ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. xcviii.

An Act for authorizing the *South-eastern* Railway Company to make and maintain an Extension of their Railway to *Westerham*, and to raise further Monies; and for other Purposes.

[23d *June* 1864.]

WHEREAS by the Act of the Sixth Year of *William* the Fourth, Chapter Seventy-five (Local), intituled *An Act for making a Railway from the* London and Croydon *Railway to* Dover, *to be called "The* South-eastern *Railway,"* the *South-eastern* Railway Company (in this Act called "the Company") were incorporated, and were authorized to make and maintain the *South-eastern* Railway: And whereas by divers Acts subsequently passed the Company were authorized to make or to acquire and to maintain divers Lines of Railway by way of Addition to or Extension of the *South-eastern* Railway as originally authorized: And whereas it is expedient that the Company be authorized to make and maintain the Line of Railway by this Act authorized by way of Extension to *Westerham*: And whereas it is expedient that the Company be authorized to raise further Monies: And whereas Plans and Sections of the intended Line of Railwayshowing the Line and Levels thereof, and the Lands

6 & 7 W. 4. c.lxxv.

in which the same is intended to be made, and Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited 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 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 for all Purposes be cited as "The *South-eastern* Railway (Extension to *Westerham*) Act, 1864."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to Construction of a Railway) of "The Railways Clauses Act, 1863," and Part I. (relating to Cancellation and Surrender of Shares), and Part II. (relating to additional Capital), of "The Companies Clauses Act, 1863," (save so far as any of the Sections or Provisions of those Acts and Parts respectively are expressly excepted or varied by this Act,) are incorporated with this Act.

Part of 8 & 9 Vict. c. 16. incorporated.

3. The following Sections and Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is to say,)

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 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:

With respect to the Provisions to be made for affording Access to the Special Act.

Same Meanings to Words in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the

the Subject or Context: Provided, that the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act, 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; and the Words "Shares" and "Shareholders" include, when requisite, "Stock" and "Stockholders."

Power to take Lands.

5. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use for the Purposes of the Works by this Act authorized such of the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, as they think fit.

Powers for compulsory Purchases limited.

6. The Company's Powers under this Act for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years after the passing of this Act.

Lands for extraordinary Purposes.

7. The Company by Agreement from Time to Time may purchase any Quantity of Land, not exceeding in the whole One Acre, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Power to make Works according to deposited Plans.

8. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain the Line of Railway and Works by this Act authorized in the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, and, so far as the Line and Levels thereof are shown on the deposited Plans and Sections, may make and maintain the same in accordance with the Line and Levels so shown,

Works authorized by Act.

9. The Line of Railway and Works by this Act authorized to be made and maintained by the Company comprise the following Railway and Works, with all proper and sufficient Stations, Approaches, Works, and Conveniences connected therewith; (that is to say,)

A Railway commencing by a Junction in the Parish of *Otford* in the County of *Kent* with the Railway (No. 1.) by "The *South eastern* Railway (*Tunbridge* and *Dartford* Lines) Act, 1862," authorized, and terminating in the Parish of *Westerham* in the said County, near to the Turnpike Road leading from *Westerham* to *Bromley*:

And the Railway and Works executed under the Authority of this Act shall form Part of the Undertaking of the Company, and it shall be lawful for the Company to demand and receive such Tolls and Charges in respect of each and every Description of Traffic upon the said Railway as they would have been entitled to demand and receive

if

if the same had originally formed Part of the Main Line of the *South-eastern* Railway.

Period for Completion of Works.

10. The Railway by this Act authorized shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act conferred on the Company with respect to the making of the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Penalty for Noncompletion of Railways within Period limited for Completion thereof.

11. After the Expiration of the Period by this Act limited for the Completion of the Railway by this Act authorized, if the same be not then completed, the Company shall be liable to a Penalty of Fifty Pounds a Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the Railway is so completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it appears by a Certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the Railway 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.

Power to raise additional Capital by new Shares.

12. The Company from Time to Time may raise for the Purposes of this Act, by the Creation and Issue of new Shares or new Stock, whether ordinary or preferential, or both, any Capital not exceeding Seventy thousand Pounds, and the same shall be in addition not only to their present authorized Capital, but also to the Capital, if any, which by any other Act, if any, of the present Session of Parliament hereafter passed they are authorized to raise: Provided, that no Share shall be issued by the Company, or shall vest in the Person accepting the same, until not less than Twenty *per Centum* on the nominal Amount thereof shall have been paid thereon.

Power to borrow on Mortgage.

13. The Company from Time to Time may borrow on Mortgage for the Purposes of this Act any Sums not exceeding in the whole Twenty-three thousand Pounds; provided that the Company shall not borrow on Mortgage any Part of that Sum until the whole of their Capital under this Act is subscribed for or taken, and One Half thereof is actually paid up, and 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 Capital have been issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares are *bonâ fide* held by Subscribers or their

their Assigns, or for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Priority of existing Mortgages.

14. Provided, That all Mortgages granted by the Company before the passing of this Act and now in force shall during the Continuance thereof respectively have Priority over all Mortgages granted by the Company under this Act.

Arrears may be enforced by Appointment of a Receiver.

15. The Mortgagees of the Company under this Act may enforce the Payment of the Arrears of Interest or of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Five thousand Pounds.

Application of Monies.

16. All and every Part of the Monies by this Act authorized to be raised by the Company by Shares and by borrowing respectively shall be applied only to the Purposes of this Act, and the Company from Time to Time may apply for the Purposes of this Act any Monies now or hereafter belonging to them or under the Control of their Directors, save only so far as the Application of any such Money is by any Act specially provided for, and the Money is required for the Purpose for which it is so made applicable.

Interest not to be paid on Calls paid up.

17. The Company shall not, out of any Money by this or any other Act authorized to be raised by them by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided, that the Company from Time to Time may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

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

18. The Company shall not, out of any Money by this Act or any other Act authorized to be raised by them by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any Application to Parliament for an Act authorizing the Company to make any other Railway, or execute any other Work or Undertaking.

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

19. Nothing in this Act contained shall exempt the Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, or from any future Revision

Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act authorized, or the Rates for small Parcels thereby authorized.

Expenses of Act.

20. All the Costs, Charges, and Expenses of and incidental to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.