



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cli.

An Act to enable the *Sittingbourne and Sheerness Railway Company* to alter the Line and Levels of Portions of their authorized Line, and abandon Portions thereof; to construct new Branches and other Works; to authorize Working Arrangements with the *East Kent Railway Company*; to amend "The *Sittingbourne and Sheerness Railway Act, 1856*;" and for other Purposes.

[17th August 1857.]

WHEREAS by "The *Sittingbourne and Sheerness Railway Act, 1856*," "the *Sittingbourne and Sheerness Railway Company*" were incorporated, and were empowered to make and maintain a Railway from near *Water Lane* in the Parish of *Sittingbourne* to *Mile Town, Sheerness*, in the Parish of *Minster* in the *Isle of Sheppy*, according to the Plans and Sections of such Railway referred to in the said Act, as deposited with the Clerk of the Peace for the County of *Kent*, which Plans and Sections are in this Act called "the Plans and Sections of 1856:" And whereas the

19 & 20 Vict.
c. lxxv.

[Local.]

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Expense

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Expense of constructing some Portions of the said Railway could be greatly diminished if the Levels of such Portions were altered: And whereas it would be of public and local Advantage if a Branch Railway were made from the said Railway to Her Majesty's Dockyard at *Sheerness*, near the Shore End of the public Pier there, and also if Branch Railways were made to *Queenborough Point* in the Borough of *Queenborough*, and if a Pier or Landing Place were made from such Point into the Channel called the *West Swale*, with proper Conveniences for landing and embarking Railway and other Traffic thereat: And whereas the Expense of constructing the said Branch Railways would be greatly diminished if the Portion of the said authorized Line between the public Road from *Minster* to *Queenborough* and the authorized Terminus in *Mile Town, Sheerness*, were diverted, and the said Portion of Railway abandoned, and a new Line of Railway made in lieu thereof from the said public Road to a Point near the Public House called "The *Shipwrights' Arms*" in *High Street, Mile Town, Sheerness*: And whereas the Junction of the said Railway with the authorized Line of the *East Kent* Railway at *Sittingbourne* could be more conveniently effected if a Portion of the said authorized Line between the Field numbered 25 on the deposited Plans of 1856, in the Parish of *Milton*, near the authorized Terminus at *Sittingbourne*, were diverted and abandoned, and a new Line of Railway made in lieu thereof, and also if a Curve or Junction Line in a westerly Direction from the same Field to the authorized Line of the *East Kent* Railway were also made: And whereas Plans and Sections describing the proposed Alterations of Line and Levels, and also the proposed new Branches, Pier, Landing Place, and Works, together 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 and Houses upon or through which the new Works are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Kent*, which Plans and Sections are in this Act called "the Plans and Sections of 1857:" And whereas the Capital authorized by the said recited Act will be sufficient to defray the Expense of constructing the said Railway as proposed to be altered by this Act, and also the new Lines of Railway and Branch Railways, Pier or Landing Place, and other new Works by this Act authorized, and the said Company are willing to construct the same: And whereas it is expedient that the Company should be authorized to make and enter into Station and Working and other Arrangements with the *East Kent* Railway Company, and that some of the Powers and Provisions of the said recited Act should be repealed, altered, and amended, and that further Powers should be granted to the *Sittingbourne and Sheerness* 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;

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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,

I. That this Act may be cited for any Purpose as "The *Sittingbourne and Sheerness Railway Act, 1857.*" Short Title.

II. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," so far as the same are not altered or otherwise provided for by this Act, shall be incorporated with and form Part of this Act. 8 & 9 Vict. cc. 18. & 20. incorporated.

III. That "The Harbours, Docks, and Piers Clauses Act, 1847," except the Clauses thereof with respect to Life Boats and with respect to keeping a Tide and Weather Gauge, shall be incorporated with and form Part of this Act, and shall apply to the Pier or Landing Place and Works connected therewith by this Act authorized. 10 & 11 Vict. c. 27. incorporated.

IV. That subject to the Provisions contained in this Act and in the Acts incorporated herewith, it shall be lawful for "the *Sittingbourne and Sheerness Railway Company*" (herein-after called the Company) to make and maintain the new Lines of Railway and Branch Railways, Pier or Landing Place, and to construct the other new Works herein-after mentioned, with all proper Works and Conveniences connected therewith, in the Lines and upon or through the Lands and Houses shown on the said Plans of 1857, and described in the Book of Reference deposited therewith, and according to the Levels shown upon the Sections to the said Plans, and to enter upon, purchase, take, and use such of the said Lands and Houses as shall be necessary for such Purposes or any of them. Power to construct new Works.

V. That the new Lines of Railway and Branch Railways, Pier or Landing Place, and other new Works to be made under the Authority of this Act, shall be the following; that is to say, Lines of Railway and other new Works.

First. A new Line of Railway commencing in the Parish of *Queenborough* from and out of the said authorized Line of Railway at or near the Point where the said authorized Line on the deposited Plans of 1856 crosses the public Road from *Minster* to *Queenborough*, numbered 4 in the said Parish of *Queenborough* on the said Plans, and terminating at or near the Public House called "The *Shipwrights' Arms*" in *High Street* in *Mile Town*, *Sheerness*, in the Parish of *Minster*, the whole of which said new Line of Railway will pass or be situate or made in the several Parishes of *Queenborough* and *Minster* in the *Isle of Sheppy* and County of *Kent*:

Second.

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Second. A Branch Railway commencing from and out of the said new Line near the South End of the *Ordnance Road* in the said Parish of *Minster* at or near the Point marked A on the deposited Plans of 1857, and terminating in Her Majesty's Dockyard at *Sheerness*, near the Shore End of the public Pier or Landing Place at *Sheerness* in the Parish of *Minster*, at the Point marked B on the said last-mentioned Plans, the whole of which said intended Branch Railway will pass from, in, through, or into, or be situate within the said Parish of *Minster* in the *Isle of Sheppy* and County of *Kent* :

Third. A Branch Railway commencing from and out of the said new Line in the said Parish of *Queenborough* in the *Isle of Sheppy* at the Point marked C in the Field numbered 7 in the said Parish on the deposited Plans of 1857, and terminating at the Point marked D on the same Plans on the Pier or Landing Place herein-after described to be made on the Shore of the *West Swale* at *Queenborough Point* in the said Parish of *Queenborough*, which said intended Branch Railway will pass from, in, through, or into, or be situate within the said several Parishes of *Queenborough* and *Minster*, or One of them, and the Bed or Shore of the *West Swale* adjoining the same, all in the said *Isle of Sheppy* in the County of *Kent* :

Fourth. A Pier or Jetty and Landing Place as a Terminus for the last-mentioned Branch Railway, with all proper Works, Conveniences, and Approaches connected therewith, and communicating between the Pier and the said Branch Railway, such Pier or Jetty and Landing Place commencing on and from the Pieces of Land at *Queenborough Point* in the said Parish of *Queenborough*, numbered 12 and 13 in the said Parish on the said deposited Plans of 1857, and extending thence on and over the Shore and Bed of the *West Swale* for the Distance of One hundred Yards from High-water Mark of ordinary Spring Tides, and with the previous Consent of the Lords of the Admiralty, but not otherwise, not exceeding the further Distance of One hundred Yards; the Line of which said Pier or Jetty and Landing Place is delineated on the said Plans, and which said Pier or Jetty and Landing Place and Works are intended to be wholly situate in or abutting upon the said Parish of *Queenborough* in the said *Isle of Sheppy* :

Fifth. A Curve or Junction Line of Railway commencing from and out of the said deviated Line of Railway in the Parish of *Minster* in a Field numbered 36 in the said Parish on the said deposited Plans of 1857, at the Point marked E on the said Plans, and proceeding thence in a curved Line to and terminating at and forming a Junction with the thirdly-described Line of Railway in the said Parish of *Queenborough* in the Field numbered

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numbered 12 in the said Parish on the said Plans, and at a Point marked F on the said Plans, the whole of which said intended Branch Railway will pass from, in, through, or into, or be situate within the said several Parishes of *Minster* and *Queenborough*, or One of them, in the said *Isle of Sheppy* and County of *Kent*:

Sixth. A new Line of Railway commencing in the Parish of *Milton* from and out of the said authorized Line of Railway at or near the Point marked G on the deposited Plans of 1857, in the Field numbered 25 on the said Plans and also on the said deposited Plans of 1856 in the said Parish of *Milton*, and terminating at or near the authorized Terminus of the said authorized Line in the Parish of *Sittingbourne* at the Point marked H on the said deposited Plans of 1857, the whole of which said new Line of Railway will pass or be made in the said several Parishes of *Milton* and *Sittingbourne* in the County of *Kent*:

Seventh. A Curve or Junction Line of Railway commencing from and out of the said authorized Line near *Sittingbourne* at the said Point marked G in the said Field numbered 25 in the said Parish of *Milton* on the said deposited Plans of 1857, and proceeding thence in a curved Line to, and terminating at, and to form a Junction with the Line of the *East Kent* Railway in the said Parish of *Milton*, at a Point about Two hundred and fifty Yards Westward from the Road numbered 26 in the Parish of *Milton*, and marked K on the said deposited Plans of 1857, the whole of which said Curve or Junction Railway will be situate or made in the Parish of *Milton* in the County of *Kent*:

Which said several Lines of Railway, Branch Railways, Pier, or Landing Place, and other new Works, shall be Part of the Undertaking of the *Sittingbourne and Sheerness* Railway Company, and subject to the Provisions in the said recited Act and this Act contained.

VI. That, notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," or "The Harbours, Docks, and Piers Clauses Act, 1847," contained, it shall be lawful for the Company in constructing the said Railways firstly and secondly described, and in constructing the said Pier or Landing Place, and the Approaches thereto respectively, to deviate to the full Extent of the Limits of Deviation on either Side of each such Work respectively marked on the Plans thereof deposited for the Purposes of this Act.

Company may deviate to the Extent marked on Plans.

VII. Provided always, That the Branch Line to the Dockyard at *Sheerness*, the Two Fork Lines to the proposed Pier at *Queenborough Point*, and that Portion of the Main Line lying between the said Branch to the Dockyard and the Northern Branch to the proposed Pier, shall not, nor shall any or either of them, deviate Seaward or Riverward

Certain Portions of Works not to deviate Seaward without the Consent

[Local.]

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Riverward

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of the Ad-
miralty.

Riverward of the continuous Line of Way marked on the Plan deposited at the Admiralty, without the previous Consent of the Lords of the Admiralty, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

Company
not to be
entitled to
exclusive
Right of
Water
Frontage.

VIII. That the Company shall not claim or be entitled to any exclusive Right of Water Frontage where the Railway skirts the Sea Shore or River Bank, but only such Frontage as the Company may require for the Uses of the Railway; and nothing herein contained shall prevent any other Persons legally entitled, with the previous Assent of and as approved of by the Lords of the Admiralty, to be signified in Writing under the Hand of the Secretary of the Admiralty, from constructing any Quays, Docks, Wharfs, and other Works to Seaward or Riverward of the Railway, which such Persons may lawfully construct with such Consent as aforesaid.

Admiralty
may require
Footways,
&c. to be
made over
the Railway,
to give Ac-
cess to the
Sea Shore.

IX. That where the Railway cuts off or will cut off Access to or from the Sea Shore or River Bank, the Company shall, during the Formation of the Line of Railway, and from Time to Time thereafter, make and for ever maintain, and allow to be used by all Persons and at all Times free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Railway, or on a Level therewith, as the Lords of the Admiralty shall at any Time or from Time to Time require, such Requirement to be signified in Writing under the Hand of the Secretary of the Admiralty: Provided always, that the Company shall not be required to make such Footways or Carriageways in such a Manner as would prevent or obstruct the working or using of the Railway, nor to make any such Footways or Carriageways over any Lands for the Use of Owners and Occupiers who shall have agreed to receive and shall have been paid Compensation for the Severance of such Lands from the Sea Shore or River Bank: Provided also, that the Expense of making and maintaining such Footways or Carriageways shall be defrayed by the Body or Persons interested in the Sea Shore or River Bank for whose Benefit or Convenience such Crossing shall be required; and if any such Carriageway be made across the said Railway on the Level, then the Manner of making and watching such level Crossing shall be subject to the Approval of the Board of Trade; and all Expenses attending the watching of such level Crossing shall in like Manner be paid by the Body or Persons interested in the Sea Shore or River Bank for whose Benefit or Convenience such level Crossing shall have been made.

Pier at
Queen-
borough

X. That the said Pier at *Queenborough Point* shall be constructed on open Pilework, and shall not, without the previous Consent of the
Lords

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Lords of the Admiralty, extend more than Three hundred Feet from the present Line of High-water Mark at ordinary Spring Tides, and no lateral Deviation from the continuous Line of Work marked on the Plan deposited at the Admiralty shall take place without the previous Assent of the Lords of the Admiralty, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Assent.

Point not to extend more than 300 Feet from High-water Mark, without the Consent of the Admiralty.

XI. That all Vessels frequenting the said Pier shall be subject to such Regulations as the Lords of the Admiralty may from Time to Time require for preventing unnecessary Interruption to the Navigation of the *West Swale*.

Admiralty may make Regulations for preventing Obstructions to the Navigation.

XII. And whereas on the said Plans of 1857 the Line of the Two Portions of the said authorized Railway, as now proposed to be executed between the Points marked Two Miles Five Furlongs and the Point marked Three Miles Two Furlongs, and between the Point marked Three Miles Four Furlongs and the Point marked Six Miles Four Furlongs, on the said Plans and Sections of 1856, is shown by the Black Line on the said Plans of 1857, and the altered Levels according to which the same Portions of Railway are now proposed to be executed are shown on the said Sections of 1857: Be it enacted, That, subject to the Provisions contained in this Act and in the Railways Clauses Consolidation Act incorporated herewith, it shall be lawful for the Company to alter to such Extent and in such Manner as is defined on the said Sections of 1857 the Levels of so much and such Portion of the said authorized Line of Railway as lies between the said Point marked Two Miles Five Furlongs on the said Plans and Sections of 1856 and the said Point marked Three Miles Two Furlongs on the same Plans and Sections, and also of so much and such Portion of the said authorized Line of Railway as lies between the said Point marked Three Miles Four Furlongs and the said Point marked Six Miles Four Furlongs on the said Plans and Sections of 1856, and between such several Points as aforesaid to make and maintain the said Portions of Railway in the Lines and according to the Levels shown on the said Plans and Sections of 1857, the whole of which said Deviations of Levels will be situate or made in the several Parishes or Places of *Minster* in the *Isle of Sheppy*, and *Iwade* and *Milton* in the County of *Kent*.

Power to alter Levels of Portions of authorized Line.

XIII. That, 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 the Construction of the thirdly-described Branch Railway by this Act authorized to be made, to carry the same by not more than Two Lines of Railway across and on the Level of the public Highway numbered

Power to cross a certain Highway on the Level.

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bered 10 in the Parish of *Queenborough* on the said deposited Plans of 1857.

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

XIV. That 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 maintain such Station or Lodge at such level Crossing, or appoint a proper Person to watch or superintend the Crossing at 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 imposed.

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

XV. That 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 said thirdly-described Branch Railway by this Act authorized to be made 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 said Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, and to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Before commencing Works, Plans to be submitted Admiralty.

XVI. That, previously to commencing to construct the said Pier or Landing Place, or the Works connected therewith, the Company shall deposit at the Admiralty Office detailed Plans, Sections, and Working Drawings of the said Pier or Landing Place, and Works respectively connected therewith, and of the Sites thereof respectively, and such Pier or Landing Place and Works shall be constructed only according to such Plans, Sections, and Working Drawings as shall have been previously approved of by the Lords of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and in case the said Pier or Landing Place and Works, or any Part thereof, shall be commenced or completed without such Approval or not in conformity therewith, then the said Lords of the Admiralty shall be at liberty to abate and remove or alter the same at the Cost and Charge of the Company,

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pany, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly with Costs of Suit.

XVII. That if at any Time or Times it shall be deemed expedient by the Lords of the Admiralty to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal Water or Part of a River, so far as the Tide flows or reflows, 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 the Expense of the Company.

XVIII. That if any Work to be constructed by the Company in, under, over, across, or through any tidal Water or navigable River, or of any Portion of the Work which affects any such Water or navigable River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lords of the Admiralty to abate and remove the same, or such Part or Parts thereof as 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.

Works affecting tidal Waters abandoned may be removed by Admiralty at Expense of Company.

XIX. That the prescribed Quantity of Land which the Company may purchase by Agreement for extraordinary Purposes connected with the Railway and Works under "The Railways Clauses Consolidation Act, 1845," shall not exceed Five Acres.

Land for extraordinary Purposes.

XX. That 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.

Powers for compulsory Purchases limited.

XXI. That the Branch Railways, Pier or Landing Place, and Works by this Act authorized shall be completed on or before the Sixth Day of *July* One thousand eight hundred and sixty, and on the Expiration of such Period the Powers by this Act or the Acts incorporated herewith granted to the Company for executing the same Branch Railways, Pier or Landing Place, and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such Branch Railways, Pier or Landing Place, and Works as shall then have been completed, and except such Powers as are by the same Acts or any of them declared to be continued for a longer Period.

Period for Completion of Works.

XXII. That it shall not be lawful for the Company hereby incorporated, or for any other Person in the Execution of this Act, in any

Company not to interfere with

[Local.]

28 D

Manner,

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the East
Kent Rail-
way or
Works with-
out Consent.

Manner, either permanently or temporarily, to enter upon, take, or use any of the Lands or Property of the *East Kent* Railway Company, or in any Manner to alter, vary, or interfere with the Lines of Railway belonging to the said Company, or any of the Works appertaining thereto, save only so far as may be necessary for the Purpose of forming Junctions with the Rails of the said *East Kent* Railway at the Points shown on the Centre Lines of the said deposited Plans of 1857, or as may be otherwise mutually agreed upon between and by the said Two Companies under the Provisions in this Act contained.

As to Com-
munications
with the
East Kent
Railway.

XXIII. That all Communications between the Railway by the said recited Act and this Act authorized to be made and the Railway of the *East Kent* Railway Company shall be made in a substantial and workmanlike Manner by means of Connexion Rails and Points of the Construction and laid at the Places and in the Manner from Time to Time most approved.

Communica-
tions with
the East
Kent Rail-
way to be
made under
the Direc-
tion of their
Engineer, &c.

XXIV. That the Expense of those Communications with the *East Kent* Railway, and of all necessary Openings in the Rails thereof, and of all other Works from Time to Time required for altering, amending, repairing, and maintaining such Communications, Rails, and Points, and of regulating, watching, and adjusting the same, including the Expense of the necessary Signals and Signal Men at all such Junctions, shall be borne and paid by the Company; and all such Communications, Openings, and other Works shall be made, and from Time to Time altered, amended, and repaired, according to a Plan to be approved of by the Engineer for the Time being of the *East Kent* Railway Company in each Case previously to the Commencement of any such Works by the Company, and all such Works shall be executed and maintained to the reasonable Satisfaction of such Engineer, and in every Case in such Manner and by such Means as shall not in anywise prejudice the *East Kent* Railway, or impede or interfere with the free and safe Passage along that Railway.

For referring
Disputes to
Arbitration.

XXV. That all Differences which may arise between the respective Engineers for the Time being of the Company and the *East Kent* Railway Company with respect to any Work or Matter by this Act required to be executed, repaired, maintained, or done to the reasonable Satisfaction of the Engineer for the Time being of the *East Kent* Railway Company, shall be decided by an Umpire to be appointed by the said Engineers for the Time being, or in case either of those Engineers shall neglect or refuse to name an Umpire for Fourteen Days after he shall have been requested by the other in Writing so to do, or if for Fourteen Days after such Request the said Engineers for the Time being cannot agree upon an Umpire, or the Umpire so appointed shall die or become incapacitated, or refuse or neglect

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neglect to act or proceed before he shall have given his Decision, then the Matters in difference shall be decided by an Engineer to be appointed by the Board of Trade on the Application of the Engineer for the Time being of either of the said Companies, and the Remuneration of such Umpire, or (as the Case may be) of the Engineer appointed by the Board of Trade, shall be paid by the Company; and the Works or Matters respecting which such Difference shall have arisen shall be executed, repaired, maintained, or done only in conformity with the Decision of such Umpire, or (as the Case may be) of such last-mentioned Engineer.

XXVI. That from and after the passing of this Act it shall be lawful for the Company, and they are hereby authorized and empowered, subject nevertheless to the Provisions in this Act and in "The *Sittingbourne and Sheerness Railway Act, 1856*," contained, to demand, receive, and take for and in respect of Passengers, and of the several Articles, Matters, and Things, and of all Descriptions of Animals; conveyed on the Railways by this Act authorized to be made, and also for the Use of Carriages and Locomotive Engines or other Power supplied by the Company thereon, such and the like Rates, Tolls, or other Charges as by "The *Sittingbourne and Sheerness Railway Act, 1856*," are authorized to be demanded and received for the like Passengers, Animals, Articles, Matters, and Things conveyed on the Railway thereby authorized to be made or constructed, and for the Use of the like Carriages and Locomotive Engines or other Power as well for Ordinary as for Special Trains supplied by the same Company on the same Railways: Provided always, that in fixing the Rates, Tolls, and Charges to be taken or charged on the Railways by this Act authorized, the same shall be calculated and imposed as if the said intended Railways formed Part of the existing Line of Railway of the said Company, and not as distinct and separate Railways.

Tolls of the Sittingbourne and Sheerness Railway Act, 1856, to be taken on Railways.

XXVII. That the Pier Undertaking of the Company shall be deemed to be comprised within the following Limits; that is to say, within the Sea Wall or Bank numbered 13 on the deposited Plans of 1857 and an imaginary Line drawn parallel to the said Pier from a Point on the said Sea Wall or Bank about Four hundred Yards South from the Shore End of the said Pier or Landing Place, and extending from the said Point into the Channel of the *West Swale* for the Distance of Two hundred and sixty-four Yards, and then turning to the North in a Line nearly parallel with the Head of the said Pier, and extending Northward for the Distance of Six hundred and thirty-eight Yards, and then turning Eastward, and extending to the said Sea Wall or Bank in a Line drawn parallel to the said Pier, which said imaginary Line or Boundary on the Shore and Channel

Limits of Pier Undertaking.

of

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of the *West Swale* is shown by a dotted Line on the said deposited Plans of 1857, and is the same as the Limits of Deviation of the said Pier or Landing Place; and within such Limits it shall be lawful for the Company to exercise all the Powers and Authorities by this Act vested in them in reference to the said Pier Undertaking of the Company.

Power to
maintain
Pier or
Landing
Place.

XXVIII. That it shall be lawful for the Company from Time to Time to keep in repair the Pier or Landing Place, Slips, Walls, Banks, and other Works connected therewith, belonging to the Company, and to do, execute, and perform all such other Acts, Matters, and Things in and upon the Land or Ground belonging to or acquired by them, and in and upon the Beach or Strand, and in the Channel of the *West Swale*, as they shall think necessary and proper for maintaining the said Pier or Landing Place, and for making the same fit for the Reception, Accommodation, and Security of Vessels resorting thereto, and for the more convenient lading and unlading of such Vessels, and for facilitating the Access thereto and increasing the Convenience or Security of the said Pier or Landing Place, and for preventing Mud, Gravel, Soil, Filth, and other Matters from stopping up and injuring the same, and also to erect and build such Warehouses and other Buildings for the Reception and safe Custody of Goods, Wares, and Merchandise, and all such Dwelling Houses and Conveniences as shall be necessary for the Purposes of the Company.

Pier Dues.

XXIX. That it shall be lawful for the Company to demand and take in respect of every Vessel using the said Pier or Landing Place, and in respect of any Goods, Wares, Merchandise, Articles, Matters, and Things, Cattle, Animals, or Passengers, shipped or unshipped at the said Pier or Landing Place, any Sums not exceeding the several Rates following; (that is to say,)

For every Vessel which shall use the said Pier or Landing Place for any Purpose whatever, other than for the Purpose of landing or embarking Passengers, without stopping more than One Hour at such Pier, any Sum not exceeding the Sum of Fourpence *per* Ton on the registered Tonnage of such Vessel:

For every Vessel which shall remain at any such Pier or Landing Place for a longer Period than Two Days, any additional Sum not exceeding Fourpence *per* Ton on the registered Tonnage of such Vessel for each Day such Vessel shall so remain after the first Two Days:

For every Passenger shipped or unshipped by any Vessel at the said Pier or Landing Place, any Sum not exceeding Threepence for every such Passenger:

Which several before-mentioned Rates shall be payable by the Master of the Vessel;

For

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For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, Coals, Coke, Culm, Charcoal, Cinders, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Ironstone, Iron Ore, and all Materials, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Sheet Iron, and all similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, which shall be shipped or unshipped by any Vessel at such Pier or Landing Place, any Sum not exceeding Threepence *per* Ton :

For all Sugar, Corn, Grain, Flour, Tanned Hides, Dyewoods, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, which shall be shipped or unshipped by any Vessel at such Pier or Landing Place, any Sum not exceeding Fivepence *per* Ton :

For all Cotton and other Wools, Hops, Hides, Drugs, manufactured Goods, and all other Wares, Merchandises, Articles, Matters, or Things, which shall be shipped or unshipped by any Vessel at such Pier or Landing Place, any Sum not exceeding Sixpence *per* Ton :

For every Engine or Carriage adapted for travelling on a Railway, and for every Steam Carriage, and for every Thrashing or other Machine propelled or worked by Steam, which shall be shipped or unshipped by any Vessel at such Pier or Landing Place, any Sum not exceeding Two Shillings and Sixpence :

For every other Carriage, of whatever Description, which shall be shipped or unshipped by any Vessel at such Pier or Landing Place, any Sum not exceeding One Shilling :

For every Horse, Mule, Ass, or other Beast of Draught or Burden which shall be shipped or unshipped by any Vessel at such Pier or Landing Place, any Sum not exceeding Sixpence :

For every Ox, Cow, Bull, or Neat Cattle which shall be shipped or unshipped by any Vessel at such Pier or Landing Place, any Sum not exceeding Fourpence :

For every Calf or Pig, Sheep or Lamb, or other small Animal, which shall be shipped or unshipped by any Vessel at such Pier or Landing Place, any Sum not exceeding Twopence :

Which several before-mentioned Rates shall be payable by the Owner of the Property, Animals, or Things liable to such Rates.

XXX. That it shall be lawful for the Company to demand and take, for the Use of their Sheds, Buildings, Warehouses, Cranes, Weighing and Measuring Machines, of and from the Owner or Person having Charge of any Goods, Articles, or Things deposited in such Sheds, Buildings, or Warehouses, or shipped or unshipped, weighed or measured, by means of such Cranes, Weighing and Measuring

Rates for
the Use of
Warehouses
Cranes &c.

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suring Machines, such reasonable Rates as the Company may from Time to Time appoint.

Limits within which the Harbour or Pier Master may exercise Authority.

XXXI. That the Limits within which the Powers of the Harbour or Pier Master for the Regulation of the Harbour or Pier shall be exercised shall be the Limits of the Pier Undertaking of the Company as defined by this Act.

Officers of Customs to have free Access to Pier or Landing Place without Payment of Toll.

XXXII. That it shall be lawful for all Officers of Customs, being in the Execution of their Duty, to have free Ingress and Egress to and from the said Pier or Landing Place, and through the Gates and Entrances of the same, and also freely to pass with their Vessels and Boats to and from the same, at all Times (provided the State of the Tide and Water Communications of the said Pier or Landing Place will admit of such passing), without Payment of any Toll or Sum for so doing.

Power to appoint Weighers and Measurers.

XXXIII. That it shall be lawful for the Company to appoint and license a sufficient Number of Persons to be Meters and Weighers at the said Pier or Landing Place.

Company may apply Funds under existing Act for Purposes of this Act.

XXXIV. That it shall be lawful for the Company to apply for or towards the Purposes of this Act any Sum or Sums of Money which they have raised or may raise under the Powers of the said recited Act.

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

XXXV. That it shall not be lawful for the Company, out of any Money which they are authorized to raise, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Company to abandon Portions of authorized Lines.

XXXVI. That the Company shall abandon and relinquish the Construction of the following Portions of their authorized Line of Railway; (that is to say,) so much thereof as lies between the said Road numbered 4 on the said deposited Plans of 1856 in the Parish of *Queenborough* and the authorized Commencement of the said Railway at or near the End of *Rose Street* in *Mile Town, Sheerness*, in the said Parish of *Minster*; also so much of the said authorized Line of Railway as lies between the said Point marked G in the said Parish of *Milton* on the said deposited Plans of 1857 and the authorized Termination of the said authorized Line at or near *Sittingbourne*; and from and immediately after the passing of this Act all the Powers and Authorities granted by the said recited Act for making and maintaining

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maintaining the said Portions of Railway hereby authorized to be abandoned shall cease and determine.

XXXVII. That the *East Kent* Railway Company and the *Sittingbourne and Sheerness* Railway Company may from Time to Time enter into Agreements with respect to the following Purposes, or any of them ; (that is to say,) Powers to enter into Working Arrangements.

The Use and Working by the *East Kent* Railway Company of all or any Part of the Undertaking of the *Sittingbourne and Sheerness* Railway Company, and the Use of the Works and Conveniences belonging thereto :

The Conveyance by the *East Kent* Railway Company of the whole or any Part of the Traffic upon the Railways of the *Sittingbourne and Sheerness* Railway Company :

The Division and Apportionment of such Traffic between the said Companies Parties to such Agreement :

The Supply of any Rolling or Working Stock required for such Purposes :

The Use or Purchase by the *East Kent* Railway Company of the Rolling or Working Stock belonging to the *Sittingbourne and Sheerness* Railway Company, or any Part thereof :

The Management, Maintenance, and Repair of the said Railways and Works of the *Sittingbourne and Sheerness* Railway Company :

The Costs and Expenses of such Working, Management, Maintenance, and Repairs :

The Forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies, Parties to such Agreement of any Passenger or other Traffic which may be conveyed upon and from the Railways of the *East Kent* Railway Company to and along the *Sittingbourne and Sheerness* Railways, or any Part thereof, or which may be conveyed upon and along the *Sittingbourne and Sheerness* Railway to and along the *East Kent* Railway, or any Part thereof :

The Collection, Delivery, and general Conduct of such Traffic :

The fixing of the Tolls, Rates, and Charges to be levied or taken by the said Companies in respect of the Traffic conveyed over their several Railways, or any Part thereof respectively, not exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways respectively :

The Collection, taking, and levying of the said Tolls, Rates, and Charges :

The Division between the said Companies, Parties to such Agreement, of the Receipts arising from the Traffic upon their respective Railways, or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration

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sideration to be paid by either of the said Companies to the other of them by virtue of the said Agreement.

Duration of Agreement. To be approved by Board of Trade.

Agreements not to affect Persons not Parties thereto.

XXXVIII. That any such Agreement shall not be for more than Ten Years, and no such Agreement shall have any Operation until the same shall have been approved of by the Board of Trade; and no such Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or Persons or any other Company, but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement had been entered into: Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the several Companies, Parties thereto, in Special Meeting assembled for that Purpose in manner herein-after mentioned.

Appointment of joint Committee for carrying the Agreement into effect.

XXXIX. That the said Companies may, by any such Agreement as aforesaid, appoint a joint Committee composed of such Number of Directors of the said Companies, Parties to the said Agreement, as the said Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary for carrying into effect the Purposes of such Agreement, and every such joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them in like Manner as the same might have been had and exercised by the said Companies respectively or their respective Directors.

Agreement may be renewed with the Approval of the Board of Trade.

Public Notice to be given of the Intention to enter into Agreements.

XL. That at the Expiration of the said Agreement or of any future Agreement the said Companies, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may from Time to Time enter into a further Agreement for not more than Ten Years from the Expiration of the preceding Agreement for all or any of the Purposes aforesaid: Provided, that before such Companies shall enter into any such further Agreement as aforesaid they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway or
Railways

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Railways to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade, and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Agreement inoperative until approved by the Board of Trade.

XLI. That none of the Powers and Provisions of this Act with respect to the Use, Working, or Managing of the Railways of the *Sittingbourne and Sheerness Railway Company* by the *East Kent Railway Company* shall have any Operation or Effect unless and until the Contracts or Arrangements intended to be made for such Purposes respectively shall have been submitted to and approved by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of the Companies, Parties to any such Contracts or Arrangements, specially convened for that Purpose.

Working Arrangements, &c. not to take effect unless approved by Three Fifths of the Shareholders.

XLII. That such Meeting shall be called by Advertisement inserted once at least in Two successive Weeks in a Morning Newspaper published in *London*, and in some Newspaper of the County in which the principal Office of each of the Companies, Parties to such Contracts or Arrangements, or either of them, is situate, the last of which Advertisements shall be published not less than Seven Days before such Meeting, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the Company, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

Meeting how to be convened.

XLIII. That in estimating the Tolls or Charges to be paid during the Continuance in force of any such Contract or Agreement as aforesaid in respect of Articles or Persons conveyed for short Distances partly upon the *East Kent Railway* and partly upon the Railways of the *Sittingbourne and Sheerness Railway Company*, it shall not be lawful to demand and take such Tolls or Charges as for Six entire Miles in respect of the Distance traversed on the *East Kent Railway*, and also as for Four entire Miles in respect of the Distance traversed on the Railways of the *Sittingbourne and Sheerness Railway Company*, but such Tolls or Charges may be taken as for Six Miles in respect of short Distances of less than Six Miles traversed on Portions of both of the said Railways.

Traffic on both Lines not to be subject to Six Mile and Four Mile Clauses on both Lines.

XLIV. That it shall be lawful for the Company and for the *East Kent Railway Company* to make and enter into Contracts and Agreements

Powers to enter into Agreements

[Local.]

28 F

ments

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with the
East Kent
Railway
Company for
the Use of
Stations.

ments for the Use by the said Companies of any Station or Stations, Depôts, Booking Offices, Water Sidings, and Conveniences belonging to or to be made and acquired by the said Companies, or either of them, at or near *Sittingbourne*, and generally to enter into and carry into effect such Arrangements in reference thereto, and for the proper and convenient Construction thereof, and the Payment and Apportionment of the Expense of constructing and maintaining the same, and the Rates or other Remuneration to be paid by both or either of the said Companies for the Use thereof, as may be mutually agreed upon between the said Two Companies; and every such Contract, Agreement, or Arrangement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as may be mutually agreed on between the said Two Companies.

Sitting-
bourne and
Sheerness
Railway
Company
may pur-
chase Lands
for Purposes
of joint
Station.

XLV. That for the Purpose of better enabling the *Sittingbourne and Sheerness* Railway Company and the *East Kent* Railway Company to carry into effect any Arrangements to be entered into between them for the Construction and Maintenance of any Station at or near *Sittingbourne* for the joint Use of the said Companies, it shall be lawful for the *East Kent* Railway Company to sell, and for the *Sittingbourne and Sheerness* Railway Company to purchase, any Lands purchased or to be purchased or acquired by the *East Kent* Railway Company for the Construction of their Station and Works at or near *Sittingbourne*, upon such Terms, and subject to such Rights of using the same Lands and any Station and Works to be constructed thereon by either of the said Companies, and to the Payment by either of the said Companies to the other of them of such Rent or other Remuneration for using the same, as may be mutually agreed upon between the said Companies.

Saving
Rights of
the Crown.

XLVI. That nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Company
not to inter-
fere with
Crown

XLVII. And whereas it is necessary that the Fortifications and other public Property belonging to Her Majesty, and under the Charge of Her Majesty's Principal Secretary of State for the War Department,

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Department, should be preserved from Injury or Obstruction: Be it therefore enacted, That nothing in this Act contained shall authorize the said Company to enter upon or possess or occupy any Buildings or Land belonging to Her Majesty, and under the Control or Management of the said Principal Secretary of State, without the Consent of the said Principal Secretary of State in Writing first had and obtained for that Purpose, which Consent such Principal Secretary of State is hereby authorized to give.

Land without Consent of the Secretary of State for War.

XLVIII. That all Works in the Parish of *Minster* within the Limits of Deviation shall be constructed upon such Plans only as Her Majesty's Principal Secretary of State for the War Department for the Time being shall by Writing under his Hand previously approve.

Plans to be approved by the Secretary of State for War.

XLIX. That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made, or the Company, 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 this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates for small Parcels, or of the maximum Rates of Fares and Charges authorized by this Act.

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

L. That all Tolls, Rates, and Charges which may be taken by the Company in respect of any Goods, Wares, Merchandise, Articles, Matters, and Things, Cattle, Animals, or Passengers, shipped or unshipped at the said Pier or Landing Place, and also conveyed upon or over any Part of the Railway of the Company, shall be and be considered as Part of the Railway Tolls, Rates, and Charges of the Company, and shall not be subject to the Provisions of this Act specially affecting the Pier Tolls.

Pier Tolls on Railway Traffic to be considered as Railway Tolls.

LI. That the Company shall keep a separate and distinct Account of the Tolls, Rates, and Charges which may be taken by them in respect of all Vessels using the said Pier or Landing Place, and also in respect of all Goods, Wares, Merchandise, Articles, Matters, and Things, Cattle, Animals, and Passengers, shipped or unshipped at the said Pier, and not conveyed upon or over any Part of the Railway of the Company, and of the Application of such Tolls, Rates, and Charges, and such Tolls, Rates, and Charges shall be considered as the Pier Tolls of the Company, and the Accounts thereof shall be balanced up to the same Period as the other Accounts of the Company are balanced.

Separate Account to be kept of all other Pier Tolls.

LII. That if upon Complaint made to the Board of Trade by any Person interested, in Writing under his Hand, it shall appear to the

Board of Trade to appoint an

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Auditor to
examine
Accounts.

Board of Trade that there is reasonable Ground for believing that the Accounts of the Company relating to the Pier Tolls of the Company have not been duly kept, or that any Pier Tolls, Rates, or Charges have been improperly or unfairly levied by them, the Board of Trade may appoint an Auditor to examine the said Accounts of the Company, and examine into the Matters so complained of, and to report to them thereon; and the Company shall upon Demand produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and other Documents relating to the Pier Undertaking of the Company, and afford to him all reasonable Facilities for examining and comparing the same; and in case any such Complaint be found to be true, the reasonable Expenses of such Auditor shall be paid by the Company out of the Pier Tolls, Rates, and Charges authorized to be levied under the Authority of this Act, but if such Complaint be not found to be true, the reasonable Expenses of such Auditor shall be paid by the Complainant, and in either Case such Expenses may be recovered with Costs of Suit as a Debt due to the Crown, or as a Penalty.

Pier Tolls
to be sub-
ject to Pro-
visions of
future Gene-
ral Acts
relating to
Docks.

LIII. That nothing in this Act contained shall be deemed or taken to exempt the Pier Tolls of the Company from the Provisions of any General Act relating to Harbours, or to Dues upon Shipping or on Goods carried in Ships, now in force or which may be passed during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Pier Tolls by this Act authorized.

Pier not
exempt from
Provisions of
17 & 18 Vict.
c. 120. as to
Lighthouses.

LIV. That nothing in this Act contained shall be deemed to exempt the Pier or the Company from the Provisions of "The Merchant Shipping Act, 1854," relating to Lights, Buoys, and Beacons, or to the Rights, Powers, and Privileges of the General Lighthouse Authorities therein mentioned, but such Provisions shall be in force with respect to the Pier and the Company so far as the same are applicable thereto, and not otherwise specially provided for by this Act.

Expenses of
Act.

LV. That all the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act, and preparatory thereto, shall be paid by the Company.

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