CHAPTER xciii.

An Act to authorise the London Chatham and Dover Railway Company to construct a Railway with a Bridge over the River Thames and for other purposes. [27th June 1881.]

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WHEREAS the traffic on the City and Suburban Lines of the London Chatham and Dover Railway Company (in this Act called "the Company") has greatly increased and is still increasing and in order to accommodate the same it is expedient that the Company should be authorised to construct the railway with a bridge across the River Thames hereinafter described:

And whereas plans and sections of the railway hereinafter authorised showing the lines and levels thereof and also books of reference thereto 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 Surrey and Middlesex and the City of London and are hereinafter respectively referred to as the deposited plans sections and books of reference:

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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

Short title.

1. This Act may be cited as the London Chatham and Dover Railway (City and Suburban Traffic Station) Act 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

2. The Lands Clauses Consolidation Acts 1845 1860 & 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation of terms.

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 or inconsistent with such construction and for the purposes of this Act the expression "the railway" shall mean the railway by this Act authorised the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in 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.

Interpretation of term "parish clerk."

4. The expression "parish clerks" and "clerks of the several parishes" in sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes 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 district board of the parish mean the clerk of the district board of the parish.

Power to make railway.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and section the railway 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 said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by the Act is :—

A railway 2 furlongs 4 chains 75 links in length commencing in the parish of Christchurch Southwark in the county of Surrey by a junction with the main line of the Company's railway at or near the south end of the Blackfriars passenger station belonging to the Company thence passing by means of a bridge to be erected across the River Thames or by widening the existing bridge belonging to the Company across that river and terminating in the parish of Saint Anne Blackfriars in the City of London at the south side of Upper Thames Street.

Protection of St. Saviour's District Board of Works.

6. Nothing in this Act contained shall empower the Company to stop up alter or interfere with the subway numbered on the deposited plans 7 in the parish of Christchurch Southwark.

Protection of sewers in the City of London.

7. Where any of the works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Commissioners of Sewers of the City of London or with any sewers or works to be made or executed by the said Commissioners or shall or may in any way affect the sewage or drainage of the district under their control the Company shall not commence such work until they shall have given to the engineer or surveyor of the said Commissioners twenty-eight days' previous notice at his office or at the principal office of the Commissioners with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such Commissioners shall have signified their approval of the same unless such Commissioners do not signify their approval disapproval or other directions within twenty-eight days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all directions and regulations of the Commissioners in the execution of the said works and shall provide by new altered or substituted works in such manner as such Commissioners may deem necessary for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by or by reason of the said intended works or any part thereof and shall save harmless the said Commissioners against all and every the expense to be occasioned thereby and all such works may be done by or under the direction superintendence and control of the engineer or other officer or officers of the said Commissioners and at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said Commissioners may be put to by reason of the works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such Commissioners by the Company on demand and if any dispute shall arise between the Company and the said Commissioners as to the amount of such costs charges and expenses the same shall be settled by a justice of the peace of the City of London and be a debt due from the Company to the said Commissioners and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges and expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely

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under the direction jurisdiction and control of the said Commissioners as any sewers or works now are or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said Commissioners or their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Protection of streets of the City of London.

8. The Company shall not break up or disturb any street or place or the pavement thereof under the control or direction of the Commissioners of Sewers of the City of London unless at least twenty-one days' previous notice in writing of their intention so to do specifying the street place or pavement intended to be broken up or disturbed be given to the engineer or surveyor of such Commissioners or left for him at his office or at the office of such Commissioners and the Company shall attend to the directions of such engineer or surveyor with a view to secure a free passage in such streets and places and to prevent needless injury to the streets and shall not open more of such streets or places at one time than such engineer or surveyor shall in writing authorise and when the Company shall break up or disturb any such street place or pavement they shall so soon as the works affecting it are completed and at the furthest within three months from the day on which those works were begun restore the street place or pavement to as good a condition as it was in when it was broken up or disturbed under the superintendence and to the satisfaction of the engineer or surveyor of the Commissioners and the Company shall save harmless and keep indemnified the said Commissioners and their successors against any expenses consequent on any such works and if the Company fail to comply with the requirements of this Act they shall forfeit to the said Commissioners a sum of twenty pounds for every offence and an additional sum of twenty pounds for every day that the Company shall fail to comply with the directions of such engineer or surveyor and the said Commissioners may if they think fit restore the street place or pavement broken up or disturbed and recover the expense of such restoration and also the said sums so forfeited from the Company in an action or actions of debt.

Power to apply corporate funds to purposes of Act.

9. The Company may apply to the purposes of this Act any moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to raise additional capital. 8 & 9 Vict. c. 16.

10. For the purposes of this Act the Company may from time to time raise such additional sum not exceeding in the whole three hundred 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 and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares :

The transfer or transmission of shares :

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

The forfeiture of shares for non-payment of calls :

The remedies of creditors of the Company against the shareholders :

The consolidation of the shares into stock :

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

The making of dividends :

The giving of notices ; and

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

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and mutatis mutandis sections 33 34 and 35 of the second award of the arbitrators under the London Chatham and Dover Railway (Arbitration) Act 1869 shall extend and apply to the Company and to the additional capital which they are by this Act authorised to raise. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. cxvi.

Shares not to be issued until one-fifth paid.

11. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

New shares or stock to be subject to the same incidents as other shares or stock.

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

Dividends on new shares or stock.

13. 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 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 and paid on such new shares or to the whole amount of such stock as the case may be.

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

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

Power to borrow.

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

that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment of a receiver.

16. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

17. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

18. Subject to the provisions of Part III (relating to debenture stock) of the Companies Clauses Act 1863 the Company may create and issue debenture stock in respect of the sums authorised by this Act to be raised by mortgage.

Application of moneys.

19. All moneys raised under this Act shall be applied for the purposes of this Act only.

Period for compulsory purchase of lands.

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

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

21. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of fifteen thousand pounds being equal to five per centum upon the amount of the estimate in respect of the railway has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application

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to Parliament for this Act which sum is referred to in this Act as the deposit fund: Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion that the length of the railway so opened bears to the entire length of the railway the Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

22. The said sum of money deposited as aforesaid shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice Chancery Division may seem fit and if no such compensation shall be payable or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum of money or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division of the said Court

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

Period for completion of works.

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

Tolls on railway.

24. The railway authorised by this Act shall for the purpose of tolls and rates be and be deemed to be part of the railways by the London Chatham and Dover Railway (City Undertaking) Act 1864 formed into the City lines undertaking.

Works on River to be executed under the direction of the Conservators.

25. The bridge by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames (hereinafter called the river) shall if constructed be executed according to a plan and elevation to be previously approved in writing by the Conservators of the river (hereinafter called the Conservators) and deposited at their office and the works in the river shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the Conservators and the traffic of the river shall not be interfered with more than may be absolutely necessary in the construction of the bridge and the works connected therewith and the Company shall within fourteen days after notice from the Conservators so to do remove any materials for temporary works which may have been placed in the river by the Company and on their failing to do so the Conservators may remove the same charging the Company with the expense of so doing and the Company shall forthwith repay to the Conservators all expenses so incurred.

Company not to interfere with the bed of the river.

26. Nothing in this Act contained shall authorise or empower the Company to embank or encroach upon or interfere with any part of the soil or bed of the river or the shore thereof except according to the plan to be approved by the Conservators.

Level of foundations.

27. The foundations of the piers and abutments of the bridge over the river shall be constructed and maintained at such a level as to allow the bed of the river around and near such piers and abutments to be dredged to a depth of thirty-five feet at the least below the level of Trinity high water.

Company not to take gravel, &c., from river without consent of Conservators.

28. The Company shall not (except as far as shall be necessary in the construction of the bridge and the works connected therewith) take any gravel soil or other material from the bed of the river without the previous consent of the Conservators signified in writing under the hand of their secretary.

Lights to be exhibited during construction of works.

29. If during the making of the bridge or works connected therewith any temporary works or materials are placed on the river the Company shall hang out and exhibit thereat or near thereto and for ever after every night from sunset to sunrise lights to be kept burning by and at the expense of the Company and proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Company in such manner and be of such kind and number and be so placed and used as the Conservators by writing under the hand of their secretary shall approve And in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds.

Saving rights of the Conservators.

30. Nothing in this Act contained shall extend to or be construed to extend to prejudice or derogate from the estates rights interests liberties privileges or franchises of the Conservators or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of passing this Act the said Conservators did or might lawfully claim use or exercise.

Interest not to be paid on calls paid up.

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

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

32. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for an Act authorising them to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

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

Expenses of Act.

34. 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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