CHAPTER vii.

An Act to confer further powers upon the East London Railway Company with respect to the acquisition of Lands and the raising of Money; and for other purposes. A.D. 1874.

[8th June 1874.]

WHEREAS by the East London Railway Act, 1865, (in this Act called the Act of 1865,) the East London Railway Company (in this Act called the Company) were incorporated, with power to make and maintain the several railways in that Act more particularly described, and amongst them two railways therein and in this Act called respectively the Main Line and the City Branch, and to enter upon, take, and use for the purposes of those railways the lands and buildings in that Act mentioned or referred to: 28 & 29 Vict. c. li.

And whereas in the construction of that portion of the Main Line which passes under the London and Blackwall Railway the Company find it necessary for the purposes of the works connected therewith to acquire and use the additional lands and buildings in this Act described, and it is expedient that they should be empowered so to do:

And whereas the period limited by the Act of 1865 for the exercise by the Company of the powers for the compulsory purchase of lands conferred by that Act has expired, and it is expedient that with reference to such of the said lands as are herein-after described, and which the Company now find it necessary to acquire for the purposes of the City Branch, the said powers should be revived and extended:

And whereas it is expedient that further powers should be conferred upon the Company with respect to the sale, lease, or other disposal of lands acquired by the Company which are not or eventually may not be required for the purposes of their undertaking:

And whereas by the Act of 1865 the Company were authorised to raise by ordinary shares the sum of one million four hundred thousand

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pounds, and by borrowing the sum of four hundred and sixty-six thousand six hundred pounds; and by the East London Railway (Further Powers) Act, 1870, they were authorised to raise by preference or ordinary shares or stock the further sum of four hundred thousand pounds, and by borrowing the further sum of one hundred thousand pounds, and the said sums constitute the entire capital of the Company:

And whereas the Company have issued (but as regards a large portion thereof at a very considerable sacrifice) the whole of their said share capital, and have borrowed the whole amount which they are by the said Acts authorised to borrow:

And whereas the Company have constructed a considerable portion of their undertaking, and are proceeding with the construction of the remainder thereof, and have expended or are liable for the whole amount raised by the issue of the said share capital and by borrowing as aforesaid, but the same is insufficient to enable them to complete their undertaking:

And whereas it would be of great advantage to the public, as well as of great benefit to the shareholders of the Company, that their undertaking should be completed; and inasmuch as it is impossible for the Company in their present position to raise by shares the money necessary for that purpose, it is expedient that they should be authorised to raise the same on mortgage, or by the creation and issue of debenture stock, and that the powers herein-after contained should be conferred upon them with reference thereto:

And whereas the whole of the additional capital of four hundred thousand pounds raised by the Company under the authority of the East London Railway (Further Powers) Act, 1870, was raised by the creation and issue of preference shares, and the holders of more than three fourths in value of those shares have assented in writing to the provisions of this Act with reference to the raising by the Company of further money on mortgage, or by the creation and issue of debenture stock:

And whereas plans of the additional lands and buildings which the Company are by this Act authorised to acquire, and a book of reference to those plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands and buildings, were duly deposited with the clerk of the peace for the county of Middlesex, and are herein-after respectively referred to as the deposited plans and book 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 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 for all purposes as the "East London Railway Act, 1874."

Provisions of certain general Acts incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and Part II. (relating to extension of time) of the Railways Clauses Act, 1863, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by the Company on mortgage or bond and the conversion of borrowed money into capital, and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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 "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act 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.

Power to take additional lands for Main Line.

4. The Company may enter upon, take, and use for the purposes of or connected with the Main Line the lands and buildings following delineated upon the deposited plans and described in the deposited book of reference; (that is to say,)

Certain lands and buildings in the parish of Saint George-in-the East in the county of Middlesex, extending along and on both sides of the London and Blackwall Railway from a point thirty yards or thereabouts eastward from the east side of Charles Street to a point forty-five yards or thereabouts westward from the west side of Morris Street.

And they may, notwithstanding anything to the contrary in the Railways Clauses Consolidation Act, 1845, but subject nevertheless to the provisions of the next following section of this Act, stop up such parts of Charles Street and Morris Street aforesaid and of Little Union Street for such period or periods during the construction, but not after the completion, of the Main Line, as may be necessary.

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Provision for protection of the vestry of Saint George-in-the-East.

5. The powers by the last preceding section conferred upon the Company shall be exercised only in accordance with and subject to the following provisions for the protection of the vestry of Saint George-in-the-East:

1. Prior to the stopping up of any part of Charles Street, the Company shall remove the houses between Charles Street and Watney Street, and form a permanent foot and carriage way to connect the said streets, as shown by a plan signed in duplicate by George Andrew Wilson on behalf of the vestry of the parish of Saint George-in-the-East, and by William Hunt on behalf of the Company, one copy of which plan has been deposited at the Vestry Hall of the said parish, and the other copy has been deposited at the office of the Company.
2. The hoarding to be placed by the Company for the protection of their works in Watney Street and Charles Street during the construction of the railway shall be erected in accordance with the line marked in red ink on the said plan referred to in sub-section 1, and the remaining portion of the said streets outside of such hoarding shall be kept free from obstructions by the Company.
3. A footway properly lighted and protected for the use of the public shall be maintained by the Company under the Blackwall Railway in Charles Street during the underpinning of the arches.
4. The centering to be placed under the Blackwall Railway during the underpinning of the arches shall be removed within twenty months from the date of the street being stopped up, and the several other works connected with the railway in Charles Street shall be completed, so far as may be necessary to enable the street to be fully restored for the use of the public, within twenty months from the date of the street being stopped up; and if the Company shall fail to complete the said works, and restore such street to the public within the prescribed months, they shall forfeit to the vestry of Saint George-in-the-East five pounds for every day after the expiration of that period.
5. The Company shall not close up Little Union Street and the public footway leading from the north end of Morris Street to Charles Street at the same time, but shall re-open the one for public traffic before closing the other.
6. The Company shall not break up or disturb any street or place under the control or direction of the vestry of Saint George-in-the-East, or the pavement thereof, unless at least

seven days previous notice in writing of their intention so to do be given to the said vestry; and when the Company break up or disturb any such street, place, or pavement they shall, as soon as the works affecting it are completed, restore such street, place, or pavement to as good a condition as it was when broken up or disturbed, to the satisfaction of the surveyor of the said vestry, and shall keep the same in repair for twelve months thereafter; and if the Company fail to restore any such street, place, or pavement to the reasonable satisfaction of the said vestry, the said vestry may restore the street, place, or pavement in such manner as they may consider necessary at the expense of the Company, who shall repay the same to the said vestry.

7. The Company shall on demand pay to the said vestry of Saint George-in-the-East, their clerk and surveyor, all the costs, charges, and expenses which they have incurred or may incur by reason of the Company's works and operations, or the preparation or examination of plans or designs, superintendence, or otherwise, and the same may be recovered by action in any or either of the superior courts of common law at Westminster, as and for liquidated damages.

8. Every penalty or forfeiture imposed by this Act may be recovered by summary proceedings before any justice in manner provided by the Act of the session holden in the 11th and 12th years of Her Majesty, cap. 43.

For protection of the Great Eastern Railway Company.

6. The Company in the construction of their railway through the properties numbered on the said plans referred to in the Act of 1865, 113, 119, 119a in the parish of Saint Matthew, Bethnal Green, shall deviate the line thereof so as not to interfere with the Great Eastern Railway Company's granary, and shall not purchase any property belonging to that company without their consent, and shall so construct their works as to leave the surface of the street, yard, and sidings shown on the aforesaid plans by the said numbers 113, 119, 119a free and available for the use of the Great Eastern Railway Company, and in putting in such temporary timbering or superstructure as may be necessary for this purpose they shall do so with the least inconvenience and in the shortest possible time.

The said granary and other buildings of the Great Eastern Railway Company shall, so far as may be necessary, be securely underpinned before the works of the Company are commenced, and if any damage is caused to any of the Great Eastern Railway Company's works or buildings, the same shall be made good by the Company, who shall make full compensation to the Great Eastern Railway Company for all such damage, and all loss, costs,

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charges, and expenses in connexion therewith, the same to be ascertained in manner provided for by the Lands Clauses Consolidation Act, 1845.

The said street, yard, and sidings shall in no way be altered either as regards levels or position, and the surface thereof shall, if interfered with by the Company, be properly restored by them on the completion of their works.

All the said works of the Company shall be done at the expense of the Company, and to the reasonable satisfaction of the engineer for the time being of the Great Eastern Railway Company.

If any difference of opinion arise between the engineers of the two companies as to the true meaning and intent of the foregoing provisions, or as to the mode of giving effect thereto, the same shall from time to time be determined by arbitration in the manner prescribed by the Railway Companies Arbitration Act, 1859.

Powers for compulsory purchases limited.

7. The powers for the compulsory purchase by the Company of the before-mentioned lands shall not be exercised after the expiration of one year from the passing of this Act.

Notice to be given of taking houses of labouring classes.

8. 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 certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Revival of compulsory powers to take lands for City Branch.

9. The powers conferred on the Company by the Act of 1865 for the compulsory purchase of the lands and buildings next herein-after described for the purposes of or connected with the City Branch are hereby revived, and may be exercised by the Company for the period of two years after the passing of this Act, and on the expiration of that period such powers shall cease. The lands and buildings above referred to are:

The properties numbered respectively on the deposited plans referred to in the Act of 1865, 1 in the parish of Saint Mary, Whitechapel, and 64, 65, 119, and 119a in the parish of Saint Matthew, Bethnal Green;

And also the properties in the last-mentioned parish lying and included between Fleet Street Hill and New James Street.

Certain lands may be sold by Company

10. The Company may sell the lands belonging to them, and which have not yet been applied to the purposes of the Company, or any part of such lands, in consideration of a rentcharge as well

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for rent-charge and let on building leases.

as or instead of a sum in gross, and (with the consent in writing of the person, if any, entitled, under the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands, to a right of pre-emption,) they may grant building leases of any of such lands, or any part thereof adapted for building purposes, for such terms of years, at such rents, and subject to such covenants, conditions, and stipulations as the Company shall deem expedient with reference to the special circumstances of each demise, but without prejudice to the provisions of the Lands Clauses Consolidation Act, 1845, as amended or extended by this Act, or any special Act relating to the Company, requiring within the respective periods prescribed by those Acts, or any of them, the sale of superfluous lands: Provided always, that nothing herein contained shall relieve the Company from the obligation imposed upon them to sell within the prescribed period any superfluous lands exceeding the total quantity which the Company are from time to time authorised to hold for extraordinary purposes by the several Acts relating to the Company: Provided further, that whenever by sale to various owners or otherwise of the reversion, the reversion upon any such lease shall be severed, the rent may be apportioned by agreement between such owners, and if such apportionment be not so settled the same shall be settled by an arbitrator appointed by the Board of Trade, and after such apportionment the owner of each part of the reversion shall, in respect of the apportioned rent allotted or belonging to him, have the benefit of all conditions or powers of re-entry for nonpayment of the original rent, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reversion in respect of the apportioned rent allotted or belonging to him: Provided also, that any such agreement shall be binding only upon the parties thereto, and no such apportionment shall (unless with express consent in writing) alter, prejudice, or affect the rights or interests of any lessee of the lands in respect of which such apportionment is made, his executors, administrators, or assigns.

Power to Company to raise further money.

11. The Company may from time to time borrow on mortgage any sums not exceeding (in addition to the sums which they are already authorised to borrow) the sum of four hundred thousand pounds, or they may raise the said sum by the creation and issue of debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of

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this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

12. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing thereof, shall, during the continuance of such mortgages, have priority over any mortgages granted by virtue of this Act, and all debenture stock created or to be created by the Company in pursuance of the powers of any former Act of Parliament shall have priority over any debenture stock created by virtue of this Act.

Interest not to be paid on calls paid up.

13. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

Deposits for future Bills not to be paid out of capital.

14. The Company shall not, out of any money by this Act authorised to be raised, 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 a railway, or to execute any other work or undertaking.

Company not exempt from provisions of present and future general Railway Acts.

15. Nothing herein contained shall be deemed or construed to exempt 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.

Expenses of Act.

16. 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.

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