CHAPTER xlvi.

A.D. 1895.

An Act to confer further powers on the South Eastern Railway Company in reference to their own Undertaking and the Undertakings of other Companies and for other purposes. [20th June 1895.]

WHEREAS by the Lydd Railway Act 1881 the Lydd Railway Company (herein-after called "the Lydd Company") were incorporated and authorised to make and maintain a railway from Appledore to Dungeness in the county of Kent with power to enter into working agreements with the South Eastern Railway Company (herein-after called "the Company"):

And whereas by various subsequent Acts the Lydd Company were authorised to make and maintain certain other railways:

And whereas the share and loan capital created and issued by the Lydd Company consists of debenture stock to the nominal amount of twenty-five thousand pounds and ordinary shares to the nominal amount of eighty-nine thousand eight hundred and seventy pounds making an aggregate of one hundred and fourteen thousand eight hundred and seventy pounds and the whole of such capital has been paid up:

And whereas it is expedient that the Lydd Company should be dissolved and that the undertaking of that company together with all the rights powers and privileges attaching thereto should be transferred to and vested in the Company as in this Act is provided:

And whereas it is expedient to extend or further extend the respective times limited by the Acts herein-after specified for the compulsory purchase of certain lands and for the completion of certain works as herein-after provided:

And whereas by the East London Railway Act 1882 the undertaking of the East London Railway Company was leased in perpetuity to the Company and other railway companies and the Company are now by arrangement with such other companies maintaining the said undertaking:

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And whereas it is expedient that further powers should be conferred upon the East London Railway Company with reference to their surplus lands as herein-after provided:

And whereas it is expedient that other provisions such as are in this Act contained be made:

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:—

Short title.

1. This Act may be cited as the South Eastern Railway Act 1895.

Incorporation of general Acts.

2. The under-mentioned Acts and enactments are except where expressly varied by this Act incorporated with and form part of this Act viz.:—

Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869:

Part II. (relating to extension of time) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863.

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 Lydd Railway Acts" means the Lydd Railway Act 1881 the Lydd Railway (Extensions) Act 1882 the Lydd Railway (Extension) Act 1883 and the Lydd Railway (Various Powers) Act 1885:

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:

Extending time for completion of works authorised by section 14 subsection (*a*) of South Eastern Railway (Various Powers) Act 1884.

4. The period now limited for the completion of the stopping up and discontinuance of the footpaths described in and authorised by section 14 subsection (*a*) of the South Eastern Railway (Various

Powers) Act 1884 is hereby extended until the expiration of a period of two years from the 28th day of July 1895. A.D. 1895.

Extending time for purchase of lands and completion of works authorised by section 4 subsections (1) and (4) of South Eastern Railway Act 1890.

5. The respective periods now limited for the compulsory purchase of lands required for and for the completion of the railway and railway widening described in and authorised by section 4 subsections (1) and (4) of the South Eastern Railway Act 1890 are hereby extended as regards the purchase of lands until the expiration of a period of two years from the 4th day of August 1895 and as regards the completion of the said works until the expiration of a period of three years from the 4th day of August 1895.

Extending time for purchase of additional lands authorised by South Eastern Railway (Various Powers) Act 1885.

6. The period now limited for the compulsory purchase of the additional lands described in and authorised by section 14 subsection (2) (*c*) of the South Eastern Railway (Various Powers) Act 1885 is hereby extended for a period of two years from the 31st day of July 1895.

Extending time for purchase of additional lands authorised by South Eastern Railway Act 1890.

7. The period now limited for the compulsory purchase of the additional lands described in and authorised by section 14 subsection (3) (*f*) and (*g*) of the South Eastern Railway Act 1890 is hereby extended for a period of two years from the 4th day of August 1895.

Extending time for purchase of additional lands authorised by South Eastern Railway Act 1892.

8. The period now limited for the compulsory purchase of the additional lands described in and authorised by section 20 subsection (4) of the South Eastern Railway Act 1892 is hereby extended for a period of two years from the 20th day of June 1895.

Confirming purchase of certain lands.

9. The purchase by agreement by or on behalf of the Company of the lands next herein-after described and now held by them or on their behalf is hereby sanctioned and confirmed and the Company to the extent of their estate and interest therein may hold and use the same for extraordinary purposes as defined in the Railways Clauses Consolidation Act 1845 and for the general purposes of the Company but nothing in that Act or in this Act shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such lands The said lands are as follow :—

Lands and houses in the parish of Lewisham in the county of London being Nos. 1 5 6 10 11 and 12 Elgin Terrace Catford Bridge.

Restriction on taking houses of

10. The Company shall not under the powers of any former Act extended by this Act purchase or acquire in any parish in the

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labouring class.

metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or in any other city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were or since the respective fifteenth day of December aforesaid have been or shall hereafter be 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 such persons who may be residing with them.

Dissolution of Lydd Railway Company and transfer of undertaking to Company.

11.—(1.) On the passing of this Act the Lydd Company shall be and the same is hereby dissolved and all the rights powers privileges and authorities which by the Lydd Railway Acts are conferred upon the Lydd Company are by this Act transferred to and vested in the Company who may in their own name and under their own seal or under the hands of their directors secretary officers and servants exercise all those rights powers privileges and authorities (except the powers relating to the capital constitution and management of the Lydd Company which powers are by this Act repealed) as fully and effectually in all respects as the Lydd Company or the directors secretary officers and servants of that company as the case may be might have exercised the same if this Act had not been passed and the Company shall discharge and fulfil all liabilities and obligations (so far as such liabilities and obligations are not otherwise discharged fulfilled released or arranged for) of the Lydd Company under the Lydd Railway Acts and under all contracts and agreements entered into by them or on their behalf in reference to the Lydd Railway or connected therewith.

(2.) Any contract or agreement entered into by the Lydd Company with reference to the discharge of the liabilities of that company shall enure remain and be valid and binding in favour of the Company.

Transfer to be evidenced by deed.

12. The transfer and vesting shall be evidenced by deed of conveyance duly stamped and truly stating the consideration and the Company shall produce such deed duly stamped as aforesaid to the Commissioners of Inland Revenue within three months from the

passing of this Act and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the passing of this Act to the day of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same in any court of competent jurisdiction.

Creation of debenture stock for purpose of transfer.

13. In consideration of such transfer the Company shall create one hundred and fourteen thousand eight hundred and seventy pounds of debenture stock bearing interest at the rate of four pounds per centum per annum and ranking pari passu with and forming part of the existing debenture stock of the Company and the Company shall issue to each holder of paid-up share capital and debenture stock of the Lydd Company in lieu of and in exchange for the same an equal amount of such debenture stock and shall issue certificates therefor to the persons severally entitled thereto under such conditions (if any) as to delivery for cancellation or proof of the loss or destruction of the certificates of the shares and debenture stock of the Lydd Company for which such debenture stock is substituted as they may reasonably determine.

Substituted stock to be held on same trusts as securities for which it is substituted.

14. All debenture stock issued by the Company to the holders of shares and debenture stock of the Lydd Company under the powers of this Act shall be held subject to the same trusts and obligations as those upon or to which the shares and debenture stock of the Lydd Company in respect of which such debenture stock of the Company is substituted were immediately before the date of such issue held or subject and so as to give effect to and not revoke any deed or other instrument or any testamentary or other disposition of or affecting any such shares and debenture stock of the Lydd Company and every such deed or other instrument or testamentary disposition affecting such shares and debenture stock of the Lydd Company made after the transfer of the Lydd undertaking to the Company shall take effect with reference to the debenture stock of the Company so substituted therefor.

Directors of Lydd Company to wind up affairs.

15. The directors of the Lydd Company who are in office at the time of the passing of this Act and the survivors or survivor of them may notwithstanding the dissolution of the Lydd Company continue to act and may take any proceedings necessary or proper for winding up the affairs of the Lydd Company and distributing the assets thereof (if any).

Lydd Railway to become part of

16. All the provisions of the Lydd Railway Acts except those relating to the constitution of the Lydd Company and to the share

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the undertaking of the Company.

and loan capital of the Lydd Company shall (so far as applicable) have effect as if the Company had been named throughout the same instead of the Lydd Company and the undertaking authorised by those Acts shall subject to the provisions of the said Acts be executed worked and managed by the Company as part of their undertaking.

For the protection of the Postmaster-General.

17. Nothing in this Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Lydd Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the rights powers and authorities of the Lydd Company are transferred to and vested in the Company and the undertaking of the Lydd Company is amalgamated with the undertaking of the Company.

Extending time for sale of superfluous lands of the East London Railway Company.

18. Subject and without prejudice to the rights of the lessees of the East London Railway under the provisions of the East London Railway Act 1882 the East London Railway Company may notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the East London Railway Company with which that Act is incorporated and notwithstanding the provisions of section 2 of the East London Railway Act 1885 retain and hold any lands belonging to them which have not yet been applied to the purposes of the East London Railway Company or sold or disposed of by them for the period of ten years from the passing of this Act.

Company may apply corporate funds.

19. The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are authorised to raise by virtue of any Act relating to the Company and which may not be required for the purposes to which they were by such Act made specially applicable.

Provision as to general Railway Acts.

20. Nothing in this Act contained shall exempt the Company or the Lydd Company or their respective railways 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 authorised to be taken.

Costs of Act.

21. 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.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

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