ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. clxiii.

An Act to authorize the Extension of the *London, Chatham, and Dover* Railway to *Walmer* and *Deal;* and for other Purposes.

[17th *July* 1862.]

WHEREAS Railways from the *London, Chatham, and Dover* Railway in the Parish of *River* through *Walmer* to *Deal* (all in the County of *Kent*) would be of public and local Advantage: And whereas a Railway to connect the same with the *Minster and Deal* Branch Railway of the *South-eastern* Railway Company in the Parish of *Deal* aforesaid would be of public and local Advantage: And whereas the *London, Chatham, and Dover* Railway Company are willing to construct such Railways, if authorized so to do, and to raise Money for that Purpose: And whereas the Purposes 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; (that is to say,)

1. This Act may be cited for any Purpose as "*London, Chatham, and Dover* Railway (*Deal* Extension) Act, 1862." Short Title.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation 8 & 9 Vict. cc. 18. and 20. and

23 & 24 Vict. c. 106. incorporated.

Consolidation Act, 1845," (except in so far as those Acts are expressly altered by this Act,) shall be incorporated with and form Part of this Act.

Certain Provisions 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 the Shareholders, 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 Consolidation of the Shares into Stock, and with respect to the making of Dividends, shall be incorporated with this Act, and shall, in all Particulars not otherwise provided for by or under the Powers of this Act, respectively apply to all Shares and Stock created, and to all Mortgages granted, 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 following Words and Expressions shall, unless the Subject or Context be repugnant to or inconsistent with such Construction, have the respective Meanings herein-after assigned to them; that is to say,

The Expression "the Special Act" shall mean this Act:

The Expression "the Company," and the Expression "the Promoters of the Undertaking," respectively shall mean the *London, Chatham, and Dover* Railway Company:

The Expression "the Undertaking" shall mean the Undertaking by this Act authorized:

The Expression "the general Undertaking" shall mean the Undertaking of the Company as authorized by "The *East Kent* Railway Act, 1853," and "The *East Kent* Railway (Extension to *Dover*) Act, 1855," and "The *East Kent* Railway (Western Extension) Act, 1858," the Railways, Works, and Lands by "The *London, Chatham, and Dover* Railway (Works) Act, 1861," declared Part of their general Undertaking, and any other Undertaking which by any other Act of the present Session is or shall be made Part of the general Undertaking of the Company:

The Expression "the general Profits of the Company" shall mean all the Profits applicable to Dividend of the general Undertaking, and so much (and so much only) of all other Profits of the Company applicable to Dividend as is not from Time to Time applicable to Payment of Interest or Dividend on Capital authorized for any separate Undertaking of the Company:

The Expression "Superior Courts" shall include any County Court or other Court having by Law Cognizance of the Action.

5. All

Same Meaning to Terms in this Act as in incorporated Acts.

5. All Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the respective Meanings so assigned to them, unless the Subject or Context be repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act.

Power to make Works according to deposited Plans.

6. And whereas Plans and Sections of the intended Railways showing the Lines and Levels thereof, and also Books of Reference to those Plans containing the Names of the Owners or reputed Owners, and Lessees or reputed Lessees, and of the Occupiers of the Lands to be taken for the Purposes of the said intended Railways, have been deposited for public Inspection with the Clerk of the Peace for the County of *Kent*: Therefore, subject to the Provisions and Powers of Deviation in this Act and the incorporated Acts contained, the Company may make and maintain the intended Railways herein-after described in the respective Lines or Courses and upon the Lands delineated on those Plans and described in those Books of Reference, and according to the Levels defined on those Sections, and may enter upon, take, and use such of those Lands as they think necessary for those Purposes.

Description of new Lines.

7. The Railways and Works by this Act authorized to be constructed comprise the following; (that is to say,)

First, a Railway (No. 1.) commencing in the Parish of *River* in the County of *Kent* by a Junction with the Main Line of the *London, Chatham, and Dover* Railway, and terminating in the Parish of *Deal* in the County of *Kent* opposite or nearly opposite to the Station of the *South-eastern* Railway there, and consisting of the Railways which on the deposited Plans and Sections are called respectively Railway No. 1. and Railway No. 2., excepting so much of the Railway called on those Plans and Sections Railway No. 1. as is shown between the Junction thereof with that Railway No. 2. and the Junction thereof with the Main Line of the *London, Chatham, and Dover* Railway:

Secondly, a Railway (on the deposited Plans and Sections called Railway No. 3.) to be situate wholly within the said Parish of *Deal*, commencing by a Junction with the intended Railway (No. 1.) Six hundred Yards or thereabouts Southward of the Termination of that Railway as herein-before described, and terminating by a Junction with the *Minster and Deal* Branch of the *South-eastern* Railway Six hundred Yards or thereabouts from the South End of the Station Building of the *South-eastern* Railway at *Deal*:

And both those Railways are herein-after comprised under the Name of "the *Deal* Extensions."

Level Crossings.

8. Subject to the Provisions in this Act and "The Railways Clauses Consolidation Act, 1845," contained, the Company may, in the Construction

struction of the Railway (No. 1.) by this Act authorized, carry the same across and on the Level of the Roads which on the Plans of that Railway deposited for the Purposes of this Act are numbered respectively 46, 69, and 106, in the Parish of *Deal*: Provided always, that while that Railway consists of a Single Line not more than a Single Line of Way, and when such Railway consists of a Double Line not more than a Double Line of Way, shall be laid by the Company across that Road: Provided also, that Carriages propelled by Steam or by Atmospheric Agency, or drawn by Ropes in connexion with a Stationary Engine, shall not, without the further Authority of Parliament in that Behalf, be used across either of those Roads.

Trains not to be shunted on level Crossings.

9. It shall not be lawful for the Company in shunting Trains to pass any Train over any level Crossing, or to allow any Train, Engine, Carriage, or Truck to stand across the same.

Power to alter Engineering Works.

10. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railways may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections, instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to them, upon due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided, that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845:" Provided that the Company shall not make any Part of the centre Line of the Railway Number 1. where it passes through the *Ripple Court* Estate in the Parishes of *Ripple* and *Sutton* respectively nearer to *Ripple Court House* than the centre Line thereof as shown on the Plans deposited for the Purposes of this Act, and shall not raise the Level of any Part of that Railway where it passes through that Estate above the Level thereof as shown on the Sections deposited for the Purposes of this Act.

Junction with Minster and

11. The Junction by this Act authorized between the intended Railway in this Act secondly described and the *Minster and Deal* Branch

Deal Branch.

Branch of the *South-eastern* Railway Company, and all requisite Works for effecting the Junction, shall be made and maintained at the sole Expense of the Company, and in such Manner as the respective principal Engineers for the Time being of the *South-eastern* Railway Company and the Company agree upon, or (if they cannot agree) as shall be determined by an Engineer to be appointed by the Board of Trade on the Application of either Company.

Signals, &c. and Watchmen for preventing Danger at Junctions.

12. The *South-eastern* Railway Company may from Time to Time erect, maintain, and alter such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Pointsmen, and other Servants, as that Company may deem necessary for the Prevention of Danger to or Interference with Traffic at or near the Junction between their Railway and the Railway hereby authorized; and the Working and Management of such Signals, Works, and Conveniences, and the Control and Direction of such Watchmen, Pointsmen, and other Servants, shall belong exclusively to the *South-eastern* Railway Company; and all the Costs and Expenses during each Half Year of erecting and maintaining and altering such Signals, Works, and Conveniences, and of employing and paying such Watchmen, Pointsmen, and other Servants, shall, at the Expiration of such Half Year, be repaid by the Company to the *South-eastern* Railway Company on Demand, and in default the Amount of such Costs and Expenses may be recovered from the Company in any Court of competent Jurisdiction.

Powers for compulsory Purchases limited.

13. 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.

Land for extraordinary Purposes.

14. The Quantity of Land to be purchased by the Company by Agreement under the Authority of this Act for extraordinary Purposes, as defined in "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres.

Period for Completion of Railways.

15. The Railways by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period all the Powers hereby granted to the Company for making those Railways shall cease.

Dividends suspended if Railways not opened within Period limited.

16. If the Railways by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, then from the Expiration of that Period it shall not be lawful for the Company to declare or pay any Dividend on the ordinary Capital of the Company until those Railways shall have been completed and opened for public Traffic.

New Lines to be Part of Undertaking.

17. The Railways and Works by this Act authorized shall, for the Purposes of the Tolls, Rates, and Charges to be taken thereon or in respect thereof, be deemed Part of the general Undertaking of the Company, and Tolls, Rates, and Charges may be levied and collected thereon accordingly: Provided always, that the maximum Charges to be made upon, for, or in respect of the Railways by this Act authorized shall not exceed those for the Time being limited to be taken on the Railway of the Company between *Beckenham* and *Dover*.

Power to Company to create new Shares.

18. The Company may from Time to Time raise (in addition to the Sums of Money which by any other Acts they are or may be authorized to raise), by the Creation of new Shares in the Company, in One or more Classes, and of such Amount as will allow the same to be conveniently apportioned or disposed of according to the Resolution of any Ordinary or Extraordinary Meeting of the Company, any further Sum not exceeding One hundred and fifty thousand Pounds for the Purposes of the *Deal* Extensions (and all new Shares to be created under this Act are herein-after comprised under the Name of the "*Deal* Extension Shares").

Application of divisible Profits of Deal Extensions.

19. The Profits of the *Deal* Extensions applicable to Dividend from Time to Time shall be applied, in the first place, in Payment of Dividend on the *Deal* Extension Shares until a Dividend of such Amount (not exceeding Six *per Centum per Annum*) as the Company at any Meeting shall attach to those Shares shall have been paid on the total Amount from Time to Time paid up on those Shares, and (subject thereto, and also subject to such, if any, additional Capital for any Purposes in connexion with the *Deal* Extensions as Parliament may hereafter sanction,) the Residue of those Profits shall fall into and become Part of the general Profits of the Company.

Deal Extension Shares not to participate in general Profits.

20. The Holders of *Deal* Extension Shares shall not have or be entitled to any Interest or Dividend out of any Profits of the Company except the Profits of the *Deal* Extensions.

For ascertaining divisible Profits.

21. The Company shall keep separate Accounts of all Receipts and Payments from, for, or on account of the *Deal* Extensions; and the Balance of the gross Receipts of the *Deal* Extensions which shall remain, after deducting for Expenses of Working and Management such a Proportion, not exceeding Fifty *per Centum*, of such gross Receipts as shall be determined by any Meeting of the Company before the opening for public Traffic of the *Deal* Extensions, and also after deducting all Interest on borrowed Money for the Time being secured or attaching upon or borrowed for the Purposes of the *Deal* Extensions, and all Rates, Rents, and Taxes payable on or in respect of the *Deal* Extensions, shall for the Purposes of this Act be deemed the Profits of the *Deal* Extensions applicable to Dividend.

22. Pro-

All Shares of same Class to bear same Dividend.

22. Provided always, That all *Deal* Extension Shares of the same Class shall be of the same Amount, and shall bear and confer the same Dividends, Rights, and Privileges: Provided also, that any such Shares or any Class of such Shares may (with the Sanction of Three Fifths of the Votes of the Shareholders voting, personally or by Proxy, at any Extraordinary Meeting convened with Notice of this Purpose) be created and issued as preferred Half Shares and deferred Half Shares in accordance with the Provisions of any other Acts relating to the Company and for the Time being in force, and all the Clauses, Provisions, and Restrictions of those Acts applicable to Half Shares from Time to Time in force shall apply to all Half Shares created under this Act.

Qualifications of new Shareholders.

23. All new Shares and Stock in the Company created under the Powers of this Act shall, in proportion to the aggregate nominal Value of such Stock or Shares held by the same Person at the same Time, confer the like Qualifications and Right of voting as original Shares of the same aggregate nominal Value in the Company would confer.

Disposition of new Shares.

24. Any new Shares created by the Company under the Powers of this Act may be disposed of in such Manner, and to such Persons, and on such Conditions, as the Company think fit.

Limit of Amount and Number of Calls.

25. The Amount of any One Call to be made upon the Proprietors of any new Shares created under the Powers of this Act shall not exceed the Rate of Ten Pounds *per Centum* on the Amount of such Shares, and there shall be an Interval of Two Calendar Months at least between every Two successive Calls, and not more than Three Fourths of each Share shall be called up in any One Year.

Unissued Shares may be cancelled.

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

Power to borrow on Mortgage.

27. When the whole of the additional Share Capital of the Company by this Act authorized is subscribed for or taken, and One Half thereof is paid up, and 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 the whole of that additional Capital is subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence), the

the Company, from Time to Time, with the Authority of any General Meeting, may borrow on Mortgage for the Purposes of the *Deal* Extensions (in addition to the other Sums which they are by this Act or any other Acts authorized to borrow) any Sums not exceeding in the aggregate Fifty thousand Pounds on the Security of the *Deal* Extensions and the Tolls arising therefrom.

Application of Monies raised.

28. All Monies raised by the Company by Shares or borrowing under the Powers of this Act shall be applied only to the Purposes by this Act authorized.

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

29. 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.

30. 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.

Railways not exempt from Provisions of present and future General Acts.

31. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized from the Provisions of any General Act relating to Railways, or to the better and 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 any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Tolls for small Parcels, authorized by this Act or any other Act relating to the Company.

Expenses of Act.

32. The Expenses, Costs, and Charges of preparing and passing this Act, and preliminary and incidental thereto, shall be paid by the Company.

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