ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. clvi.

An Act for dissolving the *Canterbury and Whitstable* Railway Company, and for vesting in the *South-eastern* Railway Company the Undertaking of the *South-eastern and Continental* Steam Packet Company, and for other Purposes, and of which the Short Title is "The *South-eastern* Railway (*Canterbury and Whitstable* and Steam Packets) Act, 1853." [4th *August* 1853.]

WHEREAS the following (Local and Personal) Acts relating to the *South-eastern* Railway Company (in this Act called the *South-eastern* Company) have been passed, to wit, the several Acts of the Sixth of *William* the Fourth, Chapter Seventy-five; of the First of *Victoria*, Chapter Ninety-three; of the Second of *Victoria*, Chapter Forty-two; of the Second and Third of *Victoria*, Chapter Seventy-nine; of the Third of *Victoria*, Chapter Forty-six; of the Fifth of *Victoria*, Session Two, Chapter Three; of the Sixth and Seventh of *Victoria*, Chapters Fifty-one, Fifty-two, and Sixty-two; of the Seventh of *Victoria*, Chapter Twenty-five; of the Seventh and Eighth of *Victoria*, Chapters Sixty-nine and Ninety-one; of the Eighth and Ninth of *Victoria*, Chapters One hundred and sixty-seven, One hundred and eighty-six, One hundred and ninety-seven, and Two hundred; of the Ninth of *Victoria*, Chapters Fifty-five, Fifty-six, and Sixty-four; of the Ninth and Tenth of *Victoria*, Chapters Three hundred and five and Three hundred and thirty-nine; of the Tenth and Eleventh of *Victoria*, Chapters One hundred and four

four and Two hundred and thirty; of the Thirteenth and Fourteenth of *Victoria*, Chapter Thirty-one; and of the Fifteenth and Sixteenth of *Victoria*, Chapter One hundred and three; and those Acts are in this Act called the *South-eastern* Acts: And whereas the following (Local and Personal) Acts relating to the *Canterbury and Whitstable* Railway Company (in this Act called the *Whitstable* Company) have been passed, to wit, the several Acts of the Sixth of *George* the Fourth, Chapter One hundred and twenty; of the Seventh and Eighth of *George* the Fourth, Chapter Eleven; of the Ninth of *George* the Fourth, Chapter Twenty-nine; of the Fifth and Sixth of *William* the Fourth, Chapter Eighty-two; and of the Eighth and Ninth of *Victoria*, Chapter One hundred and ninety-seven; and those Acts are in this Act called the *Whitstable* Acts: And whereas under the Authority of the *Whitstable* Acts, or some of them, the *Canterbury and Whitstable* Railway and a Harbour at *Whitstable* and other Works, (in this Act called the *Whitstable* Railway,) have been made: And whereas under the recited Acts or some of them the *South-eastern* Company are now in the actual Possession of the *Whitstable* Railway, with the Appurtenances, under a Lease thereof to them, and have Power to acquire the Undertaking of the *Whitstable* Company: And whereas it is expedient that, on the Acquisition by the *South-eastern* Company of the Undertaking of the *Whitstable* Company, the *Whitstable* Company be dissolved: And whereas it is expedient that the *South-eastern* Company be empowered to provide and maintain Steam Vessels, and to use them in connexion with their Railway for Traffic between the Ports of *Folkestone* or *Dover* and the Ports of *Calais* or *Boulogne*: And whereas the registered Joint Stock Company called the *South-eastern and Continental* Steam Packet Company (in this Act called the Steam Packet Company) have provided and maintain and use Steam Vessels for such Traffic, and the *South-eastern* Company and the Steam Packet Company are desirous that the Steam Vessels of the Steam Packet Company be transferred to the *South-eastern* Company; and it is expedient that Provision for such Transfer be made: And whereas it is expedient that the *South-eastern* Company be empowered to raise further Sums: And whereas such several Purposes 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.

I. That this Act may be cited for any Purpose as "The *South-eastern* Railway (*Canterbury and Whitstable* and Steam Packets) Act, 1853."

Same Meanings of Words in incorpo-

II. That the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have

have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction. rated Acts and this Act.

III. That, on the Acquisition by the *South-eastern* Company under the recited Acts or some of them, of the Undertaking of the *Whitstable* Company, and except only so far as may be necessary for the general Settlement and winding-up of the Affairs of the *Whitstable* Company, that Company shall be dissolved and wholly cease to exist. Dissolution of Whitstable Company.

IV. And whereas a Question has been raised as to the Construction and Effect of the Twenty-ninth Section of the recited Act of the Eighth and Ninth *Victoria*, Chapter One hundred and ninety-seven, whereby the *Whitstable* Company were empowered to sell and the *South-eastern* Company were empowered to purchase the *Whitstable* Railway and all Matters and Things connected or used therewith, and it is expedient to settle such Question: Therefore be it declared and enacted, That that Section shall be construed and have effect as if the Tolls, Rates, Duties, and other Sums from Time to Time payable to the *Whitstable* Company under the *Whitstable* Acts, or any of them, and the Powers, Authorities, and Privileges whatsoever of the *Whitstable* Company under those Acts respectively had in that Section been expressly specified as Part of the *Whitstable* Railway, or of the Matters and Things connected therewith, to be respectively comprised in such Sale and Purchase and to be transferred to the *South-eastern* Company: Provided always, that, for the Recovery of such Tolls, Rates, Duties, and Sums, and the Exercise of such Powers, Authorities, and Privileges, the *South-eastern* Company shall not use the Name of the *Whitstable* Company, but shall use their own Name only; provided also, that that Section shall not be construed as empowering the *South-eastern* Company to exercise any of the Powers, Authorities, or Privileges of the *Whitstable* Company for raising any Money by Shares or borrowing. For removing Doubts as to the Construction of the 29th Section of 8 & 9 Vict. c. cxcvii.

V. That at any Time after the passing of this Act the *South-eastern* Company, with the Approbation of Three Fifths of the Votes of the Shareholders of that Company present, personally or by Proxy, at a General Meeting of that Company specially convened for that Purpose, and the Steam Packet Company, with the Sanction of at least Three Fifths of the Shareholders of that Company present, personally or by Proxy, at an Extraordinary General Meeting of that Company specially convened for that Purpose, may enter into such Contracts and Arrangements as those Two Companies think fit for the Transfer by the Steam Packet Company and the Acquisition by the *South-eastern* Company of the Vessels, Furniture, Tackle, and other Effects of the Steam Packet Company; and every such Contract Contracts for Transfer of Property of Steam Packet Company to South-eastern Company.

and

and Arrangement may be on such Terms and Conditions as those Two Companies mutually agree on, and may and shall be carried into effect accordingly.

Payment or Allotment of Shares in consideration of such Transfer.

VI. That, in consideration of such Transfer by the Steam Packet Company of their Vessels and other Effects to the *South-eastern* Company, that Company may, as is agreed on between those Two Companies, either pay to the Steam Packet Company a Sum in gross or allot and issue to the Steam Packet Company, or the Shareholders thereof, in lieu of the Shares in the Capital of the Steam Packet Company, any Preferential or other Shares of the *South-eastern* Company.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

VII. That the following Provisions of the "Companies Clauses Consolidation Act, 1845," are for the Purposes of this Act incorporated with this Act; to wit,

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 Shares into Stock.

Power for Company to raise additional Capital by Creation of new Shares.

VIII. That the *South-eastern* Company may from Time to Time raise, by creating and issuing new Shares, or by borrowing, or partly by new Shares and partly by borrowing, in addition to the Sums which they are by the *South-eastern* Acts authorized to raise, or by which they may by any Act passed in the present Session of Parliament be authorized to raise, any Sums not exceeding in the whole Five hundred thousand Pounds; and all and every Part of the Money so raised shall be applied only for the Purposes by the *South-eastern* Acts and this Act respectively authorized: Provided always, that Forty thousand Pounds, Part of that Five hundred thousand Pounds, shall be raised and applied only for the Purpose of the Discharge of such Debts and Liabilities of the *Whitstable* Company, as under the Terms and Conditions of the Acquisition by the *South-eastern* Company of the Property of the *Whitstable* Company, the *South-eastern* Company may be bound to discharge.

As to new Shares created under Act.

IX. That the *South-eastern* Company, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Special Meeting of the Company convened for the Purpose, from Time to Time may create such new Shares, either of One Class and with like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts, and respectively with any fixed, fluctuating, contingent, guaranteed, preferential, perpetual, terminable, or other Dividend or Interest not exceeding Five Pounds *per Centum per Annum*, as that Company from Time to Time think fit, and may from Time to Time fix, as they respectively think fit, the Amounts and Times of Payment of the Calls on the new Shares: Provided always, that all the Shares of the same Class shall be

be of like Amount, and all the Shares of the same Class shall confer like Privileges and bear the like Dividend or Interest.

Saving Rights of Preference Shareholders of the South-eastern Company.

X. Provided always, That this Act or anything therein contained shall not prejudice or affect any Preference or Priority in the Payment of Interest and fixed Dividend, or any Share or Stock in the *South-eastern* Company created or issued by that Company before the passing of this Act, or confirmed by any Act, or otherwise lawfully subsisting at the Time of the passing of this Act.

Existing Mortgages, &c. not to be prejudiced.

XI. Provided always, That, except as by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, or prejudicially affect any of the Rights or Interests of the now existing Mortgagees, Bondholders, or Annuitants of the *South-eastern* Company.

Limit of Amount to be borrowed.

XII. Provided always, That the total Amount which the *South-eastern* Company may borrow shall not exceed One Third Part of the Amount of their authorized Capital for the Time being; and no Money shall be borrowed until the whole of the Share Capital of the *South-eastern* Company authorized by the *South-eastern* Acts has been subscribed and One Half thereof paid up.

Interest not to be paid on Calls paid up.

XIII. That the *South-eastern* Company shall not, out of any Money which they have by this or any other Act relating to that Company been authorized to raise by Shares or borrowing, pay to any Shareholder Interest or Dividend in respect of Calls under this Act: Provided always, that this Act shall not prevent that Company paying such Interest on Calls paid in advance as is authorized by the "Companies Clauses Consolidation Act, 1845."

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

XIV. That the *South-eastern* Company shall not, out of any Money by this Act or any other Act relating to that Company authorized to be raised, 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 that Company to construct any Railway or execute any other Work or Undertaking.

Power for South-eastern Company to provide and use Steam Vessels.

XV. That the *South-eastern* Company from Time to Time may build or buy or hire, and may use, maintain, and work Steam Vessels for the Purpose of carrying on a convenient and efficient Communication by means thereof between the Ports of *Folkestone* or *Dover* and the Ports of *Boulogne* or *Calais*, and may take Tolls in respect of such Steam Vessels: Provided always, that the Powers by this Act granted to the *South-eastern* Company with respect to Steam Vessels

shall continue for Fourteen Years from the First Day of *January* next after the passing of this Act.

Power to charge Rates for Use of Steam Boats.

XVI. That the *South-eastern* Company may charge for the Conveyance of Passengers in the Steam Vessels worked or employed by them such reasonable Rates as they think proper, not exceeding the Rates following; to wit:

Passengers between *Folkestone* or *Dover* and *Boulogne* or *Calais*:

First Class - -	Eight Shillings each.
Second Class - -	Six Shillings each.

For securing Equality of Treatment.

XVII. That such Steam-vessel Rates shall be at all Times charged to all Persons equally and after the same Rate in respect of Passengers conveyed in a like Vessel passing between any of the Ports aforesaid under the like Circumstances; and no Reduction or Advance in any such Rate shall be made in favour of or against any Person using the Steam Vessels, in consequence of such Person having travelled over the whole or any Part of the Railway, or not having travelled upon any Part thereof.

Company empowered to make Byelaws.

XVIII. That the *South-eastern* Company may from Time to Time make Byelaws, Orders, and Regulations in relation to Passengers, Cattle, and Goods conveyed in or upon such Steam Vessels between the Ports aforesaid, and as to the Embarkation and Disembarkation thereof respectively, and may enforce the Observance of the same by Penalties, in the same Manner as they may with respect to Passengers, Cattle, and Goods conveyed upon their Railway; such Byelaws, Orders, and Regulations being previously sanctioned and authenticated in the same Manner as is required by the Acts relating to the Railway, and by the General Law relating to Railways; and such Byelaws, Orders, and Regulations, and all Penalties and Forfeitures in respect of the Breach thereof, shall be enforced and recovered in the same Manner as by such Acts provided with respect to Offences committed upon the Railway: Provided always, that nothing in this Act contained

Nothing to affect Powers of Warden, &c. of Dover Harbour, &c.

shall prejudice or affect any Powers of the Warden and Assistants of *Dover* Harbour, or their Harbour Master, or any Right of the Mayor, Aldermen, and Burgesses of *Dover*, or of the Warden and Assistants of *Dover* Harbour, to make Byelaws within the Town and Port or Harbour of *Dover*; and that no Byelaw shall be made by the Company as to the Embarkation or Disembarkation of Passengers, Cattle, or Goods at that Port, or any Matter in respect of which the Mayor, Aldermen, and Burgesses of *Dover* or the Warden and Assistants of *Dover* Harbour have Power to make Byelaws, which shall be inconsistent with any Byelaw of the said Mayor, Aldermen, and Burgesses or Warden and Assistants duly made, or the Subject Matter of which shall be provided for by any such Byelaw; and if any Matter shall be provided for by any Byelaw of the said Mayor, Aldermen, and Burgesses,

gesses, of the said Warden and Assistants, any Byelaw of the Company relating to the same Matter shall, from and after the making of the Byelaw of the said Mayor, Aldermen, and Burgesses, or Warden and Assistants (as the Case may be), be void and of none Effect.

Recovery of Monies by Distress.

XIX. That all Tolls due and payable to the *South-eastern* Company on any Account whatsoever, and all Costs, Damages, and Expenses by this Act directed to be paid, and the Amount whereof is not disputed, may be levied by Distress, and any Justice, on Application by that Company, shall issue his Warrant accordingly.

Costs of Distress.

XX. That any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of such Toll or Sum shall be paid by the Person liable to pay such Toll or Sum, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Toll or Sum.

Several Names in One Warrant.

XXI. That any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice or in a Schedule thereto.

Saving Rights of the Three Companies.

XXII. Provided always, That, except as by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, or prejudicially affect any of the Estates, Rights, Interests, Powers, Authorities, and Privileges of the *South-eastern* Company, the *Whitstable* Company, and the Steam Packet Company, or any of those Companies respectively.

As to Candidates for the Office of Auditor.

XXIII. And whereas it is expedient to provide as after mentioned with respect to Notices to be given by Candidates for the Office of Auditor, and the giving Notices of Vacancies in the Office of Auditor: Be it enacted, That a Shareholder shall not be eligible to be elected an Auditor unless he notify his being a Candidate for the Office of Auditor by Writing to the Secretary, delivered at the Office of the Company at least Twenty-one Days before the Day for holding the General Meeting, or at which an Auditor is to be appointed: Provided always, that a Shareholder retiring from the Office of Auditor by Rotation shall be eligible for Re-election without giving such previous Notification.

Notices of Vacancies in Office of Auditor.

XXIV. That whenever a Vacancy in the Office of Auditor is to be filled up by a General Meeting, the Directors shall give Notice of the Vacancy at least Fourteen Days before the Day for holding the General Meeting by which the Vacancy is to be filled up, and the Notice shall state who, if any, are the Shareholders who have duly notified their being Candidates, and who, if any, are the Shareholders retiring

retiring from the Office of Auditor by Rotation, and re-eligible without such Notification.

Railways to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXV. 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 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 another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the *South-eastern* or *Whitstable* Railways, or the *South-eastern* Railway Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the Railways and Company, so far as the same shall be applicable thereto.

Railway, &c. not exempt from Provisions of future General Acts.

XXVI. That this Act or anything therein contained shall not exempt the Railway from the Provisions of any General Act relating to the recited Acts or this Act, or 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 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.

Expenses of Act.

XXVII. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the *South-eastern* Company.

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