ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. lxxxvii.

An Act for making a Railway from *Herne Bay* to a Junction with the *Canterbury and Whitstable* Railway, to be called "The *Herne Bay and Canterbury Junction* Railway." [2d *July* 1847.]

WHEREAS the making of a Railway from the Town of *Herne Bay* in the Parish of *Herne* in the County of *Kent* to a Junction with the Line of the *Canterbury and Whitstable* Railway in the Parish of *Whitstable* in the same County would be attended with much local and public Advantage: And whereas the Persons hereafter named, with others, are willing at their own Expence to carry such Undertaking into execution; but the same cannot be effected without the Authority of Parliament: And whereas Three several Acts were passed in the Session of Parliament 1845, called respectively "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845:" 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 Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several

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

Acts of Parliament, (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, save as to such of the Provisions thereof respectively (if any) as may be modified by or inconsistent with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Pleadings, it shall be sufficient to use the Expression "The *Herne Bay and Canterbury Junction* Railway Act, 1847."

Subscribers incorporated.

III. And be it enacted, That *William Sykes*, *Frederick William Crosthwaite*, *George Burge*, *Lewis Pocock*, *William Bridges*, 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 from the Town of *Herne Bay* in the Parish of *Herne* in the County of *Kent* to a Junction with the Line of the *Canterbury and Whitstable* Railway at or near *Broad Street* otherwise *South Street* in the Parish of *Whitstable* in the said County of *Kent*, with proper Works and Conveniences belonging thereto, 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 *Herne Bay and Canterbury Junction* 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 Purposes of the Undertaking within the Restrictions herein and in recited Acts contained.

Capital.

IV. And be it enacted, That the Capital of the Company shall be Thirty thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital invested shall be divided shall be One thousand and two hundred, and the Amount of each Share shall be Twenty-five Pounds.

Calls.

VI. And be it enacted, That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls.

Interest not to be paid on Calls paid up.

VII. And be it enacted, 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 to any Shareholder on the Amount of the 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-before contained shall be deemed to prevent the said Company from paying

to

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 in the "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

VIII. And be it enacted 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 Purposes 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. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of Ten thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Thirty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Arrears may be enforced by Appointment of a Receiver.

X. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Three thousand Pounds in the whole.

As to voting.

XI. And be it enacted, That the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,) not exceeding Ten Shares, One Vote for every such Share; for more than Ten Shares, One Vote for every Five additional Shares beyond Ten Shares.

Number and Qualification of Directors.

XII. And be it enacted, That the Number of Directors shall be Five, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Power to vary the Number of Directors.

XIII. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Ten, and that the reduced Number be not less than Four.

First Directors.

XIV. And be it enacted, That *Lewis Pocock*, *George Burge*, *Caleb Norris*, *William Bridges*, and *John Burge* shall be the first Directors of the Company.

Election of future Directors.

XV. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held in the Year next after the passing of this Act, and at such Meeting the

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

Quorum.

XVI. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committee of Directors.

XVII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three, and the Quorum of such Committee shall be Three.

First Ordinary Meeting.

XVIII. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act.

Power to make Railway according to deposited Plans.

XIX. And whereas Plans and Sections of the said Line of Railway showing the Line and Levels thereof respectively, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same respectively is intended to pass, have been deposited with the Clerk of the Peace of the County of *Kent*; be it enacted, That, subject to the Provisions of this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railway and Works in the Line and upon the Lands delineated in the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Line of Railway.

XX. And be it enacted, That the Main Line of Railway shall commence in or near a Garden or Plot of Ground at *Herne Bay* in the Town of *Herne Bay* and Parish of *Herne* in the County of *Kent*, and numbered 1 in the same Parish of *Herne* on the Plans herein-before referred to, and will pass from thence in, to, or into the several Parishes, Townships, Hamlets, and extra-parochial and other Places herein-after enumerated and set forth; (that is to say,) *Herne Bay*, *Herne*, *Swalecliffe*, and *Whitstable*, all in the County of *Kent*, and shall terminate by a Junction with the Line of the *Canterbury and Whitstable* Railway at or near *Broad Street* otherwise *South Street* in the Parish of *Whitstable* in the said County of *Kent* at or upon the Plot of Ground numbered 30 in the same Parish of *Whitstable* in the said Plans herein-before mentioned.

Not to take the Lands, &c. of J. Barrett, Esq., without Consent.

XXI. And be it enacted, That nothing in this Act contained shall authorize or enable the Company hereby incorporated to take or enter upon any of the Lands or Ground belonging to *Joshua Barrett* Esquire in the Parish of *Herne*, and numbered 9 on the Plan, without the Consent in Writing of the said *Joshua Barrett* for that Purpose first had and obtained.

XXII. And

As to Communication with other Railway.

XXII. And be it enacted, That all Communications between the Railway hereby authorized to be made and the *Canterbury and Whitstable* Railway, and all such Openings in the Ledges or Flanches of the said last-mentioned Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineers for the Time being of the said *Canterbury and Whitstable* Railway Company, or of their Lessee or Lessees.

Not to take the Lands, &c. belonging to the Canterbury and Whitstable Railway Company without Consent.

XXIII. And be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands or Grounds belonging to the *Canterbury and Whitstable* Railway Company, or to alter, vary, or interfere with the said *Canterbury and Whitstable* Railway, or any of the Works thereof, or any Land which the *Canterbury and Whitstable* Railway Company may have a Right to purchase, further or otherwise than is hereby expressly authorized, without the respective Consent in Writing of the *Canterbury and Whitstable* Railway Company, and of the *South-eastern* Railway Company, or other the Lessees for the Time being of the *Canterbury and Whitstable* Railway, in every Instance for that Purpose first had and obtained.

As to level Crossings.

XXIV. And be it enacted, That, subject to the Provisions contained in the said Railway Clauses Consolidation Act with reference to the crossing of Roads on a Level, it shall be lawful for the Company in the Construction of the Railways and Works by this Act authorized to be made to carry the same across the several Highways herein-after mentioned on the Level thereof; (that is to say,) in the Parish of *Herne*, Numbers 17*a*, 23, 26, and 46 respectively, and in the Parish of *Whitstable*, Numbers 4 and 27 respectively, in the Plans herein-before mentioned.

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

XXV. And be it enacted, 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 Commissioners of Railways; 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.

Lands for extraordinary Purposes.

XXVI. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Twenty Acres.

Powers for purchasing Lands limited.

XXVII. And be it enacted, 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.

Period for Completio of Works.

XXVIII. And be it enacted, That the Railway and Works hereby authorized shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this or 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 said Railway as shall then be completed.

Maximum Rates of Charge upon the Railway.

XXIX. And be it enacted, That it shall not be lawful for the said Company after the passing of this Act to demand or receive for the Conveyance of Passengers, Animals, or Goods upon the Railway by this Act authorized any greater Sum for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance, except for loading and unloading, Goods, than the following; (that is to say,)

For every Passenger conveyed in a First-class Carriage by any Express Train, the Sum of Two-pence Three Farthings *per* Mile:

For every Passenger conveyed in a First-class Carriage by any ordinary Train, the Sum of Two-pence One Farthing *per* Mile:

For every Passenger conveyed in a Second-class Carriage by any ordinary Train, the Sum of One Penny and Two Third Parts of a Penny *per* Mile:

For every Passenger conveyed in a Third-class Carriage by any ordinary Train, the Sum of One Penny *per* Mile:

For every Horse, Mule, or Ass, *per* Mile Five-pence:

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile One Penny Halfpenny:

For every Calf or Pig, *per* Mile One Penny:

For every Sheep, Lamb, or other small Animal, *per* Mile One Farthing:

For every Four-wheeled Carriage, *per* Mile Five-pence Farthing:

For every Two-wheeled Carriage, *per* Mile Four-pence Farthing:

For First-class Goods, described in the Schedule (A.) hereunto annexed, *per* Ton *per* Mile Two-pence:

For Second-class Goods, described in such Schedule, *per* Ton *per* Mile Three-pence:

For Third-class Goods, described in such Schedule, *per* Ton *per* Mile Four-pence:

For Fourth-class Goods, described in such Schedule, *per* Ton *per* Mile Five-pence:

For Fifth-class Goods, described in such Schedule, *per* Ton *per* Mile Sixpence:

Provided always, that it shall be lawful for the said Company to add the Sum of One Penny to the Charge to be made for the Conveyance of any Passenger by a First or Second Class Carriage, according to the aforesaid Rates, for a Distance of less than Twenty Miles.

Charges for short Distances.

XXX. Provided always, and be it enacted, That in respect of any of the Persons, Animals, Articles, or Things herein-before mentioned or

or specified in the Schedule to this Act annexed which shall be conveyed upon the said Railway for a less Distance than Six Miles, it shall be lawful for the Company to demand the aforesaid Charges as for Six Miles.

Tolls for small Packages.

XXXI. And with respect to small Packages, (that is to say,) Packages not exceeding One hundred and twelve Pounds Weight each, be it enacted, That it shall not be lawful for the Company to demand or receive a greater Sum for the Conveyance of the same upon the Railway by this Act authorized than the respective Sums specified in the Schedule (B.) to this Act annexed.

Restriction as to Charges not to apply to Special Trains.

XXXII. Provided always, and be it enacted, 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 be run upon the said Railways, 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 Railways.

Company may take increased Charges by Agreement.

XXXIII. Provided further, and be it enacted, 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 thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Passengers Luggage.

XXXIV. And be it enacted, That every Passenger travelling upon the Railway 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 Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Power to lease the Railway.

XXXV. That it shall be lawful for the Company hereby incorporated, by and with the Authority of Three Fifths of the Votes of the Proprietors who may be present, either personally or by Proxy, at some General Meeting of the Company specially convened for the Purpose, to let on Lease the Railway and Works hereby authorized to be made, or any Part or Parts thereof respectively, after the Completion thereof, to the *Canterbury and Whitstable* Railway Company, or to the *South-eastern* Railway Company, for such Term or Terms of Years, at such Rent or Rents, and on such Conditions, as may be mutually agreed on.

Power to sell the Railway.

XXXVI. That it shall also be lawful for the Company hereby incorporated, after the Completion of the said Railway, by and with the like Authority of the Proprietors therein, to sell and transfer to the said *Canterbury and Whitstable* Railway Company, or to the *South-eastern* Railway Company, or either of them, the Railway and Works by this Act authorized to be made, or any Part thereof respectively, or any Share or Interest therein, together with all or any of their Powers, Rights, and Privileges in connexion therewith, (but subject

subject to any existing Mortgages, Contracts, Agreements, or Liabilities affecting the same,) of the Completion of which Purchase a Transfer or Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, and under the Corporate Seal of the Company hereby incorporated, shall be sufficient Evidence.

Powers of Sale, &c. not to be exercised without Certificate of Commissioners of Railways.

XXXVII. Provided always, and be it enacted, That it shall not be lawful for the said Company hereby incorporated by virtue of the Power herein-before contained to sell, demise, or lease, nor for the said *Canterbury and Whitstable* Railway Company, or the *South-eastern* Railway Company, or either of them, to purchase or enter into or accept such Lease of the said Railway hereby authorized to be made, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Completion of such Sale or Execution of such Lease, that One Half of the whole Amount of the Capital, exclusive of Loans by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXXVIII. 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 of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, respectively intituled *An Act for regulating the Gauge of Railways,* and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this said Act contained shall be held to exempt the said Railway 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 Company so far as the same shall be applicable thereto.

Railway to be subject to Provisions of any future general Act.

XXXIX. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this 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.

Public Act.

XL. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The

The SCHEDULE (A.) referred to in the foregoing Act.

First Class.

Alkali.
Alum.
Bark.
Bricks.
Bones for Manure.
Brooms and Broom Handles.
Bran.
Chalk.
Coal.
Cinders.
Coke.
Culm.
Charcoal.
Compost.
Cement.
Dung.
Eggs.
Fire Clay.
Flint.
Flour.
Fuller's Earth.
Guano.
Grain.
Gas or Water Pipes.
Iron and Wood not otherwise enumerated.
Lime Lead.
Malt.
Meal.
Nitrate of Soda.
Oilcake, in Casks.
Potatoes.
Pollard.
Salt for Manure.
Sand.
Stones, Paving or Building.
Slates.
Spelter.
Tiles.

Second Class.

Ale and Porter, in Casks.
Bacon.
Butter, in Casks.
Cider.
Copper.
Hair.
Hemp.
Hides.
Hops.
Hoofs.
Hop Poles.
Iron Hoop (Sheet or small Rod).
Lard.
Lead, White or Red.
Marble, in Blocks.
Molasses.
Nails.
Paints.
Pitch.
Plaster.
Rags.
Rice.
Resin Salt.
Saltpetre.
Seed.
Soap.
Soda.
Steel.
Sugar, raw.
Sulphur.
Tallow
Tar.
Tin Tubing.
Vinegar.
Whiting.
Wood.

Third Class.

Canvass.
Cordage.
Carpeting.
Earthenware.
Flax.
Floorcloth.
Fruit.
Groceries.
Hay.
Hardware.
Iron Castings liable to Damage.
Herrings, dried.
Leather.
Machinery.
Mats.
Mineral Waters.
Oil, in Casks.
Oil Cakes, loose.
Paper.
Rope.
Snuff.
Spirits and Wines, in Wood.
Stationery.
Tow.
Turpentine.
Varnish.
Veneers.

Fourth Class.

Agricultural Implements.	Drugs.	Woollens.
Bottled Liquor.	Fish.	Luggage.
Books.	Haberdashery.	Poultry, dead.
Butter, fresh.	Hosiery.	Tinned Ware.
Cork.	Joiner's Work.	Wearing Apparel.
China.	Silks.	Meat.
Drapery.	Linens.	Sugar, refined.

Fifth Class.

Bonnets.	Hats.	Pictures and light Articles generally per Agreement.
Carboys.	Musical Instruments.	
Furniture.	Pianos.	
Feathers.	Harps.	Poultry, alive.
Glass.	Oil, in Jars.	

All Goods not enumerated to be charged in the Class to which they are analogous.

SCHEDULE (B.) referred to in the foregoing Act.

CHARGES to be made for the CONVEYANCE of SMALL PACKAGES.

By Passengers Trains.

Weight of Packages.	Maximum Charge if conveyed for less than Twenty-five Miles.	Maximum Charge if conveyed for Twenty-five Miles, and any Number of Miles between Twenty-five and One hundred.
Not exceeding 14 lbs.	Sixpence	Nine-pence.
Above 14 lbs. and not exceeding 28 lbs.	Nine-pence	One Shilling.
Above 28 lbs. and not exceeding 56 lbs.	One Shilling	One Shilling and Sixpence.
Above 56 lbs. and not exceeding 84 lbs.	One Shilling and Threepence.	One Shilling and Ninepence.
Above 84 lbs. and not exceeding 112 lbs.	One Shilling and Sixpence.	Two Shillings.

Weight of Packages.	Maximum Charge if conveyed for less than Twenty-five Miles.	Maximum Charge if conveyed for Twenty-five Miles, and any Number of Miles between Twenty-five and One hundred.
	By Goods Trains.	
Not exceeding 14 lbs. -	Four-pence - -	Sixpence.
Above 14 lbs. and not exceeding 28 lbs.	Five-pence - -	Eight-pence.
Above 28 lbs. and not exceeding 56 lbs.	Seven-pence - -	Ten-pence.
Above 56 lbs. and not exceeding 84 lbs.	Eight-pence - -	One Shilling.
Above 84 lbs. and not exceeding 112 lbs.	Ten-pence - -	One Shilling and Twopence.

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