



CHAPTER cxxvi.

An Act for conferring further powers on the South Eastern Railway Company and to make further provision with respect to their own Undertaking and other Undertakings in which they are interested and for other purposes. A.D. 1896.

[20th July 1896.]

WHEREAS it is expedient that the South Eastern Railway Company (in this Act called "the Company") should be empowered to make and maintain the railway widenings in this Act described and also to acquire additional lands for the purposes of this Act and for extending their station siding and other accommodation and for other purposes connected with their undertaking :

And whereas it is expedient to extend or further extend the respective times limited by the Acts herein-after specified for the compulsory purchase of certain lands and for the completion of certain works as herein-after provided :

And whereas by the Chipstead Valley Railway Act 1893 the Chipstead Valley Railway Company (herein-after called "the Chipstead Company") were incorporated for the purpose of constructing certain railways in the county of Surrey and were authorised to run over and use certain portions of the Company's railway and to enter into and carry into effect agreements with the Company for the purposes therein mentioned :

And whereas it is expedient that the Board of Trade be empowered to vary in such respects as they may deem expedient the licence granted to the Chipstead Company and dated the eleventh day of November 1895 :

And whereas in pursuance of an agreement dated the 17th day of July 1890 scheduled to and confirmed by the Bexley Heath Railway Act 1890 the railway of the Bexley Heath Railway Company (herein-after called "the Bexley Company") is worked and used by the Company in perpetuity as a part of their undertaking :

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A.D. 1896. — And whereas the capital of the Bexley Company is insufficient for the purposes of its undertaking and it is expedient that the Bexley Company should be authorised to raise additional capital as in this Act provided :

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

And whereas plans and sections showing the lines and levels of the widenings 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 respective clerks of the peace for the counties of London and Surrey 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 1896.*

Incorporation of general Acts.

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

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

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

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The making of dividends ;

The giving of notices ; and

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

And Part I. (relating to cancellation and surrender of shares)

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863.

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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.

Interpretation.

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 and as regards those parishes in which there are no parish clerks mean the parish clerk of some adjoining parish.

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. 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 railway widenings herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose The railway widenings herein-before referred to and authorised by this Act are—

Power to make railway widenings.

- (1) Widening (No. 1) 3 furlongs and 0.18 chains in length commencing in the parish of St. Mary Lambeth in the county of London by a junction with the Company's branch railway into the London and South Western Railway Company's Waterloo

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Station at the eastern side of Waterloo Road or thereabouts passing through the said parish on the southern side of the Charing Cross Railway and into the parish of Christchurch Southwark in the same county and terminating by a junction with the said Charing Cross Railway at or about the eastern side of Gambia Street :

(2) Widening (No. 2) 5·08 chains in length wholly in the said parish of St. Mary Lambeth on the northern side of the Charing Cross Railway commencing at a point where the said railway crosses the northern side of Alaska Street 28 yards or thereabouts measured in an easterly direction from the eastern side of Waterloo Road along Alaska Street aforesaid and terminating by a junction with the said Charing Cross Railway at a point 32 yards or thereabouts eastward of the eastern side of Cornwall Road measured along the said railway :

(3) Widening (No. 3) 4·65 chains in length commencing in the said parish of Christchurch Southwark by a junction with the Charing Cross Railway at or about the eastern face of the bridge which carries the London Chatham and Dover Railway over the Charing Cross Railway passing along the northern side of the said railway through the said parish and terminating in the parish of St. Saviour Southwark in the county of London by a junction with the Charing Cross Railway at a point 47 yards or thereabouts from the eastern side of Gravel Lane measured along the said railway :

(4) Widening (No. 4) 3 furlongs and 2·45 chains in length commencing in the said parish of Christchurch Southwark by a junction with the said Charing Cross Railway at or about the eastern face of the bridge carrying the London Chatham and Dover Railway over the said Charing Cross Railway passing through the said parish on the southern side of the said railway and terminating in the said parish of St. Saviour Southwark by a junction with the said Charing Cross Railway at a point 48 yards or thereabouts eastward of the Cannon Street West Junction measured along the said railway at Southwark Street :

(5) Widening (No. 5) 1 mile 0 furlongs and 0·4 chains in length commencing in the said parish of St. Mary Rotherhithe by a junction with the London and Greenwich Railway at a point 158 yards or thereabouts westwards of Rotherhithe New Road measured from the western side thereof along the said railway passing eastward along the northern side of the said railway through the said parish and terminating in the parish of St.

Paul Deptford in the county of London by a junction with the London and Greenwich Railway at a point 71 yards or thereabouts westward of Rolt Street measured from the western side thereof along the said railway :

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Provided that the Company shall not under the powers of this Act purchase or acquire except by agreement the property or any part thereof numbered on the deposited plans 72 in the parish of St. Saviour Southwark in the county of London belonging or reputed to belong to the Right Reverend John Butt and the Trustees of the church of the Most Precious Blood.

5. The railway widenings herein-before described shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger train) and for all other purposes whatsoever be deemed to be part of the Company's railways as if the same had been part of the said railways at the date of the passing of the South Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891.

Widenings to form part of the railways of the Company.

6. The Company may divert the public highway referred to in the next following table in the manner shown upon the deposited plans and sections and when and as the new portion of road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

Power to divert road as shown on deposited plans.

Railway.	Parish.	No. of Road on Plan.
Widening No. 5	St. Mary Rotherhithe	115

Provided that the said diversion shall be carried out in accordance with detailed plans and specifications previously submitted to and approved in writing by the London County Council (herein-after called "the Council") and the Company shall comply with all reasonable requirements of the Council with regard to the construction of the said diversion which shall provide a public way not less than 40 feet in width.

7. With reference to the works authorised by this Act to be constructed within the county of London the following provisions for the protection of streets and of the Council shall have effect :—

Provisions for the protection of the Council.

(1) Notwithstanding anything in this Act or on the deposited plans and sections where the bridges or works next herein-after mentioned are constructed under the powers of this Act over

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any street or road there shall be left a clear headway throughout above existing surface of the street or road and a clear span throughout measured on the square in each case not less than the headways and spans herein-after mentioned (that is to say) :—

Widenings.	Parish.	Name of Road.	No. on Deposited Plans.	Span.	Headway.
No.				Ft. in.	Ft. in.
1	St. Mary Lambeth	Cornwall Road	12	46 0	18 10
		Windmill Street	33	40 0	19 2
		Eaton Street	58	40 0	18 8
	Christchurch Southwark	Broadwall	5	40 0	17 2
		Collingwood Street	21	40 0	19 0
		Blackfriars Road	29	100 0	18 7
Gambia Street		37	40 0	16 0	
2	St. Mary Lambeth	Alaska Street	1	40 0	18 9
		Cornwall Road	3	40 0	18 10
3	Christchurch Southwark St. Saviour's	Gravel Lane	3	44 0	18 0
			2		
4	Christchurch Southwark St. Saviour's	Gravel Lane	3	44 0	18 0
			2		
	St. Saviour's Southwark	Ewer Street	19	40 0	19 0
		Gt. Guildford Street	47	40 0	18 0
		Southwark Bridge Road	58 & 59	Span to be clear of public-way.	19 6
		Worcester Street	71		40 0
Red Cross Street		78	40 0	18 0	
5	St. Mary Rotherhithe	Rotherhithe New Road	32	This bridge is to be of one span and to extend back to line of existing abutment on north-west side.	18 0

(2) If at any time the Council consider it desirable that the bridges as existing at the passing of this Act or any of them mentioned in the next following tables should be widened and improved the Council may give the Company notice in writing under their common seal requiring them to alter the same and to re-construct the same as girder bridges or as may be otherwise agreed between the Council and the Company with the superstructure at the same level as already provided in this

section in respect to the bridges or works to be constructed for the widening of the Company's railway under this Act and with a clear span throughout of 40 feet on the square and the Company shall thereupon alter and re-construct the said bridges or any of them accordingly so as to correspond as to span and level of underside of superstructure with the extension of the said bridges made for the widening of the Company's railway under this Act :

Provided that the Company shall not be required to commence such alteration and re-construction in the case of any such road until the extension over such road shall be available for traffic and provided that when the Company shall have re-constructed and altered the said bridges or any of them in accordance with the provisions herein-before contained to the reasonable satisfaction of the engineer for the time being of the Council the Council shall repay to the Company the necessary and proper cost of the alteration of the existing bridge to which the notice requiring the Company to carry out the said works relates and the works incidental thereto :

Provided that the Company shall not commence to execute any work in connexion with such alteration or re-construction of the said bridges or either of them until plans drawings specifications and list of prices describing the materials to be used in executing the works intended to be executed in connexion with such alteration or re-construction of the said bridges or any of them shall have been delivered to the Council and been examined and approved in writing by the engineer for the time being of the Council :

THE BRIDGES REFERRED TO IN THIS SUBSECTION ARE :

Widenings.	Parish.	Name of Road.	No. on deposited Plans.
No. 1	St. Mary Lambeth -	Windmill Street -	33
No. 2	St. Mary Lambeth -	Alaska Street -	.1
No. 4	St. Saviour's Southwark	Gt. Guildford Street -	47
No. 4	St. Saviour's Southwark	Worcester Street -	71
No. 4	St. Saviour's Southwark	Red Cross Street -	78
No. 5	St. Mary Rotherhithe -	Rotherhithe New Road -	32
No. 5	St. Paul Deptford -	Trundle's Road -	58
		Footway between Costerwood Street and Oareboro' Road.	

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- (3) All bridges widenings and works forming part of the intended widenings Nos. 1 2 3 4 and 5 shall be made and maintained so as to prevent so far as is practicable the dripping of water therefrom on any part of any street or road footway area or forecourt and so as to deaden so far as is practicable the sound of engines carriages and traffic passing over them These bridges and works shall be of a reasonably ornamental design and the parapets of such bridges and works shall be carried up to a height of seven feet above the level of the rails in order to hide from view of the street or road trains passing over such bridges or works :
- (4) The abutments of the extended portions of any bridge over any street or road shall be faced with white glazed bricks and the Company shall at all times keep the surfaces of such bricks clean and in good repair to the satisfaction of the local authority :
- (5) All such bridges shall be lighted and kept lighted to the satisfaction of the local authority :
- (6) The Company shall not execute or commence the erection of any such bridge or works as aforesaid until they shall have given to the Council twenty-eight days notice in writing of their intention to commence the same by leaving such notice at the office of the Council with plans elevations sections and other necessary particulars of the construction of the said bridge and works and until the Council shall have signified their approval of the same unless the Council fail to signify such approval or their disapproval or other directions within twenty-eight days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the Council in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the Council against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the Council and all reasonable costs charges and expenses which the Council may be put to by reason of the works of the Company whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the Council by the Company on demand :
- (7) Any difference which may arise between the Company and the Council as to the reasonableness of any such direction or

regulation or any requirement of the Council or their engineer or other officer or as to the amount of costs charges and expenses or otherwise under this subsection shall be determined by an arbitrator to be appointed by the Board of Trade at the request of either party.

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8. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act within view of any public street in 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 Council and if any such placards or advertisements be affixed or exhibited the Council and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the exterior of any station placards giving information to the public as to the traffic of the Company.

Exhibition of placards in county of London.

9.—(a) Before stopping up for the purpose of Widening No. 5 by this Act authorised the existing footways or places used as footways herein-after described the Company shall provide substituted footways at least 8 feet in width except (as regards the footway to be provided in lieu of the Footway No. 1 herein-after described) between the East London Railway and Trundley's Road where the width shall be 6 feet at least and except over the footbridges crossing the East London Railway and the London Brighton and South Coast Railway where the width shall be 5 feet at least and the Company shall metal and keep in repair and light to the satisfaction of the local authority the said substituted footways and footbridges The existing footways or places used as footways herein-before referred to are as follows :—

As to certain footways.

- (1) A footway commencing on the south side of the Company's railway at a point 230 yards or thereabouts eastwards of the bridge carrying the railway over the Rotherhithe New Road and continuing eastward along the south side of the Greenwich Railway to a point nearly opposite Bracton Road passing thence through an arch of the viaduct at that point and thence continuing eastward along the northern side of the Greenwich Railway and over the East London Railway and the London Brighton and South Coast Railway to Trundley's Road near the Grand Surrey Canal :

Provided that the Company may if they think fit instead of providing new footways in lieu of the Footway No. 1 herein-before described preserve the said existing footway by means of jack arches and if the Company elect so to do the foregoing provisions as to metalling repairing and lighting shall apply to the footways under such jack arches Any work or structure over the said

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(2) A footway or place used as a footway communicating between the footway (No. 1) herein-before described and Goodson Road.

(b) The Company shall also metal and keep in repair and light to the satisfaction of the local authority the following footways (that is to say):—

(3) A footway through a small bridge under the Bricklayers' Arms and North Kent Junction line and also through an arch of the Greenwich Railway Viaduct:

(4) A footway between Costerwood Street and Oareboro' Road.

The Company when constructing the works under this Act authorised shall construct the arches over the footways Nos. 3 and 4 herein-before described with the same spans and headways as those of the existing arches over the said footways and shall face the same with white glazed bricks and comply with all the conditions relating to bridges over public ways as herein-before set out.

Nothing in this section shall be deemed to prevent the Company from widening their railway on the northern side thereof provided they maintain along the side of the said railway as widened footways of the dimensions and character herein-before prescribed with respect thereto.

Buildings not to be brought beyond general line &c.

10. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway in the county of London or without the consent of the Council to erect or maintain any building beyond the general line of building in any street in that county.

For the protection of the Surrey Commercial Dock Company.

11. The following provisions shall be in force for the protection of the Surrey Commercial Dock Company (herein-after called "the Dock Company") and their canal and the works connected therewith in respect to the widening of the bridge and the side arches in connexion therewith over that canal (herein-after called "the Surrey Canal") and the towing paths and banks thereof by this Act authorised:—

(a) Nothing in this Act contained shall authorise or empower the Company to alter the line level or depth of the Surrey Canal or the line or level of the towing paths thereof or any part thereof respectively or to obstruct the navigation of the Surrey Canal or any part thereof or the roadway on the north side thereof or to injure any of the works of the Dock Company and in crossing the Surrey Canal or towing paths banks roadway and other works belonging thereto the Company shall not

without the consent of the Dock Company in writing under their common seal for that purpose first had and obtained take or use more of the land or ground forming the said towing paths banks roadway and other works belonging to that Company than shall be absolutely necessary for the purpose of making and erecting the additional abutments and piers required for widening the said existing bridge :

- (b) The widening of the said existing bridge over the Surrey Canal shall be carried across the waterway (at the expense of the Company) by a bridge of one span the piers of which shall range with (and cover not more than the same breadth of space as) the side piers of the existing double span bridge so far as is consistent with leaving a towing path under the widened portion of the bridge of a not less width than the towing path as now existing and this bridge shall be constructed with not less headway over the water in the Surrey Canal than is at present provided under the existing arches thereover and where the proposed widening will cross or cover the roadway on the north side of the Surrey Canal the widened archway shall be of the same width and of not less height than the existing side archway on that side of the canal :
- (c) The Company shall before the commencement of the proposed widening divert the existing roadway to the reasonable satisfaction of the engineer for the time being of the Dock Company so as to give the same accommodation as at present exists and in such manner that when the proposed widening is completed the roadway will be not less than 15 feet in width at any point :
- (d) The Dock Company and all persons authorised by them from time to time shall have and for ever enjoy a similar exclusive right of way along the banks of the Surrey Canal under the proposed widened bridge and the proposed widened side archway on the north side of that canal with or without horses cattle waggons carts or carriages as is now vested in the Dock Company with respect to the banks under the existing bridge and the existing side arch on the north side of the Surrey Canal :
- (e) The Company shall (before the completion of the widening of the said bridge and side arch in connection therewith as authorised by this Act) to the reasonable satisfaction of the engineer for the time being of the Dock Company erect and build good and substantial brick retaining walls of the same character and height and in the same line as those of the existing retaining walls at and along the entire watersides of the bank or towing path on each side of the Surrey Canal to the

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extent of the proposed widening of the said bridge and to such a length eastward as may be reasonably required by the engineer of the Dock Company and leave the bottom of the Surrey Canal between the said retaining walls of not less depth than it is at present and shall for ever thereafter maintain and keep in good repair and condition the said respective retaining walls so to be erected and built as aforesaid to the reasonable satisfaction of the engineer of the Dock Company :

- (f) Notwithstanding anything in this Act contained the site of the Surrey Canal the roadway as altered the towing path bank side drains and land of the Dock Company under and adjoining the said bridge and the side arch thereof so to be widened as aforesaid shall except the Dock Company under their common seal otherwise consent in writing and except so much of their lands as may be necessary for the due execution of the Company's contemplated works as by this Act authorised limited and regulated (all of which lands so required shall be purchased by the Company from the Dock Company and paid for before the commencement of the proposed widening) continue vested in the Dock Company but subject and without prejudice to the exercise by the Company of all such rights and powers as are necessary for enabling the Company to widen the said bridge and side arch and to maintain them when so widened :
- (g) During the execution of the works necessary for the aforesaid widening of the said bridge and side archway and the necessary repairs and renewals thereof the Company shall at all times leave an open and uninterrupted navigable waterway in the Surrey Canal of not less than 20 feet in width and an open and uninterrupted passage of not less than 10 feet in height from the top water level of that canal and an open and uninterrupted passage of not less than five feet in width for the towing path thereof and 12 feet in width for the roadway on the north side and wherever in widening the said main line of the said railway the widened portion thereof shall cross or be carried over or along or otherwise interfere with the existing culverts carrying the side drains of the Surrey Canal the Company shall forthwith make good with brickwork or cast-iron cylinders all damage caused to such culverts by reason of any such interference and shall for ever thereafter maintain such culverts where they shall be interfered with by the works of the Company on a proper level and in a proper direction and in good proper and substantial repair so as to admit of the free course of the water through the same respectively :
- (h) The Company shall not only for ever thereafter maintain and keep in good repair the said existing bridge and side archway

carrying the said railway over the said canal towing paths banks roadway and other works of the Dock Company but also the widened bridge and side archway as authorised by this Act when the widening proposed and authorised by this Act shall have been effected :

- (i) The Company shall make good all damage that may be occasioned to the works or property of the Dock Company by the widening of the said bridge and side arch and also by the renewals or repairs or want of renewals or repairs of such bridge and side arch when widened as authorised by this Act and if for seven days after notice in writing given to the Company by the Dock Company the Company neglect to proceed with due diligence to make good such damage that company may if they think fit and without prejudicing their remedies against the Company for any neglect default or omission on their part make good the same and the reasonable amount expended by them in so doing shall on demand be paid to them by the Company Provided that in any case of pressing necessity the Dock Company may proceed to make good such damage without giving such notice as aforesaid without prejudice to their remedies as aforesaid and without prejudice to their right to claim and recover repayment from the Company on demand of the amount so expended by them :
- (j) If by reason of or during the execution by the Company of any of the works by this Act authorised or directed or by reason of the want of repair of any such works it shall happen that the navigation of the Surrey Canal shall be so obstructed that vessels boats or barges shall not be able freely to pass along such canal as heretofore the Company shall pay to the Dock Company as liquidated damages five pounds for every hour between 6 a.m. and 9 p.m. of any week day during which such hindrance or obstruction shall occur or continue together with the full costs of action and if by reason of or during the execution by the Company of any of the works by this Act authorised or directed or by reason of the want of repair of any such works it shall happen that the towing paths or roadway thereof shall be so obstructed that carts or carriages or the horses drawing the same shall not be able freely to pass along such towing paths or roadway as heretofore the Company shall pay to the Dock Company as liquidated damages ten pounds for every day from 6 a.m. to 6 p.m. and so in proportion for any part of such day during which such hindrance or obstruction shall occur or continue together with the full costs of action provided that the maximum daily penalty the Company shall be liable to shall not exceed fifty pounds :

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(k) Working drawings showing the manner in which the Company propose to widen the said bridge and arch and alter the roadway shall (before the commencement of the works) be deposited at the office of the Dock Company and the said works shall not be commenced until the said plans shall have been approved of by the engineer for the time being of that Company unless such engineer fails to signify his approval or disapproval or to give other directions within fourteen days after the deposit as aforesaid of such plans and generally all works authorised or directed by this Act to be made in or through the lands of the Dock Company shall so far as they affect such lands or the rights or interests of the Dock Company be made constructed and completed to the reasonable satisfaction of the engineer of the Dock Company :

(l) If any difference or dispute shall arise between the engineer of the Company and the engineer of the Dock Company as to the execution of the works to be done by the Company under the powers of this Act or otherwise in relation to the provisions of this section the same shall be from time to time referred to and settled by an engineer to be agreed upon between the companies or in case of difference to be appointed on the application of either the Company or the Dock Company by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration shall be in the discretion of the arbitrator.

For the protection of the London Brighton and South Coast Railway Company.

12.—The following provisions shall apply and have effect for the protection of the London Brighton and South Coast Railway Company (herein-after called “ the Brighton Company ”) :—

(1) The Widening (No. 5) herein-before described shall be carried over the Deptford Branch Railway of the Brighton Company in the parish of St. Paul Deptford by an extension on the present line thereof of the present piers of the arch through which the single line of the said branch railway of the Brighton Company now passes and of the two arches numbered 104 and 105 on the deposited plans in the said parish one being on each side of such last mentioned arch and the new portion of the said three arches shall be of the same span and headway as the present arches. The works connected with the said widening so far as they affect the said branch railway of the Brighton Company and the said arches shall be carried out according to plans and sections previously submitted to and approved by the engineer for the time being of the Brighton Company and under his superintendence and to his reasonable satisfaction in all respects but in all things at the expense of the Company and

all the works connected with the said widening shall be constructed and executed in such manner as not to interfere with the free uninterrupted and safe use by the Brighton Company of their said branch railway :

- (2) If the Brighton Company shall not within one month after the said plans and sections shall have been so submitted to their engineer object to the same by notice in writing served upon the Company the said plans and sections shall be deemed to have been approved for the purpose of this Act and if the Brighton Company make any such objection then unless the said plans and sections be agreed between the said two Companies or their respective engineers within 14 days after the service of such objection any matter in difference shall be settled by arbitration as herein-after provided :
- (3) The Company shall at all times maintain in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the Brighton Company the said widened arches and any piers placed on the property of the Brighton Company and if and whenever the Company fail so to do the Brighton Company may at the cost of the Company make or do in and upon as well the lands of the Company as their own lands all such works and things as may be reasonably requisite in that behalf and in default of payment of such cost the same may be recovered from the Company with full costs in any court of competent jurisdiction :
- (4) The Company shall not without first obtaining the consent of the Brighton Company under the hand of their secretary take use or in any way interfere with any of the land rails works or property of the Brighton Company but the Company may purchase and take and the Brighton Company shall sell and grant accordingly an easement or right of using such land for the purpose of lengthening and maintaining the arches aforesaid in accordance with the provisions of this section :
- (5) The Company shall bear and on demand pay to the Brighton Company all their reasonable expenses during the construction or any subsequent repair of the said arches of employing a sufficient number of inspectors and watchmen to be appointed by the Brighton Company for watching their said branch railway and for preventing as far as may be all interference danger and accident from any of the operations or acts of the Company or of their contractors or any persons in the employ of the Company or of their contractors and also all their reasonable expenses of any alterations which the Brighton Company from time to time deem necessary to make whether temporary or permanent in any signals or signalling arrangements during or by reason of

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the said widening and also of maintaining any new or additional signals rendered necessary thereby:

- (6) If by reason of the execution or failure of any of the works or proceedings of the Company or of any act or omission of the Company or of their contractors or of any persons in the employ of the Company or their contractors the railway of the Brighton Company or any of the works connected therewith shall sustain any injury or damage such injury or damage shall forthwith be made good by the Company at their own expense or in the event of their failing so to do the Brighton Company may make good the same and recover the expense thereof with full costs from the Company in any court of competent jurisdiction And if any injury damage or delay shall be occasioned to any passenger or other traffic on the said branch railway of the Brighton Company by reason of any of the matters aforesaid the Company shall on demand pay to the Brighton Company all costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such injury damage or delay such costs expenses and compensation to be recoverable from the Company as last aforesaid and with full costs:
- (7) Any difference which may from time to time arise between the Company and the Brighton Company under any of the provisions of this section shall be determined by an arbitrator to be appointed by agreement between the Company and the Brighton Company or in default of agreement by the Board of Trade and the costs of such arbitration shall be in the discretion of the arbitrator.

For the protection of the East London Railway Company and the East London Railway Joint Committee.

13.—The following provisions shall apply and have effect for the protection of the East London Railway Company and the East London Railway Joint Committee which said Company and Committee are herein-after included in the expression “the East London Company” :—

- (1) The railway herein-before described as Widening No. 5 shall be carried over the East London Railways by extensions on the present lines thereof of the present piers or abutments of the arches or bridges through which the railways of the East London Company now pass and the new portions of the said arches or bridges shall be of not less span and headway than the present arches or bridges The works connected with the said railway so far as they affect the said railways of the East London Company and the said arches or bridges shall be carried out according to plans sections elevations and specifications previously submitted to and approved by the engineer for the

time being of the East London Company and under his superintendence and to his reasonable satisfaction in all respects but in all things at the expense of the Company And all the works connected with the said widening shall be constructed and executed in such manner as not to interfere with the free uninterrupted and safe use by the East London Company of their said railways :

- (2) If the East London Company shall not within one month after the said plans sections elevations and specifications shall have been so submitted to them object to the same by notice in writing served upon the Company the said plans sections elevations and specifications shall be deemed to have been approved for the purposes of this Act and if the East London Company make any such objection then unless the said plans sections elevations and specifications be agreed between the said two Companies or their respective engineers within 21 days after the service of such objections any matter in difference shall be settled by arbitration as herein-after provided :
- (3) The Company shall at all times maintain in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the East London Company the said widened arches or bridges and any piers abutments or other works placed on the property of the East London Company and if and whenever the Company fail so to do the East London Company may make or do in and upon as well the lands of the Company as their own lands all such works and things as may be reasonably requisite in that behalf and the reasonable amount of such expenditure shall be repaid to them by the Company and in default of payment may be recovered from the Company with full costs in any court of competent jurisdiction :
- (4) The Company shall not without first obtaining the consent of the East London Company (under the hand of their secretaries) take use or in any way interfere with any of the land rails works or property of the East London Company but the Company may purchase and take and the East London Company shall sell and grant accordingly an easement or right of using such land for the purpose of lengthening and maintaining the said arches or bridges in accordance with the provisions of this section :
- (5) The Company shall bear and on demand pay to the East London Company all their reasonable expense during the construction or any subsequent repair of the said arches or bridges of employing a sufficient number of inspectors and watchmen to

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be appointed by the East London Company for watching their railways works and property and for preventing all interference danger and accident from any of the operations or from the acts of the Company or of their contractors or any persons in the employment of the Company or of their contractors and also all their reasonable expenses of any alterations which the East London Company from time to time deem necessary to make whether temporary or permanent in any signals or signalling arrangements during or by reason of the said widening and also of maintaining any new or additional signals rendered necessary thereby :

(6) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any persons in the employ of the Company or their contractors the railways of the East London Company or any of the works connected therewith shall sustain any injury or damage such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the East London Company may make good the same and recover the expense thereof with full costs from the Company in any court of competent jurisdiction. And if any injury, damage or delay shall be occasioned to any traffic on the railway of the East London Company by reason of any of the matters aforesaid the Company shall on demand pay to the East London Company all costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such injury damage or delay such costs expenses and compensation to be recoverable from the Company as last aforesaid and with full costs :

(7) Any difference which may from time to time arise between the Company and the East London Company under any of the provisions of this section shall be determined by an arbitrator to be appointed by agreement between the Company and the East London Company or in default of agreement by an arbitrator to be appointed by the Board of Trade upon the application of either party and the costs of such arbitration shall be in the discretion of the arbitrator.

For protection of the St. Saviour's District Board of Works.

14. The following provisions for the protection of the Board of Works for the St. Saviour's district (in this section called "the St. Saviour's Board") shall have effect with respect to such part of the widenings and works as are to be constructed and made and such of the powers of the Company as are to be exercised within the said district (that is to say) :—

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(1) The Company shall not commence the construction of any of the before-mentioned widenings nor shall they break up or disturb any road street or place under the control or jurisdiction of the St. Saviour's Board until they shall have given twenty-one days notice in writing of their intention to commence the same specifying the nature of the work to be done and the street intended to be broken up and disturbed to the surveyor of the St. Saviour's Board and left for him at his office plans elevations sections and other necessary particulars of the construction of such widenings :

(2) The Company shall repay to the St. Saviour's Board the cost of any extra lamps including the expense of lighting and maintaining the same which may in the opinion of the St. Saviour's Board be reasonably necessary for lighting any road or street crossed by such widenings after the completion thereof and the Company shall save harmless the St. Saviour's Board against all and every expense to be occasioned thereby and such work shall be done to the reasonable satisfaction of the surveyor of the St. Saviour's Board at the cost charges and expenses in all respects of the Company :

(3) If any dispute or difference of opinion shall arise between the Company and the St. Saviour's Board touching the reasonableness of any of the requirements of any surveyor acting for the St. Saviour's Board such dispute or difference of opinion shall be referred to the arbitration of an engineer to be appointed by the Board of Trade in manner provided by the Railway Companies Arbitration Act 1859.

15. Any works to be constructed laid down or executed in exercise of the powers conferred by this Act crossing or otherwise interfering with any mains pipes or works or with any part of the undertaking at any time belonging to or worked or occupied by the company of proprietors of the Kent Waterworks (herein-after called "the water company") shall be done under the superintendence and to the reasonable satisfaction of the engineer of the water company and according to plans to be reasonably approved by him before any such works are begun and he may appoint and employ such necessary inspectors and watchmen as he may think proper to superintend the execution of the works and to secure the safety of such mains pipes or other works and the cost of all such works as well as of the superintendence thereof as before provided for shall be borne and defrayed by the Company and such works shall be carried out so as not to cause any injury to any such mains pipes or other works or any interruption of the supply of water to any of the consumers of the water of the water company and if any injury

For the protection of the Kent Waterworks Company.

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For the protection of the London Deptford and Greenwich Tramways Company.

16. Whereas in the construction of Widening No. 5 by this Act authorised the Company may affect and interfere with a tramway the property of the London Deptford and Greenwich Tramways Company (herein-after referred to as "the tramway company") situate in the Rotherhithe New Road Therefore be it enacted that the Company in constructing the said works shall be subject to the following provisions restrictions and regulations (that is to say):—

- (1) Nothing in this Act contained shall be taken or deemed to authorise or empower the Company in the execution of any part of their works by this Act authorised to stop or temporarily or permanently impede or interfere with the due and regular working of the tramway :
- (2) If any difference arises between the tramway company on the one hand and the Company on the other hand with respect to anything regulated by or comprised in this section the matter in difference shall be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference shall be borne and paid as the referee directs Provided always that while any such appeal is pending the referee shall have power to order that any work or proceeding of the Company affecting the tramways the subject of any difference shall not be proceeded with or continued :
- (3) The Company shall indemnify and save the tramway company harmless from and against all claims and demands arising out of any accident caused by the default of the Company in carrying out any of the provisions of this section.

Period for completion of works.

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

Penalty imposed unless railway widenings opened within the time limited.

18. If the Company fail within the period limited by this Act to complete the railway widenings by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway widenings are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty

amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such railway widenings by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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Application
of penalty.

19. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway widenings or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway widenings in respect of which the penalty has been incurred or any part thereof have been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

20. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to

Purchase of
additional
lands.

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acquire the Company may from time to time enter upon take and use for the purpose of extending the stations sidings warehouses depôts and other accommodation of the Company and for other purposes connected with their undertaking the lands herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):—

In the county of Surrey—

Lands in the parish of Sheire abutting on the northern side of the railway and being parts of the fields numbered respectively on the 1-2500 Ordnance map of the said parish 302 126 and 154.

Extinguish-
ment of
rights of
way.

21. 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.

Lands for
extra-
ordinary
purposes.

22. 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 or permitted by them upon any land so taken.

Period for
compulsory
purchase of
lands.

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

Power to
owners to
grant ease-
ments &c. to
Company.

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

Owners may
be required
to sell parts
only of cer-
tain lands
and build-
ings.

25. And whereas in the construction of the widenings hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested

in the lands, houses or other buildings or manufactories described in the schedule to this Act, and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater part thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

26. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the said works it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may, and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

Company empowered or may be required to underpin or otherwise strengthen houses near railway.

- (1) At least ten days notice shall, unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company:
- (3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade:
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the

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Company may and shall proceed forthwith so to underpin or strengthen the said house or building :

- (5) The cost of the reference shall be in the discretion of the referee :
- (6) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Act :
- (10) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

Restrictions
on displacing
persons of
labouring
class.

27.—(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 district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December 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 or have been since that day or shall hereafter be occupied either wholly or

partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company— A.D. 1896.

(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 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:

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 he or 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.

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

Provided also that the 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 subsection subject to such conditions (if any) as he or 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 London Building Act 1894 and

the Metropolis Management Act 1855 and any Act or Acts amending those respective Acts. A.D. 1896.

(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 he or 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.

(13) Any houses on any of the lands shown on the plans deposited with reference to this Act or any former Act the powers of which are extended by this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the 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

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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" means and 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.

Extending time for completion of works authorised by South Eastern Railway Act 1889.

28. The period now limited for the completion of the Port Victoria Docks and Works described in and authorised by section 8 of the South Eastern Railway Act 1889 is hereby extended until the expiration of a period of three years from the 12th day of August 1896.

Extending time for purchase of lands and completion of works authorised by South Eastern Railway (Various Powers) Act 1885.

29. The respective periods now limited for the compulsory purchase of lands required for and for the completion of the Folkestone Harbour Works described in and authorised by section 7 of the South Eastern Railway (Various Powers) Act 1885 are hereby extended as regards the purchase of lands until the expiration of a period of one year and as regards the completion of the said works until the expiration of a period of three years respectively from the 31st day of July 1896.

Extending time for completion of works authorised by Lydd Railway (Extensions) Act 1882.

30. The period now limited for the completion of the jetty in the parish of Lydd described in and authorised by section 4 subsection (4) of the Lydd Railway (Extensions) Act 1882 is hereby extended until the expiration of a period of two years from the 24th day of July 1896.

Power to Board of Trade to vary licence granted to Chipstead Company.

31. Notwithstanding anything in the Regulation of Railways Act 1868 contained the Board of Trade may as regards the construction and working of so much of Railway No. 3 as lies between its commencement and a point in the parish of Ewell (detached) in the liberty of Kingswood situate 5 miles 6 furlongs 5·50 chains from its commencement and also as regards Railways Nos. 6 and 7 severally authorised by the Chipstead Valley Railway Act 1893 vary in such respects as they may deem expedient the licence granted by them to the Chipstead Company and dated the eleventh day of November 1895 and as regards the weight of locomotive

engines to be used on the railways and portion of railway aforesaid may allow a greater weight than eight tons to be brought upon the rails by one pair of wheels.

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32. The Bexley Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole twenty-five thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Bexley Company shall not issue any share of less nominal value than ten pounds nor shall any share or stock 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 or the whole amount of such stock shall have been paid in respect thereof.

Power to Bexley Company to raise additional capital.

33. Except by this Act otherwise provided the capital in new shares or stock created by the Bexley Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Bexley Company of the same class or description and the new shares or stock were shares or stock in that capital.

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

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

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

35. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Bexley Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on new shares or stock.

36. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares or stock.

37. Subject to the provisions of any Act already passed by which the Bexley Company are authorised to raise capital by new shares or stock and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Bexley Company may be authorised to raise capital by new shares or stock the Bexley Company may if they think fit raise by the creation and issue of new

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

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shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow.

38. The Bexley Company may in respect of the additional capital of twenty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole eight thousand three hundred pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Bexley Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Bexley Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Bexley Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Application of moneys raised by the Bexley Company.

39. All moneys which the Bexley Company may raise under the powers of this Act shall be applied by the directors of that Company in discharging their debts and liabilities on capital account and to no other purpose.

Debenture stock.

40. The Bexley Company may create and issue debenture stock subject to the provisions of section 13 of the Bexley Heath Railway Act 1887 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of principal moneys secured by

41. The principal moneys secured by all mortgages granted by the Bexley Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the

passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

A.D. 1896.
existing mortgages.

42. Nothing contained in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty Her heirs or successors in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty Her heirs or successors in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Saving the rights of the Duchy of Cornwall.

43. Stock and shares of the Company may be transferred to and held in the names of an individual and a body corporate and any such holding shall in its relation to the Company be deemed a joint tenancy.

Holding of stock or shares by bodies corporate.

This section shall apply to stock and shares of the Company of every class and description except so far as there is anything to the contrary in any Act under which the stock or shares was or were created.

44. No interest or dividend shall be paid out of any share or loan capital which the Bexley Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Bexley 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.

Interest not to be paid on calls paid up.

45. The Bexley 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 Bexley Company to construct any other railway or to execute any other work or undertaking.

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

[Ch. cxxvi.] *South Eastern Railway Act, 1896.* [59 & 60 VICT.]

A.D. 1896.

Company
may apply
corporate
funds.

46. 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
Acts.

47. Nothing in this Act contained shall exempt the Company or any company upon whom powers are conferred by this Act or their railways 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 to be taken by the Company or any such company as aforesaid.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

DESCRIBING HOUSES BUILDINGS and MANUFACTORIES whereof portions only are required to be taken by the Company for the purposes by this Act authorised.

County and Parish.	Numbers on Deposited Plans.
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