ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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Cap. ccclxvii.

An Act to enable the *Eastern Counties* Railway Company to make Two Branch Railways from the Line of the *Eastern Counties and Thames Junction* Railway, one thereof terminating at the Pepper Warehouses belonging to the *East India* Dock Company, and the other terminating by a Junction with the *Eastern Counties* Railway.

[13th *August* 1846.]

WHEREAS an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from* London *to* Norwich *and* Yarmouth, *by* Romford, Chelmsford, Colchester, *and* Ipswich, *to be called* "*The* Eastern Counties *Railway*," whereby a Company was incorporated by the Name of the *Eastern Counties* Railway Company, with Power to make the said Railway: And whereas an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to amend and enlarge the Powers aud Provisions of the Act relating to the* Eastern Counties *Railway*: And whereas an Act was passed in the Fourth Year of the Reign of

6 & 7 W. 4. c. 106.

1 & 2 Vict. c. 81.

4 & 5 Vict. c. 14.

Her said Majesty, intituled *An Act to amend and enlarge some of the Provisions of the Acts relating to the* Eastern Counties *Railway Company, and to authorize the Company to raise a further Sum of Money for the Purposes of the said Undertaking:* And whereas an Act was passed in the Session of Parliament held in the Seventh Year of the Reign of Her present Majesty, intituled *An Act for making a Junction Railway from the* Eastern Counties *Railway at* Stratford *in the County of* Essex *to the River* Thames, *with a Branch Railway therefrom; and for constructing a Pier in the River* Thames, whereby a Company was incorporated by the Name of the *Eastern Counties and Thames Junction* Railway Company, with Power to make the said Railway: And whereas it was in and by the said lastly-recited Act of the Seventh Year of the Reign of Her said Majesty, whereby the *Eastern Counties and Thames Junction* Railway Company was incorporated, (amongst other things,) enacted, that it might be lawful for the *Eastern Counties* Railway Company, by and with the Authority of Three Fifths of the Proprietors therein who might be present, either personally or by Proxy, at some Extraordinary General Meeting of the said Company, to purchase, and for the Company by the said lastly-recited Act incorporated, by and with a like Authority on the Part of the Proprietors in the said last-mentioned Company, to sell and transfer, the Undertaking by the said lastly-recited Act authorized, or any Portion thereof, or any Share or Interest therein, to the said *Eastern Counties* Railway Company, and whether before or after the Completion (but subject to any existing Mortgages, Leases, Contracts, Agreements, or Liabilities affecting the same); and that on the Completion of such Purchase the said *Eastern Counties* Railway Company might have and hold the said Undertaking, or the Portion thereof or the Share therein purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all the Rights, Powers, and Privileges conferred by the said lastly-recited Act on the Company thereby incorporated; and that if the whole of the Undertaking by the now reciting Act authorized should be purchased by the *Eastern Counties* Railway Company, then from and after the Completion of such Purchase the Company by the said lastly-recited Act incorporated should be dissolved and cease to exist, and all Powers and Authorities which might become vested in the said *Eastern Counties* Railway Company by virtue of such Purchase might be exercised by them, and the Corporate Seal of the said *Eastern Counties* Railway used when necessary in reference thereto, in like Manner as though the said Undertaking formed Part of the said *Eastern Counties* Railway Company, and the said *Eastern Counties* Railway Company had been originally authorized to carry the same into effect instead of the Company by the now reciting Act incorporated: And whereas, under and in pursuance of the last-recited Power contained in the said Act of Parliament incorporating the said *Eastern Counties and Thames Junction* Railway, the said *Eastern Counties* Railway Company have purchased the Line of Railway by the said Act authorized to be made and constructed, and they now have and hold the same, and exercise and enjoy all the Rights, Powers, and Privileges with regard thereto that were conferred by the said last-mentioned Act upon the said *Eastern Counties and Thames Junction* Railway Company: And whereas the making of Two Branch Railways from the Line of the

7 & 8 Vict. c. 71.

said *Eastern Counties and Thames Junction* Railway, one whereof is to terminate at or near a Wharf attached to certain Warehouses called the Pepper Warehouses belonging to the *East India* Dock Company, and situated in the Parishes of *Bromley Saint Leonard's* and *All Saints Poplar*, or one of them, both in the County of *Middlesex*, and the other whereof is to terminate by a Junction with the *Eastern Counties* Railway in the Parish of *Westham* in the County of *Essex*, would be of great public Advantage: And whereas the said *Eastern Counties* Railway Company are willing, at their own Expence, to carry such Undertaking into execution, if authorized by Parliament so to do: And whereas Two Acts were passed in the last Session, called respectively "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845:" 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, That all the Powers, Provisions, Matters, and Things contained in the said recited Acts, so far as the same are now in force, and except such as are inapplicable to the Purposes of this Act, or inconsistent with the Provisions of the said Lands Clauses Consolidation Act, 1845, or of the said Railways Clauses Consolidation Act, 1845, shall extend to this Act, and to the several Purposes of this Act, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes; and the Branch Railways and Works by this Act authorized to be made by the said *Eastern Counties* Railway Company shall, when so made, form Part of the Undertaking of the *Eastern Counties* Railway Company, and shall as such be subject to all the Provisions of the several Acts relating thereto, except as aforesaid.

Powers of recited Acts extended to this Act.

II. And be it enacted, That the several Acts of Parliament following, (that is to say,) the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, so far as the same may be applicable, and are not inconsistent with or modified by the Provisions of this Act, shall be incorporated with and form Part of this Act.

8 & 9 Vict. cc. 18. and 20. incorporated with this Act.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Eastern Counties and Thames Junction* Railway Branches Act, 1845."

Short Title.

IV. And be it enacted, That it shall be lawful for the said Company to raise for the Purposes of the Railways and Works by this Act authorized the Sum of Forty thousand Pounds by the Creation of new Shares or Stock, in addition to any Sums which they are already authorized to raise, upon such Terms generally and in such Manner as may be or may have been agreed upon at any General Meeting or Meetings of the Company specially convened for the Purpose, or in such Manner as may be or may have been agreed upon between the several Persons who have subscribed towards the Undertaking hereby authorized

Additional Capital may be raised by Creation of new Shares.

authorized and the said Company, or the Directors thereof for the Time being.

Power to borrow Money on Mortgage.

V. And be it enacted, That after the whole of the Capital in Shares by this Act and the several Acts relating to the *Eastern Counties* Railway Company authorized to be raised by Shares shall have been subscribed, and One Half thereof shall have been actually paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole the Sum of Thirteen thousand three hundred and thirty-three Pounds, in addition to the Sums authorized to be borrowed by the said Acts, and to secure the Payment of the Sums so to be borrowed, with Interest, by Mortgage of the Undertaking.

Reborrowing.

VI. And be it enacted, That if, after having borrowed any Part of the Money by this Act authorized to be borrowed, the said Company shall pay off the same, it shall be lawful for them again to borrow the Sum so paid off, or any Part thereof, and so from Time to Time.

Former Mortgages to have Priority.

VII. Provided always, and be it enacted, That all the Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be created by virtue of this Act.

Power to convert Loan into Capital.

VIII. And be it enacted, That it shall be lawful for the Company, if they shall think fit, to raise the Sum by this Act authorized to be borrowed, or any Part thereof, by creating new Shares in the Company instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to pay off such Loan or any Part thereof, if they so think fit, by creating new Shares of the Company in manner aforesaid; but no such Augmentation of Capital shall take place without the previous Order of a General Meeting specially convened for that Purpose.

Newspapers for Insertion of Advertisements.

IX. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be the *Chelmsford Chronicle* and the *Morning Herald*.

Railway to be made according to deposited Plans.

X. And whereas Plans and Sections of the said Branch Railways showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners and Lessees and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerks of the Peace of the Counties of *Essex* and *Middlesex*; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railways and Works in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose: Provided always, that the Plan of the Works by this Act authorized to be done and performed

connected

connected with the River *Thames* or the River *Lea* shall be approved by the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled previously to the Execution of such Works, and that the said Works shall be performed to the Satisfaction of the Clerk of the Works of the *Thames* Navigation for the Time being.

Line of Railways.

XI. And be it enacted, That one of the said Branch Railways shall commence by a Junction in the Parish of *Westham* in the County of *Essex* with the Line of the *Eastern Counties and Thames Junction* Railway as authorized to be made by the said lastly-recited Act at a Point between the River *Thames* and the *Barking* Road, and shall terminate at or near the Wharf attached to certain Warehouses called "The Pepper Warehouses" belonging to the *East India* Dock Company, and situated in the Parishes of *All Saints Poplar* and *Bromley Saint Leonard's*, or one of them, both in the County of *Middlesex*, and shall pass from, in, through, and into the several Parishes, Townships, and extra-parochial and other Places following, or some of them; (that is to say,) the Parish of *Westham* in the County of *Essex*, and the Parishes of *All Saints Poplar* and *Bromley Saint Leonard's*, or one of them, both in the County of *Middlesex*; and the other Branch Railway shall commence by a Junction with the said *Eastern Counties and Thames Junction* Railway in the Parish of *Westham* at or near the *Stratford* High Road in the said Parish, shall terminate by a Junction with the *Eastern Counties* Railway in the same Parish, and shall pass from, through, or into the said Parish of *Westham*.

Land for extraordinary Purposes.

XII. And be it enacted, That the Quantity of Land to be taken by the Company for the extraordinary Purposes of this Act shall not exceed Ten Acres.

Compulsory Purchase of Lands limited.

XIII. And be it enacted, That 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 Completion of Railways.

XIV. And be it enacted, That the said Branch Railways shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers of this or the recited Acts granted to the Company for executing the said Branch Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall then be completed.

For Prevention of Accidents on the Barking Road from Carriages, Engines, &c. passing on Railway.

XV. And in order to prevent Accidents on the *Barking* Road from Horses and Cattle being frightened by Engines and other Carriages passing upon and along the said Road, be it enacted, That the said Company shall and they are hereby required, at their own Costs and Charges, and under the Direction and to the Satisfaction of the Trustees of the said Road, or the Engineer for the Time being, to raise, construct, and maintain Parapet Walls, Fences, or other proper Inclosures and other Works to such Height and to such an Extent along the Line of the said Railway where it approaches the said

Barking Road in the Parish of *West Ham* in the County of *Essex*, and so and in such Manner, as effectually to prevent Accidents from happening on the said Road from the Engines and Carriages passing thereon or otherwise from the Use of the said Railway.

Bridge over River Lea to be kept open at certain Periods.

XVI. And be it enacted, That the Bridge to be built for carrying the Railway over the River *Lea* shall be opened One Hour before High Water, and kept open from that Time until One Hour after High Water every Tide, and at all other Times when required for the free Navigation of the said River *Lea*.

Directions for building Viaduct or Bridge over Bow Creek.

XVII. And be it enacted, That in carrying the said Branch Railway over the River *Lea* Navigation the said Railway Company shall and they are hereby required, at their own Expence, to make and at all Times for ever hereafter to maintain and keep in perfect Repair a good and substantial Viaduct or Bridge of Brick, Stone, Wood, or Iron of not less than Five Spans or Openings over that Part of the said Navigation called *Bow Creek*, Two of which at the least to be Swing or Opening Spans for Navigation, and to be in a direct Line with the Two principal Arches on the *Essex* Side of the present Iron Bridge erected over the said *Bow Creek*, and such Two principal Navigation Swing or Opening Spans to have a clear, uniform, and uninterrupted Waterway, measured in a direct Line, of not less than Forty Feet each, and shall be of such Dimensions that no Part of the said principal navigable Spans or Openings shall be less than Eight Feet above High Water at the ordinary full Spring Tides; and the said Two principal Navigation Swing or Opening Spans shall at all Times for ever hereafter remain open to the Navigation, and not swing round or open towards the said Railway, excepting at the Times the Trucks, Waggons, or Carriages are actually passing; and the remaining Spans or Openings of the said Viaduct or Bridge shall be of such Width as shall leave a clear and uninterrupted Opening, measured in a direct Line, of not less than Twenty Feet each, and shall be of such Dimensions that no Part of any of the said Spans or Openings shall be less than Eight Feet above High Water at the ordinary full Spring Tides; and the said Company shall during the whole Period of constructing and completing the said Viaduct or Bridge leave an open and uninterrupted navigable temporary Waterway for the said Navigation of Thirty Feet at the least: Provided always, that the Foundation Walls of the Abutments and Piers of the said Viaduct or Bridge shall be built and carried up to the Height of Two Feet at the least above High Water at the highest Spring Tides before the Expiration of Eight Calendar Months next after the Commencement of the Works of the said Viaduct or Bridge, from the Expiration of which Period of Eight Calendar Months the whole of the said Waterway of each of the Two principal navigable Spans or Openings of Forty Feet is to be cleared and left open for the Navigation; and the said Viaduct or Bridge, and all the Works, Matters, and Things incidental thereto to be done in pursuance of this Act, shall be completed before the Expiration of Twenty-four Calendar Months next after such Commencement; and the said Viaduct or Bridge and Works shall be constructed and maintained to the Satisfaction of the Engineer or Surveyor for the Time being of

the said Trustees of the River *Lea* Navigation: Provided nevertheless, that nothing herein contained shall authorize the said Company to diminish the sectional Area of the said River at the Point of crossing.

Navigable Spans or Openings to be kept closed against the Railway, and open to the Navigation, until the Carriages have actually stopped, and to be again closed to the Railway after the Carriages have passed.

XVIII. And whereas it is expedient to provide due and sufficient Protection to the said Navigation, and for all Barges and other Vessels and Persons navigating on or using the said *Bow Creek*, against Accidents to be occasioned by the Trains of Locomotive or other Engines and Carriages passing along the said Branch Railways; be it therefore enacted, That the said Viaduct or Bridge herein-before directed to be erected and built by the said Railway Company over the said *Bow Creek* shall at all Times for ever hereafter be under the Management and Control of and be worked by a Person to be from Time to Time appointed by the Trustees of the River *Lea* Navigation, or their Agent, but such Person shall be paid by the said Railway Company such reasonable Wages as shall be agreed upon by the said Trustees, not exceeding One Guinea *per* Week; and that the said Two principal Spans shall at all Times remain closed to the Railway and open to the said Navigation, except when from the Lowness of the Tide the Navigation shall be suspended and during the Times when the said Navigation shall be so suspended the said Spring Spans or Openings shall be opened to the said Branch Railway and closed to the said Navigation, and the said Locomotive or other Engines and Carriages shall and may pass and repass over the said Swing Spans or Openings of the said Navigation; and in case of any Violation or Infringement of the said Regulation, then and as often as the same shall happen the said Company shall forfeit and pay to the said Trustees of the River *Lea* Navigation the Sum of Twenty-five Pounds; and every such Forfeiture may be summarily recovered before any Two of Her Majesty's Justices of the Peace for the Counties of *Essex* or *Middlesex*, on Complaint to them for that Purpose made, and which Complaint the said Justices are hereby authorized and required to hear and determine; and in default of Payment, on demand, after Judgment made, the same, together with all the Costs attending such Proceedings, shall and may be levied by Distress and Sale of the Goods and Chattels of the said Company by Warrant under the Hands and Seals of such Justices; and all such Forfeitures shall be paid to the said Trustees of the River *Lea* Navigation, to be applied by them towards the Repairs and Maintenance of the said Navigation.

Company to be liable for Damages occasioned by Swing Bridges being shut against the Navigation.

XIX. And be it enacted, That the said Railway Company shall be liable to all Damages which may arise to or be sustained by any Person or Persons using the said Navigation, or to their Barges and other Vessels, or other Property, in consequence of the Swing Bridges or Openings being wrongfully shut across the said Navigation, or in consequence of any other Act or Neglect on the Part of the said Railway Company, or any of their Servants or Workmen; and such Damages may be summarily recovered by the Person or Persons sustaining the same before any Two of Her Majesty's Justices of the Peace for the Counties of *Essex* or *Middlesex* in the Manner herein-before by this Act mentioned for the Recovery of Penalties.

XX. And

If the River Lea Navigation is obstructed, the Railway Company to pay the Damage.

XX. And be it enacted, That if in the Course of the Execution of any of the Works by this Act authorized to be made or done, or by reason of the bad State of Repair of any such Works, or of the Viaduct or Bridge to be built by the said Company over the said River *Lea* Navigation, or of any of the Slopes, Banks, or Walls of the said Railway near the said Navigation, it shall happen that the said River *Lea* Navigation shall be so obstructed that Boats, Barges, or other Vessels navigating or using the said Navigation shall be impeded in their Passage, or shall not be able to pass along the same, or in case the navigable Waterway herein-before required to be preserved shall at any Time or Times be contracted to a less Width than is prescribed in this Act, then and in any and every such Case the said Railway Company shall pay to the said Trustees for the Time being of the said River *Lea* Navigation as or by way of ascertained Damages the Sum of Five Pounds for every Hour to the Extent of Seventy-two Hours during which any such Impediment shall continue; and if any such Obstruction shall continue beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act on the Part of any of the Servants or Persons employed by the said Railway Company, then and in every such Case the said Railway Company shall pay to the said Trustees for the Time being of the River *Lea* Navigation the Sum of Ten Pounds for every Hour from the Termination of such Seventy-two Hours during which the Obstruction shall continue as or by way of ascertained Damages; and in default of Payment of the said Sum or Sums, as the Case may be, on demand made on the Treasurer, Clerk, or Secretary for the Time being of the said Railway Company, the same may be summarily recovered before any Two of Her Majesty's Justices of the Peace for the Counties of *Essex* or *Middlesex*, on Complaint to them for that Purpose made (and which Complaint the said Justices are hereby authorized and required to hear and determine); and in default of Payment after Judgment made the same, together with all the Costs attending such Proceedings, shall and may be levied by Distress and Sale of the Goods and Chattels of the said Company by Warrant under the Hands and Seals of such Justices; and all such Sums or Forfeitures shall be paid to the said Trustees of the River *Lea* Navigation, to be applied by them towards the Repairs and Maintenance thereof; and in case the said Viaduct or Bridge to be erected for the said Railway over the said River *Lea* Navigation as aforesaid, or the several Approaches, Side Slopes, or Banks of the said Railway next the said Navigation, or any of them, or any Part thereof, shall not be kept in good Repair and Condition, it shall be lawful for the said Trustees for the Time being to put the same in such good Repair and Condition, and summarily to recover the Amount of the Expences of and attending the same from the said Railway Company in manner herein-before mentioned: Provided always, that nothing herein contained shall extend to prevent the said Trustees for the Time being from recovering against the said Railway Company any special Damage that may be sustained by them on account of the Acts or Defaults of the said Railway Company, or of any Person or Persons employed by them, or acting under their Authority, in respect of which the said Penalties or any of them are imposed, beyond the Amount of such Penalty or Penalties, and they are hereby authorized to sue for and recover such special

Nothing to prevent Trustees from recovering special Damages against the Company.

special Damage accordingly by Action of Debt or on the Case, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*; but in every Case where the Penalty or Penalties hereinbefore imposed shall have been actually paid by the said Railway Company, and any Action for special Damage shall be brought as before mentioned, then the said Penalty or Penalties so paid shall be deemed and considered as Payments on account of such special Damage, and Credit shall be given by the Court before whom such Actions shall be tried for any Sum or Sums of Money so paid by the said Railway Company, and the same shall be deducted from the Amount of Damages to be recovered by the said Trustees for the Time being; and in case the Amount of Damages recovered shall not exceed the Sum or Sums so paid, then and in such Case Judgment shall be given for the said Railway Company; and no summary Proceedings shall be maintainable by the said Trustees for the Time being against the said Railway Company for the Recovery of any Penalty or Penalties after Judgment shall have been obtained by them for any special Damage in respect of the Act or Acts for which such Penalty or Penalties would have been recoverable.

For securing the Construction of new Banks in a proper Manner.

XXI. And whereas the said Branch Railways are intended to be carried over One or more of the Levels and Lands within the Jurisdiction of the Commissioners of Sewers for the Levels of *West Ham*, *Bromley Saint Leonard's*, and *All Saints Poplar*, and it is expedient to provide against any Injury being occasioned thereby to the said Levels and Lands, or the adjoining Lands, by the Obstruction of the Floods and Waters or by Inundation from the River *Thames* and the River *Lea*; be it therefore enacted, That nothing herein contained shall authorize or empower the Company to stop up, alter, remove, break into, or interfere with any Bank, Wall, Culvert, Sewer, Drain, or Watercourse under the Jurisdiction or Control of the said Commissioners unless such other Banks, Walls, Culverts, Sewers, Drains, or Watercourses, with such necessary Sluices, Penstocks, and other Works, and such Fences, as may be required by the said Commissioners, shall be made, erected, and constructed in a substantial Manner in lieu of those so intended to be stopped up, altered, removed, broken into, interfered or intermeddled with; and all new Banks and Works so to be erected and constructed by the Company shall be constructed under the Directions of the said Commissioners of Sewers, or their Surveyor for the Time being, and by and at the Costs, Charges, and Expences of the said Company.

For causing the Removal of accumulated Waters by making fresh Openings.

XXII. And be it enacted, That if at any Time after the Construction of the said Railway it shall be found that the Waters on the North Side of the Railway shall be and remain for the Space of Six Hours at an Elevation of One Inch higher than the Waters on the South Side of the Railway, then and in such Case, upon due Notice of such Obstruction being given to the Company by the Marsh Bailiff or Bailiffs of any one of the said Levels, or by any other Person thereto authorized by the said Commissioners of Sewers, or by the Owner or Occupier of any Lands thereby injured or affected, the Company shall and they are hereby required to make such additional Openings in the said Railways as shall admit of the Passage of

the said Waters, without such Obstruction being caused by such Railways.

Penalty on Company neglecting to execute the necessary Work.

XXIII. And be it enacted, That if the Company shall neglect or refuse to make such additional Opening or Openings for the Space of Fourteen Days after the Notice requiring them to do so, they shall be subject to a Penalty not being less than Five Pounds for every Hour during which the same or any similar or like Obstruction thereby occasioned shall at any Time occur, remain, or happen after the Expiration of the Fourteen Days, which Penalty may be recovered against the said Company by the said Commissioners of Sewers by Action of Debt in any of the Superior Courts.

Land of the East and West India Dock Company not to be taken without their Consent.

XXIV. And be it enacted, That it shall not be lawful for the *Eastern Counties* Railway Company to purchase any of the Lands of the *East* and *West India* Dock Company without the Consent of the last-mentioned Company; and it shall be lawful for the said Companies to make and enter into such Contracts or Agreements with respect to the Purchase, letting, hiring, using, and occupying the Premises by this Act authorized to be purchased by the said *Eastern Counties* Railway Company of the said Dock Company, and the loading and shipping Goods at all or any of the Wharfs of the said Dock Company, as shall be agreed on by and between the said Companies.

Limiting Charges for Conveyance of Passengers.

XXV. And be it enacted, That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway by this Act authorized than Three-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Two-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains.

Limiting Charges for Conveyance of Goods and Cattle.

XXVI. And be it enacted, That it shall not be lawful for the said Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, except a reasonable Charge for the Expence of loading and unloading, where such Service is performed by the Company, than the several Sums herein-after mentioned; (that is to say,)

For all Coal, Iron in Pigs, Bars, and Rods, Salt, Dung, Compost, and all Sorts of Manure, Lime, Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile One Penny Halfpenny:

For all Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, and all Descriptions of Wrought Iron Castings not manufactured

into Utensils or other Articles of Merchandize, Soda, Oil Cake, Oil in Casks, Pitch, Tar, Saltpetre, Ale and Beer, Raw Hides, Hoofs, and Horns, Bones, and Asphaltum, Sugar, Coffee, Rice, Tallow, Cheese, Butter in Casks, Potatoes, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, Blocks, Slabs, and Deals, Metals (except Iron, Nails, Anvils, Vices, and Chains), *per* Ton *per* Mile Two-pence:

For all manufactured Iron, Steel Tools, Metals, not being Iron, Bark, *Manchester* Packs, Linén, Paper, Hay, and Straw, *per* Ton *per* Mile Three-pence:

For all Cotton and other Wools, Drugs, manufactured Silk, Fruit, Fish, Merchandize, and all other Articles, Matters or Things, *per* Ton *per* Mile Four-pence:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, *per* Mile Seven-pence:

For every Horse, Mule, or Ass, *per* Mile Five-pence:

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Two-pence:

For every Calf or Pig, *per* Mile Three Farthings:

For any Sheep, Lamb, or other small Animal, *per* Mile One Half-penny.

Regulations as to the Tolls.

XXVII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand Tolls as for Six Miles:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Toll as for One Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XXVIII. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls hereby prescribed, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they may think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of several Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not

not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they may think fit.

Passengers Luggage.

XXIX. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Seventy-five Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Company may take increased Charges by Agreement.

XXX. Provided further, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Restriction as to Charges not to apply to Special Trains.

XXXI. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Train, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Saving the Rights of the Crown.

XXXII. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall be deemed or construed to extend, either directly or by Implication or otherwise, to prejudice or affect any Right of Property or Title belonging to Her Majesty, Her Heirs or Successors, in or to the Ground or Soil and Bed of the River *Thames* or the Shores thereof, or to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or some Two of them, first had and obtained for that Purpose, and which Consent such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

XXXIII. Pro-

Saving the Rights of the Trustees of the River Lea Navigation.

XXXIII. Provided always, and be it enacted, That nothing in this Act contained shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, or Authorities vested in the said Trustees of the River *Lea* Navigation, or authorize or empower the said Railway Company to alter the Line or Level of the said Navigation, or of the Towing or Foot Paths thereto, or of any or either of them, or any Part thereof respectively, or in any Manner to obstruct or impede the Navigation or any Part thereof, or to divert, intercept, cut off, take, use, or diminish any of the Waters therein, or to divert or turn any Watercourse or Land Drain into any Part of the said Navigation, or to interfere with or injure any of the Works of the said Navigation, or to take or use any of the Lands or Buildings or other Property belonging to the said Trustees, or to abridge, cut off, or in any way interfere with any Rights of Way to the said Navigation or Communication therewith, or to do any Act whatever to the Prejudice of the said Navigation, except so far as they may be authorized so to do under the express Provisions of this Act, without the Consent of the said Trustees, or any Seven or more of them, in Writing under their Hands and Seals first had and obtained.

Saving the Rights of the Corporation of London.

XXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, or Privileges of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames*, or otherwise, did or might lawfully claim, use, or exercise.

Saving the Rights of Commissioners of Sewers.

XXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the Levels of *West Ham*, *Bromley Saint Leonard's*, and *Poplar*, in the respective Counties of *Essex* and *Middlesex*, but all the Rights, Powers, and Authorities vested in them respectively shall be as good, valid, and effectual as if this Act had not been passed.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

XXXVI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by an Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said

said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Expences of Act.

XXXVII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Railway to be subject to Provisions of any future general Act.

XXXVIII. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railway by this Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present 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 authorized by this Act.

Public Act.

XXXIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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