CHAPTER cxxxii.

An Act to authorise the Cranbrook and Paddock Wood Railway Company to extend their railway to Hawkhurst in the county of Kent; to raise further money; and for other purposes. [12th July 1882.] A.D. 1882.

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

And whereas by the Cranbrook and Paddock Wood Railway Act 1879 (herein-after referred to as "the Act of 1879") the Company were empowered to deviate the said railway authorised by the said Act of 1877 and to abandon certain portions of the said railway And it is expedient that the period for the completion of the said railway be extended so far as regards the portion of that railway not required by the Act of 1879 to be abandoned: 42 & 43 Vict. c. xliv.

And whereas it is expedient to extend the periods respectively limited by the said Act of 1879 for the compulsory purchase of lands authorised to be taken for the purposes of that Act and for the completion of the railways and works thereby authorised:

And whereas it would be of public and local advantage if the railway of the Company were extended by the making of a further line of railway to Hawkhurst in the county of Kent:

And whereas it is expedient that the Company be authorised to raise further capital:

And whereas plans and sections showing the lines and levels of the 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

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with the clerk of the peace for the county of Kent and are hereinafter respectively referred to as the deposited plans sections and books of reference:

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

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

Short title.

1. This Act may be cited as the Cranbrook and Paddock Wood Railway Act 1882.

Incorporation of 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 Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely—

8 & 9 Vict. c. 16.

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 by nonpayment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of the shares into stock;
The making of dividends;
The giving of notices; and
The provisions 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 are (except where expressly varied by this Act) incorporated with and form part of this Act.

26 & 27 Vict. c. 118.

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 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 simple contract debt and not a debt or demand created by statute.

Power to make railway according to deposited plans.

4. 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 sections the railway herein-after described with all necessary and convenient bridges viaducts rails sidings turntables stations approaches roads junctions buildings and other 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:

A railway two miles seven chains and twenty links in length wholly situate in the county of Kent commencing in the parish of Cranbrook by a junction with the Company's authorised railway at the point where deviation No. 3 of the deviations authorised by the Cranbrook and Paddock Wood Railway Act 1879 commences or thereabouts and passing through that parish into the parish of Hawkhurst and terminating in that parish at the eastern side of the highway which leads from Hartley to Hawkhurst at a point nine-and-a-half chains or thereabouts measured along the said highway towards Hartley from the brook which passes underneath the said highway in its course from Slipmill to Hartnoke Bridge.

Tolls for use of railway.

5. With respect to tolls and charges and for all other purposes whatsoever the railway by this Act authorised shall be part of the Company's railway as if authorised by the said Act of 1877.

Lands for extraordinary purposes.

6. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed one acre.

Power to take easements, &c., by agreement.

7. 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 this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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

8. 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 one thousand four hundred and seventy-five pounds Consolidated Three Pounds per Cent. Annuities 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 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 said 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 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 as 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 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.

9. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inade-

quate 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 Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund 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 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 deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before 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 depositors.

Period for completion of railway.

10. If the railway shall not be completed within five years from the passing of this Act then on the expiration thereof the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Period for compulsory purchase of lands.

11. The powers of the Company for the compulsory purchase of lands authorised by this Act to be taken shall not be exercised after the expiration of three years from the passing of this Act.

Extension of time for completion of railway authorised by Act of 1877.

12. The period limited by the Cranbrook and Paddock Wood Railway Act 1877 for the completion of the railway by that Act authorised except as to those portions thereof which by the Cranbrook and Paddock Wood Railway Act 1879 were required to be abandoned is hereby extended until the expiration of a period of two years from the second day of August one thousand eight hundred and eighty-two.

Extension of time for compulsory purchase of lands and for completion of

13. The period limited by the Cranbrook and Paddock Wood Railway Act 1879 for the compulsory purchase of lands for the purposes of that Act is hereby extended until the expiration of a period of two years from the twenty-seventh day of May one thousand eight hundred and eighty-two and the period by the same

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Act limited for the completion of the railways and works thereby authorised is hereby extended for a period of three years from the twenty-seventh day of May one thousand eight hundred and eighty-three.

railway authorised by Act of 1879.

Re-enactment of section 37 of Act of 1877.

14. The provisions of section thirty-seven of the Cranbrook and Paddock Wood Railway Act 1877 shall apply as if the extended period hereby limited were expressly mentioned in the said Act as the period for the completion of the works.

Power to apply corporate funds to purposes of Act.

15. The Company may apply to the purposes of this Act any of the moneys which they have raised or which they have power to raise by virtue of the Act of 1877 and which may not be required for the purposes to which they are by that Act made specially applicable.

Power to raise additional capital.

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

Limit of amount and number of calls.

17. The amount of any one call to be made upon the shares created under this Act shall not exceed one fourth of the amount of such shares and there shall be an interval of two months at least between every two successive calls and not more than three fourths of the amount of each share shall be called up in any one year.

New shares or stock to be subject to same incidents as existing shares or stock.

18. Except as by this Act otherwise provided 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.

Power to borrow on mortgage.

19. The Company may in respect of the additional capital of thirty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage not exceeding in the whole ten thousand pounds but no part thereof shall be borrowed until the 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 thereof 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 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 if the said capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the 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.

Existing mortgages to have priority.

20. The principal moneys secured by all mortgages or bonds granted by the Company in pursuance of the powers of the Act of 1877 and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the said Act have priority over any mortgages granted by virtue of this Act.

Arrears may be enforced by appointment of a receiver.

21. The Company's mortgagees 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 principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four thousand pounds in the whole.

Application of moneys.

22. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company to which capital is properly applicable.

Power to create debenture stock.

23. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and

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issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Classification table to be open to inspection and copies to be sold.

24. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section fourteen.

36 & 37 Vict. c. 48.

Interest not to be paid on calls paid up.

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

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

26. 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 the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provisions as to general Railway Acts.

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

Costs of Act.

28. 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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