ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. xciii.

An Act to empower the *Kent Coast* Railway Company to acquire additional Lands, and to raise more Money, and to make further Provision for the Lease of their Undertaking to the *London, Chatham, and Dover* Railway Company; and for other Purposes. [23d *June* 1864.]

WHEREAS by "The *Herne Bay and Faversham* Railway Act, 1857," a Company was incorporated by the Name of The *Herne Bay and Faversham* Railway Company (but now by virtue of "The *Kent Coast* Railway Act, 1861," styled "The *Kent Coast* Railway Company," and in this Act called "the Company"): And whereas the following Acts relating exclusively or principally to the Company have also been passed; namely, "The *Margate* Railway Act, 1859," "The *Kent Coast* Railway Act, 1861," and "The *Kent Coast* Railway Act, 1862:" And whereas the Undertaking of the Company comprises Railways (with a double Line of Way) from the *London, Chatham, and Dover* Railway at *Faversham* to *Herne Bay* and to *Margate* and to *Ramsgate*, and they have opened for Traffic the Railways from *Faversham* to *Herne Bay*, *Margate*,

20 & 21 Vict. c. clii.

24 & 25 Vict. c. ccxli.

22 & 23 Vict. c. cxvi.

24 & 25 Vict. c. ccxli.

25 & 26 Vict. c. cxcvii.

and *Ramsgate*, and are now completing the same with an additional Branch Line and Station in the Town of *Margate* for the further Accommodation of local Traffic: And whereas by "The *Kent Coast* Railway Act, 1861," the Company were required to construct an Esplanade on the Shore between their Station and the Sands at *Ramsgate*, and the same is now completed: And whereas it is expedient that the Company be authorized to purchase, compulsorily or by Agreement, for Stations, for Station Accommodation, for Approaches to the Station and the Sands at *Ramsgate*, and for other Purposes of their Undertaking, additional Lands in the Parishes of *Graveney*, *Reculver*, and *Saint George's*, *Ramsgate*, in the County of *Kent*, and for the Purposes of this Act Plans of those Lands, with a Book of Reference to those Plans, have been deposited with the Clerk of the Peace for that County: And whereas the Share Capital of the Company under the recited Acts amounts to Six hundred and five thousand Pounds, and under the Authority of those Acts has been divided into Thirty thousand two hundred and fifty Preferred Half Shares (B.), and the same Number of Deferred Half Shares (A.), each of which is of the Amount of Ten Pounds, and each of those Preferred Half Shares is entitled to Dividend after the Rate of Six *per Centum per Annum* on the Amount paid up thereon before Payment of Interest or Dividend on the corresponding Deferred Half Share: And whereas by the recited Acts the Company were authorized to borrow (on Mortgage or Bond under the First Act, and on Mortgage under the other Acts,) Sums amounting in the whole to Two hundred and one thousand Pounds: And whereas the Sum of Sixty thousand Pounds, Part of the said Share Capital, was originally represented by Preferential Shares created under the Authority of "The *Kent Coast* Railway Act, 1861," but now by virtue of "The *Kent Coast* Railway Act, 1862," (Section 27,) amalgamated with the ordinary Capital of the Company, and (excepting the Preference or Priority which each Preferred Half Share has over the corresponding Deferred Half Share) no Preference or Priority in Payment of Interest or Dividend is now attached to any Share in the Company: And whereas it is expedient that the Company be authorized to raise more Money for the Purposes of this Act, and other Purposes of their Undertaking: And whereas, under Contracts authorized by the recited Acts, the *London, Chatham, and Dover* Railway Company (in this Act called the *Dover* Company) now work the Railways of the Company, and conduct the Traffic thereon: And whereas by "The *London, Chatham, and Dover* Railway (Various Powers) Act, 1861," (Section 6,) the Company (by their then Name of The *Margate* Railway Company) were empowered from Time to Time to lease the Undertakings authorized by "The *Herne Bay and Faversham* Railway Act, 1857," and "The *Margate* Railway Act, 1859," respectively, and also any Undertaking which the Company were or might be authorized to execute by any Act of the then present Session, (meaning "The *Kent Coast* Railway Act, 1861,")

24 & 25 Vict. c. ccxxxix.

1861,") unto the *Dover* Company for such Term, and in consideration of such Rents or Reservations, with such Powers and Privileges, and under and subject to such Covenants, Conditions, Provisions, Regulations, and Restrictions, as the Parties to any such Lease thought proper, and the *Dover* Company were empowered to accept such Lease accordingly: Provided always, that such Payments or Rents should not be paid out of any Profits of the *Dover* Company other than their general Profits, nor out of any Capital or Loans raised for the Purposes of any separate Undertaking of the *Dover* Company: Provided also, that as regarded the Undertaking authorized by "The *Kent Coast* Railway Act, 1861," the Power to lease the same should not arise until the Board of Trade certified that the Company had proved to the Satisfaction of that Board that they had paid up One Half of the Capital authorized by the Acts relating to that Company (including the said Act of the then present Session), to be raised by means of Shares, and had expended for the Purposes of those Acts a Sum equal thereto: And whereas by the same Act (Section 9) the Company and the *Dover* Company were empowered to enter into and execute Contracts or Agreements for effecting all or any of the Purposes of that Act with reference to such Lease or any Objects incidental thereto, and that Act (Sections 7, 8, and 10) contains other Provisions relating to such Lease: And whereas in the Year 1862 the Terms of a Lease to be made under the Authority of the last-recited Act were sanctioned by Meetings of both Companies, as required by that Act: And whereas those Terms were calculated upon the Amount of the Capital and Mortgage and Bond Debt of the Company as now existing, but that Calculation did not include the Expenditure which the Company have incurred in constructing a Second Station at *Margate*, with a Branch Line, Rails, and Sidings connecting that Station with their other Works, or other Expenditure necessary for the Purposes of the recited Acts, nor did it include the Cost of Works in connexion with the Harbour at *Ramsgate* required by the Board of Trade, or the Expenditure required for the Purposes of this Act; and it is expedient that the Powers of the Company and the *Dover* Company for making and accepting Leases and Contracts or Agreements for Leases of the Undertaking of the Company be extended and amended, and that for carrying out any future Arrangement they be empowered by mutual Agreement to rescind or modify the Terms aforesaid: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title

1. This Act may be cited for any Purpose as "*Kent Coast* Railway Act, 1864."

2. "The

8 & 9 Vict. cc. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and the Seventh Clause of "The Railways Clauses Consolidation Act, 1845," (relating to the Correction of Errors and Omissions in Plans,) except in so far as the Provisions of those Acts are expressly varied or excepted by this Act, are incorporated with this Act.

Certain Parts of 8 & 9 Vict. c. 16. incorporated.

3. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the Remedies of Creditors of the Company against Shareholders, with respect to the Consolidation of the Shares into Stock, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion of the borrowed Money into Capital, with respect to the making of Dividends, and with respect to the Provisions to be made for affording Access to the Special Act by all Parties interested, are incorporated with this Act, and shall respectively apply to all Shares and Capital created and Monies borrowed under the Powers of this Act.

Interpretation of Terms.

4. In construing this Act, and in connexion with this Act the Acts and Parts of Acts incorporated with this Act, the Expression "the Special Act" means this Act; the Expression "the Company" and the Expression "the Promoters of the Undertaking" respectively mean the *Kent Coast* Railway Company; the Expression "the Undertaking" means all the Railways and Railways or Tramways and Undertaking of the Company by this Act and the recited Acts respectively authorized, and with respect to any Lease or Contract or Agreement for a Lease comprises all other their Works, Lands, Property, and Effects (including Lands acquired under this Act), except such (if any) as are by the Lease or Contract or Agreement expressly reserved to them; the Word "Share" includes Stock; the Term "Superior Courts" includes any Court of competent Jurisdiction as interpreted by this Act; and the Term "Court of competent Jurisdiction" and every like Expression shall be read and have effect as if the Debt or Demand with reference to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute, unless in so far as in any Case there is anything in the Subject or Context repugnant to or inconsistent with such Construction.

Lands for Station Accommodation, &c.

5. The Company may from Time to Time enter upon, take, and use for Station Accommodation and Approaches, and for Approaches to the said Esplanade, and other the Purposes of their Undertaking, the

the Lands in the several Parishes of *Graveney*, *Reculver*, and *Saint George's*, *Ramsgate*, delineated on the Plans and described in the Book of Reference deposited as aforesaid, and included within a Red Line on those Plans.

Lands of Board of Trade not to be taken without Consent.

6. Nothing in this or the recited Acts contained shall be deemed to empower the Company to enter upon, take, or use any of the Lands, Hereditaments, or Works vested in the Board of Trade by "The Harbours and Passing Tolls, &c. Act, 1861," without the previous Consent in Writing of the Board of Trade under the Hand of One of the Secretaries of the Board.

Powers for compulsory Purchases limited.

7. The Powers of the Company for the compulsory Purchase of those Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands to be Part of Undertaking.

8. In all respects not by or under the Provisions of this Act otherwise provided for, the Lands acquired by the Company under the Authority of this Act shall be deemed Part of their Undertaking, and may be used for any of the Purposes which they are by the recited Acts or any Acts incorporated with the recited Acts authorized to execute.

Power to raise additional Money by new Shares.

9. For the Purposes by this Act and the recited Acts, except "The *London, Chatham, and Dover* Railway (Various Powers) Act, 1861," authorized, the Company may from Time to Time (in addition to the Sums which they are by those Acts authorized to raise) raise any Sums, not exceeding in the whole One hundred and twenty thousand Pounds, by the Creation and Issue of new ordinary Shares in their Undertaking, and either of One Class or of different Classes, and respectively of such Amounts, and to be disposed of to such Persons, in such Manner, and on such Terms and Conditions, as shall from Time to Time be determined by the Resolutions of any Ordinary or Extraordinary Meeting of the Company: Provided always, that no such Shares shall be created of less Amount than Ten Pounds each; and provided also, that no Share shall be issued by the Company until not less than Twenty *per Centum* on the Amount thereof shall have been paid thereon.

Power to cancel unissued Shares.

10. If after having created any Shares under the Powers of this Act the Company resolve not to issue the same, they may cancel the Shares to which such Resolution applies, and in lieu thereof may create and issue other Shares not exceeding the aggregate Amount unpaid upon the Shares so cancelled.

Dividend on new Shares.

11. All new Shares created and issued under the Authority of this Act shall be entitled to Dividend, out of the Profits or Revenue of the Company from Time to Time applicable to Dividend, *pari passu* with

with the now existing Deferred Half Shares (A.) of the Company, and after and subject to Payment in full of the Dividend after the Rate of Six *per Centum per Annum* on the Amount from Time to Time paid up on all the now existing Preferred Half Shares (B.) of the Company.

Calls.

12. One Fifth of the total Amount of any Share issued under the Authority of this Act shall be the greatest Amount of any One Call thereon, and Two Months at the least shall be the Interval between successive Calls, and not more than Three Fourths of the Amount of a Share shall be called up in any One Year.

Qualifications of new Shareholders.

13. All new Shares created under this Act of the Amount of Twenty Pounds each shall confer on the respective Holders thereof the same Qualifications and Rights of voting as the original Shares in the Company, and all new Shares of any other Amount shall confer on the respective Holders thereof Qualifications and Rights of voting in proportion to the aggregate nominal Value of such new Shares held by them respectively, and not in proportion to the Number of or the Amount paid on such new Shares; and for the Purposes of Qualifications and Rights of voting, every entire Sum of Twenty Pounds of such aggregate nominal Value held by the same Person shall be considered as equivalent to One Share of Twenty Pounds in the Capital of the Company; and no Holder of Shares shall have any Qualification or Right of voting in respect of any Fraction of Twenty Pounds

Half Shares may be created.

14. Provided always, That the Company may, if they think fit, create and issue in Preferred Half Shares and Deferred Half Shares, and after Issue may, with the Consent of the registered Holders divide into Preferred Half Shares and Deferred Half Shares, in accordance with the Provisions of the Acts now in force relating to the Company, all or any Part of the additional Share Capital which they are by this Act authorized to raise.

Power to borrow on Mortgage.

15. When the whole of the additional Share Capital of One hundred and twenty thousand Pounds by this Act authorized is subscribed for or taken, and One Half thereof is paid up, the Company from Time to Time, with the Authority of any General Meeting, may borrow on Mortgage of their Undertaking (in addition to the Sum which they are by the recited Acts authorized to borrow) any Sums not exceeding in the aggregate Forty thousand Pounds; but no Money shall be borrowed under this Act until the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that Shares for the whole of the additional Share Capital by this Act authorized have been issued, and are *bonâ fide* held by the Subscribers

or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, and that not less than Twenty *per Centum* has been paid on account of each separate Share (of which Facts the Certificate of such Justice under that Section shall be sufficient Evidence).

Priority of existing Mortgages.

16. All Mortgages granted by the Company before the passing of this Act, and which are in force at the Time of the passing of this Act, shall during their Continuance, and as regards the Undertaking thereby assigned, have Priority over all Mortgages granted by virtue of this Act.

Application of Monies received under this Act.

17. All Monies which the Company are by this Act authorized to raise either by Shares or by Mortgage shall be applied only to the Purposes by this Act and the recited Acts (except "The *London, Chatham, and Dover* Railway (Various Powers) Act, 1861,") authorized.

Sanctioning further Agreements.

18. The Company and the *Dover* Company may from Time to Time enter into and carry into effect Contracts and Agreements with respect to the leasing of the Undertaking of the Company to the *Dover* Company, and any Matters incidental thereto, in accordance with "The *London, Chatham, and Dover* Railway (Various Powers) Act, 1861," and this Act; and any such Contract or Agreement may be in addition to or in substitution for, and may vary or rescind, the now existing Terms of Arrangement, or any future Contract or Agreement; and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as the Company and the *Dover* Company mutually agree upon.

Last Proviso to Sect. 6 of 24 & 25 Vict. c. ccxxxix. repealed.

19. The last Proviso (relating to the Certificate of the Board of Trade) contained in the Sixth Section of "The *London, Chatham, and Dover* Railway (Various Powers) Act, 1861," is by this Act repealed.

Extending Leasing Powers.

20. The Powers by that Sixth Section given to the Company and the *Dover* Company with reference to the making of Leases by the Company, and the Acceptance thereof by the *Dover* Company, are by this Act extended to and shall comprise all the Undertaking of the Company, but subject to the First Proviso of that Section (relating to the Payments or Rents payable under such Leases); and the Powers of that Sixth Section as amended by this Act may be exercised in accordance with the now existing Terms of Arrangement as varied by any Contract or Agreement made under the Authority of this Act, or in accordance with any Contract or Agreement made under the Authority of this Act in substitution for the now existing Terms of Arrangement.

21. The

Sanction to Agreements and Leases, &c.

21. The Sections numbered respectively 7 and 8 and 10 of "The *London, Chatham, and Dover* Railway (Various Powers) Act, 1861," (relating to the Recovery of the Rent, the Sanction of Shareholders to the Lease, and the making of any Lease notwithstanding that previous Contracts for working may have been made, and with Power to determine such Contracts by the Lease,) shall extend and apply to all Leases to be made under the Powers of that Act as extended and amended by this Act.

No Interest or Dividend to be paid on Calls paid up.

22. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, 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 created: Provided always, that the Company may pay to any such 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.

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

23. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised for the Purpose of such Act or Acts, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or to execute any other Work or Undertaking.

Company &c. not exempt from Provisions of present and future General Acts.

24. Nothing in this Act shall exempt the Company or their Railways or Tramways from the Provisions 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, nor from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Tolls for small Parcels, authorized by the recited Acts.

Expenses of Act.

25. 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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