



ANNO VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. lxxxii.*

An Act to enable the *Weald of Kent* Railway Company to make a Deviation of their authorized Line of Railway; and for other Purposes.

[19th *June* 1865.]

**W**HEREAS by "The *Weald of Kent* Railway Act, 1864," 27 & 28 Vict. c. ccxxxiii.  
the *Weald of Kent* Railway Company (in this Act called "the Company") were incorporated, and were authorized to make and maintain a Railway from *Cranbrook* in the County of *Kent* to *Tenterden* in the same County, and they were authorized to raise by Shares Two hundred thousand Pounds, and on Loan Sixty-six thousand Pounds: And whereas the Company are proceeding to put that Act into execution: And whereas it is expedient that the Company be authorized to make a Deviation from the authorized Line of their Railway: And whereas a Plan and Section of the said Deviation showing the Line and Level thereof respectively, with a Book of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands to be taken for the Purposes of this Act, have been deposited with the Clerk of the Peace for the County of *Kent*, and the said Plan, Section, and Book of Reference are in this Act referred to as the deposited Plan, Section, and Book of Reference: And whereas it is expedient that some of the Powers and Provisions of the recited Act be amended, extended, and enlarged as herein-after mentioned: And whereas the Purposes of this Act cannot be effected without the

[*Local.*]

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Authority

*The Weald of Kent Railway Act, 1865.*

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 Weald of Kent Railway Act, 1865.*"

8 & 9 Vict. cc. 16., 18., & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated. 2. "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," "The Railway Clauses Act, 1863," (save so far as any of the Sections and Provisions of those Acts respectively are expressly varied or excepted by this Act,) are incorporated with this Act.

Same Meanings to Words in incorporated Acts as in this Act. 3. The several Words and Expressions to which by the Acts wholly or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to take and use Lands for Works authorized by Act. 4. For the Purposes of the Works by this Act authorized, and of carrying this Act into effect, but subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans, and specified in the deposited Book of Reference, as they think expedient.

Powers for compulsory Purchases limited. 5. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Twenty-fifth Day of *July* One thousand eight hundred and sixty-seven, being the Period by the recited Act limited for the compulsory Purchase of Lands for the Purposes of that Act.

Power to make Railway according to deposited Plans. 6. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain the Railway by this Act authorized in the Line and according to the Levels shown on the deposited Plan and Section, and in the Lands shown on the deposited Plans, and described in the deposited Book of Reference respectively.

Railway authorized by this Act. 7. The Railway which the Company are by this Act authorized to make and maintain is as follows:

A Line of Railway commencing at and from the Termination of the authorized Line of the *South-eastern* Railway in the Parish of *Cranbrook* in the County of *Kent* in a Field situate at *Hartley* in the Parish and County aforesaid numbered 38 in the said Parish on the Plans deposited in respect of the said Act, and terminating in the Parish of *Benenden* in the said County of *Kent* by a Junction with the authorized Line of the *Weald of Kent*

*The Weald of Kent Railway Act, 1865.*

*Kent Railway in a Field belonging to Gathorne Hardy Esq., and at a Point in such Field Eight Chains or thereabouts Eastward of the Turnpike Road leading from Sandhurst to Benenden, which Turnpike Road is Eastward of the Mill known as Mill Street Mill, and which said Field is numbered 74 in the same Parish on the Plans deposited in respect of the said "Weald of Kent Railway Act."*

**8.** The Line of Railway by this Act authorized shall be completed and opened for public Traffic on or before the Twenty-fifth Day of July One thousand eight hundred and sixty-seven, and on that Day the Powers by this Act granted to the Company for making the Line of Railway by this Act authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed and open for public Traffic.

Period for  
Completion  
of Works.

**9.** The Company shall abandon the making of so much of the Line of Railway by the recited Act authorized as lies between the Commencement and the Termination of the Line of Railway by this Act authorized.

Power to  
Company to  
abandon  
Part of  
authorized  
Line.

**10.** Where before the passing of this Act any Contract was entered into or Notice given by the Company for purchasing any Land which the Company were authorized to purchase for the Purpose of making any Part of the Line of Railway which they are by this Act required to abandon, the Company shall make to the Owners or Occupiers of or other Persons interested in those Lands full Compensation for all Damage or Injury 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 by "The Lands Clauses Consolidation Act, 1845," incorporated with the recited Act and this Act respectively, provided for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Compensa-  
tion to be  
made in  
respect of  
Line aban-  
doned.

**11.** Provided that the Obligation of the Company under this Act to abandon Part of their authorized Line of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were by the recited Act authorized to take to receive from them Compensation for any Damage or Injury occasioned by their entering on the Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845," incorporated with the recited Act and this Act respectively.

Act not to  
prejudice  
Right of  
Owner of  
Lands to  
Compensa-  
tion for  
Entry upon  
such Lands.

**12.** The Provisions of Section Twenty-six of the recited Act with respect to the Deposit and Bond for securing the Completion of the Railway

Provision for  
securing  
Completion  
of Railway.

*The Weald of Kent Railway Act, 1865.*

Railway by that Act authorized shall be read and have effect as if the Line of Railway by this Act authorized had originally been Part of the Line of Railway by the recited Act authorized, and as if the Line of Railway by this Act required to be abandoned had not originally been Part of the Line of Railway by the recited Act authorized.

New Line of Railway to be Part of the Company's Undertaking.

**13.** The Lands and Property from Time to Time acquired by the Company under this Act, and the Line of Railway and Works by this Act authorized, shall, for all Purposes of Tolls, Rates, and Charges, and for all other Purposes whatsoever, be Part of the Undertaking, Railway, Works, and Property of the Company, as if the Company had by the recited Act been authorized to acquire, make, and maintain the same.

Interest not to be paid on Calls paid up.

**14.** 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 Dividends to any Shareholder on the Amount of Calls made in respect of the Shares held by them in the Capital of the Company: Provided always, that the Company may pay to any 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.

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

**15.** 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 other Railway, or execute any other Work or Undertaking.

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

**16.** Nothing in this Act contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force 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 Rates for small Parcels.

Expenses of Act.

**17.** The Expenses, Costs, and Charges of obtaining and passing this Act, and incidental and preparatory thereto, shall be paid by the Company.

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