



## CHAPTER xlix.

An Act to empower the Southern Railway Company to construct works and acquire lands to extend the time for the completion of certain works and the compulsory purchase of certain lands and for other purposes. [10th July 1935.]

A.D. 1935.

**W**HEREAS it is expedient that the Southern Railway Company (in this Act referred to as "the Company") should be empowered to construct the railways and other works and to acquire certain lands in this Act described :

And whereas it is expedient that the period now limited for the completion of certain works and for the compulsory purchase of certain lands should be extended as provided by this Act :

And whereas the tolls and charges leviable by the Company on the Thames and Medway Canal (otherwise known as the Gravesend and Rochester Canal) are prescribed in the schedule to the Order of the Board of Trade confirmed by the Canal Tolls and Charges No. 7 (River Ancholme &c.) Order Confirmation Act 1894 :

And whereas by directions of the Minister of Transport given in pursuance of the powers in that behalf contained in the Ministry of Transport Act 1919 the tolls and charges so prescribed were increased and the tolls and charges as so increased have been continued in force under the provisions of the Canals (Continuance of Charging Powers) Acts 1922 and 1924 and various

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Expiring Laws Continuance Acts until the thirty-first day of December one thousand nine hundred and thirty-five and it is expedient that permanent provision should be made with respect to such tolls and charges and that the Company should be authorised to levy on the said canal tolls and charges in accordance with the provisions of this Act :

And whereas it is expedient that the Company should be authorised to levy rates in respect of certain vessels entering or lying in the Gravesend Basin of the said Thames and Medway Canal :

And whereas it is expedient that the Company should be empowered to raise further money and to apply their funds to the purposes of this Act and to the general purposes of their undertaking and that the other powers in this Act mentioned should be conferred :

And whereas plans and sections showing the lines and levels of the works to be constructed under the powers of this Act and plans of the lands by this Act authorised to be acquired or used and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were deposited with the clerks of the county councils of the several counties in which the said works will be constructed or the said lands are situate which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book 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 King'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 for all purposes as the Southern Railway Act 1935.

Interpretation.

2. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

herewith have in relation to the relative subject-matter the same respective meanings And— A.D. 1935.

“The Company” means the Southern Railway Company;

“The railways” means the railways by this Act authorised;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“The Minister” means the Minister of Transport;

All distances and lengths stated in any description of works or lands shall be read and have effect as if the words “or thereabouts” were inserted after each such distance and length.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Act (that is to say):— Incorporation of general Acts.

The Lands Clauses Acts except sections 127 to 131 (inclusive) of the Lands Clauses Consolidation Act 1845:

Provided that—

(1) any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party;

(2) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Company and shall be sufficient without the addition of the sureties mentioned in that section;

The Railways Clauses Consolidation Act 1845;

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

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Section 28 of the Harbours Docks and Piers Clauses Act 1847;

The Companies Clauses Consolidation Act 1845 as incorporated with and varied by the Railways (Southern Group) Amalgamation Scheme 1922;

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 as amended by subsequent Acts and as incorporated with and varied by the said scheme.

Protection  
of gas and  
water  
mains of  
local  
authorities.

4. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the gas and water mains pipes and apparatus of any local authority or gas or water board and shall be construed as if "local authority" "gas board" and "water board" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority or gas or water board to which their revenues in respect of gas or water (as the case may be) are appropriated.

Power to  
make  
railways.

5. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the railways hereinafter described together with all necessary 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 book of reference relating thereto as may be required for those purposes and for any other purposes connected with their undertaking (that is to say):—

In the county of Surrey—

A railway (No. 1) (3 furlongs 6·38 chains in length) in the urban district of Leatherhead (being a deviation of a portion of the railway authorised by the Southern Railway Act 1930) commencing by a junction with the said authorised railway at a point 390 yards north of and terminating by a junction with the said authorised railway at a point 420 yards south of the way known as Leatherhead Gap.

In the county of Kent—

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A railway (No. 2) (3 miles 6 furlongs 2 chains in length) in the borough of Lydd commencing by a junction with the Lydd branch railway at a point 1233 yards south-east of the Littlestone-on-Sea District Water Company's pumping station and terminating by a junction with the New Romney branch railway at a point 255 yards south of Church Lane level crossing New Romney.

6. The Company shall abandon the construction of so much of the railway authorised by the Southern Railway Act 1930 as lies between points respectively 390 yards north of and 420 yards south of the way known as Leatherhead Gap and the powers conferred upon the Company to make and maintain the said portion of railway are hereby repealed.

Abandonment of portion of railway at Leatherhead.

7. For the purpose of demanding and recovering tolls fares rates and charges and for all other purposes the railways shall be deemed to form part of the undertaking of the Company.

Rates and charges on railways.

8. If the railways be not completed within the period expiring on the first day of October one thousand nine hundred and forty then on the expiration of that period the powers by this Act granted for making and completing the same respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of railways.

9. The abandonment by the Company under the authority of this Act of any portion of the railway authorised by the Southern Railway Act 1930 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers

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

A.D. 1935. — contained in the Railways Clauses Consolidation Act 1845 or the Southern Railway Act 1930.

Imposing  
penalty if  
railways not  
opened  
within  
period  
limited.

**10.** If the Company fail within the period limited by this Act to complete the railways and open the same for public traffic they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway in respect of which such penalty has been incurred.

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.

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 Accountant-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 hereinafter provided.

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Minister of Transport that the Company were prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application  
of penalty.

**11.** 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 in respect of which the penalty has been incurred 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 for the purposes of such railway

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.

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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 in respect of which the penalty has been incurred or any part thereof has 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.

12. And whereas in order to avoid in the execution and maintenance of railway (No. 1) by this Act authorised injury to the houses and buildings within one hundred feet of the said railway 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 or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

Under-  
pinning of  
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 or 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 or 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

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of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Acts 1889 to 1934 shall apply to the reference :

- (4) The arbitrator 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 Company may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section :
- (6) 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 any 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 the requirements of and in the mode prescribed by the arbitrator 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 :
- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Company from the

liability to compensate under section 68 of the  
Lands Clauses Consolidation Act 1845 or under  
any other Act :

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(8) Every case of compensation to be ascertained  
under this section shall subject to the provisions  
of this Act be ascertained according to the  
provisions of the Lands Clauses Acts :

(9) Nothing in this section shall repeal or affect the  
application of section 92 of the Lands Clauses  
Consolidation Act 1845.

**13.** The Company and the Warden and Scholars of  
the House or College of Scholars of Merton in the  
University of Oxford may enter into and carry into  
effect agreements with reference to the sale and purchase  
of lands and the construction alteration maintenance  
and repair of bridges roads culverts drains fences and  
other works.

Agreements  
with Merton  
College  
Oxford.

**14.** Notwithstanding anything contained in this  
Act or shown upon the deposited plans and sections the  
following provisions for the protection and benefit of the  
Romney Hythe and Dymchurch Light Railway Company  
(in this section referred to as "the light railway company")  
shall unless otherwise agreed in writing between the  
light railway company and the Company apply and have  
effect (that is to say) :—

For protec-  
tion of  
Romney  
Hythe and  
Dymchurch  
Light  
Railway  
Company.

(1) The Company shall not construct railway (No. 2)  
by this Act authorised so as to pass over or  
across the railway siding of the light railway  
company on the land numbered on the deposited  
plan 2 in the borough of Lydd (in this section  
referred to as "the siding") otherwise than by  
means of a bridge carrying the said railway  
(No. 2) over the siding so as to leave a headway  
of not less than eight feet above the existing  
rail level of the siding :

(2) If the Company for the purpose of or in connec-  
tion with the construction of the bridge referred  
to in subsection (1) of this section lower the  
level of the siding—

(a) they shall not alter the gradient of the  
siding so as to make it greater than 1 in 100  
at any place ; and

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(b) they shall at their own expense take all steps which may be reasonably necessary to prevent water from gaining access to the siding :

- (3) The Company shall before commencing the construction of so much of railway (No. 2) and any works in connection therewith as shall pass over or in any way affect the siding submit to the light railway company for their reasonable approval plans sections detailed drawings and specifications of the works proposed to be carried out by the Company :

Provided that if the light railway company shall fail to signify their approval or disapproval within twenty-eight days after the submission of such plans sections detailed drawings and specifications they shall be deemed to have approved the same :

- (4) Such portion of the said railway (No. 2) and any works in connection therewith affecting the siding shall be constructed only according to such plans sections detailed drawings and specifications as shall be approved as aforesaid or settled by arbitration as in this section provided and under the superintendence (if given) and to the reasonable satisfaction of the light railway company and at the expense in all respects of the Company :
- (5) The Company shall before commencing the construction of the said works give twenty-eight days' previous notice in writing to the light railway company of their intention to commence such works :
- (6) The Company shall at their own expense construct and at all times maintain the said railway (No. 2) and all works connected therewith so far as such railway and works affect the siding in substantial repair and good order and condition to the reasonable satisfaction in all respects of the light railway company :
- (7) Notwithstanding the approval of plans sections detailed drawings and specifications or superintendence or completion to the satisfaction of the

light railway company and notwithstanding compliance by the Company with the provisions of this section if during the execution of any of the works hereinbefore referred to the siding or any lines or property of the light railway company shall be injured such injury may forthwith after notice in writing to the Company be made good by the light railway company and the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company :

- (8) The Company shall not in constructing maintaining and using the said railway (No. 2) unnecessarily obstruct hinder or interfere with the free uninterrupted and safe user of the siding or any traffic thereon and if the free uninterrupted and safe user of the siding or any traffic thereon shall be unnecessarily obstructed hindered or interfered with contrary to this enactment the Company shall notwithstanding any approval as aforesaid pay to the light railway company all reasonable costs and expenses to which they may be put as well as full compensation for any unavoidable loss sustained by them by reason of any such obstruction or interference :
- (9) The Company shall be responsible for and make good to the light railway company all costs charges losses damages and expenses which may be occasioned to the siding or to any person or persons using the same by reason of the construction alteration maintenance or failure of the said railway (No. 2) or of any act or omission of the Company or of their contractors or of any persons in the employ of either of them and the Company shall effectually indemnify and hold harmless the light railway company from all claims and demands upon or against them during or by reason of such construction alteration maintenance failure or omission :
- (10) The Company shall from time to time repay to the light railway company any additional expenses to which the light railway company may reasonably be put in maintaining the siding by reason or in consequence of the said railway (No. 2) :

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- (11) Any difference which shall arise under this section between the Company and the light railway company shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference.

For protection of Littlestone-on-Sea and District Water Company.

**15.** For the protection of the Littlestone-on-Sea and District Water Company (in this section referred to as "the water company") the following provisions shall unless otherwise agreed in writing between the Company and the water company apply and have effect (that is to say) :—

- (1) In constructing the railway (No. 2) by this Act authorised over the ten-inch main of the water company situate on the land numbered on the deposited plan 2 in the borough of Lydd or the six-inch main of the water company situate on the lands numbered on the deposited plan 5 and 6 in that borough the Company shall to the reasonable satisfaction of the water company provide and maintain a sleeve pipe or duct or other form of protection to be reasonably approved by the water company for the accommodation of those mains :
- (2) Before commencing any works by this Act authorised which may affect any main pipe or other apparatus of the water company the Company shall give to the water company not less than fourteen days' notice in writing of their intention to execute such work which shall not be executed except in accordance with such plan and section as so approved or as determined by arbitration under this section :
- Provided that in the event of such plan and section not being objected to within fourteen days from the receipt thereof it shall be deemed to have been approved by the water company :
- (3) Any difference which shall arise under this section between the Company and the water company shall be referred to and determined

by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference.

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**16.** Subject to the provisions of this Act the Company may make (and in so far as the same are shown on the deposited plans in the lines as shown) the works hereinafter described with all necessary works and conveniences connected therewith and may enter upon take and use the lands delineated upon the deposited plans and described in the deposited book of reference relating thereto (that is to say) :—

Power to make further works.

In the county of East Sussex—

The Company may stop up and discontinue in the parishes of Clayton and Keymer in the rural district of Cuckfield so much of the footpath crossing the London and Brighton railway on the level at a point 510 yards north of the northern end of Hassocks station as extends between its junction with London Road Hassocks and the junction on the east side of that railway of the said footpath with the footpaths leading to Ockley Manor Ditchling and Keymer and may substitute therefor a new footpath commencing at a point in London Road 270 yards south-west of such first mentioned junction and terminating at the northern end of Woodslan Road ;

The Company may stop up and discontinue in the urban district of Newhaven so much of the footpath known as Railway Road Footpath as extends between a point in the said footpath 33 yards west of the northern end of the level crossing on the north-east side of Oyster Pond Cottages and the southern end of the said level crossing and may substitute a footbridge and footpath therefor.

**17.** In constructing the works by this Act authorised the Company may deviate laterally from the lines of any of the said works shown on the deposited plans thereof to the extent of the limits of deviation marked thereon and

Power to deviate in construction of works.

A.D. 1935. — may deviate from the levels of the railways shown on the deposited sections thereof in accordance with the provisions of the Railways Clauses Consolidation Act 1845.

Power to  
acquire  
lands.

**18.** Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may for any purposes connected with or ancillary to their undertaking enter upon take use and appropriate all or any of the lands hereinafter described or referred to and delineated on the deposited plans and described in the deposited book of reference relating thereto (that is to say) :—

In the county of Surrey—

Lands in the urban district of Surbiton—

- (a) On the north side of and adjoining Church Lane and extending between points respectively 207 yards and 220 yards east of the junction of that lane with the road leading from Surbiton to Leatherhead and extending in a north-easterly direction for a distance of 173 yards from the said lane ;
- (b) On the north side of and adjoining Church Lane and extending between points respectively 270 yards and 337 yards east of the said road junction and extending in a north-easterly direction for a distance of 170 yards from the said lane ;
- (c) On the south side of and adjoining Church Lane and extending between points respectively 270 yards and 337 yards east of the said road junction and extending in a south-westerly direction for a distance of 387 yards from the said lane.

Period for  
compulsory  
purchase of  
lands.

**19.** The powers granted by this Act for the compulsory purchase of lands shall cease on the first day of October one thousand nine hundred and thirty-eight.

Power to  
acquire  
easements  
compulsorily in  
certain  
cases.

**20.** Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated herewith the Company shall not be required to purchase any railway tramway tramroad river canal navigation water-course drain dyke or sewer or any part thereof respectively which may be crossed or interfered with in constructing any of the works authorised by this Act but they may acquire such easements and rights in over or

under any such railway tramway tramroad river canal watercourse drain dyke or sewer as they may require for making maintaining working and using any such work and may give notice to treat in respect of such easements and rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

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21. Where this Act authorises the diversion of a footpath or the making of a new footpath and the stopping up of an existing footpath or portion thereof such stopping up shall not take place until such new footpath is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Company and the road authority until two justices shall have certified that the new footpath has been completed to their satisfaction and is open for public use.

Stopping up  
footpaths  
in case of  
diversion  
&c.

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which the existing footpath is situate seven days' notice in writing of their intention to apply for the same.

As from the completion to the satisfaction of the road authority of the new footpath or as from the date of the said certificate as the case may be all rights of way over or along the existing footpath or portion authorised to be stopped up shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway appropriate and use for the purposes of their undertaking the site of the footpath or portion thereof stopped up as far as the same is bounded on both sides by lands of the Company :

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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Provision  
as to  
repair of  
roads and  
footpaths.

**22.** Any road or footpath or portion of road or footpath made diverted or altered under the authority of this Act (except the structure carrying any such road or footpath over any railway of the Company which structure shall unless otherwise agreed be maintained by and at the expense of the Company) shall when made and completed unless otherwise agreed be maintained by and at the expense of the body or persons liable to maintain roads or footpaths of the same nature and in the same parish district or borough as the road or footpath or portion of road or footpath in question :

Provided that nothing in this section shall except with their consent impose any liability on the county council of the administrative county of East Sussex for the maintenance by them and at their expense of any footpath made by the Company in substitution for any existing footpath for the maintenance of which the said county council are not liable at the date of the passing of this Act.

As to  
private  
rights of  
way over  
lands  
acquired.

**23.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished if the Company shall so determine and give notice in writing to that effect to the owner of any right of way referred to therein. Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to  
certain  
owners to  
grant  
easements.

**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 persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

**25.** The Company and their surveyors officers contractors and workmen may at all reasonable hours in the daytime upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used by them for the purpose of surveying and valuing the said lands and premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and premises.

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Power to enter upon property for survey and valuation.

**26.—(1)** The tribunal to whom any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant Provided that it shall be lawful for the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error or mistake or cause to be established to the satisfaction of the High Court after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to the High Court may seem just and proper under all the circumstances of the case Provided also that this subsection shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this subsection.

Costs of arbitration in certain cases.

(2) Section 34 of the Lands Clauses Consolidation Act 1845 for the purposes of its application to this Act

A.D. 1935. shall be read and have effect subject to the following proviso in all cases in which notice of the effect of such proviso accompanies any offer of purchase money and compensation made by the promoters (namely) :—

Provided that in the event of a party to whom a sum shall have been offered by the promoters at least ten days before the commencement of the hearing before the arbitrator failing within ten days of the making of the offer to notify the promoters in writing that he accepts the same all the costs and expenses of the promoters of and incidental to the arbitration incurred by them after the date of the offer shall in the event of his subsequently accepting such offer be borne by him including any fees and expenses of the arbitrator.

Compensation in case of recently created interests.

**27.** In settling any question of disputed purchase-money or compensation for lands acquired by the Company under the powers of this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and thirty-four if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Company of such lands.

Power to make agreements with road authorities.

**28.** The Company may enter into and carry into effect agreements with the parties having the charge management or control of the roads streets footpaths or highways or any of them portions whereof shall under the provisions of this Act be altered or stopped up or interfered with in reference to the construction or contribution towards the costs of such alteration or of any new road street footpath or highway to be substituted therefor and in reference to any other matters relating thereto and if so agreed the Company may delegate to such parties as aforesaid the power of constructing and maintaining

all or any of such alterations or new roads streets foot-paths or highways in which they may be interested including the structure of any bridge over or under any railway and any expenses incurred by the council of a county or borough or district under and for any of the purposes of this section shall be deemed to be expenses incurred by them in the execution of their powers as a highway authority.

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**29.** If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices hearing the application that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall be deposited with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Correction  
of errors  
in deposited  
plans and  
book of  
reference.

**30.—(1)** The Company shall be deemed not to be an owner or occupier for the purposes of section 150 of the Public Health Act 1875 in respect of any land acquired or used by the Company under or in pursuance of the powers or for the purposes of this Act (a) upon which any street as defined by the Public Health Acts and not being a highway repairable by the inhabitants at large shall wholly or partially front adjoin or abut and (b) which shall at the time of the laying out of such street be used

As to private  
street  
expenses in  
certain  
cases.

A.D. 1935. — by the Company solely as a part of their lines of railway or sidings stations or works and shall have no direct communication with such street.

(2) The expenses incurred by any urban authority under the powers of the said section which but for this provision the Company would be liable to pay shall be repaid to the urban authority by the owners of the premises fronting adjoining or abutting on the said street other than the Company and in such proportions as shall be settled by the surveyor of the urban authority.

(3) In the event of the Company subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the urban authority the expenses which but for the foregoing provision the Company would in the first instance have been liable to pay.

(4) The urban authority shall divide among the owners for the time being other than the Company the amount so paid by the Company to the urban authority less the costs and expenses attendant upon such division in such proportion as shall be settled by the said surveyor whose decision shall be final and conclusive.

(5) This section shall not apply to any street existing at the passing of this Act.

Extension  
of time for  
completion  
of works.

**31.** The period now limited by the Southern Railway Act 1930 for the completion of—

- (a) Railways Nos. 3 4 5 and 6 and Widenings Nos. 2 3 4 and 5 originally authorised by the London Brighton and South Coast Railway Act 1903;
- (b) Railway No. 2 and the graving dock (Work B) and sea walls or embankments (Works B 1 and B 2) and channel originally authorised by the South Western Railway Act 1909; and
- (c) The railway authorised by the said Act of 1930;

is hereby extended until the first day of October one thousand nine hundred and forty and the said Acts of 1903 1909 and 1930 shall be read and construed as if the period limited by this section for the completion of the said works had been the period limited by the said Acts respectively for the completion of such works.

**32.** Subsection (8) of section 52 (For protection of East Sussex County Council) of the Southern Railway Act 1930 is hereby repealed and section 27 (For protection of rural district council of Cuckfield) of the London Brighton and South Coast Railway Act 1903 shall be read and have effect as if the highway authority for the time being of the roadway mentioned in the said section 27 were referred to therein in lieu of the rural district council of Cuckfield and the benefit of that section shall extend and apply to such highway authority accordingly.

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—  
As to  
roadway at  
Lindfield.

**33.** The following provisions for the protection and benefit of the urban district council of Surbiton (in this section referred to as "the council") shall unless otherwise agreed between the council and the Company have effect (that is to say):—

For protec-  
tion of  
Surbiton  
Urban  
District  
Council.

Notwithstanding anything contained in the Southern Railway Act 1930 or shown on the plans and sections deposited in connection with the Bill for that Act and provided that before the railway authorised by the said Act of 1930 is completed and opened for public traffic the portion of Garrison Lane between the main road and the said railway is widened to a width of not less than forty-five feet and dedicated to the public or taken over by the council as a highway repairable by the inhabitants at large the bridge for carrying Garrison Lane in section 11 (For protection of Surrey highway authorities) of the said Act of 1930 referred to as Church Lane numbered on the deposited plans 27 in the parish of Chessington over the said railway shall be constructed with a clear width of not less than forty-five feet between the parapets thereof measured at right angles with the road.

**34.** The period now limited by the Southern Railway Act 1932 for the compulsory purchase of the lands in this section referred to is hereby extended until the first day of October one thousand nine hundred and thirty-eight but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised.

Extension  
of time for  
compulsory  
purchase of  
lands.

The said lands are—

- (a) lands required for the purposes of or in connection with Widenings (No. 1) and (No. 8) authorised by the Southern Railway Act 1926;

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—

- (b) lands required for the purposes of or in connection with Widening (No. 10) authorised by the said Act of 1926 and numbered on the deposited plans 3 4 6 9 10 and 11 in the county borough of Bournemouth;
- (c) lands required for the purposes of or in connection with the bridge widening in the city of Rochester authorised by the said Act of 1926;
- (d) lands in the county borough of Southampton on the west side of and adjoining the London and Southampton Railway being (A) portions of the premises known as Nos. 46 to 76 (even numbers) Osborne Road and (B) portion of the premises known as No. 16 Osborne Road authorised to be acquired by the said Act of 1926 and described in section 40 (Power to Company to acquire lands) of that Act;
- (e) lands required for the purposes of or in connection with the bridge lengthening and alteration in the urban district of Heston and Isleworth authorised by the Southern Railway Act 1929; and
- (f) lands required for the purposes of or in connection with the footbridge and footpath in the parish of Crawley (formerly the parish of Ifield) in the rural district of Horsham authorised by the said Act of 1932.

For protection of  
Camberwell  
Borough  
Council.

**35.** For the protection of the mayor aldermen and councillors of the metropolitan borough of Camberwell (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Company and the council apply and have effect (that is to say):—

Notwithstanding anything contained in this Act or in the Southern Railway Act 1926 or shown on the plans deposited in connection with the Bill for the said Act of 1926 the Company shall not in connection with the construction of Widening (No. 1) authorised by the said Act of 1926 enter upon take or use any part of the property in the metropolitan borough of Camberwell numbered 3 on the said plans or extend or widen the structure of the bridge carrying the Company's existing railway over Albert Road in the said borough.

**36.**—(1) The provisions of section 91 (Powers as to building on or over lands) of the Southern Railway Act 1924 as amended by section 35 (Amendment of section 91 of Act of 1924) of the Southern Railway Act 1933 shall extend and apply to any lands or premises acquired or held or which may hereafter be acquired or held by the Company under or in pursuance of the powers of this Act.

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—  
Application of certain sections of Acts of 1924 and 1933.

(2) The provisions of section 34 (Power to hold or sell or otherwise dispose of lands) of the Southern Railway Act 1933 shall extend and apply to any land acquired or held or which may hereafter be acquired or held by the Company under or in pursuance of the powers of this Act.

**37.**—(1) Subject to the provisions of this Act the Company may abandon and discontinue the maintenance and use of so much of railway (No. 3) authorised by the Lydd Railway (Extensions) Act 1882 in the borough of Lydd as extends between the junction of that railway with the Lydd branch railway and a point 255 yards south of Church Lane level crossing New Romney and may remove the rails and other works forming the said portion of railway to be abandoned.

Abandonment of railway at Lydd.

(2) The net proceeds arising on the sale of any land forming the site of the said portion of railway shall be applied only to purposes to which capital is properly applicable.

**38.** Notwithstanding anything contained in this Act the Company shall continue liable to maintain any roads conduits drains retaining walls tunnels fences and accommodation works which they are now liable to maintain in connection with the railway authorised to be abandoned by the section of this Act of which the marginal note is "Abandonment of railway at Lydd" unless and until otherwise agreed with the authority concerned or the body or person for the accommodation or benefit of whose lands any such works have been constructed or maintained.

For protection of authorities and adjoining owners.

**39.**—(1) The Company and the local and road authorities of any area in which are situate any part of the railway authorised to be abandoned by the section of this Act of which the marginal note is "Abandonment of railway at Lydd" and any body or person

Agreements with authorities and owners as to works.

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being the owner lessee or occupier or otherwise interested in any land adjoining or near thereto may enter into and carry into effect agreements with reference to the removal construction alteration maintenance and repair by the contracting parties or any of them of embankments cuttings bridges roads conduits drains retaining walls tunnels fences and accommodation works in over under or adjoining the said railway and as to contributions by such authorities bodies and persons towards the cost thereof and any such agreement may provide for the transfer to and vesting in the Company or any such authority body or person of any of such works or the liability for the maintenance thereof.

(2) The making of any contribution by a local or road authority, shall be deemed to be a purpose for which they may incur expenditure.

(3) If any work executed by a local or road authority in pursuance of any agreement made under the provisions of this section involves an alteration of a telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration as if such local or road authority were "undertakers" within the meaning of the said Act.

Canal tolls  
and charges.

40.—(1) In this section—

"the Order" means the Order of the Board of Trade under the Railway and Canal Traffic Act 1888 confirmed by the Canal Tolls and Charges No. 7 (River Ancholme &c.) Order Confirmation Act 1894;

"the canal" means that part of the Thames and Medway Canal (in the Order referred to as the Gravesend and Rochester Canal) as is not authorised by section 36 (Abandonment of portion of Thames and Medway Canal) of the Southern Railway Act 1934 to be abandoned;

"authorised tolls" means the tolls and charges which the Company are from time to time authorised to levy in pursuance of this Act in respect of the canal;

"directions of the Minister" means the directions of the Minister given in pursuance of section 3 of the Ministry of Transport Act 1919 with

respect to any inland navigation undertaking forming part of the South Eastern and Chatham Railway's undertaking and dated the fourteenth day of September one thousand nine hundred and twenty.

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—

(2) On and after the first day of January one thousand nine hundred and thirty-six and unless and until the tolls and charges are revised by the Minister under this section the tolls and charges which the Company may levy in respect of the canal shall be the maximum tolls and charges specified in the schedule to the Order increased by an amount equal to sixty per centum of the respective amounts thereof authorised by the Order and the Order shall be read and have effect accordingly. Provided that if any increased toll or charge levied in pursuance of this section includes a fraction of one penny the fraction if less than one halfpenny shall not be charged or if the fraction amounts to one halfpenny but is less than one penny it shall be charged as one penny.

(3) As from the thirty-first day of December one thousand nine hundred and thirty-five the directions of the Minister shall cease to have effect.

(4) If it is represented by application in writing to the Minister—

(a) by any chamber of commerce or shipping or any representative body of traders or the mayor aldermen and burgesses of the borough of Gravesend or the Gravesend and Milton Gas Light Company or any person who in the opinion of the Minister is a proper person for the purpose ;  
or

(b) by the Company ;

that under the circumstances then existing the authorised tolls or any of them should be revised the Minister if he thinks fit may make an order revising the authorised tolls referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

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—

(5) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(6) Where upon an application for revision of authorised tolls or an authorised toll an order has been made or the Minister had decided not to make an order no further application for a revision of the tolls or toll to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(7) Before making an order under subsection (4) of this section the Minister shall subject as hereinafter provided cause an inquiry to be held in reference thereto and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Company were a local authority :

Provided that the person appointed to hold the inquiry shall be the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or if the said advisory committee cease to exist some persons with similar qualifications to be appointed for the purpose by the Minister :

Provided also that in cases where no objection has been made to the application or where any objection which has been made has either been withdrawn or appears to the Minister to be of a trivial nature the Minister may if he thinks fit dispense with such inquiry.

Rates for  
vessels at  
Gravesend  
Canal Basin.

41.—(1) The Company may demand receive and recover in respect of every sailing vessel empty or in ballast entering and lying in the Gravesend Canal Basin of the Thames and Medway Canal rates not exceeding the rates specified in Part I of the schedule to this Act.

(2) The Company may demand receive and recover in respect of every motor vessel empty or in ballast entering and lying in the said canal basin rates not exceeding the rates specified in Part II of the schedule to this Act.

(3) (a) If it is represented by application in writing to the Minister—

- (i) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or
- (ii) by the Company;

that under the circumstances then existing the rates authorised by this section or any of them should be revised the Minister if he thinks fit may make an order revising such rates or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(b) The provisions with respect to the revision of the authorised tolls contained in subsections (5) (6) and (7) of the section of this Act of which the marginal note is "Canal tolls and charges" shall mutatis mutandis apply and have effect with respect to the revision of the rates authorised by this section.

42. The Company may confer vary or extinguish exemptions from and compound with any person with reference to the payment of the rates specified in the schedule to this Act but so that no preference be in any case given to any person over any other person using the Gravesend Canal Basin of the Thames and Medway Canal under the like circumstances and that anything done under this section shall not prejudice any other provisions of this Act.

Power to vary exemptions and compound for rates.

43. The rates specified in the schedule to this Act shall at all times be charged equally to all persons in respect of the same class or description of vessel.

Rates to be charged equally.

44.—(1) Notwithstanding anything contained in rule 12 of the Southern Railway superannuation fund (set forth in the schedule to the Southern Railway (Superannuation Fund) Act 1927) a person becoming a member of the said fund as from a day after the thirty-first day of December one thousand nine hundred and thirty-four whose age at his last birthday was twenty-five or under shall contribute to the said fund a sum equal to four per centum of his salary in lieu of three per centum thereof:

Alteration of contributions of certain new members of superannuation fund and of benefits of certain members.

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Provided that nothing in this subsection shall apply to any person whose membership of the said fund commences or (under the rules of the said fund) is deemed to commence before the first day of January one thousand nine hundred and thirty-five.

(2) As from the first day of January one thousand nine hundred and thirty-five the following proviso shall be deemed to have been substituted for the first proviso to rule 22 of the said Southern Railway superannuation fund (namely) :—

Provided that an annuity payable under this rule shall in no case be less than the under-mentioned sums :—

Salary at date of retirement.	Where years of membership have been		
	25 or over.	less than 25 and not less than 15.	less than 15 and not less than 10.
£150 or over - - -	£ 100	£ 70	£ 60
Under £150 - - -	80	70	60

and as from the said date the said rule as so altered shall apply and have effect in respect of members who may on or after that date retire from the service and of members who have retired prior to the said date but only in respect of the annuity payable to such members as from that date.

Power to  
Company  
to raise  
further  
money.

**45.**—(1) Subject to the provisions of this Act the Company may from time to time raise additional moneys for the purposes of their undertaking wholly or partially by one or more of the following modes as the directors of the Company may determine at the time or times of the creation or issue thereof (that is to say) :—

- (a) By the creation and issue of new ordinary stock;
- (b) By the creation and issue of new preference stock (including new guaranteed preference stock);
- (c) By borrowing on mortgage of their undertaking;
- (d) By the creation and issue of debenture stock charged on their undertaking :

Provided that the aggregate amount of the moneys so from time to time raised shall not exceed seven million

five hundred thousand pounds after taking into account any premiums or discounts obtained or allowed as the case may be on the issue of any such stock as aforesaid : A.D. 1935.

Provided also that notwithstanding anything contained in the Companies Clauses Act 1863 any such preference stock (including guaranteed preference stock) may bear such rate of dividend as the directors of the Company may determine at the time or times of the creation or issue thereof.

(2) Section 113 of the Stamp Act 1891 as altered and amended by subsequent enactments shall apply in all respects to the increase of capital authorised by this Act as though the issue of any new ordinary or new preference stock (including new guaranteed preference stock) authorised by this Act were the authorisation within the meaning of the said section 113 of the increase of nominal capital of the Company to the amount of such new stock issued and in lieu of the stamped statement to be delivered thereunder there shall be delivered by the Company to the Commissioners of Inland Revenue a similar stamped statement on every occasion of and within one month after the issue of any new ordinary or new preference stock (including new guaranteed preference stock) authorised by this Act relating to the amount of such issue and all the provisions of the said section 113 (as altered and amended as aforesaid) shall apply thereto subject to the modification imposed by this subsection.

46. The provisions of Part III of the Companies Clauses Act 1863 and section 25 (Debenture stock) of the Railways (Southern Group) Amalgamation Scheme 1922 shall apply to any mortgages granted and any debenture stock created and issued under the powers of this Act. As to mortgages and debenture stock.

47. The Company may in issuing any new stock under the powers of this Act dispose of the same at such times to such persons on such terms and conditions and in such manner as the directors of the Company think advantageous to the Company. Disposal of new stock.

48. Any new stock created by the Company under this Act otherwise than as debenture stock and the holders thereof respectively shall unless otherwise provided by the terms of creation or issue thereof be subject and entitled to the same powers provisions forfeitures New stock subject to same incidents as original capital.

A.D. 1935. — liabilities rights privileges and incidents as if that stock were part of the existing capital stock of the Company of the same class and denomination.

As to  
ranking of  
preference  
stocks.

**49.** Notwithstanding anything contained in the Companies Clauses Act 1863 or in any other Act any preference stock (including guaranteed preference stock) or redeemable preference stock (including redeemable guaranteed preference stock) of the Company created and issued under or in pursuance of this Act or any former Act of Parliament or Order or scheme having the force of an Act of Parliament shall (if so determined by any resolution in pursuance of which the same shall have been created and issued) form part of or rank *pari passu* with and shall (subject to the date of redemption of any redeemable stock) confer the like privileges and be subject to the like restrictions as the existing stock of the Company of the same class and denomination or any other stock of the Company of the same class and denomination which may be in existence at the date of the creation and issue of such first-mentioned stock.

Power to  
cancel  
unissued  
stock.

**50.** If the Company after having ~~under~~ this Act created any new stock otherwise than as debenture stock determine not to issue the whole of the stock created they may cancel the unissued stock and (subject to the provisions of the first proviso to subsection (1) of the section of this Act of which the marginal note is "Power to Company to raise further money") may from time to time thereafter create and issue instead thereof other new stock of an aggregate amount not exceeding the aggregate amount of the stock so cancelled.

Appoint-  
ment of  
receiver.

**51.** Every provision in any Act of Parliament passed prior to the passing of this Act whereby the Company are 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 interest or principal or principal 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 any 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 and 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.

A.D. 1935.

—

**52.** Section 26 (Redeemable preference and debenture stock) and section 27 (Redemption fund) of the Railways (Southern Group) Amalgamation Scheme 1922 shall extend and apply to any debenture stock and any preference stock (including guaranteed preference stock) of the Company which may have been or may from time to time be issued in pursuance of any Act of Parliament or Order or scheme having the force of an Act of Parliament from time to time relating to the Company.

Redeemable preference and debenture stock.

**53.** All moneys raised by the Company under this Act whether by the issue of stock or by borrowing shall be applied only to purposes to which capital is properly applicable.

Application of capital.

**54.** Nothing in this Act shall prevent the Company from paying such interest on money advanced beyond the amount of calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845 but save as aforesaid no interest or dividend shall be paid out of any capital moneys of the Company.

Interest on money advanced beyond calls.

**55.** The Company may appropriate and apply to all or any of the purposes of this Act being purposes to which capital is properly applicable any of the moneys which they have raised or are authorised to raise and which are not required for the purposes to which they are made specially applicable.

Power to Company to apply funds.

**56.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of demands.

**57.** 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

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

A.D. 1935. deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision  
as to general  
Railway  
Acts.

**58.** Except as otherwise expressly provided nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the passing of this Act 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.

For pro-  
tection of  
War De-  
partment.

**59.** Nothing in this Act contained authorises the Company—

- (1) to take enter upon use or interfere with any land soil or water or any right in respect thereof for the time being vested in or in the occupation of or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department (in this section referred to as "the Secretary of State") or in of or by any other person body or corporation acting for or on behalf of the Secretary of State without the consent of the Secretary of State signified in writing under his hand which consent the Secretary of State is authorised to give subject to such special or other conditions as he shall see fit to impose on the Company; or
- (2) to take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State without such consent as aforesaid.

Crown  
rights.

**60.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of  
Act.

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

The SCHEDULE referred to in the foregoing Act.

A.D. 1935.

PART I.

RATES FOR SAILING VESSELS EMPTY OR IN BALLAST ENTERING AND LYING IN BASIN.

Entrance Fee 2s. and in addition—

		First week.	Weeks after.
5 tons registered and under—6 <i>d.</i> per ton per week.			Per week
Over 5 tons registered and not exceeding 10 tons		<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>
10	15	7 0	3 6
15	20	8 0	4 0
20	25	9 0	4 6
25	30	10 0	5 0
30	35	11 0	5 6
35	40	12 0	6 0
40	45	13 0	6 6
45	50	14 0	7 0
50	55	15 0	7 6
55	60	16 0	8 0
60	65	17 0	8 6
65	70	18 0	9 0
70	75	19 0	9 6
75	80	20 0	10 0
80	85	21 0	10 6
85	90	22 0	11 0
90	95	23 0	11 6
95	100	24 0	12 0
		25 0	12 6

A.D. 1935.

## PART II.

RATES FOR MOTOR VESSELS EMPTY OR IN BALLAST  
ENTERING AND LYING IN BASIN.

Entrance Fee 2s. and in addition—

		First week.	Weeks after.
5 tons registered and under—1s. per ton per week.			Per week
		<i>s.</i>	<i>d.</i>
Over 5 tons registered and not exceeding 10 tons		14	0
„ 10 „ „ „ 15 „		16	0
„ 15 „ „ „ 20 „		18	0
„ 20 „ „ „ 25 „		20	0
„ 25 „ „ „ 30 „		22	0
„ 30 „ „ „ 35 „		24	0
„ 35 „ „ „ 40 „		26	0
„ 40 „ „ „ 45 „		28	0
„ 45 „ „ „ 50 „		30	0
„ 50 „ „ „ 55 „		32	0
„ 55 „ „ „ 60 „		34	0
„ 60 „ „ „ 65 „		36	0
„ 65 „ „ „ 70 „		38	0
„ 70 „ „ „ 75 „		40	0
„ 75 „ „ „ 80 „		42	0
„ 80 „ „ „ 85 „		44	0
„ 85 „ „ „ 90 „		46	0
„ 90 „ „ „ 95 „		48	0
„ 95 „ „ „ 100 „		50	0

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