CHAPTER cxxv.

An Act to confer further powers on the Maidstone and Ashford Railway Company; and for other purposes. A.D. 1882.

[12th July 1882.]

WHEREAS by the Maidstone and Ashford Railway Act 1880 the Maidstone and Ashford Railway Company were incorporated with power to raise four hundred and sixty thousand pounds by shares and to borrow one hundred and fifty thousand pounds on mortgage and were authorised to make and maintain certain railways between Maidstone and Ashford in the county of Kent: 43 & 44 Vict. c. clix.

And whereas further powers were conferred on the Company and on the London Chatham and Dover Railway Company by the Maidstone and Ashford Railway Act 1881: 44 & 45 Vict. c. xcii.

And whereas it is expedient that the Company should be enabled to make and maintain a certain deviation of their authorised railway and to construct the short branch railway and the other works herein-after described and to abandon so much of the railway authorised by the Act of 1880 as will be rendered unnecessary by the construction of the said deviation railway:

And whereas it is expedient that the Company should be authorised to acquire certain additional lands for the general purposes of their undertaking:

And whereas plans and sections showing the lines and levels of the deviation and branch railways and works authorised by this Act and also books 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 Kent, and are herein-after respectively referred to as the deposited plans, sections and books of reference:

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

A.D. 1882. 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:

Short title. **1.** This Act may be cited as the Maidstone and Ashford Railway Act 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92. **2.** The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 are (in so far as applicable and 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 Maidstone and Ashford Railway Company the expression "the railway" means the railways by this Act authorised the expression "the Act of 1880" means the Maidstone and Ashford Railway Act 1880 the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or 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 common simple contract debt and not a debt or demand created by statute.

Power to make railways. **4.** Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways and other works hereinafter described with all proper stations sidings approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes. The railways and works herein-before referred to and authorised by this Act are—

1. A deviation railway 1 furlong 6·65 chains in length situate in the parish of Maidstone commencing by a junction with the London Chatham and Dover Railway at the commencement of Railway No. 1 authorised by the Act of 1880 and terminating at or near the west side of Camden Street by a junction with the said authorised Railway No. 1 at a point marked and measured 1 furlong and $6\frac{1}{4}$ chains or thereabouts from the commencement of that railway on the plans of that

railway deposited with the clerk of the peace for the county of Kent with reference to the Act of 1880.

2. A branch railway 4·50 chains in length situate in the parish of Ashford commencing by a junction with the said authorised Railway No. 1 at the termination of that railway at or near and on the west side of the road leading from the Ashford Gasworks to the town of Ashford and terminating at or near the western side of the cattle market at Ashford.

Provided always notwithstanding anything in this Act contained that the said branch Railway No. 2 shall be constructed as nearly as may be alongside the property of the South-eastern Railway Company and the same when constructed shall be used for access to the cattle market and for market purposes only and not at any time or in any way for the conveyance of passengers.

3. A new street or road situate in the parish of Maidstone commencing on the west side of Week Street opposite or nearly opposite the north-west corner of the Roman Catholic chapel and terminating on the east side of Station Road.

Period for compulsory purchase of lands.

5. 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 six months from the passing of this Act.

Power to stop up portion of Station Road.

6. On and after the completion of the new street or road by this Act authorised and the opening thereof for public traffic the Company may stop up and discontinue as a public highway so much of the Station Road in the parish of Maidstone as extends in a northerly and easterly direction from the western end of the said new street to the junction of Station Road with Week Street at the north-east corner of the Victoria Hotel.

Vesting in London Chatham and Dover Railway Company site and soil of road stopped up.

7. The site and soil of the portion of roadway stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall if the London Chatham and Dover Railway Company are the owners of the lands on both sides thereof be vested in that company.

Substitution of open cutting for portion of a tunnel.

8. The Company may substitute an open cutting for so much of the tunnel in the parish of Maidstone shown on the plans deposited with the clerk of the peace for the county of Kent with reference to the Act of 1880 as extends from a point marked and measured from the commencement of the Railway No. 1 authorised by that Act 2 furlongs and 4 chains to a point marked and measured 3 furlongs and 3 chains on the said plans deposited with reference to that Act.

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Power to apply corporate funds to purposes of Act.

9. The Company may apply to the purposes of this Act 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 acquire additional lands for general purposes of the Company's undertaking.

10. Subject to the provisions of this Act and in addition to the other lands which they are by this Act authorised to acquire 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):

Certain lands houses and buildings in the parishes of Thornham and Bearsted.

Certain lands houses and buildings in the parish of Harrietsham.

Power to take easements by agreement.

11. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for completion of works.

12. If the railway is not completed within eighteen months from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Portion of authorised railway to be abandoned.

13. The Company shall abandon the making of so much of the Railway No. 1 authorised by the Act of 1880 as will be rendered unnecessary by the construction of the deviation railway by this Act authorised 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 the said portion of railway.

Compensation for damage to land by entry &c.

14. The abandonment by the Company under the authority of this Act of any portion of any railway or works 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 in the Act of 1880.

Compensation to be made in respect of portion of railway abandoned.

15. 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 purpose of or in relation to any portion of the railway or works authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised 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 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.

Tolls &c.

16. Subject to the provisions herein contained the lands and property from time to time acquired by the Company by virtue of this Act or otherwise and the railways and works by this Act authorised shall for all purposes of tolls rates and charges for the carriage of passengers animals goods and minerals and for all other purposes whatsoever be part of the undertaking railway works and property of the Company as if the Company had by the Act of 1880 been authorised to acquire make and maintain the same.

Company to give notice before taking dwellings of labouring classes.

17. The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the cer-

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tificate of a justice that it has been proved to his satisfaction that the Company have so made known their intention.

Company to provide accommodation for persons of the labouring classes to be displaced.

18. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless the Company and such person or persons otherwise agree) provide sufficient accommodation elsewhere for such person or persons and they may contribute towards the costs or expenses of erecting or providing houses or buildings for such accommodation by any company body or person: Provided always that if any question arises as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may apply for the purposes of this section any moneys they may have already raised or which they are empowered to raise and which are not required for the purposes for which they were raised.

Classification table to be open to inspection. Copies to be sold.

19. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges if any to be specified.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

36 & 37 Vict. c. 48.

Deposits for future Bills not to be

20. The Company shall not out of any money which they are by any Act authorised to raise pay or deposit any sum which by

any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking. A.D. 1882 — paid out of Company's capital.

21. 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 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 the rates for small parcels authorised to be taken by the Company. Provisions as to general railway Acts.

22. 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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