



CHAPTER ccxxxi.

An Act to extend the periods respectively limited by "The Dover and Deal Railway Act, 1874," for the compulsory purchase of Lands, and for the completion of the Works by that Act authorised. [14th August 1877.]

A.D. 1877.

WHEREAS by "The Dover and Deal Railway Act, 1874," (in this Act called the Act of 1874,) the South-eastern and London, Chatham, and Dover Railway Companies (in this Act called the two Companies) were authorised to make and maintain the railways following :

1. A railway one furlong five chains and nine yards in length, commencing by a junction with the South-eastern Railway near the Archcliff Fort Tunnel, in the parish of Hougham, and terminating in the parish of Saint Mary-the-Virgin, Dover, by a junction with the Admiralty Pier railway or tramway of the London, Chatham, and Dover Railway ;
2. A railway eight miles two furlongs and eight chains in length, commencing by a junction with the London, Chatham, and Dover Railway, in the parish of Buckland, and terminating by a junction with the South-eastern Railway at Deal :

And whereas by the Act of 1874 the powers of the two Companies for the compulsory purchase of lands for the purposes of that Act were limited to a period of three years from the passing of that Act :

And whereas by the Act of 1874 the powers of the two Companies for making and completing the works thereby authorised were limited to a period of five years from the passing of that Act :

And whereas it is expedient that the said periods respectively should be extended :

And whereas it is expedient that the two Companies should be restricted from interfering with the Marine Drill-ground at Deal :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

[Ch. ccxxxi.] *The Dover and Deal Railway* [40 & 41 VICT.]
Act, 1877.

A.D. 1877.

— 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 be cited as "The Dover and Deal Railway Act, 1877."

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act; namely,

Part II. (relating to extension of time) of "The Railways Clauses Act, 1863:"

The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matter; (namely,)

The provisions to be made for affording access to the special Act by all parties interested.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Extending periods for compulsory purchase of lands.

4. The powers of the two Companies for the compulsory purchase of lands for the purposes of the Act of 1874 are hereby extended, and shall continue in force until the expiration of one year from the thirty-first day of December one thousand eight hundred and seventy-seven.

Extending period for completion of works.

5. The powers of the two Companies for the completion of the works authorised by the Act of 1874 are hereby extended until the thirtieth day of June one thousand eight hundred and eighty, and on the expiration of that period the powers by the Act of 1874 and this Act respectively granted to the two Companies for completing the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Restricting interference

6. Notwithstanding anything in the Act of 1874 or this Act contained to the contrary, it shall not be lawful for the two Companies

to take or in any way interfere with the drill-ground near the Royal Marine Barracks at Deal, numbered 33, in the parish of Deal, on the plans referred to in the Act of 1874 as the deposited plans, or any part of the said drill-ground, without the consent in writing 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 for the time being.

A.D. 1877.
 with the
 Admiralty
 Drill-ground.

7. With respect to the Post Office telegraph system the following provisions shall take effect :

(A.) The two Companies shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the two Companies have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the two Companies, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him : Provided always, that this section shall not be deemed to prevent the two Companies executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the two Companies shall forthwith give notice to the Postmaster General of any such interference and the reason for the same :

Restriction
 on works
 affecting
 Post Office
 telegraph
 system.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the two Companies shall observe and perform the same :

Power for
 Postmaster
 General to
 annex con-
 ditions.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the railways, lands, and works of the two Companies for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon :

Power of
 entry for
 Postmaster
 General.

(D.) The two Companies shall from time to time make full compensation to Her Majesty's Postmaster General for any

Compensa-
 tion by two
 Companies to

A.D. 1877.

Postmaster
General, and
penalty.

expense, loss, or damage which he is put to or sustains by reason of the two Companies, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the two Companies shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the two Companies to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the two Companies:

Power for
Postmaster
General to
construct
and work
telegraphs,
&c.

(E.) Her Majesty's Postmaster General, on, over, along, and across any of the railways, works, and lands for the time being of the two Companies, may from time to time construct such line or lines of telegraphs as he thinks fit, with all necessary and proper posts, wires, apparatus, and other works connected therewith, and remove or vary the same, and construct others instead thereof or in addition thereto, and may maintain, inspect, test, repair, reinstate, work, and use the same as they for the time being exist, and may by his engineers and other officers, servants, and workmen, at and for all reasonable times, for all or any of the purposes aforesaid, enter on and into and remain on those railways, works, and lands, but in the exercise of the powers of this section the Postmaster General shall not interfere with the traffic on any of the two Companies' railways, and shall cause as little inconvenience as may be to the two Companies, and shall execute and do every work or thing to the reasonable satisfaction of the engineer of the two Companies, and if at any time the two Companies desire to make at their own expense any alteration in any work executed by the Postmaster General under the authority of this section, without interrupting or impeding postal telegraphic communication, they may do so, first giving notice in writing to the Postmaster General of their intention; and in the exercise of the powers given by this section the Postmaster General shall do as little damage as may be, and shall make full compensation to the two Companies for all damage sustained by them by

reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," and any Act amending the same, for the determination of the amount and application of compensation for lands taken or injuriously affected :

A.D. 1877.

(F.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Provisions to remain in force for one year and to the end of the then next session of Parliament.

8. If the two Companies fail within the period further extended by this Act to complete the railways, they shall be jointly and severally liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways 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, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of 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 that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General, on behalf of the Chancery Division of the High Court of Justice, in the bank and to the credit specified in such warrant or 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 Companies were prevented from completing or opening the railways 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.

Penalty imposed unless the lines are opened within the time further extended.

9. 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 other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any portion thereof, or who

Application of penalty.

[Ch. ccxxxi.] *The Dover and Deal Railway* [40 & 41 Vict.]
Act, 1877.

A.D. 1877. — may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the two Companies by this Act, 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 Chancery Division of the High Court of Justice 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 either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the said Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Division, if the Company or the two Companies (as the case may be) is or are insolvent, and has or have been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company or of the two Companies (as the case may be), or be otherwise applied as part of the assets of the Company or of the two Companies (as the case may be) for the benefit of the creditors thereof.

Provision as
to general
Railway
Acts.

10. Nothing in this Act contained shall exempt the two Companies or the railways of the two Companies from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised to be taken by the two Companies.

Expenses of
Act.

11. 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 two Companies equally.