arbitrator within the time provided the Company shall for every such default be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding fifty pounds for every day after the first during which such default shall continue.

Power to  
Company to  
guarantee  
interest on  
capital of  
separate  
undertaking.

**30.** The Company may with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose from time to time guarantee the payment of interest or dividends on the capital of the separate undertaking to an amount not exceeding in the whole two thousand five hundred pounds in any one year.

#### *Enlargement of Continental Agreement.*

Enlarging  
powers of  
joint com-  
mittee under  
continental  
agreement.

**31.** The powers now conferred upon and exercised by the continental joint committee with reference to the traffic provided for and defined in the continental agreement are hereby extended and enlarged so as to enable such joint committee to deal as hereinafter mentioned with all competitive traffic of the two companies and with the apportionment of the expenditure connected therewith and with the division and allocation of the revenue arising therefrom and the said joint committee may from time to time make such orders and regulations with reference to management and conduct of such competitive traffic and to the train and steam-boat services to be worked by the two companies in connexion with such traffic as may in their opinion tend to the efficient and economical working thereof.



The continental joint committee and the referee (appointed pursuant to the continental agreement and herein-after called "the referee") shall respectively in addition to the powers rights and duties hereby specifically vested in them be seized of and may exercise in relation to competitive traffic all such rights duties jurisdictions and authorities as they are now seized of and exercise in respect of the traffic and of the matters and things severally specified and defined in the continental agreement as if the competitive traffic were expressly mentioned in and included in the continental agreement and the continental agreement shall be deemed to be and is hereby amended for the purpose of giving full effect to this section.

In the event of any difference arising between the members of the continental joint committee in any way arising out of the provisions of this section and whereon such members shall be equally divided the same shall be forthwith referred to the referee and his decision thereon shall be binding on the two companies and may be enforced by either company and any order made by him in pursuance of such reference as aforesaid shall be of the same force and effect as an award by an arbitrator or umpire under the Arbitration Act 1889 and shall have effect in the same manner as an award under that Act.

*Miscellaneous.*

**32.** The Company shall not affix or exhibit or permit to be exhibited upon any part of the works authorised by this Act or upon any hoarding on any lands which may be acquired under this Act and whether during or after the construction of the works within view of any public street within the county of London any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the London County Council and if any such placard or advertisement be affixed or exhibited without such approval the said County Council and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the outside of any station placards giving information to the public as to the traffic and business of the Company.

Exhibition  
of placards  
in the county  
of London.

**33.** Any buildings erected on any land acquired under this Act within the county of London (except such buildings or parts of buildings as may be used for the purposes of railway works or a station) shall be subject to the provisions of the Acts relating to buildings in the metropolis.

Buildings to  
be subject to  
Metropolitan  
Building  
Acts.

**34.** Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company in the

Buildings  
not to be

[Ch. c.] *South Eastern Railway Act, 1893.* [56 & 57 VICT.]

A.D. 1893. exercise of any of the powers of this Act to encroach upon any part of the surface of any street or footway within the county of London or without the consent of the London County Council to erect or maintain any building beyond the general line of building in any street.

brought beyond general line &c.

Company may apply corporate funds.

**35.** The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are authorised to raise by virtue of any Act relating to the Company and which may not be required for the purposes to which they were by such Act made specially applicable.

Provision as to general Railway and Tramway Acts.

**36.** Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or tramways 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 to be taken by the Company.

Costs of Act.

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

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