ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. cxxxii.

An Act for making a Railway from *Strood* to *Canterbury*, with Branches to *Faversham Quays* and *Chilham*. [4th *August* 1853.]

WHEREAS the making of a Railway from the *South-eastern* Railway near *Strood*, to join the same Railway at *Canterbury*, with Branches therefrom to *Faversham Quays*, and to join the said *South-eastern* Railway at or near *Chilham*, would be of great public Advantage: And whereas a Plan and Section describing the Line and Levels of the said proposed Railway and Branch Railways, with a Book of Reference to the said Plan, containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, were deposited with the Clerk of the Peace for the County of *Kent* and also with the Clerk of the Peace for the County of the City of *Canterbury* in the Month of *November* One thousand eight hundred and fifty-two: And whereas, in pursuance of a Resolution of the House of Commons of the Third Day of *March* One thousand eight hundred and fifty-three, amended Plans

and Sections describing the Line and Levels of the said proposed Railway and Branch Railways were deposited with the respective Clerks of the Peace aforesaid in the Month of *April* One thousand eight hundred and fifty-three: And whereas it is expedient that Provision should be made for effectually securing the due Transmission of Traffic passing to or from any Part of the said Railway or Branch Railways from, to, or over any Lines or Stations belonging to the *South-eastern* Railway Company: And whereas the Persons hereinafter named, with others, are willing, at their own Expense, to carry the said proposed Undertaking into execution; but such Object 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; (that is to say,)

8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.

I. That the several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *East Kent* Railway Act, 1853."

Incorporation of Company.

III. That the Right Honourable *Thomas Pemberton Leigh*, the Right Honourable *Stephen Rumbold Lushington*, Sir *Edward Cholmley Dering*, Sir *James Law Lushington*, Sir *John Maxwell Tylden*, *Henry Plumptre Gipps*, *William Scholefield*, *David Salomons*, *Thomas Russell Crampton*, *Charles Jones Hilton*, *Charles Manners Lushington*, *John Scott*, *Henry Tootal*, *Edward Twopeny*, *Melvill Wilson*, *Henry Barnes*, *James Blaxland*, *Henry Boys*, *William Carter*, *Robert Clements*, *George Cobb*, *William Collard*, *William James Cooper*, *Thomas Sidney Cooper*, *Denne Denne*, *Francis Bradley Dyne*, *Edmund Barrell Faunce*, *William Henry Furley*, *William Hall*, *Peter Brames Hall*, *Edward Jones Hilton*, *Giles Hilton*, *Walter Holmes*, *Edward Jarman*, *James Lake*, *Robert Lake*, *William Manclark*, *Peter Martin*, the Reverend *George Bridges Moore*, *Frederick Neame*, *George Neame*, *William Henry Nicholson*, *Edward Leigh Pemberton*, *Edward Plummer*, *Stephen Plummer*, the Reverend *John Poore*, *Thomas Rammell*, *William Rigden*, *William Walter*, the Reverend *John White*, and *James Vallance*, 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,

respectively, shall be united into a Company for the Purpose of making and maintaining, and shall have Power to make and maintain, the Railway and Branch Railways defined on the Plan deposited as herein-before mentioned and herein-after more particularly described, with proper Works and Conveniences connected therewith, according to the Provisions of this Act and the Acts incorporated therewith; and for such Purpose, and other Purposes herein-after specified, shall be incorporated by the Name of "The *East Kent* Railway Company," and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

IV. That the Capital of the said Company shall be Seven hundred thousand Pounds, and the Number of Shares into which the said Capital shall be divided shall be Twenty-eight thousand, and the Amount of each Share shall be Twenty-five Pounds.

Calls.

V. That Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Ten Pounds *per* Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Three Months at the least shall be the Interval between successive Calls.

Interest or Dividends not to be paid on Calls paid up.

VI. That it shall not be lawful for the said Company, out of any Money by this Act 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 Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in the "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

VII. That it shall not be lawful for the said Company, out of any Money by this Act authorized to be raised, 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.

VIII. That it shall be lawful for the said Company to borrow on Mortgage or Bond any Sum or Sums of Money not exceeding in the whole

whole Two hundred and thirty-three thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Seven hundred thousand Pounds shall have been subscribed for, and One Half Part thereof shall have actually been paid up.

Arrears may be enforced by Appointment of Receiver.

IX. That it shall be lawful for the Holders or Holder of any Mortgage or Mortgages granted by the Company, the Principal secured by which shall not be less in the whole than Twenty thousand Pounds, to enforce the Payment of such Principal or any Arrears of Interest due thereon by the Appointment of a Receiver.

Money raised to be applied to Purposes of this Act.

X. That all Monies raised by Shares or borrowing under the Powers of this Act shall be applied only to the Purposes by this Act authorized.

Number and Qualification of Directors.

XI. That after the First General Meeting of the Company, and subject to the Provisions herein-after contained, the Number of Directors of the said Company shall be Twelve, and the Qualification of a Director shall be the Possession of Forty Shares in the Undertaking.

Quorum of Directors.

XII. That the Quorum of a Meeting of Directors shall be Five.

First Directors of the Company.

XIII. That, until such First Meeting of the Company as aforesaid, *David Salomons*, *Thomas Russell Crampton*, *Charles Jones Hilton*, the Right Honourable *Stephen Rumbold Lushington*, *Charles Manners Lushington*, *John Scott*, *William Scholefield*, *Henry Tootal*, *Edward Twopeny*, Sir *John Maxwell Tylden* Knight, *Melvill Wilson*, and any other Person duly qualified who shall be named by them as a Director, shall be the First Directors of the Company.

Term of their Office and Election of Successors.

XIV. That the Directors herein-before appointed 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 all or any of the Directors appointed by this Act, or may elect any new Director or Directors to make up the full Number of which the Board of Directors is to consist; and at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of such of the Directors as shall then, in accordance with the Provisions contained in "The Companies Clauses Consolidation Act, 1845," retire from Office; and the several Persons elected at any such Meeting, being neither removed or disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, as in the last-mentioned Act is provided.

XV. That

Power to vary the Number of Directors.

XV. That it shall be lawful for the Company, by the Vote of any General or Special General Meeting, from Time to Time to increase or reduce the Number of Directors for the Time being, but so that the Number of Directors shall at no Time be greater than Sixteen nor less than Eight.

Newspapers for Advertisements.

XVI. That all Advertisements relating to the Affairs of the Company shall be inserted in at least One Paper published in the County of *Kent*.

Money payable to Persons under Disability.

XVII. That if any Money be payable to any Shareholder being a Minor, Idiot, Lunatic, or Person non compos mentis, the Receipt of the Guardian of such Minor, or of the Committee of such Idiot, or Lunatic, or Person non compos mentis, shall be a sufficient Discharge to the Company for the same.

Amended Plans and Sections to be retained by Clerks of the Peace.

XVIII. That the Plans and Sections so deposited with the respective Clerks of the Peace for the County of *Kent* and the County of the City of *Canterbury* as aforesaid shall be retained by them, and all the Provisions of the Public General Act of the First Year of the Reign of Her present Majesty, Chapter 83, shall extend and apply to those Plans and Sections.

Works to be executed according to deposited Plans.

XIX. That, subject to the Provisions of this Act and the Acts therein recited, the Railway and Branch Railways by this Act authorized, shall be made in the Line and according to the Levels delineated upon the Plans and Sections deposited in the Month of *April* One thousand eight hundred and fifty-three as aforesaid, and upon the Lands delineated on those Plans, and described in the Books of Reference deposited as aforesaid, and it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes of the said Undertaking.

Lines of Railway.

XX. That the Railway and Branch Railways by this Act authorized are as follows; (that is to say,)

A Railway commencing by a Junction with the *North Kent* Line of the *South-eastern* Railway Company at a Point in the Parish of *Frindsbury* in the County of *Kent*, and terminating by a Junction with the *Canterbury, Ramsgate, and Margate* Line of the *South-eastern* Railway Company, in the Parish of *Saint Dunstan* in the City of *Canterbury*:

A Branch Railway diverging out of the Line of the said proposed Railway in the Parish of *Preston next Faversham* in the County of *Kent*, and terminating in the Parish of *Faversham* in the same County:

Another Branch Railway diverging out of the said first-mentioned intended Line of Railway in the Parish of *Chartham* in the said County of *Kent*, and terminating by a Junction with the said *Canterbury, Ramsgate and Margate* Line of the *South-eastern* Railway Company, in the Parish of *Chilham* in the same County.

Power to cross certain Roads on a Level.

XXI. That, subject to the Provisions in the "Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on the Level, it shall be lawful for the Company to carry the said Railway and Branch Railways on the Level across the several Roads numbered on the said deposited Plan as follows:

No. on Plan.	Parish.	Description of Road.
	ON THE MAIN LINE.	
20	Gillingham - - - -	Public Road.
26, 3	Gillingham and in Chapelry of Grange -	Do.
39	Gillingham - - - -	Do.
8	Rainham - - - - -	Do.
17	Rainham - - - - -	Do.
11	Milton next Sittingbourne - - -	Do.
16, 8	Murston and Bapchild - - -	Do.
10	Tonge - - - - -	Do.
15	Tonge - - - - -	Do.
1	Teynham - - - - -	Do.
4	Buckland - - - - -	Do.
3, 3	Luddenham and Buckland - -	Do.
16	Stone - - - - -	Do.
39	Faversham - - - -	Do.
55, 2	Faversham and Preston next Faversham -	Public Street.
11	Boughton under Blean - - -	Public Road.
33	Chartham - - - - -	Do.
42	Chartham - - - - -	Do.

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

XXII. That, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Point where the said Railway shall cross the before-mentioned Roads or either of them 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, herein-after called the Board of Trade; and if the said Company shall fail to erect or at all Times to maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such

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.

XXIII. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the 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 said Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade best adapted for removing or diminishing the Danger arising from any such level Crossing.

As to the Construction of the Tunnel at Fort Pitt.

XXIV. That the Tunnel proposed to be constructed to the Eastward of *Fort Pitt* shall be extended for a Distance of Two hundred and sixty Yards to the Westward of the West Mouth of the Tunnel instead of the open Cutting under the *Horn Work* of *Fort Pitt* as shown on the said Plans and Sections, and that the said Tunnel shall be extended for a Distance of Forty-four Yards to the Eastward of the East Mouth of the said Tunnel, instead of the open Cutting at present shown on the said Plans and Sections, and that such Tunnel shall be made and constructed under the Directions of the Commanding Royal Engineer for the Time being of the District, and to the Satisfaction of the Master General and Principal Officers of Her Majesty's Ordnance, at the Costs and Charges of the said Company.

Company to erect a Wall near the Wesleyan Chapel in the Parish of Saint Margaret Rochester.

XXV. That in constructing the Railway through the Property numbered 29 and 31 on the said Plans, in the Parish of *Saint Margaret Rochester*, belonging to or claimed as belonging to the Trustees of the Wesleyan Methodist (*Bethel*) Chapel, the Company shall erect on the Top of the North Side of the Cutting there a Wall Ten Feet high, and not less than Fourteen Inches thick, and such Wall shall continue from the Western Entrance of the Tunnel mentioned in the last Provision to the Distance of Fifty-four Yards.

As to Fortifications at Chatham.

XXVI. And whereas in consequence of the Construction of the said intended Railway certain Works or Alterations may be required to place the Fortifications at *Chatham* in their present State of defensive Power: Be it therefore enacted, That the said Company, when called upon by the said Master General, shall lay out and expend any Sum

or

or Sums of Money not exceeding in the whole the Sum of One thousand two hundred Pounds in such Works or Alterations under the Directions of the said Commanding Royal Engineer: Provided always, that the said Company shall not be liable to pay or expend any Portion of the said Sum of One thousand two hundred Pounds, unless they are called upon to do so within Two Years after the Completion of that Portion of the said Railway which is intended to pass through or near to the said Fortifications.

No Buildings to be erected on the Ordnance Property without Consent.

XXVII That nothing contained in this Act shall extend to authorize the Company to construct any Erection or Building above the Surface of any Ground belonging to Her Majesty, and under the Charge of the said Board of Ordnance, without the Consent of the Principal Officers of Her Majesty's Ordnance or their Successors, signified in Writing under the Hand of the Secretary of the said Principal Officers for the Time being.

Regulating Construction of Bridge.

XXVIII. That the Bridge for carrying the said Railway across the River *Medway* shall be commenced by the Abutments and Navigation Cut on the *Strood* Shore, and such Bridge shall be carried parallel with and close to the Roadway Bridge now in course of Construction by the Wardens of *Rochester* Bridge, and the Abutments, Piers, and Spans of such Bridge for the said Railway shall be constructed identical in Form and Dimensions, and immediately opposite or in continuation with the Abutments, Piers, and Spans of the said Road Bridge, and that the said Navigation Cut, its Invert and Opening Bridge, shall be similar to and in the same Line as the Cut, Invert, and Opening in the said Roadway Bridge; and if at any Time or Times hereafter any Question should arise in respect to the said Railway Bridge, Sir *William Cubitt*, or the Consulting Engineer for the Time being of the said Roadway Bridge, shall decide the same, but such Decision shall not be final or binding upon the several Parties interested, except and until the same be approved of by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, by Writing under the Hand of the Secretary of the Admiralty.

Lights to be exhibited during Construction of Bridge.

XXIX. That during the Construction of the said Railway Bridge, and Works connected therewith, the said Company shall cause to be hung out or exhibited, every Night from Sunset to Sunrise, a Light to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and for ever after the Completion of the said Bridge the said Company shall cause to be hung out or exhibited at or upon the Opening Span of the said Bridge, every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation

gation and safe Guidance of Vessels, and which Lights, during and after the Completion of the said Bridge, and their Positions, shall be from Time to Time altered by the said Company, in such Manner, and be of such Description and be so used, as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the said Company shall neglect to exhibit and keep either or any of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Foundations for Opening Passage in Bridge at Strood to be completed in 12 Months, and the Foundations of Bridge itself in 18 Months.

XXX. That the Foundations for the Invert Arch and the Abutments of the said Navigation Cut and Opening or Swing Bridge so to be constructed by the said Company shall be completed within Twelve Months from and after the passing of this Act, and that the Foundations for the Piers and Abutments of the said Railway Bridge or Viaduct shall be completed by the said Company, up to Low-water Mark of ordinary Neap Tides in the said River, within One Year and Six Months from and after the passing of this Act: Provided always, that in the event of the Completion of the said last-mentioned Works respectively being delayed beyond the said respective Periods of Twelve and Eighteen Months, the said Company shall forfeit and pay a Penalty of Ten Pounds *per* Day for every Day during which the Completion of such Works shall be so delayed, such Penalty to be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Admiralty to establish Regulations for opening and closing Swingbridge.

XXXI. That it shall be lawful for the said Lord High Admiral or the said Lords Commissioners for the Time being, if he or they shall think fit, to establish and fix at any Time, and from Time to Time, in Writing under the Hand of the Secretary of the Admiralty, such Rules and Regulations as he or they may think necessary respecting the opening the Swingbridge or Drawbridge for the Passage of such Vessels through such Navigation Cut as aforesaid, and the closing the same; and the Expense attending such opening and closing of such Swingbridge or Drawbridge shall in all Cases be from Time to Time defrayed by the said Company; and the said Company or any Person infringing all or any of such Rules and Regulations, shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Admiralty may allow Variations in Plan.

XXXII. Provided always, That after the Consent and Approbation of the Lord High Admiral or the said Lords Commissioners for executing the Office of Lord High Admiral for the Time being shall have been obtained to the Construction of any of the Works hereby authorized or directed to be constructed, it shall be lawful for the said Lord High Admiral or the said Lord Commissioner for the Time

Time being (at the Request of the said Company and the Wardens and Assistants of *Rochester* Bridge for the Time being), if he or they shall think fit so to do, from Time to Time to consent to and approve of any Variation in the Construction of the said Works, and any Extension of the Time for executing the same, as he or they may think proper, provided that every such Consent and Approbation be testified in like Manner as is herein-before required respecting the giving or expressing such previous Consent and Approbation.

Company not to detain Vessels.

XXXIII. That it shall not be lawful for the Company, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating the River *Medway* for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway and approaching the said Bridge to cross the said River *Medway*, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Company, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat, contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, the said Company, or every Person so offending, shall in every such Case forfeit and pay the Sum of Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Admiralty may order local Survey at Expense of Company.

XXXIV. That if at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal Water or navigable River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

If Works affecting tidal Waters are abandoned, Admiralty may remove same.

XXXV. That if any Bridge or Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of the Bridge or Work which affects any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and

the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Provision as to crossing the River Stour.

XXXVI. That as regards the crossing of the River *Stour* within the Limits of the Commission of Sewers in the Eastern Parts of the County of *Kent*, in the event of the said Railway crossing the same, all Embankments to be made within such Limits by which the River *Stour* or any Part thereof, or any Sewer or any Part thereof, shall be liable to be affected, and all Arches and Bridges to be made over the said River *Stour* and over every Sewer within the said Limits, and every Sewer to be made to carry the Water from the Ditches to be formed on the Sides of the said Railway into the River *Stour*, or into any of the Sewers leading thereto, shall be made and constructed to the Satisfaction of the Commissioners of Sewers acting for the several Limits in the Eastern Parts of the County of *Kent*, and under the Inspection and to the Satisfaction of the Engineer or Surveyor for the Time being of the said Commissioners, and so as not to injure or obstruct the free Passage of the Water in the said River *Stour* and in the said Sewers or any of them: Provided always, that nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the said Company, in making and constructing or maintaining the said Railway, to alter the Course or Direction of the Main River *Stour*, or of any Sewer within the said Limits, without the Consent of the Commissioners of Sewers for the Limits aforesaid first had and obtained at any General or Special Meeting of the said Commissioners.

For preserving the Rights of the Commissioners of Sewers for Kent.

XXXVII. That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Commissioners of Sewers for the several Limits in the County of *Kent*, by virtue of the general Laws relating to Sewers, but that such Rights, Privileges, Powers, and Authorities of the said Commissioners of Sewers shall remain, continue, and be in full Force and Effect.

Railway not to be constructed nearer a certain Mill than the Line laid down in Plan.

XXXVIII. That in the Construction of the said Railway through or over the Property of *Edward Smith*, situate at or near *Sittingbourne*, the same shall not be constructed so as to approach nearer to the Mill and Premises of the said *Edward Smith* than the Centre Line shown on the said deposited Plans, without the Consent in Writing of the said *Edward Smith*, his Executors, Administrators, or Assigns, first had and obtained.

Power to use Lines of the South-eastern Railway Company.

XXXIX. That the Company may use and run over with their Engines and Carriages those Portions of the existing Lines of Railway belonging to the said *South-eastern* Railway Company which are situate

situate between the respective Points of Junction therewith of the Line by this Act authorized and the Stations of the said *South-eastern* Railway Company, called the *Canterbury* and *Strood* Stations respectively, and may also use and run over as aforesaid so much of the Line of the said *South-eastern* Railway Company West of the Point of Junction near *Strood* as may be necessary for the Purpose of enabling such Engines and Carriages conveniently to pass to the said *Strood* Station; and may also use the said last-mentioned Stations, and the Watering Places, Sidings, Platforms, Booking and other Offices, Buildings, and other Conveniences and Accommodations belonging to or connected therewith, on such Terms and Conditions and upon Payment of such Tolls or other Charges as may from Time to Time be agreed upon between the Company and the *South-eastern* Railway Company, or in case they shall not agree thereon, then upon such Terms and Conditions, and upon Payment of such Tolls or other Charges, as shall be fixed, at the Costs of the Company, by the Board of Trade, or by an Arbitrator to be appointed by that Board on the Application of either of the said Companies, the Costs of the Reference to such Arbitrator being paid by both or either of the said Companies in the Proportions which may be settled by such Arbitrator.

Power to Company to use Passenger Station contemplated to be erected by South-eastern Railway Company in the event of a certain Bill passing this Session.

XL. And whereas a Bill is now pending before Parliament for enabling the *South-eastern* Railway Company to make a Railway from *Strood* to *Maidstone*, the Line of which proposed Railway has been laid down for a Distance of Five hundred and ten Yards or thereabouts from the Commencement thereof at *Strood*, in the same Direction as the Line of the *East Kent* Railway: And whereas the *South-eastern* Railway Company propose to make a Passenger Station at the Point where the Line of Railway proposed by them falls into the Line by this Act authorized, and are willing to give to the Company the Use of such Station, and of the Line of the said *Strood and Maidstone* Railway proposed by the said pending Bill, from such Point of Junction to the present *Strood* Station of the *South-eastern* Railway Company, on fair and equitable Terms: Be it therefore enacted, That if the said pending Bill shall pass into a Law in the present Session of Parliament, the Company shall be entitled to the Use of the Passenger Station proposed to be made as aforesaid, and of the Line of Railway proposed by such Bill from the said Station to the present Station at *Strood* of the *South-eastern* Railway Company; and the Powers of this Act with regard to the Purchase of Lands and the making of a Railway from the Point where the *East Kent* Railway, as shown on the Plans deposited as aforesaid, would fall into and become identical with the said proposed *Strood and Maidstone* Railway to the Terminus of the *East Kent* Railway at *Strood* shall not be exercised except in the Events or any of them next herein-after mentioned: Provided always, that if the *South-eastern* Railway

Railway Company shall fail to purchase the Lands necessary for the Construction of the Station proposed by them as aforesaid, and for the Construction of the Line of Railway from thence to the present *Strood* Station of the said last-mentioned Company at *Strood* within Twelve Months from the passing of the said pending Bill, or shall fail to complete such Station and such last-mentioned Portion of Railway within Two Years from the passing of this Act, then and in either of such Cases the Powers of this Act in relation to the Formation of the *East Kent* Railway to its proposed Terminus at *Strood*, as defined on the Plans deposited as aforesaid, and in relation to the Purchase of the Lands necessary for the Purposes thereof, shall revive and be in full Force.

Differences between the Two Companies as to Points or Mode of Junction to be settled by Board of Trade.

XLI. That if any Difference shall arise between the Company and the *South-eastern* Railway Company as to the Point or Points or Mode of Junction between the Railway by this Act authorized and the Railway from *Strood* to *Maidstone* proposed by the said pending Bill, or as to the Number of such Junctions, or as to the Terms and Conditions upon which the said proposed Station and said proposed Line from thence to the present *Strood* Station shall be used by the Company, the same shall be settled by the Board of Trade, or by an Arbitrator to be appointed by them, on the Application of either of the Companies, at the Cost of both or either of the said Companies, in such Proportions as the said Board or Arbitrator may direct, it being the Intent and Meaning of this Act that the Junctions between the said Railways shall be such as to provide in the most convenient Manner for the uninterrupted Passage of Trains from one to the other.

To facilitate the Transmission of Traffic to or from the Railway and the South-eastern Railway.

XLII. That in order to facilitate as far as may be practicable the Transmission of Traffic coming to or from the Line of Railway by this Act authorized from or to any Place or Places on the Line or Lines of Railway belonging to the *South-eastern* Railway Company, and to provide against any undue Interruption or Delay in the Passage of such Traffic to its Destination, the *South-eastern* Railway Company shall and they are hereby required to afford at all Times such reasonable and proper Facilities and Accommodation upon the Lines of Railway, and at the several Stations belonging to them, and to perform such Services in the Transmission of such Traffic upon the said last-mentioned Lines as shall effectually secure the Objects last aforesaid; and the said last-mentioned Company shall make such Arrangements for the Booking at their several Stations of all Descriptions of Traffic which may be offered thereat for Transmission over any of the Lines belonging to them as aforesaid, or any Part thereof, to any Part of the Line by this Act authorized, as shall be necessary for the Convenience of such Traffic, and for the due and punctual

Transmission thereof, and shall account from Time to Time to the Company for such Proportion of the Sums received by them at their said Stations in respect of such Traffic as the Company may be entitled to receive in respect of the Passage of such Traffic over the Line by this Act authorized or any Part thereof; and the said *South-eastern* Railway Company shall also, if required by the Company, carry on such Traffic as last aforesaid in Carriages and Trucks belonging to or to be supplied by the Company, so that no Change of Carriage shall be required in the Transmission of any Traffic to or from any Part of the Line by this Act authorized from or to any Part of the Lines belonging to the said *South-eastern* Railway Company; and the Rates of Charge at which the said several Services shall be performed and Accommodation afforded by the said *South-eastern* Railway Company, as well as the Nature and Extent and Mode of Performance of such Services, and the Nature and Extent of the Accommodation to be afforded by them as aforesaid, and all Matters of Detail and Arrangement connected therewith, shall in case of Difference at any Time between the said *South-eastern* Railway Company and the Company by this Act incorporated, in reference to the Matters aforesaid or any of them, be settled, at the Costs of the Company, by the Board of Trade, or by an Arbitrator to be appointed by that Board; and that Board shall have Power to affix from Time to Time such Penalties (not exceeding One hundred Pounds for any One Offence) for the Nonperformance or Nonobservance of any Rules or Regulations which they may require to be adopted by both or either of the said Companies for giving effect to the Provisions herein-before contained as to them may seem meet, and such Penalties may be recovered as any other Penalties may be recovered under the Provisions of "The Railways Clauses Consolidation Act, 1845," it being the true Intent and Meaning of this Act that the Traffic passing from or intended to pass to any Part of the Line by this Act authorized to or from the Lines or Stations of the *South-eastern* Railway Company or any of them, shall be accommodated by the last-mentioned Company, and transmitted upon their Railway with all such and the same Facilities as they would or might afford to such Traffic if intended to pass exclusively on the Lines belonging to them.

Contracts may be made between the Companies for using Lines.

XLIII. That the Company and the *South-eastern* Railway Company, and the Directors of those Companies respectively, may from Time to Time enter into and carry into effect such Contracts and Agreements with reference to the Use by the Company of the Lines, Stations, Works, and Conveniences of the *South-eastern* Railway Company as aforesaid, or with reference to the Use by the said *South-eastern* Railway Company of the Railway, Branch Railways, and Works by this Act authorized, or any of them, as they may respectively deem advisable.

XLIV. Pro-

Agreements not to affect Third Parties.

XLIV. Provided always, That no such Contract or Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the respective Parties to such Agreement shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract or Agreement, be entitled to the Use and Benefit of the Railways affected by such Agreement upon the same Terms and Conditions, and on Payment of the same Tolls, as they would have been in case no such Contract or Agreement had been entered into.

As to Communications with Lines of South-eastern Railway Company.

XLV. That all Communications between the Railways by this Act authorized to be made and any Line of the *South-eastern* Railway Company, and all Openings in the Ledges or Flanches of any such Line which may be necessary or convenient for effecting any such Communication, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *South-eastern* Railway Company, or in case they shall have no Engineer for the Time being, or such Engineer and the Engineer of the Company for the Time being cannot agree as to the Mode of constructing any such Communication or Opening, then such Communication or Opening shall be made in such Manner as shall be directed by any Engineer to be appointed for that Purpose by the Board of Trade, and the Remuneration of the Engineer so appointed shall be paid by the Company.

Land for extraordinary Purposes.

XLVI. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Thirty-five Acres.

Limiting Time for compulsory Purchase of Lands.

XLVII. That 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.

Limiting Time for Exercise of other Powers.

XLVIII. That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making the Railways hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Works below High-water Mark not to be executed without the Consent of the Commissioners of Woods, &c.

XLIX. That, notwithstanding anything herein-before contained, the Company shall not execute any of the Works herein-before mentioned upon or otherwise interfere with any Part of the Bed or Shores of the River *Medway*, or any other navigable River below High-water Mark, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose,

pose, and which such Commissioners or Commissioner are and is hereby empowered to give, upon Payment of such Compensation in Money, or upon such other Terms and Conditions as they or he shall think fit.

Security for Completion of Railway within Time limited.

L. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter 20, a Sum of Fifty thousand five hundred and fifty 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 Fifty thousand five hundred and fifty 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 herein-after 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 Fifty thousand five hundred and fifty Pounds shall have been executed by the said Company with One or more Surety or 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

Her Heirs or Successors, of the said Sum of Fifty thousand five hundred and fifty 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, or if, previously to the Expiration of the Period aforesaid, the Company shall either have opened the Railway for the public Conveyance of Passengers, or shall have given such Proof as aforesaid, then and in either of the Three Cases aforesaid, 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, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having been 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 Lords 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.

Power to take Tolls.

LI. That it shall be lawful for the Company to demand any Tolls for the Use of the said Railway and Branches authorized by this Act, not exceeding the following; (that is to say,)

Tonnage on Goods, &c.

In respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, and included within the following Classes:

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

Class 2. For all Coal, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, dressed Bricks, Tiles, Slates,

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

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, 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 One Halfpenny; 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 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 Halfpenny; and if propelled by an Engine belonging to 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 Fourpence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny Halfpenny, and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny Halfpenny, and the Sum of One Penny *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 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 Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton:

Tolls for Animals, &c.

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

Class 6. For every Horse, Mule, or Ass, *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;

Penny; and if such Carriage be propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny:

Class 7. For every Ox, Cow, Bull, or Neat Cattle, *per* Mile not exceeding One Penny Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if in a Carriage propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Farthing:

Class 8. For every Calf or Pig, *per* Mile not exceeding One Halfpenny; and if conveyed 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, a further Sum *per* Mile not exceeding One Farthing:

Class 9. For every Sheep, Lamb, or other small Animal, *per* Mile not exceeding One Farthing; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if in a Carriage propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Farthing:

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

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

Regulation respecting Tolls.

LII. 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 said Railway and Branches for a less Distance than Six Miles, the Company may demand Tolls and Charges as for Six Miles:

For a Fraction of a Mile beyond Six Miles or beyond any greater Number of Miles, 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 if 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

Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

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

For the Carriage of small Parcels the Company may demand for Parcels not exceeding Seven Pounds Weight, any Sum not exceeding Fourpence:

For Parcels exceeding Seven Pounds and not exceeding Fourteen Pounds, any Sum not exceeding Eightpence:

For Parcels exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds, any Sum not exceeding One Shilling and Fourpence:

For Parcels exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds, any Sum not exceeding Two Shillings:

And for Parcels exceeding Fifty-six Pounds and less than Five hundred Pounds, the Company may demand any Sum which they may think fit: Provided always, that Articles 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 or 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 which shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per* Ton *per* Mile; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Fourpence *per* Ton *per* Mile:

For the Carriage of any 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 such Sum as they shall think fit.

Passengers Luggage.

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

Maximum Tolls for Passengers.

LV. That the maximum Rates of Charges to be made by the Company for the Conveyance of Passengers upon the said Railway and Branches,

Branches, 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 Passenger 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, the Sum of One Penny *per* Mile:

Provided always, that if any Passenger be conveyed for a less Distance than Six Miles, it shall be lawful for the Company to demand and receive Tolls as for Six Miles, and any Fraction of a Mile beyond Six Miles or beyond any integral Number of Miles shall be deemed a Mile.

Maximum Tolls for Goods.

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

For the Matters herein-before mentioned in Class 1, not exceeding One Penny Halfpenny *per* Ton *per* Mile:

For the Matters mentioned in Class 2, not exceeding Twopence *per* Ton *per* Mile:

For the Matters mentioned in Class 3, not exceeding Threepence *per* Ton *per* Mile:

For the Matters mentioned in Class 4, not exceeding Fourpence *per* Ton *per* Mile:

For any Carriage mentioned in Class 5, 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 above One Ton:

For every Animal mentioned in Class 6, not exceeding Fivepence *per* Mile:

For every Animal mentioned in Class 7, not exceeding Twopence *per* Mile:

For every Animal mentioned in Class 8, not exceeding Three Farthings *per* Mile:

For every Animal mentioned in Class 9, not exceeding One Halfpenny *per* Mile.

Special Trains.

LVII. That the Restriction as to Charge to be made for Passengers shall not extend to any Special or Extra Trains that may be required to be run upon the said Railway and Branches, but shall apply only

to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the said Railway and Branches.

Company may take increased Charges by Agreement.

LVIII. That nothing in this Act contained shall be held to prevent the Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners 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 Company in relation thereto.

Expenses of Act.

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

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.

LX. 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 present Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her present 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 of the present or succeeding Sessions of Parliament, and for other Purposes 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 present 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 and Branches or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Branches and Company so far as the same shall be applicable thereto.

Railway to be subject to Provisions of future General Acts.

LXI. That nothing herein contained shall be deemed or construed to exempt the Railway and Branches by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, 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

maximum Rates of Fares and Charges, or of the Tolls for small Parcels, authorized by this Act.

Provision as to the Rights of the Crown.

LXII. That nothing whatsoever contained in this Act, or in any of the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or but for the Provisions of the same Act or Acts might have been vested in or enjoyed by Her Majesty, Her Heirs or Successors.

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