

**CHAPTER cxii.**

An Act to revive the powers and extend the periods for the compulsory purchase of Lands and for the construction of so much of the Railways authorised by the Easton and Church Hope Railway (Portland Extension) Act 1884 as has not been abandoned under the authority of the Easton and Church Hope Railway Act 1887 and for other purposes. A.D. 1890.
[25th July 1890.]

WHEREAS by the Easton and Church Hope Railway (Portland Extension) Act 1884 (herein-after called "the Act of 1884") the Easton and Church Hope Railway Company (herein-after called "the Company") were authorised to construct the railways in that Act described and distinguished as Railway No. 1 and Railway No. 2 in the parish of Portland in the county of Dorset :

And whereas by the Easton and Church Hope Railway Act 1887 (herein-after called "the Act of 1887") the Company were authorised to abandon so much of the Railway No. 1 authorised by the Act of 1884 as lay between a point one mile forty chains from the commencement of that railway and its termination and were also authorised to construct other railways in the said parish of Portland :

And whereas by the Act of 1887 the powers granted by the Act of 1884 for the compulsory purchase of lands for the purposes of that Act were extended for a period of two years from the passing of the Act of 1887 and the period limited by the Act of 1884 for the completion of the works authorised by that Act was extended as far as regarded the completion of so much of the works as should not be abandoned under the authority of the Act of 1887 for a period of two years from the 14th of August 1887 :

And whereas the Company have been proceeding with the construction of so much of the railways and works authorised by the Act of 1884 as they have not abandoned under the authority of the

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And whereas the period limited by the Act of 1887 for the completion of the works by that Act authorised will not expire until the 23rd day of August 1892 and it is expedient that subject to the provisions of this Act the powers for the compulsory purchase of lands for the purposes of the Act of 1884 and the period limited for the completion of the works authorised by that Act and not abandoned under the powers of the Act of 1887 should be revived and extended as by this Act provided and that the Company be authorised to proceed with the construction and completion of the railways accordingly:

And whereas by the Act of 1887 it was provided that the sum of one thousand two hundred and ninety-one pounds eight shillings and fourpence deposited on the application to Parliament for the Act of 1884 should be and remain impounded as security for the completion of the railways authorised by the Act of 1887 as well as for the completion of so much of the railways authorised by the Act of 1884 as was not abandoned under the authority of the Act of 1887 and the same now remains so impounded and the depositors are willing that the same should with the consent of the Treasury form part of the deposit in respect of the railways by this Act authorised and the further deposit required for the purposes of this Act in respect of the said railways has been made by the same depositors:

And whereas in consequence of an alteration of levels required by the Board of Trade the estimated expense of the railways by this Act authorised exceeds the estimate made in respect of the railways authorised by the Act of 1884 after deducting the estimated expense of the portion of those railways abandoned under the authority of the Act of 1887 by the sum of thirteen thousand five hundred and eighty-seven pounds:

And whereas plans and sections showing the lines and levels of the railways and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Dorset and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the objects of this Act cannot be effected without the authority of Parliament: A.D. 1890.

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):—

1. This Act may be cited for all purposes as the Easton and Church Hope Railway Act 1890. Short title.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 so far as the provisions thereof are not expressly varied by this Act is incorporated with this Act. Incorporation of Part II. of Railways Clauses Act 1863.

3. In this Act the expression "the railways" means the railways authorised by the Act of 1884 and not abandoned under the Act of 1887. Interpretation.

4. All the rights powers and authorities conferred upon the Company by the Act of 1884 for the compulsory purchase of the lands delineated on the deposited plans and described in the deposited book of reference for the purposes of this Act and for the construction and completion of the railways shall be and the same are hereby revived and all restrictions contracts obligations and liabilities contracted or incurred by or imposed upon the Company under that Act and the Act of 1887 shall be and the same are hereby continued. Powers of Act of 1884 revived and contracts continued.

5. The railways and works which the Company may under the powers of this Act and of the Act of 1884 as revived by this Act make or complete and maintain are so much of the railways authorised by the Act of 1884 as is not directed to be abandoned by the Act of 1887 (that is to say):— Power to make railways and works.

A railway (No. 1) one mile four furlongs and 1·20 chains in length in the parish of Portland in the county of Dorset commencing by a junction with the railway of the Company at a point distant $22\frac{3}{4}$ chains or thereabouts measured in a north-westerly direction from the north-west corner of the west face of the Mermaid Inn at Wakeham and terminating by a junction with the Railway No. 1 authorised by the Act of 1887 at the commencement thereof being a point $2\frac{1}{4}$ chains or thereabouts westward of the north-west corner of the western reservoir of Folly Pier Waterworks.

A railway (No. 2) 3 furlongs and 5·50 chains in length in the said parish of Portland commencing by a junction with the

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railway of the Company at a point distant $14\frac{3}{4}$ chains or thereabouts measured in a south-easterly direction from the south-east corner of the national or parish school at Reforne and terminating in and near the northern end of a field called Sheepcroft numbered 544 on the Tithe Commutation Map of the said parish.

Railways to be constructed as provided by Acts of 1884 and 1887.

6. The railways shall be constructed and maintained in the lines and according to the levels shown on the deposited plans and sections and in accordance with the provisions of the Acts of 1884 and 1887 so far as the same are respectively applicable.

For protection of the Lords of the Admiralty and others.

7. Sections 37 to 42 inclusive of the Act of 1884 and section 39 of the Act of 1887 shall be as valid and binding as if they were re-enacted in this Act.

Application of capital.

8. All moneys raised by the Company whether by shares or debenture stock or borrowing shall be applied only for the purposes of the Acts of 1884 and 1887 and of this Act to which capital is properly applicable.

Period for completion of railways.

9. The railways shall be completed on or before the 23rd day of August 1892 and on the expiration of such period the powers granted to the Company for making the same shall cease except as to so much thereof as shall then be completed.

Period for compulsory purchase of lands.

10. The powers of the Company for the compulsory purchase of lands for the purposes of the railways may be exercised within but shall not be exercised after one year from the passing of this Act.

Deposit moneys not to be repaid until line opened.

11. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of one thousand two hundred and ninety-one pounds eight shillings and fourpence Consolidated three per centum now two-and-three-quarters per centum annuities being five per centum upon the amount of the estimate then made in respect of the railways authorised by the Act of 1884 was deposited with the Court of Chancery in England in respect of the application to Parliament for that Act and a further sum of six hundred and seventy-nine pounds seven shillings being equal to five per centum upon the amount of the excess over the former estimate of the estimate made in respect of the railways authorised by this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which two sums are herein collectively referred to as "the deposit fund" and are to be treated as one fund deposited in respect of the application for this Act Be it enacted that

notwithstanding anything contained in the Act of the ninth year of Her present Majesty or in the Acts of 1884 and 1887 the said deposit fund shall not be paid or transferred to or on the respective application of the person or persons or the majority of the persons named in the respective warrants or orders issued in pursuance of the said Act of the ninth year of Her present Majesty or the survivors or survivor of them which persons survivors or survivor are in this Act referred to as "the depositors" unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the same and the railways authorised by the Act of 1887 for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the High Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of the Acts of 1884 and 1887 or of this Act having passed anything in the above-mentioned Act of the ninth year of Her present Majesty to the contrary notwithstanding.

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12. If the Company do not previously to the expiration of the period limited for the completion of the railways complete and open the same and the railways authorised by the Act of 1887 for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or the railways authorised by the Act of 1887 or any portion of such railways respectively or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by the Acts of 1884 and 1887 or this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit

Application
of deposits.

A.D. 1890. — and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the respective depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon respectively shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Restriction
on taking
houses of
labouring
class

13. The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in 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 15th day of December next before the passing of this Act or of the respective former Acts by which such purchase or acquisition was originally authorised as the case may be 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 artizans 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 such persons who may be residing with them.

Saving rights
of Her Ma-
jesty's Prin-
cipal Secre-
tary of State
for the War
Department.

14. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act

contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Company.

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15. Nothing in the Acts of 1884 and 1887 or in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Provision as
to general
Railway
Acts.

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

Costs of Act.

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