



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xlii.

An Act to amend the Acts relating to the South-eastern Railway. [14th June 1839.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the London and Croydon Railway to Dover, to be called the South-eastern Railway*: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act to alter and extend the Line of the South-eastern Railway, and to amend the Act relating thereto*: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be altered and amended, and that certain further Powers should be granted to the South-eastern Railway Company; but the Purposes aforesaid 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 Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules of Interpretation or Construction, Clauses, Matters, and Things contained in the said recited Acts, or either of them, (and not by the second of

6 & 7 W. 4. c. 75.

7 W. 4. & 1 Vict. c. 93.

Powers of recited Acts extended to this Act.

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such Acts or by this Act repealed, altered, or otherwise provided for,) shall extend and be construed to extend to this Act, and to the several Things hereby authorized or required to be done, and shall operate and be in force in respect to the Objects and Purposes of this Act, as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules, Clauses, Matters, and Things were repeated and re-enacted in this Act.

Power to take Offices on Lease or otherwise.

II. And be it further enacted, That it shall be lawful for the said Company, in addition to any other Lands which they are authorized to purchase for the Purposes of their said Railway, to purchase, hire, or take any Buildings or Lands, and at any Distance from the said Railway, not exceeding in Quantity Ten Acres, for the Purpose of being used as Offices or Warehouses, or as Sites for Offices or Warehouses, or for any of the Purposes of the said Railway, either in Fee Simple or on Building or other Leases, or for any other Estate, and to enter into or execute any Arrangements, Contracts, Deeds, Covenants, and other Instruments relating to the Premises, which shall thenceforth be binding on the said Company; and that the said Company may also, at their own Expence, erect, or contract for the Erection, upon such Land so to be purchased, hired, or taken as aforesaid, such Offices, Warehouses, Buildings, or Constructions for the Use of the said Company as to them shall seem meet or desirable.

Time enlarged for taking Lands

III. And be it further enacted, That the Time by the said recited Acts limited for the taking or using of Lands for the Purposes of the said Undertaking shall be and is hereby extended and enlarged for the further Term of One Year, to be computed from the Expiration of the Term limited by the last of the said recited Acts.

Power to enter Lands, &c. on Payment or Tender of Purchase Money, and for setting out the Line.

IV. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury in manner in the said first-recited Act mentioned, for the Purchase of any Lands for the Purposes of the said Undertaking, to the respective Proprietors of such Lands, or other Persons respectively interested therein or entitled to receive such Money, or if the Parties so respectively interested or entitled as aforesaid, or claiming so to be, or being in the actual Enjoyment thereof, cannot be found, or shall be absent from *England*, or shall refuse or be unable from any Cause whatever to receive such Money as aforesaid, or shall refuse, neglect, or be unable to make a good Title to such Lands to the Satisfaction of the said Company, or if any Party entitled unto or to convey such Lands shall not be known, or shall die after such Agreement or Award, or shall be absent from *England*, or shall refuse, neglect, or be unable from any Cause to convey the same, then, upon Payment of such Money into the Bank of *England*, as in the said first-recited Act directed, to the Credit of the Parties interested in such Lands, or in case such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands, or for any Rent or other Charge, which any Corporation

poration, Trustee, or Person under Disability or particular Tenant is by the said recited Acts or this Act capacitated to convey, upon Payment of the same into the Bank of *England*, as in the said first-recited Act is directed, to an Account *ex parte* "The South-eastern Railway Company," or to Two Trustees, in such Cases and in such Manner as by the same Act authorized, then and in every such Case it shall be lawful for the said Company immediately to enter upon such Lands, and thereupon all the Estate, Use, Trust, and Interest of all Parties in respect of whose Rights or Interests such Purchase Money shall have been paid, tendered, or deposited shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of the said recited Acts and this Act; and such Payment, Tender, or Deposit as aforesaid shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower and Curtesy, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands in respect of which such Payment, Tender, or Deposit shall have been made: Provided always, that before such Payment, Tender, or Deposit as aforesaid it shall not be lawful for the said Company, or for any Person acting under their Authority, to bore under, dig, or cut into or enter upon such Lands for any of the Purposes of this or the said recited Acts, except as hereafter mentioned, without the previous Consent of the Persons in Receipt of the Rents and of the Occupiers thereof respectively: Provided nevertheless, that the said Company shall be at liberty to enter upon the said Lands for the Purpose of setting out and marking by Stakes or otherwise the Line of the said Railway, and ascertaining the precise Direction thereof, and the Quantity and Extent of Land requisite to be taken for the Purpose of the same, (but without boring upon, digging, or excavating the said Lands further than may be absolutely necessary for ascertaining the Nature of the Soil thereof,) with the Consent of the Occupiers thereof, or without their Consent at such reasonable Times and under such Regulations and Restrictions as shall be authorized and imposed by any Justice of the Peace acting for the County or Place within which such Lands, or any Part thereof, may be situate, upon Notice to be given to the respective Occupiers of the said Lands, or left at their last known or usual Place of Abode: Provided also, that the said Company shall pay full Compensation for any Damage they may do in setting out or ascertaining their said Line, and the Nature of the Soil thereof, whether by the Destruction of Timber, Boring, Excavation, or otherwise; such Compensation, in case of Dispute about the same, to be settled by any Two Justices of the Peace for the County or Place where the said Lands may lie.

V. And be it further enacted, That, save as herein-after provided, if the said Company, or any of their Contractors, shall wilfully enter upon and take possession of any Lands, except for the Purposes and according to the Provisions herein-before mentioned or referred to, without the Consent of the Persons in Receipt of the Rents and of the Occupiers thereof, or without having made or tendered or deposited Payment for the same in manner herein-before directed, the said Company shall forfeit and pay to the Party in Possession or in Receipt

Penalty for entering on Lands before Purchase.

Receipt of the Rents and Profits of such Lands the Sum of Ten Pounds, and also shall pay to the Party or Parties injured thereby the Amount of any Damage done to the said Lands by reason of such Entry and taking possession thereof as aforesaid; such Penalty and Damage respectively to be recovered by the Party in Possession or in the Receipt of the Rents and Profits, and by the Party or Parties so injured as aforesaid respectively, before any Two Justices of the Peace for the County or Place where the said Lands may be situate, in their ordinary Petty Sessions assembled; and if the said Company, or their Contractors, shall after Conviction in such Penalty as aforesaid, or after Notice from the Party in Possession or Receipt of the Rents and Profits of any Lands, or the Occupier thereof, continue in the unlawful Possession of the said Lands after a reasonable Time allowed them for removing therefrom, the said Company shall be liable to forfeit and pay the Sum of Twenty Pounds for every Day they or their Contractors may so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession or in the Receipt of the Rents of the said Lands, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*: Provided always, that nothing herein contained shall be held to subject the said Company to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or tendered the Compensation agreed on or awarded to be paid in respect of the said Lands to any Person, whether legally entitled to receive the same or not, or shall have deposited the same incorrectly; nor shall any Decision of Justices under the Provisions herein-before contained be held conclusive as to the Right of Entry by the said Company: Provided also, that after Notice of this Provision shall have been given by the said Company to any of their Contractors the said Company shall be entitled to recover from such Contractors any Penalty in which they may have been convicted in consequence of the Acts of such Contractors, or their Servants, Agents, or Workmen, done without the express Authority of the said Company.

Compensation to be made for temporary Damage.

VI. Provided always, and be it further enacted, That whenever the said Company shall occupy under the Provisions of this or the said recited Acts any Land for temporary Purposes, the said Company shall pay to the Owner and Occupier of the said Land for the Time being full Compensation for the Occupation of the same, and for any temporary Injury such Owner and Occupier may sustain in consequence of the Occupation of the same, the Amount of which Compensation, whether the same shall exceed or be less than Twenty Pounds, shall be settled, from Time to Time as such Compensation shall be claimed, by any Two Justices acting for the District in which such Land may lie, and shall be recovered in the same Manner as Damages to a small Amount are by the said first-recited Act directed to be recovered.

All Persons enabled to sell, and Indemnification to Persons conveying.

VII. And be it further enacted, That it shall be lawful for all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Femes Coverts, Guardians, Trustees for charitable or other Purposes, and other Trustees, Committees, Executors, Administrators, and all Persons who respectively shall

shall for the Time being be in the Possession or Receipt of the Rents, Issues, and Profits of any Lands or Hereditaments required to be taken, used, or released for the Purposes and under the Authority of the said recited Acts or of this Act, on behalf not only of themselves but of all other Persons interested in the same Hereditaments in Remainder or Expectancy, or in Defeazance of the Estates of such Parties, or otherwise, to contract for, sell, release, or convey the same Lands and Hereditaments respectively to the said South-eastern Railway Company, or otherwise, according to the Provisions of the said Acts, or to agree for the Amount of any Compensation payable in respect of any such Hereditaments.

VIII. Provided always, and be it further enacted, That if at any Time after the said Company shall have entered upon any Lands which shall be permanently required for the Purposes of the said recited Acts or this Act, and for which they shall have *bonâ fide* and without Collusion paid, tendered, or deposited, according to the Provisions of the said recited Acts or this Act, the Purchase Money, Compensation, or Satisfaction agreed or awarded to be paid in respect of the same, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in, to, or affecting such Lands, which Estate, Right, or Interest the said Company shall have failed or omitted duly to purchase, or to pay Satisfaction or Compensation for, by reason of the said Company not having had express Notice of the Existence thereof, or by reason of any other Accident or Mistake, and such Estate, Right, or Interest shall not have been vested in or barred or extinguished for the Benefit of the said Company by virtue of any of the Provisions in the said recited Acts or either of them or in this Act contained, and the said Company shall, within the Period of Six Calendar Months after they shall have had express Notice, and reasonable Proof of Existence of such Estate, Right, or Interest purchase, or pay or tender or deposit Compensation or Satisfaction for the same, then, notwithstanding such Estate, Right, or Interest, and whether the Period granted by the said Acts or this Act for the Purchase of Lands may then have expired or not, the said Company shall remain in the undisturbed Possession of such Lands for the Purposes of this and the said recited Acts; and the Purchase Money, Compensation, or Satisfaction to be paid for such Estate, Right, or Interest shall be agreed on or awarded, and shall be paid or deposited, and such Estate, Right, or Interest shall be vested in or barred or extinguished for the Benefit of the said Company, in like Manner as, according to the Provisions in the said recited Acts or either of them or in this Act contained, the same respectively would have been agreed on or awarded, and paid or deposited, and vested, barred, or extinguished, in case the said Company had purchased, and paid or deposited or tendered Compensation or Satisfaction for such Estate, Right, or Interest, before their Entry on such Lands, or as near thereto as Circumstances will admit.

Company empowered to Purchase Interests in Land the Purchase whereof may have been omitted by Mistake.

IX. And be it further enacted, That all Corporations and Persons by the said recited Acts or either of them or this Act capacitated to treat and agree with the said Company for the Sale and Conveyance of Lands required for the said Railway may and they are hereby empowered (if they shall be willing, but not otherwise,) to treat and

Incapacitated Persons may sell additional Land to the Company.

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agree with the said Company for the Sale and Conveyance of Lands required for the Purposes of the said Railway, notwithstanding the Period by the said recited Acts or either of them or by this Act limited for the compulsory Purchase of Lands may have expired, subject nevertheless to the Provisions and Restrictions in the said recited Acts and this Act contained.

Lands taken of any Corporation or Person under any Disability to be valued by Two Surveyors or their Umpire.

X. Provided always, and be it further enacted, That the Consideration Money to be paid for any Lands to be purchased from or conveyed by any Corporation, or any Person under any Disability or Incapacity, as in the said first-recited Act mentioned, or not having Power to sell except under the Provisions of the said first-recited Act or this Act, shall in no Case be less than such Sum as the same shall be estimated at by the Verdict of a Jury, or by Two able practical Surveyors, one of whom shall be nominated by the said Company, and the other by the Person or Corporation contracting or agreeing to sell the same, and if such Two Surveyors shall not agree in the Valuation thereof, then by such Third Surveyor as any Two Justices acting for the County in which the Lands or any Part thereof shall be situated shall for that Purpose nominate; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not then the Surveyor so to be nominated by the Justices as aforesaid, shall annex to their or his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof.

Special Jury.

XI. And be it further enacted, That in all Cases of Controversy between the said Company and any Person or Persons where by the said first-recited Act a Jury is authorized or directed to be summoned, it shall be lawful for the said Company, or for the Person or Persons with whom any such Controversy shall arise, and they are hereby empowered, if they think proper so to do, to require the Sheriff or Under Sheriff of the County in which such Controversy is to be determined to summon the Party with whom such Controversy shall arise, or the said Company, to appear by himself or themselves, or his or their Attorney, before the said Sheriff or Under Sheriff, at such convenient Place and Time as such Sheriff or Under Sheriff shall appoint, for the Purpose of nominating a Special Jury between the said Parties, which Requisition to the said Sheriff or Under Sheriff shall be served on such Sheriff or Under Sheriff a reasonable Time before the Time appointed for taking the said Inquiry; and such Sheriff or his Under Sheriff shall and he is hereby required to produce or cause to be produced at the Place and Time so appointed the Jurors Book and Special Jurors List, and the Numbers written on Parchment or Card, as specified and directed in and by the Statute made and passed in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries*; and at the Place and Time so appointed the said Sheriff or his Under Sheriff, or some Person duly appointed by them or one of them, shall proceed to nominate or strike a Special Jury in the Manner specified and authorized by the last-mentioned Act to be performed by the proper Officers of Her Majesty's Courts at *Westminster*; and the said Sheriff or Under Sheriff, or some Person duly appointed by them or either of them as aforesaid, shall at some then future reasonable Time and Place

6 G. 4. c. 50.

Place to be appointed by him in that Behalf proceed to reduce the said Special Jury in the Manner used and accustomed to be performed by the proper Officers of the Superior Courts as aforesaid, of which last-mentioned Time and Place not less than Twenty-four Hours Notice in Writing shall be given by the Party requiring such Special Jury to be summoned to the said other Party; and the Special Jurymen to be summoned, impannelled, and returned by the said Sheriff or Under Sheriff shall be subject to all such and the same Fines and Penalties for Non-attendance, and to all such and the same Provisions, as Jurymen are by the said recited Railway Act rendered subject to: Provided always, that nothing herein contained shall be construed to prevent the same Special Jury from trying any Number of Inquiries, so as the Parties to such Inquiries respectively, or their Attornies, shall have signified their Assent in Writing to the Nomination of such Special Jury for the Trial of their respective Inquiries; nor shall any Special Jurymen be required to attend more than once in the same Year for the Trial of any Inquiries under this or the said recited Acts, or any of them: Provided also, that if a sufficient Number of Special Jurymen shall not attend at the Time and Place appointed for holding the Inquiry, the Sheriff, or Under Sheriff, Coroner, or other Person presiding thereat shall, on the Request of either of the Parties to such Inquiry, add to the List of such Special Jury the Names of any By-standers qualified to act as Jurymen for the County in which the Inquiry is held; and all Persons shall have their lawful Challenges against the Jurymen so added; and the said Sheriff, Under Sheriff, Coroner, or other Person shall and may proceed in the said Inquiry with the Jurors so added, in like Manner as he might have done if all the Persons summoned to attend as Jurymen on such Inquiry had attended thereat.

XII. And be it further enacted, That in all Cases where the Verdict of a Jury, summoned as by the said recited Acts or this Act, or either of them, directed, shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of the said recited Acts or this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers thereof, the reasonable Fees which may have been paid to One Counsel for attending the Inquiry before such Jury, by the Party with whom the said Company may be in dispute, shall be paid by the said Company, and the Amount of such Fees shall be settled and determined by the Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Inquiry, in like Manner as the Costs of summoning such Jury and other Expences payable by the said Company, but upon the same Scale of Allowance as may for the Time being be adopted or allowed by the Taxing Officers of Her Majesty's Courts of Record at *Westminster*.

Expences of Counsel to be allowed in Taxation of Costs.

XIII. And whereas by the said recited Acts the said Company are required to make and erect such and so many Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to or from the said Railway as may be necessary for the commodious Use and Occupation of the Land cut through or divided by the said Railway; and it is expedient that

Company empowered to purchase Lands in certain Cases in lieu of making Occupation for Bridges.

for the Purpose of avoiding unnecessary Expence the said Company shall be empowered to enter into Agreements for and to effect the Purchase of such Lands for the convenient Occupation whereof such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages may be required, but the Value of which Lands may be disproportionate to the Cost of constructing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages; be it therefore enacted, That where any Land shall be intersected or divided by the said Railway so as to cut off a Portion thereof of less Value than the estimated Cost of constructing the Gates, Bridges, Hollows, Arches, Culverts, Fences, Ditches, Drains, and Passages necessary or which might be required to be made by the said Company for the convenient Occupation thereof, and the Proprietor thereof, or any Corporation or Person who would be capacitated to sell the same if required for the Purposes of the Railway, shall be willing to sell such Portion to the said Company, it shall be lawful for such Proprietor or Corporation or Person to enter into any Agreement with the said Company for the Sale and Conveyance to them, or according to their Direction, of the same Portion of Land, and to convey the same accordingly, subject to the same Provisions of the recited Acts and of this Act with respect to the Sale and Conveyance of Lands, and the Disposal of the Purchase Monies for the same, as if such Portion of Land were required as Part of the Line and for the Purposes of the said Railway; and the said Company are hereby authorized and empowered to treat and agree with any Corporation or Person for the Purchase or Release of any such Portion of Land, and of any subsisting Lease, Term, Estate, Charge, or Interest therein or thereupon accordingly: Provided always, that the Land to be purchased from any Corporation or Person as aforesaid shall not exceed Ten Acres in any One Place; and that the said Company shall and they are hereby required to sell and convey all such Land as shall be so purchased by and assured to themselves, or such Part thereof as may not be necessary for the Purposes of the said Undertaking, within such Time and in such Way and Manner as is directed by the said recited Acts for the Sale of any superfluous Lands purchased by them, and not required for such Purposes.

Sheriff may
be authorized
to deliver
Possession of
Lands re-
quired for
the Works.

XIV. And be it further enacted, That in all Cases where by the said recited Acts or this Act the said South-eastern Railway Company are authorized and empowered to enter upon and take Possession of any Lands required for the Purposes of the said Railway, and the Owner or Occupier of the said Lands, or any other Person, shall refuse to give up the Possession thereof, or shall hinder or prevent the said Company from entering upon or taking Possession of the same, it shall be lawful for the said Company to issue their Precept, either under their Common Seal or under the Hands and Seals of Three at least of the Directors of the said Company for the Time being, to the Sheriff of the County in which any such Lands may be situate, or, as to any Lands within the Jurisdiction of the Cinque Ports, where the Sheriff of the County of *Kent* shall not have the Execution or Process, then to the Constable of *Dover Castle*, or his Deputy, or if such Constable or Deputy shall be interested in the Matter in question, then to the Coroner having Jurisdiction where such Lands shall

shall be situate, to deliver Possession of the same Lands to such Person as shall in such Precept be nominated to receive the same ; and the said Sheriff, Constable, Deputy, or Coroner is hereby required to deliver Possession of such Lands accordingly, and to levy and satisfy such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to deliver Possession, by Distress and Sale of his Goods and Chattels.

XV. And be it further enacted, That no Bye Laws which the said Company may have heretofore made under the Authority of the said first-recited Act (except such as may relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants,) shall be valid or binding for a longer Period than Six Months from the passing of this Act, nor shall any Bye Law, except as aforesaid, which may hereafter be made by the said Company, be valid or binding, unless the same shall be allowed by some Judge of One of Her Majesty's Courts of Record at *Westminster*, or by the Justices assembled at some General or Quarter Sessions of the Peace of the Counties of *Kent* or *Surrey*, which said Justices are hereby authorized and required, on the Request of the said Company, to examine into the Bye Laws which may be tendered to them for that Purpose by the said Company, and to allow of or disallow the same as to them may seem meet ; and all Penalties which may be imposed by virtue of any such Bye Laws shall be so framed as to allow the Justice or Justices before whom the same may be sought to be recovered to order the Whole or any Part of such Penalties to be paid.

Bye Laws to be confirmed.

XVI. And be it further enacted, That if any Person having (personally or by some other Party) at any Time taken a Place or Seat, or paid the Fare, or been booked for the Purpose of being carried in, upon, or by any of the Coaches or Carriages of the said Company, or of any other Company or Person using the said Railway, from one Place to another Place, shall knowingly and wilfully refuse or neglect to quit such Coach or Carriage on arriving at the Point to which he shall have paid his Fare, or been booked, or taken his Place or Seat, or shall knowingly and wilfully ride and proceed or attempt to ride or proceed on the said Railway, in the same or in any other Coach or Carriage, to a Place more distant than that to which he shall have so taken a Place or Seat, or paid the Fare, or been booked, without previously paying or tendering to the said Company, or other Company or Person as aforesaid, the additional Fare or Price of Carriage to such more distant Place, or if any Person shall at any Time hereafter knowingly and wilfully ride and be in any of the said Company's Coaches or Carriages, or in any Coaches or Carriages belonging to any other Company or Person using the said Railway, without having previously paid or tendered to the said Company, or other Company or Person aforesaid, his Fare or the Charge for his Carriage, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings, with Costs, to be recovered and applied in the same Way as any other Penalty or Forfeiture under the said recited Acts or either of them.

For preventing Frauds on the Carriers on the Railway.

Rates of Carriage to be charged equally.

XVII. And be it further enacted, That the Charges by the said recited Acts or either of them authorized to be made for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per Mile* or *per Ton per Mile* in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, passing on the same Portion of the Line; and no Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway.

Annual Account to be made up, and Copy transmitted to Clerk of the Peace.

XVIII. And be it further enacted, That the said Company shall and they are hereby required, in each and every Year, to cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Acts, for the Year ending on the First Day of *October*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Secretary or Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerks of the Peace for the Counties of *Kent* and *Surrey*, on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect to prepare and transmit or cause to be prepared and transmitted such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

After 15*l.* is called up, Interest to be paid until the Railway is completed.

XIX. And be it further enacted, That it shall be lawful for the Directors of the South-eastern Railway Company, and they are hereby empowered, when and so soon as the Sum of Fifteen Pounds shall have been called up in respect of the Shares of the said Undertaking, and from thenceforth until the said Railway shall be completed and opened to the Public, to pay Interest on the said Sum of Fifteen Pounds at any Rate not exceeding Four Pounds *per Centum per Annum* in respect of every Share from the Time at which the last Call constituting that Amount shall have become due, and on all further Sums to be from Time to Time called up in respect of the said Shares from the respective Times at which such further Calls shall become payable, such Interest to accrue and be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear in respect of such Share, or any other Share to be holden by the same Proprietor during the Period while such Call shall remain unpaid.

XX. And

XX. And be it further enacted, That the Shares or Securities for Money to be created under the Powers of the said recited Acts or this Act, and the Dividends or Interest to arise thereupon, shall not be transferable unless by Instrument duly stamped, in which the Consideration for such Transfer shall be truly stated, nor shall any Interest be paid upon the said Shares or Securities unless to the *bonâ fide* Holders thereof, or the Parties to whom the same may have been lawfully assigned under an Instrument duly stamped, or to the Agents of such Holders or Parties duly authorized to receive the same.

Transfers of Securities and Interest to be duly stamped.

XXI. And whereas the principal Officers of Her Majesty's Ordnance have agreed to sell to the said Company for the Purposes of the said Railway a Piece of Land containing about Three Quarters of an Acre, situate at *Hay Cliff* in the Parish of *Hougham* in the County of *Kent*, and being Part of the Field numbered 27 in the said Plans; be it further enacted, That the said Company shall not at any Time hereafter, without the Consent of the principal Officers of the Ordnance for the Time being, in Writing under their Hands, first had and obtained, erect or build or cause to be erected or built on the said Piece of Land, or adjoining thereto above the Cliff, any Erection or Building whatsoever, nor form any Paths, Ways, Roads, or Steps on the Face of the said *Cliff* in front of the said Land; and the said Company shall, at their own Costs and Charges, make and fix and for ever keep in repair a good and sufficient Post and Rail Fence along the whole Line of the said Piece of Land, under and according to such Directions and Specifications, both as to Place and Construction, as shall be given to the said Company by the Commanding Royal Engineer of the District for the Time being.

For Protection of Her Majesty's Ordnance.

XXII. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said recited Acts authorized to be made from the Provisions of any General Act relating to Railways which may pass during the present or any future Session of Parliament.

Railway to be subject to Provisions of any General Act.

XXIII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, or in any way incident thereto, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first Money to be raised or received by virtue of the said recited Acts or either of them, or this Act, in preference to any other Payment whatever.

For defraying Expences of the Act.

XXIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

