CHAPTER xci.

An Act to authorise the London Chatham and Dover Railway Company to construct a Railway in the County of Kent to be called the Maidstone and Faversham Junction Railway and for other purposes. [27th June 1881.] A.D. 1881.

WHEREAS it is expedient that the London Chatham and Dover Railway Company (in this Act called "the Company") should be authorised to construct the railway in the county of Kent herein-after described:

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act:

And whereas plans and sections of the railway herein-after authorised showing the lines and levels thereof and also books of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the land required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the objects of this Act cannot be attained 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):

Short title.

1. This Act may be cited as the London Chatham and Dover Railway (Maidstone and Faversham Junction Railway) Act 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to or inconsistent with such construction and for the purposes of this Act the expression "the railway" shall mean the railway by this Act authorised; the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to make railway.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose—

The railway herein-before referred to and authorised by the Act is:—

A railway nine miles seven furlongs and three chains in length commencing in the parish of Lenham by a junction with the Maidstone and Ashford Railway No. 1 authorised by and described in the Maidstone and Ashford Railway Act 1880 and terminating in the parish of Faversham by a junction with the main line of the London Chatham and Dover Railway.

43 & 44 Vict. c. clix.

Inclination of certain roads.

5. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connection therewith respectively (that is to say):—

No. on deposited plan.	Parish.	Description of road.	Intended inclination.
41	Newnham -	Public road -	1 in 15 on one side of the bridge and level on the other.
45	Ospringe -	Public road -	1 in 14 on one side of the bridge.

Power to apply corporate

6. The Company may apply to the purposes of this Act any moneys which they now have in their hands or which they have

power to raise by shares or mortgage by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable. funds to purposes of Act.

7. For the purposes of this Act the Company may raise any additional capital not exceeding in the whole the sum of two hundred and forty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :— 8 & 9 Vict. c. 16. Power to raise additional capital.

The distribution of the capital of the Company into shares :
The transfer or transmission of shares :
The payment of subscriptions and the means of enforcing the payment of calls :
The forfeiture of shares for nonpayment of calls :
The remedies of creditors of the Company against the shareholders :
The consolidation of the shares into stock :
The general meetings of the Company, and the exercise of the right of voting by the shareholders :
The making of dividends :
The giving of notices : and
The provision to be made for affording access to the special Act by all parties interested :

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and mutatis mutandis sections 33 34 and 35 of the second award of the arbitrators under the London Chatham and Dover Railway (Arbitration) Act 1869 shall extend and apply to the Company and to the additional capital which they are by this Act authorised to raise. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. cxvi.

8. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof. Shares not to be issued until one-fifth part paid.

9. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new New shares or stock to be subject to the same incidents as other shares or stock.

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shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

10. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

New shares or stock issued under this Act and any other Acts of past or present sessions may be of same class.

11. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act and any other Act passed in the present session whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by means of new shares or stock.

Power to borrow.

12. The Company may in respect of the additional capital of two hundred and forty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole eighty thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital is paid up and the Company 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 such capital have been issued and accepted and that one-half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors or administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same

and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment of a receiver.

13. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision: the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

14. All mortgagees and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

15. Subject to the provisions of Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Company may create and issue debenture stock in respect of the sums authorised by this Act to be raised by mortgage.

Application of moneys.

16. All moneys raised under this Act shall be applied for the purposes of this Act only.

Period for compulsory purchase of lands.

17. 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.

Deposit money not to be repaid except so far as railway is opened.

18. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of eleven thousand nine hundred and twenty pounds being equal to five per centum upon

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the amount of the estimate in respect of the railway has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund: Be it enacted That notwithstanding anything contained in the said Act the deposit fund shall not 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 (which persons survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion that the length of the railway so opened bears to the entire length of the railway the Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

19. The said sum of money deposited as aforesaid shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice Chancery Division may seem fit and if no such compensation shall be payable or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum of money or such portion thereof as may not be

required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division of the said Court thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company, for the benefit of the creditors thereof: Provided that until the said sum of money has been repaid to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable 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.

Period for completion of works.

20. If the railway hereby authorised is not completed within five years from the passing of this Act then on the expiration of that period the powers of this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls.

21. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say):

Passengers.

In respect of passengers and animals conveyed in carriages upon the railway or any part thereof as follows:

For every person conveyed in or upon any such carriage per mile two pence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny:

Class I. For every horse mule ass or other beast of draught or burden conveyed in or upon such carriage per mile three pence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny:

Class II. For cattle conveyed in or upon any such carriage per head per mile one penny halfpenny and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one farthing:

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Class III. For every calf pig sheep or other small animal conveyed in or upon any such carriage per mile one halfpenny and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one farthing.

Goods.

In respect of goods conveyed on the railway:

Class IV. For all coals culm cinders dung compost and all sorts of manure lime and limestone and all undressed materials for the repair of public roads or highways all stones for building pitching and paving tiles slates clay ironstone iron ore and pig iron per ton per mile one penny and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one farthing:

Class V. For all coke charcoal sheet iron bar iron rod iron hoop iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils bricks salt sand fireclay and stone per ton per mile one penny halfpenny and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one farthing:

Class VI. For sugar grain corn flour hides dyewoods guano and other artificial manures earthenware timber staves and deals nails anvils vices and chains per ton per mile two pence and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one halfpenny:

Class VII. For cotton and other wools drugs manufactured goods and metals and all other wares merchandise fish articles matters or things per ton per mile three pence and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one halfpenny:

Class VIII. 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 carried or conveyed on a truck or platform belonging to the Company per mile six pence and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

22. The tolls which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one

penny per mile for each passenger or animal or for each ton of goods or other articles in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

23. The following provisions and regulations shall apply to the fixing of the tolls and charges payable under this Act (that is to say):

Short distances.

For all passengers animals minerals or goods conveyed on the railway or partly on the railway and partly on any other railway owned or worked by the Company for a less distance than four miles the Company may demand and receive the before-mentioned tolls as for four miles.

Fractional parts of a mile.

For a fraction of a mile beyond four miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of half miles contained therein and if there be a fraction of half a mile such fraction shall be deemed half a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

Fractional parts of a ton.

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:

General weight.

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight:

Weight of stone and timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beach or ash and 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.

24. With respect to small packages not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say):

For the carriage of small parcels on the railway:

For any parcel not exceeding seven pounds in weight three pence:

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight five pence:

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight seven pence:

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight nine pence:

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And for any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight the Company may demand any sum they think fit:

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages:

For the carriage of single articles of great weight:

For the carriage of any single article the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand any sum not exceeding six pence per ton per mile:

For the carriage of any single article the weight of which including the carriage exceeds eight tons the Company may demand and take any sum they think fit.

Maximum rates for passengers.

25. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including the tolls for the use of the railway and of carriages and for locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):

For every passenger conveyed in a first-class carriage three pence per mile:

For every passenger conveyed in a second-class carriage two pence per mile:

For every passenger conveyed in a third-class carriage one penny halfpenny per mile.

Maximum rates for animals and goods.

26. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight or dimensions as aforesaid) on the railway including the tolls for the use of the railway and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other services incidental to the business or duty of a carrier where any such service is performed by the Company shall not exceed the following sums (that is to say):

For every animal mentioned in class I. per mile four pence:

For every animal mentioned in class II. per mile three pence:

For every animal mentioned in class III. per mile one penny halfpenny:

For the articles and goods mentioned in class IV. per ton per mile one penny halfpenny:

For the articles and goods mentioned in class V. per ton per mile two pence:

For the articles and goods mentioned in class VI. per ton per mile three pence:

For the articles and goods mentioned in class VII. per ton per mile four pence:

For any carriage mentioned under class VIII. not weighing more than one ton six pence per mile if weighing more than one ton one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

Passengers' luggage.

27. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Terminal station.

28. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

29. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

30. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Interest not to be paid on calls paid up.

31. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any holder of shares on the amount of the calls or instalments paid in respect of the shares held by him but nothing in this Act shall prevent the Company from paying any holder of shares such interest on money advanced by him beyond the amount of the calls actually made or

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the instalments called for as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposit for future bills not to be paid out of capital.

32. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for an Act authorising them to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

33. Nothing in this Act contained shall exempt the railway from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Expenses of Act.

34. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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