



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. clii.

An Act for making a Railway from *Herne Bay* to *Faversham*, and for other Purposes connected therewith. [17th August 1857.]

WHEREAS the making of a Railway from *Herne Bay* in the County of *Kent* to join the *East Kent* Railway at or near *Faversham* would be of great public Advantage: And whereas Plans and Sections describing the Line and Levels of the said proposed Railway, with a Book of Reference to the said Plan containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace for the County of *Kent*: And whereas the Persons hereinafter named, with others, are willing at their own Expense to carry the proposed Undertaking into execution, and are desirous of being incorporated into a Company for that Purpose: And whereas it is expedient that the Company so to be incorporated and the *East Kent* Railway Company be empowered to enter into Arrangements with reference to the Working and Use of the intended Railway and to the Tolls and Traffic thereon; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty

[*Local.*] 28 G that

Herne Bay and Faversham Railway Act, 1857.

that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict.
cc. 16., 18.,
& 20. incor-
porated.

I. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," except in so far as the Provisions of those Acts are expressly varied or excepted by this Act, shall be incorporated with and form Part of this Act.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*Herne Bay and Faversham Railway Act, 1857.*"

Incorporation of Company.

III. *Edward Jones Hilton, Charles Jones Hilton, William Rigden, William Starke, and Henry Tootal*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining, and shall have Power to make and maintain, the Railway defined on the Plan deposited as herein-before mentioned and herein-after more particularly described, with proper Works and Conveniences connected therewith, according to the Provisions of this Act and the Acts incorporated therewith, and for such Purpose and other Purposes by this Act and the incorporated Acts authorized shall be incorporated by the Name of the "*Herne Bay and Faversham Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the incorporated Acts contained.

Capital.

IV. The Capital of the Company shall be Eighty thousand Pounds, and the Number of Shares into which the said Capital shall be divided shall be Four thousand, and the Amount of each Share shall be Twenty Pounds.

Calls.

V. Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and not more than Three Fourths of a Share shall be called up in any One Year.

Subscription Contract to be valid.

VI. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking

Herne Bay and Faversham Railway Act, 1857.

taking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

VII. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividends to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest or Dividends not to be paid on Calls paid up.

VIII. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, 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 an Act to construct any other Railway or execute any other Work or Undertaking.

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

IX. It shall be lawful for the Company to borrow on Mortgage or Bond any Sum or Sums of Money not exceeding in the whole Twenty-six thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Eighty thousand Pounds shall have been subscribed for, and One Half Part thereof shall have been actually paid up.

Power to borrow on Mortgage.

X. It shall be lawful for the Holders or Holder of any Mortgage or Mortgages granted by the Company, the Principal secured by which shall not be less in the whole than Five thousand Pounds, to enforce the Payment of such Principal, or any Arrears of Interest due thereon, by the Appointment of a Receiver.

Arrears may be enforced by Appointment of a Receiver.

XI. All Moneys raised by Shares or borrowing under the Powers of this Act shall be applied only to the Purposes of the Undertaking by this Act authorized.

Application of Money raised.

XII. After the First General Meeting of the Company, and subject to the Provisions herein-after contained, the Number of Directors of the Company shall be Six, and the Qualification of a Director shall be the Possession of Twenty-five Shares in the Undertaking.

Number and Qualification of Directors.

XIII. The Quorum of a Meeting of Directors shall be Three.

Quorum of Directors.

XIV. Until

Herne Bay and Faversham Railway Act, 1857.

First Directors of the Company.

XIV. Until such First Meeting of the Company as aforesaid, *Edward Jones Hilton, Charles Jones Hilton, William Rigden, William Starke, and Henry Tootal*, and any other Person duly qualified who shall be named by them as a Director, shall be the First Directors of the Company.

Term of their Office and Election of Successors.

XV. The Directors herein-before appointed shall continue in Office until the First Ordinary Meeting to be held in the Month of *February* One thousand eight hundred and fifty-eight, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office all or any of the Directors appointed by this Act, or may elect any new Director or Directors to make up the full Number of which the Board of Directors is to consist, and at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of such of the Directors as shall then, in accordance with the Provisions contained in "The Companies Clauses Consolidation Act, 1845," retire from Office, and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, as in the last-mentioned Act is provided.

Power to reduce the Number of Directors.

XVI. It shall be lawful for the Company, by the Vote of any General or Special General Meeting, from Time to Time to reduce the Number of Directors for the Time being, but so that the Number of Directors shall at no Time be less than Four.

Newspapers for Advertisements.

XVII. All Advertisements relating to the Affairs of the Company shall be inserted in at least One Newspaper published in the County of *Kent*.

Money payable to Persons under Disability.

XVIII. If any Money be payable to any Shareholder being a Minor, Idiot, Lunatic, or Person *non compos mentis*, the Receipt of the Guardian of such Minor, or of the Committee of such Idiot or Lunatic or Person *non compos mentis*, shall be a sufficient Discharge to the Company for the same.

Power to construct Railways.

XIX. Subject to the Provisions of this Act and the Acts therein recited, the Railway by this Act authorized shall be made in the Line and according to the Levels delineated upon the Plans and Sections deposited as aforesaid, and upon the Lands delineated upon those Plans and described in the Books of Reference deposited as aforesaid; and it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes of the said Undertaking.

XX. The

Herne Bay and Faversham Railway Act, 1857.

XX. The Railway by this Act authorized is as follows; (that is to say,) a Railway commencing from and out of the authorized Line of the *East Kent Railway* in the Parish of *Preston next Faversham* in the County of *Kent*, and terminating in the Parish of *Herne* in the same County.

Line of
Railway.

XXI. It shall not be lawful for the Company, or their Agents, Servants, or Workmen, to obstruct or impede the Traffic upon the *Whitstable Railway*; and if the said Traffic shall be obstructed or impeded contrary to this Enactment, the Company shall forfeit and pay to the *South-eastern Railway Company* a Penalty of Fifty Pounds for every Day or Part of a Day during which such Obstruction shall continue.

Traffic on
the Whit-
stable Rail-
way not to be
obstructed.

XXII. The Bridge by means of which the Railway will be carried under the *Whitstable Railway* shall be constructed and maintained by the Company under the Direction and Superintendence and to the reasonable Satisfaction of the Engineer for the Time being to the *South-eastern Railway Company*; and if any Dispute shall arise between the said Companies or their Engineers with respect to the Matters aforesaid or any of them, such Dispute shall be referred to and decided by the Board of Trade, or by some Engineer to be appointed by that Board.

As to Con-
struction of
Bridge under
Whitstable
Railway.

XXIII. Except for the Purpose of carrying the Railway under the *Whitstable Railway*, it shall not be lawful for the Company to enter upon, take, or use the *Whitstable Railway* or any of the Lands or Property of the *South-eastern Railway Company*.

Whitstable
Railway not
to be inter-
fered with,
except in
making
Railway, &c.

XXIV. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on the Level, it shall be lawful for the Company to carry the Railway on the Level across a certain Road numbered 6 in the Parish of *Herne Hill* on the said deposited Plans: Provided always, that not more than a double Line of Rails shall be laid by the Company across that Road.

Power to
cross a cer-
tain Road on
a Level.

XXV. 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 Railway shall cross the said Road on the Level, and the said 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 Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, herein-after called the "Board of Trade;" and if the said

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

Herne Bay and Flaversham Railway Act, 1857.

Company shall fail to erect or at all Times to maintain any such Station or Lodge, 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 the Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

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

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

Company not to claim Right of Water Frontage.

XXVII. The Company shall not claim or be entitled to any exclusive Right of Water Frontage where the Railway skirts the Shore, but only such Frontage as the Company may require for the Uses of the Railway, and any other Persons may, with the previous Assent of and as approved of by the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and with the Consent of the Owners of the Soil, construct Quays and Wharfs to Seaward of the Railway.

Provision for Access to Water.

XXVIII. Where the Railway cuts off or will cut off Access between the Land and Water, the Company shall 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 as the said Lord High Admiral or the said Commissioners 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.

Admiralty may order local Survey at Expense of Company.

XXIX. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or Access thereto,

or

Herne Bay and Faversham Railway Act, 1857.

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.

XXX. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

If Works affecting tidal Waters are abandoned, Admiralty may remove same at Expense of Company.

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

Provision as to crossing certain Streams.

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

For preserving the Rights of the Commissioners of Sewers for Kent.

XXXIII. The

Herne Bay and Faversham Railway Act, 1857.

As to Communications with Lines of East Kent Railway Company.

XXXIII. The Railway shall communicate with the *East Kent* Railway at the Point and on the Side where such Communication is shown on the said deposited Plans of the Railway and (except with the Consent of the *East Kent* Railway Company) not elsewhere, and such Communication shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points of the Construction and laid in the Manner most approved from Time to Time, and such Communications and all Openings in the Ledges or Flanches of such Line, and of all other Works which may be necessary in connexion with or for effecting any such Communication, shall be made and maintained under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time being of the *East Kent* Railway Company, or in case such Engineer and the Engineer of the Company for the Time being cannot agree as to the Mode of constructing any such Communication, Opening, or other Works, then such Communication, Opening, or other Works shall be made in such Manner as shall be directed by any Engineer agreed upon between the said Engineers, or in the event of their being unable to agree upon such Engineer, then by any Engineer to be appointed for that Purpose by the Board of Trade on the Application of either Company, and the Remuneration of the Engineer so agreed upon or appointed as aforesaid shall be paid by the Company, and all Expenses of and attending the making, repairing, and maintaining such Communication, Opening, and Works, and of watching, regulating, and adjusting the same, and the Passage of the Traffic there, shall be borne and paid by the Company.

Saving Works and Property of East Kent Railway Company.

XXXIV. Notwithstanding anything in this Act contained, it shall not be lawful for the Company, or for any other Company, or any Persons acting under or in execution of this Act, without the previous Consent for that Purpose of the *East Kent* Railway Company under their Common Seal, to enter upon, take, or use, either temporarily or permanently, any of the Lands, Works, or Property of the *East Kent* Railway Company, or in any Manner to alter or interfere with their Railway or any Works appertaining thereto, save only so far as may be necessary for the Construction or Repairs of the Railway and the Communication by this Act authorized.

Saving Rights of East Kent Railway Company.

XXXV. Except as in this Act expressly provided, nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of, vested in, or belonging to the *East Kent* Railway Company.

Land for extraordinary Purposes.

XXXVI. The Company may purchase by Agreement, and not compulsorily, for extraordinary Purposes, as defined in "The Railways Clauses

Herne Bay and Faversham Railway Act, 1857.

Clauses Consolidation Act, 1845," any Quantity of Land not exceeding Five Acres.

XXXVII. 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.

XXXVIII. After the Expiration of Three Years from the passing of this Act all the Powers hereby granted to the Company for making the Railways hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed. Limiting Time for Exercise of other Powers.

XXXIX. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Five thousand nine hundred and twelve Pounds Two Shillings and Fourpence Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, purchased at the Price or Sum of Five thousand five hundred and fifty Pounds, such last-mentioned Sum being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been transferred into the Name of the Accountant General of the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Be it enacted, That notwithstanding anything contained in the said recited Act, the said Sum of Five thousand nine hundred and twelve Pounds Two Shillings and Fourpence so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sum of Stock transferred as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by

[*Local.*] 28 I the

Herne Bay and Faversham Railway Act, 1857.

the Officer or Persons in whose Name they shall then be standing or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Five thousand five hundred and fifty Pounds shall have been executed by the Company, with One or more Surety or Sureties (such Bond to be prepared to the Satisfaction of, and such Surety and Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Five thousand five hundred and fifty Pounds if the Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, or if previously to the Expiration of the Period aforesaid the Company shall either have opened the said Railway for the public Conveyance of Passengers, or shall have given such Proof as aforesaid, then and in either of the Three Cases aforesaid such Sum of Stock, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Stock, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Power to
take Tolls.

XL. It shall be lawful for the Company to demand any Tolls not exceeding the following; that is to say,

Tonnage of
Goods, &c.

In respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, and included within the following Classes:

Class 1. For all Compost, Dung, and all Sorts of Manure, Lime, Chalk, and Limestone, and all undressed Materials for the Repair of Roads or Highways, for the Use of the Railway, *per Ton per Mile*

Herne Bay and Faversham Railway Act, 1857.

Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing; and if drawn or propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Farthing:

Class 2. For all Coal, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, dressed Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron, and Iron Castings not manufactured into Utensils or other Articles of Merchandise, for the Use of the Railway, *per Ton per Mile* not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing; and if drawn or propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Farthing:

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, for the Use of the Railway, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny; and if drawn or propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Halfpenny:

Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, and other Wares, Merchandise, Fish, Articles, Matters, or Things, for the Use of the Railway, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny; and if drawn or propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Halfpenny:

Class 5. And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, for the Use of the Railway, *per Mile* not exceeding Fourpence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny Halfpenny; and if drawn or propelled by an Engine belonging to the Company, a further Sum *per Mile* not exceeding One Penny Halfpenny; and the Sum of One Penny *per Mile* for the Use of the Railway for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh:

In

*Herne Bay and Faversham Railway Act, 1857.*Tolls for
Animals.

In respect of Animals conveyed in Carriages upon the Railway, as follows :

Class 6. For every Horse, Mule, or Ass, for the Use of the Railways, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if such Carriage be drawn or propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny :

Class 7. For every Ox, Cow, Bull, or Neat Cattle, for the Use of the Railway, *per* Mile not exceeding One Penny Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if in a Carriage drawn or propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Farthing :

Class 8. For every Calf or Pig, for the Use of the Railway, *per* Mile not exceeding One Halfpenny; and if conveyed upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if drawn or propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Farthing :

Class 9. For every Sheep, Lamb, or other small Animal, for the Use of the Railway, *per* Mile not exceeding One Farthing; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if in a Carriage drawn or propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Farthing :

Tolls for
Passengers.

In respect of Passengers conveyed in Carriages upon the Railway, as follows :

For every Person conveyed in or upon any Carriage, for the Use of the Railway, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if drawn or propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny.

Maximum
Tolls for
Passengers.

XLI. The maximum Rates of Charges to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums :

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per* Mile :

For

Herne Bay and Faversham Railway Act, 1857.

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile :

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

XLII. The maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the Amount mentioned in the following Table ; (that is to say,) Maximum
Tolls for
Goods.

For the Matters herein-before mentioned in Class 1, not exceeding One Penny Halfpenny *per* Ton *per* Mile :

For the Matters mentioned in Class 2, not exceeding Twopence *per* Ton *per* Mile :

For the Matters mentioned in Class 3, not exceeding Threepence *per* Ton *per* Mile :

For the Matters mentioned in Class 4, not exceeding Fourpence *per* Ton *per* Mile :

For any Carriage mentioned in Class 5 not weighing more than One Ton, not exceeding Sixpence *per* Mile ; and if weighing more than One Ton, not exceeding One Penny Halfpenny *per* Mile for every Quarter of a Ton above One Ton :

For every Animal mentioned in Class 6, not exceeding Fourpence *per* Mile :

For every Animal mentioned in Class 7, not exceeding Twopence *per* Mile :

For every Animal mentioned in Class 8, not exceeding Three Farthings *per* Mile :

For every Animal mentioned in Class 9, not exceeding One Halfpenny *per* Mile.

XLIII. The following Provisions and Regulations shall be applicable to the fixing of the Tolls and Rates of Charge to be taken by the Company ; (that is to say,) Regulations
respecting
Tolls.

For Articles, Animals, or Persons conveyed on the Railway for a less Distance than Three Miles the Company may demand Tolls and Charges for Three Miles :

For a Fraction of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may demand, with respect to Passengers, Tolls and Charges as for One Mile ; and with respect to Animals and Goods, Tolls in proportion to the Numbers of Quarters of a Mile contained in such Fraction, and for this Purpose a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile :

[*Local.*]

28 K

For

Herne Bay and Faversham Railway Act, 1857.

For a Fraction of a Ton the Company may demand Toll according to the Numbers of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, and Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so in proportion for any smaller Quantity.

Tolls for
small Parcels
and Articles
of great
Weight.

XLIV. With respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels, the Company may demand for Parcels not exceeding Seven Pounds in Weight any Sum not exceeding Fourpence :

For Parcels exceeding Seven Pounds and not exceeding Fourteen Pounds, any Sum not exceeding Sixpence :

For Parcels exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds, any Sum not exceeding Ninepence :

For Parcels exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds, any Sum not exceeding One Shilling :

And for Parcels exceeding Fifty-six Pounds and less than Five hundred Pounds the Company may demand any Sum which they may think fit :

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels or separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but which shall not exceed Eight Tons, the Company may demand any Sum not exceeding Fivepence *per Ton per Mile*; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding Threepence *per Ton per Mile* :

For the Carriage of any Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they shall think fit.

Passengers
Luggage.

XLV. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds

Herne Bay and Faversham Railway Act, 1857.

Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

XLVI. The Restriction as to the Charge to be made for Passengers shall not extend to any Special Trains that may be required to be run upon the Railway, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

Special
Trains.

XLVII. Nothing in this Act contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners or Persons in charge of such Goods, either in respect of the Conveyance of such Goods (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Company
may take
increased
Charges by
Agreement.

XLVIII. The Company and the *East Kent* Railway Company may from Time to Time enter into Contracts or Arrangements with respect to the following Purposes, or any of them; (that is to say,)

Power to
enter into
Traffic Ar-
rangements
with East
Kent Rail-
way Com-
pany.

The Use and Working by the *East Kent* Railway Company of all or any Part of the Railway of the 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 Railway:

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

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

The Management, Maintenance, and Repair of the Railway:

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

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

The fixing, Collection, taking, and levying of the Tolls, Rates, and Charges arising on the Railway:

The Employment of Officers and Servants:

The Division between the said Companies of the Receipts arising from the Traffic upon the Railway, or any Part thereof, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the said Companies to the other of them, by virtue of the said Arrangement.

XLIX. Any

Herne Bay and Faversham Railway Act, 1857.

Duration of
Contracts.
To be ap-
proved by
the Board
of Trade.
Not to affect
Third Per-
sons.

XLIX. Any such Contract or Arrangement shall not be for more than Ten Years, and shall not have any Operation until the same shall have been approved by the Board of Trade; and no such Contract or Arrangement as aforesaid shall in any Manner increase any of the Tolls, Rates, or Charges which the said Companies for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Contract or Arrangement, be entitled to the Use and Benefit of the Railways to which the same may relate upon Terms and Conditions as favourable, and on Payment of Tolls, Rates, and Charges on as low a Scale, as they would have been in case no such Contract or Arrangement had been entered into: Provided always, that the said Board shall not approve any such Contract or Arrangement without being satisfied that the same has been duly assented to by a Majority of not less than Three Fifths of the Votes of the Shareholders of the several Companies Parties thereto in Special Meeting assembled for that Purpose.

Joint Com-
mittee for
carrying Ar-
rangements
into effect.

L. The said Companies may by any such Contract or Arrangement as aforesaid appoint a joint Committee, composed of such Number of Directors of the said Companies 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 the said Contract or Arrangement, and every such joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them in the same Manner as the same might have been had and exercised by the said Companies respectively or their respective Directors.

Arrange-
ments may
be renewed
with Ap-
proval of the
Board of
Trade.

LI. At the Expiration of any such Contract or Arrangement 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 enter into a further Contract or Arrangement for all or any of the Purposes aforesaid: Provided, that before such Companies shall enter into any such further Contract or Arrangement as aforesaid, they shall give Notice of their Intention so to do 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 to which such proposed Contract or Arrangement relates is situated, and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved

Herne Bay and Faversham Railway Act, 1857.

aggrieved by such proposed Contract or Arrangement, and desiring to object thereto, may bring such Objections before the Board of Trade, and no such Contract or Arrangement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

LII. No such Contract or Arrangement shall have any Operation or Effect unless and until the same shall have been submitted to and approved of by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of each Company Party thereto specially called for such Purpose.

Working Arrangements not to take effect unless approved by Three Fifths of the Votes of the Shareholders.

LIII. Such Meeting shall be called by Advertisements inserted for Two successive Weeks in a Morning Newspaper published in *London*, and in some Newspaper of the County in which the principal Office of the Company 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.

LIV. Provided always, That when and so long as any such Contract or Arrangement shall be in force the Railway by this Act authorized and the Railways of the *East Kent* Railway Company shall, for the Purpose of calculating the Tolls payable by any other Company or Person, and for all Purposes connected with the Traffic thereon, be deemed One continuous Line of Railway, and the Use of the Railway by this Act authorized, and the Management, Regulation, and Transmission of the Traffic thereon, shall be subject to all the Regulations and Byelaws of the *East Kent* Railway Company for the Time being in force.

During Agreements Line to be deemed, for certain Purposes, Part of the *East Kent* Railway Company's Lines.

LV. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Tolls for small Parcels, authorized by this Act.

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

Herne Bay and Faversham Railway Act, 1857.

Expenses of
Act:

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

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