



CHAPTER xxvii.

An Act to authorise the London Chatham and Dover Railway Company to abandon the authorised Maidstone and Faversham Railway to acquire additional lands in the county of Kent and in the city of London and for other purposes.

A.D. 1889.

[24th June 1889.]

WHEREAS it is expedient that the London Chatham and Dover Railway Company (in this Act called "the Company") should be authorised to abandon the railway (hereinafter called "the Maidstone and Faversham Railway") authorised by the London Chatham and Dover Railway (Maidstone and Faversham Junction Railway) Act 1881 (hereinafter called "the Act of 1881"):

And whereas by the London Chatham and Dover Railway Act 1888 the time for the completion of the said Maidstone and Faversham Railway was extended until the 27th day of June 1892:

And whereas it is expedient the Company should be authorised to take and hold the lands hereinafter mentioned in the parish of Saint Sepulchre in the city of London and county of Middlesex and in the parish of Saint Nicholas Rochester in the county of Kent for providing increased accommodation and for the general purposes of their undertaking:

And whereas it is expedient that the time limited by the London Chatham and Dover Railway Act 1884 for the sale of superfluous lands should be extended:

And whereas in constructing their Greenwich Extension Railway being the railway firstly described in section 4 of the London Chatham and Dover Railway (Further Powers) Act 1881 and by that Act authorised the Company have constructed the same between the commencement and end thereof with curves of ten nineteen seventeen eighteen and fifteen chains radius instead of the curves of four and two furlongs radius shown upon the plans deposited with reference to the said Act:

[Ch. xxvii.] *London, Chatham, and Dover Railway* [52 & 53 VICT.]
(*Further Powers*) Act, 1889.

A.D. 1889.

And whereas the said extension railway as so constructed has been opened for traffic and it is expedient that the same should be sanctioned and confirmed :

And whereas it is expedient that the Company should be authorised to establish savings banks for the use and benefit of the persons in their employment and their wives and families :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the London Chatham and Dover Railway (Further Powers) Act 1889.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation.

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

Interpretation of term "parish clerk."

4. The expression "parish clerk" and "clerks of the several parishes" in sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes in which by the Standing Orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

5. Subject to the provisions of this Act the Company may from time to time enter upon take use and appropriate for the general purposes of their undertaking and works connected therewith and for providing increased accommodation all or any of the lands houses and buildings following delineated on the deposited plans thereof and described in the deposited books of reference relating thereto respectively (that is to say) :—

A.D. 1889.
Power to acquire additional lands for general purposes of Company's undertaking.

The lands shown upon the deposited plans and described in the deposited books of reference and numbered thereon and therein 11 in the parish of Saint Sepulchre in the city of London and county of Middlesex :

Certain lands in the parish of Saint Nicholas Rochester in the county of Kent.

6. Subject to the provisions of this Act the Company may take and hold by assignment the lease of the properties shown upon the deposited plans and described in the deposited books of reference and numbered thereon and therein 1 2 3 4 5 6 7 8 9 and 10 in the parish of Saint Sepulchre in the city of London and county of Middlesex granted on the twelfth day of July one thousand eight hundred and seventy-five by the Honourable Charles Alexander Gore a Commissioner of Woods to the Association of Land Financiers Limited for a term of eighty years from the twenty-fourth day of June one thousand eight hundred and seventy-four and may subject to the covenants conditions and provisoes contained in the said lease appropriate the properties comprised therein for the general purposes of their undertaking.

Provisions as to lease of properties in the parish of St. Sepulchre in the city of London.

7. If in the removal and pulling down of any buildings or in raising or lowering the ground of any street or way it shall be necessary to raise sink or otherwise alter the position relatively to the surface of the ground of any main or service pipe or other apparatus laid down or used by the Gas Light and Coke Company or connected with any house or building for the supply of gas one month's notice shall be given to the said company previously to the commencement of any such work which shall be executed to the reasonable satisfaction of the engineer of the said company or in case of difference of an engineer to be selected by the Board of Trade and every such work shall be so executed as to cause as little inconvenience as circumstances will admit to the said company and the Company shall make compensation to the said company for all loss or damage if any which may be occasioned by the execution of the works by this Act authorised or any or either of them.

For the protection of the Gas Light and Coke Company.

[Ch. xxvii.] *London, Chatham, and Dover Railway* [52 & 53 VICT.]
(*Further Powers*) Act, 1889.

A.D. 1889.

Restriction
as to houses
of labouring
class.

8. The Company shall not under the powers by this Act granted without the consent of the Secretary of State for the Home Department purchase or acquire in any parish in the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

The Company shall not under the powers by this Act granted without the consent of the Local Government Board purchase or acquire beyond the metropolis in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Abandon-
ment of
railway.

9. The Company shall abandon the construction of the Maidstone and Faversham Railway and on and after the passing of this Act the Company shall except only as is by this Act otherwise expressly provided be absolutely freed from all obligations with respect to the making and maintaining of that railway.

Compen-
sation for
damage to
land &c.

10. The abandonment by the Company under the authority of this Act of the Maidstone and Faversham Railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1881.

11. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the Maidstone and Faversham Railway authorised to be abandoned by this Act or any portion thereof the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in the manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

A.D. 1889.
Compensation to be made in respect of railway abandoned.

12. Subject to the provisions of section nineteen of the Act of 1881 for payment of compensation to landowners and other persons injured and for the protection of creditors the Supreme Court of Judicature may and shall at any time after the passing of this Act on application by the depositors mentioned in that section order that the sum of eleven thousand nine hundred and twenty pounds deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for the Act of 1881 or the stocks and funds in which the same may have been invested and the interest or dividends thereon may be paid or transferred to the depositors or to such person or persons as they may appoint in that behalf and upon such order being made the said sum of eleven thousand nine hundred and twenty pounds or the stocks and funds in which the same may have been invested and the interest or dividends thereon shall be paid or transferred to such person or persons accordingly.

Release of deposits.

13. The Company may establish savings banks and the following provisions shall apply with respect to any savings banks established by them :—

Company may establish savings banks.

- (1.) The Company may establish a savings bank or savings banks with or without branches at such of the stations on their railways as they may think fit and may thereat receive by way of deposit from any of their agents officers clerks servants workmen or apprentices and from the wives and children (being minors) of such agents officers clerks servants workmen or apprentices any money at interest ;

[Ch. xxvii.] *London, Chatham, and Dover Railway* [52 & 53 VICT.]
(*Further Powers*) Act, 1889.

A.D. 1889.

- (2.) Every such deposit with the interest thereon shall be a charge on the net profits of the Company's undertaking next after the mortgage and other debts of the Company and the interest on their debenture stock ;
- (3.) Two copies of the rules of every such savings bank and of every amendment of the same from time to time (the term amendment to include a new rule and the cancelling of a rule) under the hands of three of the directors and of the secretary of the Company shall be sent to the registrar of Friendly Societies (hereinafter called the registrar) as defined by the Friendly Societies Act 1875 ;
- (4.) Such rules shall contain provisions—
- (a.) For the management of the savings bank and for the chief office of the same ;
 - (b.) For the appointment and discharge of trustees ;
 - (c.) For the payment in and the withdrawal of deposits the rate of interest thereon and the payment of such interest ;
 - (d.) For the keeping and auditing of accounts ;
 - (e.) For the balancing of accounts once a year at least and the sending on or before the first day of April in every year to the registrar of Friendly Societies a general statement (to be called the annual return) of the receipts and expenditure funds and effects of the savings bank as audited made out to the thirty-first day of December then last inclusively with a copy of the auditor's report (if any) ;
 - (f.) For supplying every depositor on demand with a copy of the rules for the time being at a price not exceeding sixpence and with a copy of the annual return gratuitously ;
 - (g.) For keeping a copy of the last annual return with the auditor's report if any always hung up in a conspicuous place at the office of the savings bank ;
 - (h.) For giving notice within fourteen days to the registrar of any change in the chief office and of the appointment of any new trustees ;
- (5.) The registrar on being satisfied that the rules or that any amendment of rules of a savings bank are or is in conformity with law and with the provisions of this section shall issue to the Company an acknowledgment of registry of such savings bank or of such amendment of rules which shall be conclusive

[52 & 53 VICT.] *London, Chatham, and Dover Railway* [Ch. xxvii.]
(*Further Powers*) Act, 1889.

evidence that such savings bank or such amendment of rules are or is duly registered ; A.D. 1889.

- (6.) The rules when so registered shall be binding on the Company and its officers and on the depositors and their executors administrators and nominees Unless otherwise provided by the rules the Company shall be deemed to be the trustees of any savings bank established by them ;
- (7.) Deposits may if the rules so allow be received from or on account of married women and the Married Women's Property Act 1882 shall apply to all such deposits ;
- (8.) Deposits may if the rules so allow be received from or on behalf of infants and infants above the age of seven years may execute all instruments and give all acquittances necessary to be executed or given under the rules ;
- (9.) A depositor above the age of sixteen by writing under his hand sent to the office of the savings bank may nominate any person to whom his deposit not exceeding fifty pounds shall be paid at his decease and may from time to time in like manner revoke or vary such nomination ;
- (10.) The deposits not exceeding fifty pounds of a person who dies intestate and without having made any nomination which remains unrevoked at his death may be paid without appointment of executors or without letters of administration to the person who appears to the trustees or a majority of the trustees upon such evidence as they may deem satisfactory to be entitled by law to receive the same ;
- (11.) If the whole moveable or personal estate within the United Kingdom of any depositor under this Act exceeds one hundred pounds any sum paid under this Act without probate or letters of administration shall notwithstanding such payment be liable to probate duty as part of the amount on which probate duty is charged and the trustees shall before making any payment under this Act require a statutory declaration by the claimant or by one of the claimants that the whole moveable or personal estate of the deceased including the sum in question does not after deduction of debts and funeral expenses exceed the value of one hundred pounds ;
- (12.) Sections nine ten forty-seven forty-eight and forty-nine of the Trustee Savings Banks Act 1863 as amended by the Savings Bank (Barrister) Act 1876 shall apply to every savings bank herein mentioned ;

[Ch. xxvii.] *London, Chatham, and Dover Railway* [52 & 53 VICT.]
(Further Powers) Act, 1889.

A.D. 1889.

- (13.) When any payment is made or act done by the trustees of a savings bank in accordance with this Act and with the rules of the bank they shall be indemnified against all claims on the part of any person in respect of such payment or act but any person may nevertheless recover any sum lawfully due to him from the person to whom the trustees have paid the same ;
- (14.) If the trustees or officers of a savings bank fail to give any notice send any document or return or to do anything which the savings bank is hereby required to do or make a return or wilfully furnish information to the registrar in any respect false or insufficient or otherwise act contrary to the provisions of this section they shall be liable to a penalty not exceeding five pounds recoverable at the suit of any person aggrieved or of the chief or any assistant registrar of friendly societies in any Court of Summary Jurisdiction and in manner directed by the Summary Jurisdiction Acts ;
- (15.) Section thirty-nine of the Friendly Societies Act 1875 shall apply to any instrument or document copy or extract of any instrument or document to be executed or issued by a registrar for the purposes of this section A copy of the rules under the seal of the Company shall also be evidence of such rules ;
- (16.) The following fees shall be payable to the registrar for matters to be transacted under the provisions of this section and shall be paid by such registrar into the receipt of Her Majesty's Exchequer :—

	£	s.	d.
For the acknowledgment of registry of a savings bank and of every amendment of rules of the same	1	1	0
For the determination of a registrar on a dispute	1	1	0
And if more than one hearing or adjournment become necessary then £1 1s. more for every hearing after the first and for every adjournment ;			
For every document required to be signed by a registrar or to bear the seal of the central office (as defined by the Friendly Societies Act 1875) not chargeable with any other fee to the registrar	0	2	6

[52 & 53 VICT.] *London, Chatham, and Dover Railway* [Ch. xxvii.]
(Further Powers) Act, 1889.

For every inspection on the same day of documents (whether one or more) in the custody of the registrar relating to one and the same savings bank - - - - - £ s. d. A.D. 1889.
 0 1 0

For every copy or extract of any document in the custody of the registrar not exceeding two hundred and sixteen words - - - - - 0 1 0

And if exceeding that number 4*d.* per folio of seventy-two words (in addition to the fee if any for the signature of a registrar or seal of the central office).

14. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable. Power to apply corporate funds to purposes of Act.

15. 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 three years from the passing of this Act. Period for compulsory purchase of lands.

16. Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation Act 1845 or in any Act of the Company in which that Act is incorporated the Company may retain and hold any lands belonging to them which have not been applied by them to the purposes of the Company such lands being situate in the counties and parishes following (that is to say) :— Extension of time for sale of Company's superfluous lands.

Counties.	Parishes.
Middlesex	{ Saint Sepulchre. Saint Andrew by the Wardrobe.
Surrey	{ Saint Mary Newington. Saint Mary, Lambeth. Saint Giles, Camberwell. Saint Mary, Battersea. The Hamlet of Penge, Saint Mary, Battersea. Clapham. Croydon.

[Ch. xxvii.] *London, Chatham, and Dover Railway* [52 & 53 VICT.]
(Further Powers) Act, 1889.

A.D. 1889.

Counties:	Parishes.
Kent	Greenwich. Saint Paul, Deptford. Beckenham. Bromley. Chiselhurst. St. Mary Cray. Sutton at Hone. Hartley. Longfield. Cuxton. Strood. Chatham. Gillingham. Newington. Milton. Sittingbourne. Teynham. Faversham. Selling. Harbledown. Saint Dunstan, Canterbury. Holy Cross, Westgate. St. Mildred, Canterbury. St. Mary Bredin, Canterbury. Adisham. Ewell. River. Otford. Sevenoaks. Kemsing. Wrotham. Leybourne. West Malling. Maidstone. Iwade. Minster, Sheppey. Queenborough. Graveney. Whitstable. Reculver. St. George, Ramsgate.

for the periods following (that is to say):—as regards such of the lands as are situate near to or adjoining any railway or station of the Company or as the Company may consider they may require for the purpose of any sidings stations offices storehouses workshops or other conveniences connected with their undertaking for the period of ten years and as regards the remainder of the said lands for the period of five years such respective periods to be computed as to superfluous lands defined as aforesaid from the passing of this Act but the Company shall at the expiration of such respective periods of ten years and five years sell and dispose of as superfluous land all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes of their undertaking or otherwise the Company may from time to time grant building or other leases of any of the said lands for such term of years and for payment of such chief or other rents and upon such other terms and conditions as they may think proper and in that case they shall at the expiration of the said respective periods sell and absolutely dispose of the reversionary interest in the lands so leased.

A.D. 1889.

17. The Greenwich Extension Railway being the railway firstly described in section 4 of the London Chatham and Dover Railway (*Further Powers*) Act 1881 and by that Act authorised having been constructed between the commencement and end thereof with curves of ten nineteen seventeen eighteen and fifteen chains radius instead of the curves of four and two furlongs radius shown upon the plans deposited with reference to that Act such construction is hereby sanctioned and confirmed.

Sanctioning certain curves on Greenwich Extension Railway.

18. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Provision as to general Railway Acts.

19. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Expenses of Act.

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