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An Act to enable the Sevenoaks, Maidstone, and Tunbridge Railway Company to make a deviation of their authorised railway, to extend the time for making a part of the same; and for other purposes. [4th July 1870.] A.D. 1870.

WHEREAS by "The Sevenoaks Railway Act, 1859," (in this Act called "the original Act,") a Company (in this Act called "the Company") was incorporated by the name of "The Sevenoaks Railway Company," and was authorised to make a railway (in this Act called "the original line"), commencing by a junction with the line of railway authorised by "The East Kent Railway (Western Extension) Act, 1858," in the parish of Sutton-at-Hone in the county of Kent, and terminating in the parish of Sevenoaks in the same county: 22 & 23 Vict. c. xlv.

And whereas by "The Sevenoaks, Maidstone, and Tunbridge Railway Act, 1862," (in this Act called "the second Act,") which received the royal assent on the seventeenth day of July one thousand eight hundred and sixty-two, the name of the Company was changed, and they were directed to be styled "The Sevenoaks, Maidstone, and Tunbridge Railway Company:" 25 & 26 Vict. c. clxvi.

And whereas by the second Act (sections 6, 7, 8, and 9) the Company are authorised to make and maintain railways (number 1 and number 2) (in this Act called "the extension railways") from the original line to Maidstone, and a junction railway to connect the original line with a railway (number 1) authorised by "The South-eastern Railway (Tunbridge and Dartford Lines, &c.) Act, 1862," and upon the passing of the last-mentioned Act their powers for the construction of the railways in the second Act, described as railway number 3, railway number 4, and railway number 5, ceased:

And whereas by the second Act (section 44) the Company were authorised to raise for the purposes of the extension railways additional capital not exceeding five hundred and thirty thousand

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pounds in shares or stock, and to borrow on mortgage to the extent of one third of the additional capital raised, and such sum of five hundred and thirty thousand pounds has, in pursuance of a resolution of a general meeting of the Company of the twenty-fourth day of January one thousand eight hundred and sixty-five, been duly created, and authority given to borrow the sum of one hundred and seventy-six thousand pounds, and the works of the said extensions railways have been commenced:

And whereas by an alteration in the contemplated mode of constructing the extension railways the cost thereof will be materially diminished, and it is expedient that the additional share capital so created should be reduced in amount:

And whereas the second Act (section 34) limited the time for the completion of the extension railways thereby authorised to five years from the passing of that Act:

30 & 31 Vict. c. clxxxiv.

And whereas by "The Sevenoaks, Maidstone, and Tunbridge Railway Act, 1867," (in this Act called "the Act of 1867,") (section 3,) the time for the completion of the said railways was extended for the period of three years from the passing of that Act:

And whereas it would be of public advantage and it is expedient that the Company should be authorised to make the new or deviated railway and the junction railway, herein-after specially described, (such deviation and junction railways to form part of the extension railways,) and to abandon the formation of so much of the line of railway number 1, authorised by the second Act, as will be rendered unnecessary by the construction of the new or deviated railway:

And whereas it is expedient that for the purposes of so much of the said railway number 1 as is not abandoned under this Act, and railway number 2, authorised by the second Act, and the works connected therewith, the time limited by the Act of 1867 for the completion of the same should be further extended:

And whereas under the provisions contained in the second Act, and "The Sevenoaks, Maidstone, and Tunbridge Railway Act, 1864," (in this Act called "the Act of 1864,") the London, Chatham, and Dover Railway Company (in this Act called "the Dover Company") were empowered to work the extension railways:

And whereas by "The London, Chatham, and Dover Railway (Arbitration) Act, 1869," it is provided that the Dover Company shall work and maintain, in such manner as the arbitrators by that Act appointed (in this Act referred to as "the arbitrators") shall determine to be efficient, the railways of the Company as an inte-

gral part of the Dover Company's undertaking, upon such terms and conditions as the arbitrators shall appoint; and it is expedient that provision should be made for ascertaining and determining the terms and conditions on which the extension railways of the Company should, when completed, be worked and maintained by the Dover Company, as an integral part of their undertaking, if and so far as the same may not be ascertained and determined by the arbitrators:

And whereas plans and sections of the deviation and junction railways by this Act authorised, showing the line and levels thereof, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands which may be required to be taken for the purposes of the said railways and works, have been deposited for public inspection with the clerk of the peace for the county of Kent; and those plans, sections, and books of reference are in this Act referred to as "the deposited plans, sections, and books of reference:"

And whereas the objects and purposes of this Act 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 all purposes as "The Sevenoaks, Maidstone, and Tunbridge Railway Act, 1870."

8 & 9 Vict. cc. 18 & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict c. 92. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Acts, 1860 and 1869," "The Railways Clauses Consolidation Act, 1845," and Parts I. and II. of "The Railways Clauses Act, 1863," shall be 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 shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" shall mean the Sevenoaks, Maidstone, and Tunbridge Railway Company; the expression "the railway," or "the undertaking," shall mean the railway or undertaking by this Act authorised, or any part thereof; and the expression "superior court," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially

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incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Reducing capital for extension railways.

4. The amount of capital to be issued under the resolution of the general meeting of the Company of the twenty-fourth day of January one thousand eight hundred and sixty-five, for the creation of the additional capital for the extension railways, is hereby reduced to the sum of three hundred thousand pounds, and the amount to be borrowed by mortgage or debenture stock under the resolution of the said general meeting for borrowing for the purposes of the said extension railways is hereby reduced to the sum of one hundred thousand pounds.

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, and of the Acts wholly or partially incorporated herewith, the Company may do the following things, and may make and maintain in the line and according to the levels shown on the deposited plans and sections the deviation or substituted railway and junction railway hereinafter described, with all proper works and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are,—

(1.) A railway (in lieu or instead of a portion of the railway number 1, authorised by the second Act), two miles six furlongs and five chains, or thereabouts, in length, commencing by a junction with the existing Sevenoaks Railway at or near a bridge carrying the said railway over an occupation road in the parish of Otford, and terminating in the parish of Kemsing by a junction with the authorised Sevenoaks, Maidstone, and Tunbridge Railway :

(2.) A junction railway, three furlongs one chain, or thereabouts, in length, commencing by a junction with the aforesaid Sevenoaks Railway at a point eight hundred and seventy yards, or thereabouts, to the southward of the point described as the commencement of railway number 1, and terminating by a junction with the said railway number 1 at a point four hundred and ten yards, or thereabouts, to the east of the aforesaid Sevenoaks Railway :

And the said railways and the works connected therewith respectively shall, for purposes of tolls and charges, and all purposes, become and be part of the extension railways of the Company as if authorised by the second Act.

Powers for compulsory purchases limited.

6. 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 completion of railway.

7. The powers of the Company for executing the railways by this Act authorised shall not be exercised after the expiration of five years from the passing of this Act.

Company may abandon portions of authorised line.

8. The Company shall abandon the construction of so much of the railway number 1 authorised by the second Act as shall be rendered unnecessary in consequence of the construction of the deviation or substituted railway by this Act authorised.

Compensation for damage to land by entry, &c. for purposes of railway abandoned.

9. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation, in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil or setting out the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation, in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the last-mentioned Act, or in any Act relating to the Company.

Compensation to be made in respect of portions of railway to be abandoned.

10. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The

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Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Extending time for completion of railways 1 and 2, authorised by second Act.

11. The powers given by the second Act, and extended by the Act of 1867, for the construction of the railway number 1 (excepting as regards such portion of the same as is abandoned) and railway number 2, authorised by the second Act, may be exercised within three years, but not after the expiration of three years, from the passing of this Act.

Imposing a penalty unless lines be opened.

12. If the Company fail within the period limited by this Act to complete the railways by this Act authorised, or if they fail to complete the railways the time for completing which is by this Act extended within the extended period by this Act limited, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the respective periods so limited until the railways in respect of which the penalty is incurred are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways in respect of which the penalty has been incurred; and the said penalty may be applied for by any landowner or any other person claiming to be compensated in respect of the railways in reference to which the penalty has been incurred, in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act seventeen and eighteen Victoria, chapter thirty-one, known as "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the Act seventeen and eighteen Victoria, chapter thirty-one, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening the railways respectively by unforeseen accident or circumstances beyond their control, provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty in

13. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or

compensation to parties injured.

other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways respectively in respect of which the penalty has been incurred, 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, or, as the case may be, by the second Act, and extended by "The Maidstone, Sevenoaks, and Tunbridge Railway Act, 1865," 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 Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

On expiration of times limited for completion of railway powers to cease.

14. If the railways by this Act authorised, or the railways the time for completing which is by this Act extended, shall not be completed within the respective periods limited by this Act, then, on the expiration of those periods respectively, the powers by this Act granted to the Company for making and completing the said railways respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

As to mode of ascertaining terms on which Dover Company shall work the extension railways.

15. If and so far as the arbitrators shall not ascertain and determine the terms and conditions and the rent or other annual payment or consideration on which the Dover Company shall work the extension railways when completed, the same shall, failing agreement between the Dover Company and the Company, be determined by Thomas Elliot Harrison, Esquire, (or him failing by an arbitrator to be appointed by the Board of Trade, on the application of either of the companies,) who shall act as sole arbitrator, upon the application of either of the companies, and shall make his award within six months from the date of such application, and in making the same shall have regard to the whole circumstances of the case.

Deposits for future Bills not to be paid out of capital.

16. The Company shall not out of any money by any Act relating to them authorised to be raised for the purposes of such Act pay or deposit any sum which, by any standing order of either

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House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

17. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made from the provisions of any general Act relating to railways, or the better and 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, authorised by this or the recited Acts.

...enses of Act.

18. 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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