ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. lxiii.

An Act for making a Railway from *Dartford* in the County of *Kent* to *Farningham* in the same County, to be called the *Darenth Valley* Railway; and for other Purposes. [28th *June* 1853.]

WHEREAS the making of a Railway from the Parish or Township of *Dartford* in the County of *Kent* to the Parish or Township of *Farningham* in the same County, commencing by a Junction with the *North Kent* Line of the *South-eastern* Railway at or near the *Dartford* Station thereof, and thence proceeding to and terminating in the said Parish or Township of *Farningham*, would be of great public Advantage: And whereas the Persons herein-after named, with others, are willing to carry such Undertaking into execution, if authorized by Parliament so to do: 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,

I. That the Provisions of "The Companies Clauses Consolidation 8 & 9 Vict.
Act, 1845," "The Lands Clauses Consolidation Act, 1845," and cc. 16. 18. &
20. incorpo-

rated with this Act.

"The Railways Clauses Consolidation Act, 1845," save so far as the same are not expressly varied or excepted by this Act, shall be incorporated with and form Part this Act.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal and other Documents of every Description, it shall be sufficient to use the Expression "The *Darenth Valley* Railway Act, 1853."

Subscribers incorporated.

III. That *James Burt*, *Campbell James Downer*, and *Frederick Richardson*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company, for the Purpose of making and maintaining a Railway, to commence by a Junction with the *North Kent* Line of the *South-eastern* Railway at or near the *Dartford* Station thereof, and thence proceed to and terminate in the said Parish or Township of *Farningham*, with proper Works and Conveniences connected therewith, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Darenth Valley* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purpose of the Undertaking, subject to the Restrictions herein and in the said recited Acts contained.

Capital.

IV. That the Capital of the Company shall be Fifty thousand Pounds.

Number and Amount of Shares.

V. That the Number of Shares into which the Capital shall be divided shall be Ten thousand, and the Amount of each Share shall be Five Pounds.

Calls.

VI. That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders; and Three Months at least shall be the Interval between successive Calls; and the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Four Pounds in the whole.

Interest not to be paid on Calls.

VII. That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed

to

to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

VIII. That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purpose of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Power to borrow Money on Mortgage.

IX. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum or Sums of Money, not exceeding in the whole the Sum of Sixteen thousand six hundred Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Fifty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Application of Monies.

X. That all Monies raised under this Act shall be applied only to the Purposes of this Act.

First and other Meetings.

XI. That the First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act; and the subsequent Ordinary Meetings of the Company shall be held half-yearly, on the Fifteenth Day of *January* and the Fifteenth Day of *July*, or within One Month before or after those Days respectively.

Directors.

XII. That the Number of Directors shall be not less than Three nor more than Six; and the Qualification of a Director shall be the Possession, in his own Right, of Fifty Shares.

First Directors.

XIII. That *James Burt*, *Campbell James Downer*, and *Frederick Richardson* shall be the First Directors of the Company.

Election of Directors at First Ordinary Meeting.

XIV. That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the

the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent Election of Directors.

XV. That at the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by the said "Companies Clauses Consolidation Act, 1845."

Quorum of Directors.

XVI. That the Quorum of a Meeting of Directors shall be Two.

Advertisements.

XVII. That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted, shall be a Newspaper published in the Counties of *Kent* or *Middlesex*.

Power to make Railway according to deposited Plans.

XVIII. And whereas Plans and Sections of the Railway, showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Land through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Kent*: Be it enacted, That, subject to the Provision in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railway in the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Railway.

XIX. That the said Railway shall commence in the Parish or Township of *Dartford* in the County of *Kent*, by a Junction with the *North Kent* Line of the *South-eastern* Railway at or near the *Dartford* Station thereof, and shall terminate in or near a Field belonging to *William Waring* in the Parish or Township of *Farningham* in the said County of *Kent*.

Certain Roads may be crossed on the Level.

XX. That, subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," it shall be lawful for the said Company to carry the said Railway across and on the Level of the said Roads numbered on the Plans deposited as aforesaid, as follows; (that is to say,)

Number 9 in the Parish of *Wilmington*; Number 12 in the Parish of *Sutton-at-Hone*; Number 3 in the Parish of *Darenth*; Number 4 in the Parish of *Horton Kirby*; and Number 22 in the Parish of *Horton Kirby*.

Company to erect a Station or Lodge at Points of crossing, and to abide by Regulations of Board of Trade.

XXI. That for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

XXII. That it shall be lawful for the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, if it shall appear to them to be necessary for the Public Safety, at any Time either before or after the said Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for Public Traffic, to require the Company, within such Time as the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations shall direct, and at the Expense of the Company, to carry the before-mentioned Roads either under or over the said Railway, by means of a Bridge or Arch in lieu of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations best adapted for removing or diminishing the Danger arising from such level Crossing: Provided always, that if such Roads shall be so carried either under or over the Railway, it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Roads may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, or shall they be liable to any of the aforesaid Penalties for Failure so to do.

Lands for extraordinary Purposes.

XXIII. That it shall be lawful for the said Company to purchase, in addition to the Lands herein-before authorized to be purchased by them for constructing the said Railway, any Quantity of Land not

exceeding in the whole Ten Acres, for any of the extraordinary Purposes specified in the said "Railways Clauses Consolidation Act."

Period for Completion of Works.

XXIV. That the Railway shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the recited Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall be then completed.

Security for Completion of the Railway within the Time limited.

XXV. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, C. 20, a Sum of Three thousand Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England*, in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Three thousand Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as hereinafter mentioned, 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, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; provided, that at any Time after the passing of this Act, if a Bond in Twice the Amount of the said Sum of Three thousand Pounds shall have been executed by the said Company,

pany, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Three thousand Pounds, if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lord Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

XXVI. That it shall be lawful for the Company to demand any Tolls for the Use of the said Railway, not exceeding the following; (that is to say,) in respect of the Tonnage of all Articles conveyed thereon, or upon any Part thereof, and included within the following Classes: Tolls.

Class 1. For all Compost, Dung, and all sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of Roads or Highways, *per* Ton *per* Mile not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 2. For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles

Articles of Merchandise, *per* Ton *per* Mile not exceeding One Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dye Woods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny; and if propelled by an Engine belonging the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 5. And for every Carriage, of whatever Description, (not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton,) *per* Mile not exceeding Sixpence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Twopence; and the Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum not exceeding One Penny Halfpenny *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton; and if propelled by an Engine belonging to the Company, a further Sum not exceeding One Penny Halfpenny *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton.

Tolls for Animals.

In respect of Animals conveyed in Carriages upon the Railway, as follows:

Class 6. For every Horse, Mule, Ass, or other Beast of Draught or Burden, conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if such Carriage be propelled by an Engine belonging to the said Company, an additional Sum *per* Mile not exceeding One Halfpenny:

Class 7. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, the Sum of Twopence *per* Mile; and if conveyed

conveyed in any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

Class 8. For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Tolls for Passengers.

In respect of Passengers conveyed in Carriages upon the Railway, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Penny.

Regulations as to the Tolls.

XXVII. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than the entire Length of the Line, the Company may demand as for Three entire Miles, and in addition to the prescribed Tolls for Conveyance a reasonable Charge for the Expense of loading and unloading:

For a Fraction of a Mile the Company may demand Tolls and Charges as for One Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction; and there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so on in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XXVIII. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rates of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels on the Railway, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence:

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence:

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings:

And for any Parcels exceeding Fifty-six Pounds in Weight, but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they may think fit: Provided always, that Parcels sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per* Ton *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Sixpence; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Twopence:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand any Sum they may think fit.

Passenger Luggage.

XXIX. That every Person travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Maximum Rates of Charges for Passengers.

XXX. That the maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Person conveyed in a First-class Carriage, the Sum of Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, forming Part of a mixed Train, the Sum of One Penny *per* Mile.

XXXI. That

Maximum Charges for Goods and Animals.

XXXI. That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance (except the loading and unloading of Goods, when such Service is performed by the Company), shall not exceed the Amounts mentioned in the following Table; (that is to say,)

For the Matters herein-before mentioned under Class One, not exceeding Twopence *per* Ton *per* Mile:

For the Matters mentioned under Class Two, not exceeding Twopence Halfpenny *per* Ton *per* Mile:

For the Matters mentioned under Class Three, not exceeding Threepence *per* Ton *per* Mile:

For the Matters mentioned under Class Four, not exceeding Fourpence *per* Ton *per* Mile:

For any Carriage mentioned under Class Five, not weighing more than One Ton, not exceeding Sevenpence *per* Mile; and if weighing more than One Ton, not exceeding Twopence *per* Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton:

For everything mentioned under Class Six, not exceeding Fourpence *per* Mile:

For everything mentioned under Class Seven, not exceeding Twopence Halfpenny *per* Mile:

For everything mentioned under Class Eight, not exceeding One Penny *per* Mile.

Restriction as to Charges not to apply to Special Trains.

XXXII. That the Restriction as to the Charges to be made for Passengers shall not extend to any special or extra Train that may be required to run upon the Railway, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Company may take increased Charges by Agreement.

XXXIII. That nothing herein contained shall be held to prevent the said Company from taking any increased Charges, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels by Passenger Trains, or by reason of any other special Service performed by the said Company in relation to such Goods.

Company to form a Junction with the North Kent

XXXIV. That it shall be lawful for the said Company to form a Junction, and add such Stations, Side Lines, and Works, in connexion with the *North Kent* Line of the *South-eastern* Railway at or near the

Line of the South-eastern Railway.

the *Dartford* Station thereof, as may be necessary for connecting the proposed Railway with the last-mentioned Railway, so as to allow of the Passage of Engines and Carriages from One Railway to the other, and as may be necessary for the Reception and Accommodation of the Traffic of the respective Lines; such Junctions, Stations, Side Lines, and Works being made under the Superintendence and to the Satisfaction of the Engineers for the Time being of the Two Companies.

Direction of Railway over Land of South-eastern Company.

XXXV. That such Part of the Line of the Railway as is to pass over any Land of the *South-eastern* Railway Company shall be laid down and made in such Direction as shall be previously approved, by and under the Superintendence and to the Satisfaction of the Engineer of that Company; and for the Purpose of making such Part of the Line of the Railway, and the Works and Conveniences connected therewith, the Company may enter upon, take, and use such of the Land of the *South-eastern* Railway Company, not exceeding in any Part Thirty Feet in Width, as the Engineer of that Company approves.

Defining the Point where the Railway is to join the North Kent Railway.

XXXVI. That the Railway shall not, without the previous Consent in Writing of the *South-eastern* Railway Company under their Common Seal, join the *North Kent* Line of the *South-eastern* Railway (in this Act called the *North Kent* Railway) at any Point other than the Point where the Centre Line of Railway, delineated on the deposited Plans, is represented as joining the *North Kent* Railway; and, subject to the Provisions of this Act, the Company may make the Works and Conveniences necessary or convenient for effecting such Junction,

All Communications with the North Kent Railway to be made under the Superintendence, &c. of the Engineer to the South-eastern Railway Company.

XXXVII. That all Communications between the Railway and the *North Kent* Railway, and all Openings in the Rails of the *North Kent* Railway, and other Works and Conveniences for the Purposes of such Junction, and all Stations, Side Lines, and other Works at and near the *Dartford* Station of that Railway, and on what is now the Land of the *South-eastern* Railway Company, shall be made and for ever maintained and kept in good Repair at the sole Expense of the Company, and shall not only be in the first instance made, but shall also from Time to Time be altered, amended, repaired, and maintained by the Company under the Superintendence and Direction and to the Satisfaction of the Engineer of the *South-eastern* Railway Company, and in such Manner and by such Means only as shall not in anywise injure or prejudice the *North Kent* Railway, or the Station, Works, or Property of the *South-eastern* Railway Company at *Dartford*, or interfere with the Traffic on that Railway, or the free and uninterrupted Use thereof by that Company.

XXXVIII. That

Signals, &c. to be erected, and Persons appointed by South-eastern Railway Company at Point of Junction.

XXXVIII. That the *South-eastern* Railway Company from Time to Time may erect such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Switchmen, or other Persons, as that Company deem necessary for the Prevention of Danger or Destruction to or Interference with Traffic, at and near the Junction between the Railway and the *North Kent* Railway; and the working and Management of such Signals, Works, and Conveniences shall be under the exclusive Management and Regulation of that Company; and all the Costs and Expenses of erecting and maintaining such Signals, Works, and Conveniences, and the Wages of such Watchmen, Switchmen, and other Persons, shall, at the End of every Half Year, be repaid by the Company to the *South-eastern* Railway Company, and in default of such Repayment the Amount of such Costs, Expenses, and Wages may be recovered from the Company by the *South-eastern* Railway Company in any Court of competent Jurisdiction.

Property of South-eastern Railway Company not to be taken without Consent.

XXXIX. That, except as by this Act expressly authorized, with respect to the entering upon, taking, and using by the Company of not more than Thirty Feet in Width of the Land of the *South-eastern* Railway Company, the Company shall not enter upon, take, or use any Portion of the *North Kent* Railway, or any Land belonging to the *South-eastern* Railway Company, without the previous Consent in Writing of that Company under their Common Seal.

Saving Rights of the South-eastern Railway Company.

XL. That this Act or anything therein contained shall not take away, alter, lessen, or prejudice any of the Rights, Powers, Privileges, or Authorities of the *South-eastern* Railway Company, but all such Rights, Powers, Privileges, and Authorities may be exercised and enjoyed by that Company as fully as if this Act were not passed.

Expenses of Communications to be borne by the Company.

XLI. That the Expenses of the Communications hereby authorized with the *North Kent* Line of the *South-eastern* Railway, and of all the necessary Openings in the Rails thereof, and of all the other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of regulating and adjusting the same, shall be borne and paid by the Company; and that all such Communications, Openings, and Works shall not only be in the first instance made and done, but shall also from Time to Time be altered, amended, repaired, and maintained to the reasonable Satisfaction of the Engineers for the Time being of the respective Companies, and in such Manner and Form and by such Ways and Means only as shall not in anywise prejudice or injure the said *North Kent* Line of the *South-eastern* Railway, or impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the same.

And with respect to the *New Cross* Turnpike Roads, be it enacted as follows:

Company to construct and maintain Parapet and Screen Walls.

XLII. That the Company shall at their own Expense, before the Opening or Use of the said Railway for Carts or Carriages of any kind, construct, erect, and for ever afterwards maintain Parapet and Screen Walls to, at, and upon both Sides of the Viaduct or Bridge whereby it is intended to carry the said Railway across the *New Cross* Turnpike Roads, and also to, at, and upon both Sides of the same Viaduct and Railway for a Distance of Fifty Feet on each Side of the said *New Cross* Turnpike Roads, measured from the Centre of the said Roads, where the same is intended to be crossed by the said Railway; such Parapet and Screen Walls to be at least Four Feet in Height, measured from the Top of the Rails of the said Railway, where the same is proposed to cross the said Turnpike Roads: Provided always, that no such Screen Wall as aforesaid shall be required beyond the Width of the said Turnpike Roads where the Fronts of the Houses on each Side of the said Railway adjoining the said Roads shall be so constructed as to form at least an equally efficient Screen to the Sides of the said Viaduct and Railway as such Screen Walls if constructed would have been.

Precautions required to be taken during the Performance of the Works on the Roads.

XLIII. That the Company shall at their own Expense do all such Things in the way of watching, lighting, and fencing, and all such other precautionary Measures during the Progress of laying down or making the Works by this Act authorized, or of performing under this Act any other Works connected with the *New Cross* Turnpike Roads, as shall be requisite for the Public Safety and Convenience and the Protection of the *New Cross* Turnpike Roads and of the Travellers thereon, and the Company shall be answerable and amenable for all Accidents and Damage happening by reason or in consequence of any of the Works of the Company.

Traffic not to be stopped during the Performance of the Works on the Road.

XLIV. That the Company shall not at any Time during the Progress of laying down or making the Works by this Act authorized, or of performing under this Act any other Works connected with the *New Cross* Turnpike Roads aforesaid, shut up or in any way impede the Public Traffic along more than One Half the Width of any of those Roads at any One and the same Time.

All Works connected with the New Cross Turnpike Roads to be under the Superintendence of the Trust Surveyor.

XLV. That all Works connected with the *New Cross* Turnpike Roads shall not be in any way commenced under this Act until the Expiration of Ten Days after Notice in Writing of the Intention to commence such Works be left at the Office of the Clerk to the Trustees of the *New Cross* Turnpike Roads, or be delivered to their Surveyor; and the opening of those Roads or any of them, for the Purpose of making such Railway and Works or any of them, and the remaking

remaking of such Roads, and all other Works of every Description connected with those Roads at any Time thereafter to be performed by or for the Company, shall be carried on and executed under the Direction and Superintendence and to the Satisfaction of the Surveyor of such Roads.

Company to make good Damage to those Roads.

XLVI. That if in making any of the Works the Company do or cause any Injury or Damage to the *New Cross* Turnpike Roads or any of them, or to any Brick or other Drain, Sewer, Cesspool, Water Channel, or other Convenience connected with those Roads or any of them, and do not forthwith proceed to repair and make good such Injury or Damage to the Satisfaction of the Surveyor, or by reason of the making of any of the Works by this Act authorized or required to be performed by the Company, any Alteration of those Roads or any of them, or of the Drains, Sewers, Cesspools, or Water Channels connected therewith, be in the Judgment of the Surveyor rendered necessary, then and in such Case the Surveyor may cause all such Repairs and Alterations to be made as he in his Discretion shall think fit, and all the Expenses of such Repairs and Alterations shall be paid by the Company to the Trustees of the *New Cross* Turnpike Roads on Demand or in default of Payment for Twenty-one Days after such Demand may be recovered by those Trustees from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

Regulating the Payment to be made for Damages done to the Roads.

XLVII. And the Company shall also pay, on Demand, to the Trustees of the *New Cross* Turnpike Roads aforesaid, such a Sum not exceeding One Shilling for every Superficial Yard of those Roads removed or disturbed by reason of the Works of the Company (and over and above all Costs of remaking or relaying those Roads, and of Repairs and Alterations incurred by those Trustees), as those Trustees deem proper to be paid for the continued Labour and Supply of Materials necessary to restore effectively those Roads, and in default of Payment for Twenty-one Days after such Demand the same may be recovered by those Trustees from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98. 3 & 4 Vict. c. 97. 5 & 6 Vict. c. 55. 7 & 8 Vict. c. 85. 9 & 10 Vict. c. 57. and 14 & 15 Vict. c. 64.

XLVIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act*

Act of the present or succeeding Sessions of Parliament in relation to Railways; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Fifteenth Year of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively.

Railway not exempt from Provisions of future General Acts.

XLIX. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the said Company, from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, or to the Conveyance of small Parcels by Railways, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or of the Rates for small Parcels.

Saving Rights of South-eastern Railway Company.

L. That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *South-eastern* Railway Company; but all their Rights, Privileges, Powers, Franchises, and Authorities, under their several Acts of Parliament and otherwise, are hereby expressly saved and reserved.

Expenses of Act.

LI. That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

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