CHAPTER xliv.

An Act to authorise the Cranbrook and Paddock Wood Railway Company to divert portions of their authorised Line; and for other purposes. [27th May 1879.]

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WHEREAS by the Cranbrook and Paddock Wood Railway Act, 1877, (in this Act referred to as "the Act of 1877,") the Cranbrook and Paddock Wood Railway Company (herein-after called "the Company") were incorporated, with power to make a railway from Cranbrook to the Paddock Wood Station of the South-eastern Railway: 40 & 41 Vict. c. clx.

And whereas it is expedient to divert portions of the railway authorised by the Act of 1877 as herein-after described:

And whereas it is expedient that the Company should have power to stop up the footpath herein-after described in the parish of Cranbrook, and to carry their railway across and upon the level of the public road numbered twelve in the parish of Horsmonden on the plans referred to in the Act of 1877 (in this Act called "the plans of 1877"):

And whereas plans and sections describing the lines and levels of the deviated or substituted portions of railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Kent, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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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 Cranbrook and Paddock Wood Railway Act, 1879.

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, and 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 such construction; the expression "the railway" or "the railways" mean respectively the railway authorised by the Act of 1877, so far as not abandoned under the authority of this Act, and the railways authorised by this Act; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to make railways.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, 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 those purposes.

The railways herein-before referred to and authorised by this Act are as follows:—

Deviation No. 1.—A railway one mile one furlong and six and a half chains in length (to be wholly situated in the parish of Cranbrook), commencing at a point in the fence on the north-west side of Pest House Lane distant about ninety yards, measured along that lane in a south-westerly direction, from the highway leading from Cranbrook to Tenterden, and terminating at a point on the said authorised railway in the field numbered forty-two in the said parish on the plans of 1877:

Deviation No. 2.—A railway two furlongs in length (to be wholly situate in the parish of Cranbrook), commencing from and

out of the said authorised line in the field numbered sixty on the plans of 1877, and terminating on the said authorised line in the field numbered seventy-three on the same plans:

Deviation No. 3.—A railway two miles one furlong and two chains in length (to be situated partly in the parish of Cranbrook and partly in the parish of Goudhurst), commencing from and out of the said authorised line in the parish of Cranbrook in the field numbered seventy-nine on the plans of 1877, and terminating at a point on the said authorised line in the parish of Goudhurst in the field numbered forty on the same plans:

Deviation No. 4.—A railway two furlongs and eight chains in length (to be wholly situated in the parish of Goudhurst), commencing from and out of the said authorised line in the field numbered sixty on the plans of 1877, and terminating at a point on the said authorised line in the field numbered seventy-four on the same plans:

Deviation No. 5.—A railway three furlongs and two chains in length (to be situated partly in the parish of Goudhurst and partly in the parish of Horsmonden), commencing from and out of the said authorised line in the parish of Goudhurst in the field numbered seventy-nine on the plans of 1877, and terminating at a point on the said authorised line in the parish of Horsmonden in the field numbered six on the same plans:

Deviation No. 6.—A railway one mile and two furlongs in length, commencing from and out of the said authorised line in the parish of Horsmonden in the field numbered seventeen on the plans of 1877, thence passing from, in, through, or into the parishes of Horsmonden, Lamberhurst, and Brenchley, and terminating at a point on the said authorised line in the said parish of Horsmonden in the field numbered fifty-three on the same plans:

Deviation No. 7.—A railway three furlongs and two chains in length (to be situated partly in the parish of Brenchley and partly in the parish of Horsmonden), commencing from and out of the said authorised line in the parish of Brenchley in the field numbered ten on the plans of 1877, thence passing from, in, through, or into the parishes of Horsmonden and Brenchley, and terminating at a point on the said authorised line in the parish of Brenchley in the field numbered seventeen on the same plans:

Deviation No. 8.—A railway five furlongs and four chains in length (to be situated partly in the parish of Brenchley and

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partly in the parish of Horsmonden), commencing from and out of the said authorised line in the parish of Brenchley in the field numbered forty-nine on the plans of 1877, thence passing from, in, through, or into the parishes of Horsmonden and Brenchley, and terminating at a point on the said authorised line in the parish of Brenchley in the field numbered sixty-three on the same plans.

All the said deviation railways and works will be situated in the county of Kent.

Period for compulsory purchase of lands.

5. 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.

Power to cross certain roads on the level.

6. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may, in the construction of the railway, carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

Railway.	No. on deposited Plan.	Parish.	Description of Road.
Deviation No. 4 -	43	Goudhurst -	Public.
Deviation No. 6 -	32	Horsmonden - -	Public.

Height and span of certain bridge.

7. The Company may make the arch of the bridge for carrying the railway authorised by the Act of 1877 over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned in connexion therewith; (that is to say,)

No. on the Plans of 1877.	Parish.	Description of Road.	Height.	Span.
28	Brenchley -	Public - -	15 feet -	20 feet.

Widths of certain roadways.

8. The Company may make the approaches to and roadways over the bridges by which the following roads will be carried over the railway authorised by the Act of 1877 of such width between the fences thereof as the Company think fit, not being less than the widths herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on the Plans of 1877.	Parish.	Description of Roadway.	Width of Roadway.
44	Cranbrook -	Public - -	15 feet.
56 6A	Horsmonden Brenchley -	Public - -	15 feet.
68 63A	Horsmonden Brenchley -	Public - -	15 feet.
108	Brenchley -	Public - - -	20 feet.

Substitution of level crossing for overbridge on authorised line.

9. Subject to the provisions of the Railways Clauses Act, 1863, the Company may carry their railway authorised by the Act of 1877 across and upon the level of the public road numbered 12 on the plans referred to in that Act in the parish of Horsmonden instead of carrying the said road over the railway by a bridge, and the Company may construct and maintain all necessary works and conveniences in connexion with such level crossing.

Power to stop up certain footpath.

10. The Company may stop up and discontinue for its entire length the footpath in the parish of Cranbrook leading from the northern side of Pest House Lane, and thence proceeding in a north-easterly direction across the field numbered 24 on the deposited plans into the highway from Cranbrook to Tenterden, at a point about seventy yards westward of the junction of Pest House Lane with the said highway.

Power to take easements, &c. by agreement.

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

Period for completion of works.

12. If the railways are not completed within four years from the passing of this Act, then on the expiration of that period the

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powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

New railways and works to be part of Company's undertaking.

13. The railways by this Act authorised shall, for the purposes of tolls and charges and all purposes whatsoever, be part of the railway of the Company, as if authorised by the Act of 1877; and the lands and property from time to time acquired by the Company under this Act, and the railways and works herein-before described, shall be part of the undertaking and property of the Company, as if the Company had by the Act of 1877 been authorised to acquire, make, and maintain the same: Provided that any agreement which may be made between the Company and the South-eastern Railway Company for the working, maintenance, and management of the railway of the Company, under the authority of section forty-nine of the Act of 1877, shall provide that after payment of interest on the sum authorised by that Act to be borrowed on mortgage, if borrowed, the Company's proportion of the balance of the divisible receipts applicable to the payment of dividend on the share capital of the Company (other than the fifty thousand pounds of such capital to be subscribed for and contributed by the South-eastern Railway Company) shall never be less than a minimum sum equal to two pounds three shillings and sixpence per week for every mile of the railway from time to time certified by the Board of Trade to be fit to be opened for public traffic.

Provision for working agreement with South-eastern Railway Company.

Company to abandon certain portions of lines authorised by 40 & 41 Vict. c. clx.

14. The Company shall abandon so much of and such portions of the railway authorised by the Act of 1877 as are or were intended to be situated between the commencement and termination of the respective deviated or substituted portions of railway authorised by this Act, including so much of the railway authorised by the Act of 1877 as was proposed to extend from the commencement thereof in the parish of Cranbrook to the termination of the Deviation Railway No. 1 herein-before described.

Compensation for damage to land by entry, &c. for purposes of portions of railways abandoned.

15. The abandonment by the Company under the authority of this Act of any portion of any railway or works 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 the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have

been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the Act of 1877.

Compensation to be made for non-completion of purchase of land for portions of railways abandoned.

16. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to apply funds to purposes of Act.

17. The Company may apply to the purposes of this Act any of the moneys which they have raised or have power to raise under the authority of the Act of 1877.

Railways not exempt from provisions of present or future general Railway Acts.

18. Nothing in this Act contained shall exempt the railways of the Company from the provisions of any general Act relating to railways, or to the better and 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.

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

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