



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. clxxxvii.

An Act for enabling the *East Kent* Railway Company to extend their authorized Line of Railway by the Construction of a Railway from *Canterbury* to *Dover*, with Two Branches at *Dover*; to increase their Capital; and for other Purposes.

[30th July 1855.]

WHEREAS by the Local and Personal Act of the Session 16 & 17 Vict. of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter 132, called "The *East Kent* Railway Act, 1853," the *East Kent* Railway Company were incorporated for the Purpose of constructing a Railway from *Strood* to *Canterbury*, with Branches to *Faversham* Quays and *Chilham*, with a Capital of Seven hundred thousand Pounds, divided into Twenty-eight thousand Shares of Twenty-five Pounds each, and with Power to borrow any Sum not exceeding Two hundred and thirty-three thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, but no Part of that Sum has yet been borrowed: And whereas the Railway by that Act authorized is intended to form a Portion of a direct Line of Railway between *London* and *Dover* by *Canterbury*, and between *London* and Ports and Places

[Local.]

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on

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on the Eastern Coast of *Kent*: And whereas the making of a protected Inland Line of Railway from *Canterbury* to *Dover* in extension of that authorized Line of Railway, together with Branch Tramways by which *Dover* and *Dover* Harbour may be connected with the Government Establishments at *Canterbury*, *Chatham*, *Sheerness*, *Woolwich*, and *Deptford*, without being dependent upon the present circuitous and exposed Line by *Reigate* and between *Folkestone* and *Dover*, not only would be attended with much public and local Advantage, but is of great national Importance: And whereas it is desirable that such Inland Line of Railway should be completed at the earliest possible Period, and with that view that Encouragement should be given for raising the Capital necessary for the Object: And whereas Plans and Sections describing the Line and Levels of the proposed Railways, with a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the respective Clerks of the Peace for the County of *Kent* and the County of the City of *Canterbury*: And whereas the *East Kent* Railway Company are willing to undertake the Extension of their authorized Line of Railway by the Construction of the proposed Railways, and it is expedient that they should be empowered so to do, and that their Capital should for such Purpose be increased, and that the speedy Construction of the whole Line of Railway from *Strood* to *Dover* should be facilitated as by this Act provided: 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.

I. This Act may be cited for any Purpose as "*East Kent* Railway (Extension to *Dover*) Act, 1855."

8 & 9 Vict.
cc. 18. & 20.
incorporated.

II. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Interpreta-
tion of Terms.

III. In construing this Act and (in connexion with this Act) the Acts and Parts of Acts incorporated herewith, the following Words and Expressions shall have the respective Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

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

The

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The Expression "the Company" and the Expression "the Promoters of the Undertaking" respectively shall mean the *East Kent Railway Company*:

The Expression "the Undertaking" and the Expression "the Railway" respectively shall mean the Railways by this Act authorized, and the Works connected therewith.

IV. The *East Kent Railway Company* may make and maintain a Railway, with all proper Stations, Works, and Conveniences connected therewith, commencing by a Junction with the authorized Line of the *East Kent Railway* at a Point distant Four Furlongs or thereabouts to the Westward of the Point of Junction between the authorized Line of the *East Kent Railway* and the *Ashford and Canterbury Branch* of the *South-eastern Railway*, and terminating at a Point on the Northern Side of *Hawkesbury Street* in the Parish of *Saint Mary the Virgin* in the Borough of *Dover*, distant Twenty Feet or thereabouts from the Southern End of the Wall forming the Eastern Boundary of *Adelaide Place* in the said Borough; and the Company may also make and maintain a Branch Railway or Tramway to connect that Railway with the Admiralty Pier now being constructed at *Dover*, commencing at a Yard, the Property of the Warden and Assistants of *Dover Harbour*, in the Occupation of *John Coleman* and *Henry Coleman*, distant Thirteen Yards or thereabouts from the North-western Side of *Strond Lane* in that Parish, and terminating at the Admiralty Pier; and the Company may also make and maintain another Branch Railway or Tramway to connect the Railway and Branch Railway or Tramway with *Dover Harbour*, commencing at that Yard, and distant Thirteen Yards or thereabouts from the North-western Side of *Strond Lane* in that Parish, and terminating at a Point on the Quay Wall distant Ten Yards or thereabouts from the Foot Bridge leading to the Boom House on the South Pier Head of *Dover Harbour* in that Parish.

Power to
make Rail-
way.

V. The Plans, Sections, and Books of Reference deposited with the respective Clerks of the Peace for the County of *Kent* and County of the City of *Canterbury* for the Purposes of this Act shall be retained by them, and all the Provisions of the Public General Act of the First Year of Her present Majesty, Chapter 83, shall extend and apply to those Plans, Sections, and Books of Reference.

As to depo-
sited Plans
and Sections.

VI. Subject to the Provisions of this Act, the Railways by this Act authorized shall be made in the Line and according to the Levels delineated upon those Plans and Sections, and upon the Lands delineated on those Plans and described in those Books of Reference, and the Company may enter upon, take, and use such of those Lands as they think necessary for the Purposes of this Act.

Railway to
be made ac-
cordingly.

VII. Subject

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Power to cross a certain Road on Level.

VII. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company in constructing the Railways to carry the same on the Level across the Road following :

Number on Plans before mentioned.	Parish.
19.	St. Mary the Virgin, Dover.

Provided always, that the Company shall erect and for ever maintain a good and sufficient public Foot Bridge for the Use of Foot Passengers over the said Road at or near the Point of such level Crossing.

Company to erect a Station or Lodge at Point of Crossing, and to abide by Rules, &c. of the Board of Trade.

VIII. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Point where the said Railway crosses the before-mentioned Road on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times to maintain such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing of such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

IX. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time either before or after the Railways hereby authorized to be carried across the said Road on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the before-mentioned Road either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossing.

Power to carry Branch Tramways across cer-

X. And whereas the said Branch Railways or Tramways are not intended to be worked by Steam Power: Therefore it shall be lawful for the Company, in constructing the said Branch Railways or Tramways,

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ways, to carry the same on the Level across the Roads following; (that is to say,) tain Roads on the Level.

Number on Plans before mentioned.	Parish.
28 ^b . 49 ^a . 62. 63. 64. 64 ^a . 84.	St. Mary the Virgin, Dover.

Provided always, that the Company shall not use on the said Branch Railways or Tramways Carriages propelled by Steam or by Atmospheric Agency or drawn by Ropes in connexion with a Stationary Steam Engine.

XI. It shall not be lawful for the Company to carry the Railway across the Road called *Black Horse Lane*, and numbered on the said Plans 7 in the Parish of *Charlton*, on the Level thereof, but in lieu of so doing the Company shall carry that Road over the Railway by means of a Bridge, and for that Purpose it shall be lawful for the Company to make a Diversion of that Road in the Field numbered on the said Plans 8 in the Parish of *Charlton*, but no Part of such Diversion shall be made or extend beyond the Limits of Deviation marked on the said Plans. Regulating Crossing of Black Horse Lane.

XII. Nothing in this Act contained shall extend to authorize the Company to construct any Erection, Building, Shaft, Tunnel, or other Work within a Circle whose Radius shall be One Mile from the Flagstaff of that Portion of the Fortifications on the Western Heights at *Dover* known by the Name of the Drop Redoubt without the Approval and Sanction of Her Majesty's Principal Secretary of State for the War Department for the Time being, signified in Writing under the Hand of his Secretary for the Time being; and when any such Erection, Building, Shaft, Tunnel, or other Work shall have been constructed no Alteration shall be made therein without the like Approval and Sanction: Provided always, that the Construction of any such Erection, Building, Shaft, Tunnel, or other Work as aforesaid shall be subject to the Supervision of the said Principal Secretary of State for the Time being as aforesaid, and the Commanding Royal Engineer at *Dover* for the Time being shall have the Power to stop the Execution of any of the Railway Works within the said Circle if the said Company shall not in all respects perform the same to the Satisfaction of the said Principal Secretary of State. Company not to construct certain Works without Consent of Secretary of State for War.

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XIII. Nothing

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Company not to interfere with or take certain Works without Consent of Secretary of State for War.

XIII. Nothing in this Act contained shall extend to authorize the Company to interfere with or take, without the written Consent of the said Principal Secretary of State for the Time being signified as aforesaid, any Building or other Property belonging to Her Majesty or under the Charge of the said Principal Secretary of State for the Time being, and any such Building or other Property as may be damaged or destroyed by reason of the Execution of the said Railway Works shall be replaced by and at the Expense of the said Company to the Satisfaction of the said Principal Secretary of State, and no Erection, Building, Shaft, Tunnel, or other Work on or under any Ground belonging to Her Majesty, and under the Charge of the said Principal Secretary of State, whether the same be intended to be permanent or otherwise, shall be constructed without the written Consent and Approval of the said Principal Secretary of State signified as aforesaid.

If Tunnel abandoned after being commenced, Company to fill up and make same secure.

XIV. In the event of the Construction of the proposed Tunnel under the said Western Heights, being Part of the Works hereby authorized, having been commenced by the said Company, and the further Construction thereof afterwards abandoned before Completion, the said Company shall at their own Expense fill up such Portion of the said Tunnel as may have then been executed, or otherwise render the same secure, in such Manner as the said Principal Secretary of State may require.

During War, &c. Secretary of State may take possession of certain Part of Company's Line.

XV. The said Principal Secretary of State for the Time being, as well as the Commander-in-Chief for the Time being, shall at any Time during War, Rebellion, or other Disturbance have the Power to assume military Occupation and Control of the whole of the Line, Stations, and Works of the said Company which shall be within the before-mentioned Circle, or so much or such Part or Parts thereof as may be deemed necessary, without the Payment to the said Railway Company of any Compensation in respect of such Occupation and Control.

Plans, &c. of certain Works to be approved by the Admiralty.

XVI. Previously to commencing the crossing of the River *Stour* at *Canterbury*, or the Branch Railway to the Admiralty Pier at *Dover*, or the Works respectively connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Crossing of the *Stour* at *Canterbury*, and of the Branch Railway to the Admiralty Pier at *Dover*, and the Works respectively connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Crossing of the *Stour* and such Branch Railway to the Admiralty Pier at *Dover* and Works shall

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shall be constructed only in accordance with such Approval, and when such Crossing and Branch Railway and Works shall have been commenced or constructed, it shall not be lawful for the Company at any Time to alter, extend, or modify the same without obtaining, previously to making any such Alteration, Extension, or Modification, the like Consent or Approval; and if such Crossing and Branch Railway or Works shall be commenced or completed, or be altered, extended, constructed, or modified, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

XVII. The Branch Railway to the Admiralty Pier aforesaid and the Works affecting such Pier shall be under such Management and Control as the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral, may at any Time or Times think fit to approve of or direct by Writing under the Hand of the Secretary of the Admiralty, and such Management thereof shall be modified, altered, or terminated at any Time or Times, and the said Branch Railway and Works connected therewith, in so far as the same interfere with the Admiralty Pier, shall from Time to Time be modified, altered, or entirely removed by and at the Cost of the Company, as and whenever the said Lord High Admiral or the said Commissioners shall by Writing under the Hand of the Secretary of the Admiralty direct, on giving reasonable Notice to that Effect.

Management of certain Works to be approved by the Admiralty.

XVIII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company on, in, over, or affecting the said Admiralty Pier or Approaches thereto, or any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Admiralty may order local Survey at Expense of Company.

XIX. If any Work to be constructed by the Company on, in, under, over, through, or across the said Admiralty Pier, or any tidal Water or navigable River, or if any Portion of any Work which affects or

Works affecting tidal Waters abandoned may be removed

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by the Admiralty at Expense of Company.

may affect any such Pier, Water, or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Provision as to crossing the River Stour.

XX. As regards the Crossing of the River *Stour* within the Limits of the Commission of Sewers in the Eastern Parts of the County of *Kent* in the event of the said Railway crossing the same, all Embankments to be made within such Limits by which the River *Stour* or any Part thereof, or any Sewer or any Part thereof, shall be liable to be affected, and all Arches and Bridges to be made over the said River *Stour*, and over every Sewer within the said Limits, and every Sewer to be made to carry the Water from the Ditches to be formed on the Sides of the said Railway into the River *Stour*, or any of the Sewers leading thereto, shall be made and constructed to the Satisfaction of the Commissioners of Sewers acting for the several Limits in the Eastern Parts of the County of *Kent*, and under the Inspection and to the Satisfaction of the Engineer or Surveyor for the Time being of the said Commissioners, and so as not to injure or obstruct the free Passage of the Water in the said River *Stour*, and in the said Sewers or any of them: Provided always, that nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the said Company in making and constructing or maintaining the said Railway to alter the Course or Direction of the main River *Stour*, or of any Sewer within the said Limits, without the Consent of the Commissioners of Sewers for the Limits aforesaid first had and obtained at any General or Special Meeting of the said Commissioners.

Company not to enter upon Basins, &c. without Consent of Wardens, &c.

XXI. It shall not be lawful for the Company for any of the Purposes of this Act to enter upon, take, or interfere with any of the Basins, Docks, Quays, Wharves, Culverts, Sluices, Gates, or other Works in or about the Harbour of *Dover*, or any Part or Parcel of any such Basins, Docks, Quays, Wharves, Culverts, Sluices, Gates, or other Works belonging to the Warden and Assistants of the Harbour of *Dover*, without the Consent in Writing of the said Warden and Assistants under their Common Seal for that Purpose first had and obtained.

Plan of certain Lands of the Wardens, &c. of Dover

XXII. And whereas the Fee Simple of the greater Portion of the Lands and Houses in the Town of *Dover* proposed to be taken for the Purposes of the said Railway, and described upon the deposited Plans thereof,

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thereof, belongs to the said Warden and Assistants of the Harbour of *Dover*: And whereas it has been agreed between the Company and the said Warden and Assistants that the Estate and Interest of the said Warden and Assistants in such Portions only of the said Lands and Houses as are coloured Red upon a Plan of the said Railways, signed by the Engineer of the Company and the Surveyor of the said Warden and Assistants, and intended to be deposited with the Clerk of the Peace for the Borough of *Dover*, shall be taken by the Company under the compulsory Powers of Purchase contained in this Act: Be it enacted, That the said Plan, when so deposited with the Clerk of the Peace for the said Borough, shall be kept and preserved by the said Clerk of the Peace among the Records of the said Borough, and all Persons interested in the Lands and Houses delineated on the said Plan may at all seasonable Times inspect the same on Payment of a reasonable Fee for each such Inspection.

Harbour to be deposited.

Plan when deposited to be retained by Clerk of Peace.

XXIII. It shall not be lawful for the Company under the Powers of this Act, without the Consent of the said Warden and Assistants under their Common Seal, to enter upon, purchase, and take from the said Warden and Assistants their Estate and Interest in any of the Lands and Houses described in the deposited Plans of the said Railway, and situate in the Town of *Dover*, which are not also described and coloured Red on the Plan so signed and intended to be deposited as aforesaid with the Clerk of the Peace of the said Borough, anything in this Act or the "Lands Clauses Consolidation Act" contained to the contrary notwithstanding.

Company not to take from Warden and Assistants any Lands, &c. not coloured Red on the said Plan.

XXIV. The whole of the Lands which shall be sold and conveyed by the said Warden and Assistants to the Company shall be appropriated to and used solely for the Railway and the Station and Buildings necessary for making and using the said Railway, except any Part or Portion of such Lands which may be required to be left open for the increased Width of Streets, or to form new Approaches to the said Station and Buildings, and which the Company may actually apply for such Purposes.

Lands taken from Warden, &c. to be applied solely to Railway Purposes and Approaches.

XXV. None of the Lands which shall be sold and conveyed by the said Warden and Assistants to the Company shall be used or employed for building or erecting thereon any Coke Ovens, or for any other Purpose whatever (although strictly a Railway Purpose) by which any Nuisance may be created, or the other Property of the said Warden and Assistants in the Town of *Dover* be thereby in any way damaged or prejudiced.

Company not to erect Coke Ovens on Property of Warden, &c. in Dover.

XXVI. No Erection or Building shall at any Time be made upon any Part of the Lands coloured Red on the Plan to be deposited as

Elevations of Buildings to be submitted

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aforesaid,

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to Warden
and Assis-
tants.

aforesaid, and be sold and conveyed by the said Warden and Assistants to the Company, until the Drawing of the external Elevation of such Erection or Building shall have been submitted to and approved by the said Warden and Assistants under their Common Seal; and that all such Erections and Buildings which shall be made or erected shall, as to the Elevation thereof, be in strict Conformity with the Drawing so to be approved as aforesaid; and shall not afterwards, unless with the like Approval, be in any way varied or altered; and in case of any Difference between the Company and the said Warden and Assistants as to the external Elevation of such Erection or Building, and as to any Alteration therein, the same shall be referred to the Board of Trade, whose Decision shall be final.

Application
of Monies
payable to
Warden, &c.
of Dover
Harbour.

XXVII. The Monies which shall be payable to the said Warden and Assistants by the Company in respect of Compensation for any Basins, Docks, Quays, Wharfs, or other Harbour Works interfered with by the Company, or for any other Matter whatsoever other than the Purchase or Compensation Money for Houses and for Lands held therewith, shall be paid to the said Warden and Assistants, and applied by them for the general Improvement of the Harbour of *Dover* in such Way and Manner as they shall think expedient, and that the Receipt of the said Warden and Assistants under their Common Seal shall be a sufficient Discharge for the same to the Company.

Company to
erect Works
for the Pro-
tection of
Property of
Warden, &c.

XXVIII. The Company shall, at their own Costs and Charges, from Time to Time make and erect, upon the Requisition of the said Warden and Assistants, all such Erections, Buildings, and Works as may be necessary and proper for the Protection of the Lands, Tenements, and Property for the Time being belonging to the said Warden and Assistants from the Effects of any of the Works, Buildings, and Erections of the Company, and in case of any Difference between the Company and the said Warden and Assistants as to the same, such Difference shall be referred to the Board of Trade, whose Decision shall be final.

Rights of
Wharfage
purchased by
the Company
to be released
to the War-
den and As-
sistants.

XXIX. If the Company shall purchase any Property held under Lease from the said Warden and Assistants, by the Terms of which Lease the Lessee or Tenant of such Property shall be entitled during the Continuance of the Term granted by such Lease either to any Quay or Wharf or to Exemption from any Wharfage, Droits, Tolls, or other Duties payable to the said Warden and Assistants, or to take for his own Benefit any Wharfage, Tolls, or other Duties in respect of Persons, Animals, Goods, or other Things landed at or shipped from any Wharf or Quay comprised in such Lease, or adjoining the Premises thereby demised, the Company shall, upon Payment to them by
the

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the said Warden and Assistants of the Price at which the Company shall have so purchased such Quay or Wharf, or the said Exemption from Wharfage, Droits, Tolls, or other Duties, or as the Case may be, the said Right of such Lessee or Tenant to take for his own Benefit such Wharfage, Tolls, or other Duties as aforesaid, sell and convey or surrender such Quay or Wharf, or such Right or Exemption as aforesaid, to the said Warden and Assistants; and if any Difference shall arise between the Company and the said Warden and Assistants as to the Price actually and *bonâ fide* paid by the Company for the Purchase of such Quay or Wharf, or Exemption or Right as aforesaid, the same shall be determined by Arbitration in the Manner provided by the Lands Clauses Consolidation Act for settling Cases of disputed Compensation.

XXX. Nothing in this Act contained shall extend or be construed to extend to alter, suspend, defeat, or affect any Tolls, Rates, Droits, or Duties, or any Sum or Sums of Money, now received or receivable by the said Warden and Assistants of *Dover* Harbour under any existing Act or Acts of Parliament, or by Custom, Prescription, or otherwise, or to alter, amend, or repeal (except as by this Act provided) any of the Acts of Parliament now in force relating to *Dover* Harbour, or to prejudice, lessen, or destroy any of the Rights, Privileges, Powers, or Authorities of the said Warden and Assistants, or of their Officers or Servants.

Saving the Rights of the Warden and Assistants of *Dover* Harbour.

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

Land for extraordinary Purposes.

XXXII. 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 Two Years from the passing of this Act.

Limiting Time for compulsory Purchase of Lands.

XXXIII. The Railways by this Act authorized shall be completed within Four Years from the passing of this Act, and upon the Expiration of that Period all the Powers by this Act granted to the Company for making the Railways by this Act authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Limiting Time for Exercise of the Powers of this Act.

XXXIV. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Twenty thousand five hundred Pounds Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, purchased with the Sum of Eighteen thousand

Security for Completion of Railway within Time limited.

eight

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eight hundred and eight Pounds (being a Sum equal to One Tenth Part of so much of the Estimate of the Expense of the Railways authorized by this Act as is required to be subscribed), has been transferred into the Name of the Accountant General of the Court of Chancery in *England*, in respect to the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum of Twenty thousand five hundred Pounds Stock so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Stock, shall not, except upon the Execution and Deposit of such Bond as hereinafter mentioned, 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, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways hereby authorized to be made, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Stock so transferred as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the Sum of Eighteen thousand eight hundred and eight Pounds shall have been executed by the Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Eighteen thousand eight hundred and eight Pounds if the Company shall not, within the Time limited for the Completion of the said Railways, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by
means

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means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid or transferred 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, or the Executors or Administrators of such Survivor; and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Fact so certified.

XXXV. The Company may demand and take such Tolls for the Use of the Railways by this Act authorized as the Company are authorized to demand and take under and by virtue of the Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, and Fifty-eighth Sections of the *East Kent Railway Act, 1853*, and under and subject to the Regulations and Restrictions therein contained, as if those Sections respectively were contained in this Act, and the Railway by this Act authorized formed Part of the Railway by that Act authorized. Power to take Tolls.

XXXVI. The Share Capital of the Company shall henceforth be increased from Seven hundred thousand Pounds to One million two hundred thousand Pounds. Increase of Capital.

XXXVII. For the Purpose of raising the additional Share Capital of Five hundred thousand Pounds by this Act created, the Company, with the Consent of Three Fourths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting specially convened for the Purpose, may from Time to Time issue new Shares of such Amount, and to be appropriated and disposed of in such Manner, and to such Persons, and on such Terms and Conditions, and with such Preference or Priority, either fixed or variable, or partly fixed and partly variable, in Payment of Dividend on the Amount for the Time being paid up on such Shares, and with such other Privileges, as shall be authorized by such Meeting: Provided always, that any fixed, preferential, or guaranteed Dividend created

[*Local.*]

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under

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under the Powers of this Act shall not exceed the Rate of Five Pounds *per Centum per Annum* on the Amount so for the Time being paid up.

Calls.

XXXVIII. One Fifth of the total Amount of any Share issued under the Authority of this Act shall be the greatest Amount of any One Call thereon, and Three Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls to be made in any One Year on any such Share shall not exceed Three Fifths of the total Amount thereof.

Qualifications of new Shareholders.

XXXIX. All such new Shares of the Amount of Twenty-five Pounds each shall confer on the respective Holders thereof the same Qualifications and Rights of voting as the now existing Shares, and all new Shares of any other Amount shall confer on the respective Holders thereof Qualifications and Rights of voting in proportion to the aggregate nominal Value of such new Shares held by them respectively, and not in proportion to the Number of or the Amount paid on such new Shares, and for the Purposes of Qualifications and Rights of voting every entire Sum of Twenty-five Pounds of such aggregate nominal Value held by the same Person shall be considered as equivalent to One Share of Twenty-five Pounds in the Capital of the Company, and no Holder of new Shares shall have any Qualification or Right of voting in respect of any Number of new Shares constituting in aggregate nominal Value any Fraction of Twenty-five Pounds.

Nothing to affect existing Preference Shares.

XL. Any Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any new Shares or Stock in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Power to borrow on Mortgage.

XLI. When the whole of the additional Share Capital of the Company by this Act authorized is subscribed for, and One Half thereof is paid up, the Company from Time to Time, with the Authority of any General Meeting, may borrow on Mortgage or Bond, in addition to the Sum which they are by the recited Act authorized to borrow, any Sum not exceeding in the aggregate One hundred and sixty-six thousand six hundred and sixty-six Pounds.

Application of existing Capital.

XLII. The Company may apply to the Purposes of this Act so much of the Monies raised and authorized to be raised by Shares and borrowing under the Powers of the said *East Kent Railway Act, 1853*, as may not be required for the Purposes of that Act.

XLIII. All

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XLIII. All Monies which the Company are by this Act authorized to raise, either by new Shares or by Mortgage or Bond, shall be applied only to the Purposes by this Act authorized.

Application of Monies raised under this Act.

XLIV. 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 the Nonpayment of Calls, with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of borrowed Money into Capital, shall be incorporated with this Act, and shall respectively apply to all Shares created and to all Mortgages and Bonds granted and Monies borrowed under the Powers of this Act.

Certain Provisions in 8 & 9 Vict. c. 16. incorporated.

XLV. 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.

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

XLVI. 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.

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

XLVII. The Railways and Works by this Act authorized shall be and be deemed to be for all Purposes Part of the Undertaking of the *East Kent Railway Company*, as fully and completely in all respects as if those Railways and Works had formed Part of the Line of Railway authorized by the said "*East Kent Railway Act, 1853.*"

New Lines to form Part of Company's Undertaking.

XLVIII. Nothing in this Act shall exempt the Railway or the Company from the Provisions of any General Act relating to 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

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

or Acts.

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or which may hereafter pass during the present 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 or of the Tolls for small Parcels authorized by this Act.

Saving
Rights of
South-east-
ern Railway
Company.

XLIX. Nothing in this Act contained shall authorize the Company to take or enter upon any Lands of the *South-eastern Railway Company*, or to alter or interfere with the *South-eastern Railway*, or any of the Works thereof, further or otherwise than may be necessary for the carrying of the Main Line of Railway by a Bridge over the *South-eastern Railway* near *Canterbury* as by this Act authorized, without the Consent in Writing of the *South-eastern Railway Company* under their Common Seal for that Purpose first had and obtained; and in case of any Difference between the Company and the *South-eastern Railway Company* with reference to the Construction of such Bridge, such Difference shall be referred to the Board of Trade, whose Decision thereon shall be final.

Saving
Rights of the
Commission-
ers of Sewers
for Kent.

L. Nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Commissioners of Sewers for the several Limits in the County of *Kent*, by virtue of the General Laws relating to Sewers, but that such Rights, Privileges, Powers, and Authorities of the said Commissioners of Sewers shall remain, continue, and be in full Force and Effect.

Saving the
Rights of the
Crown.

LI. Nothing in this Act shall authorize the Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, and which such Commissioners or Commissioner are and is by this Act authorized to give, or divest, take away, lessen, prejudice, or alter any of the Estates, Rights, Privileges, Power, or Authorities which now are or hereafter may be, or, but for the Provisions of this Act, might be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of
Act.

LII. All Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company.

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