ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cxvii.

An Act to enable the *Eastern Counties* Railway Company to construct Branch Railways from the *North Woolwich* Line of the *Eastern Counties* Railway to *Ham Creek* and the River *Thames*; and for other Purposes. [4*th August* 1853.]

WHEREAS an Act was passed 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*," by which Act the *Eastern Counties* Railway Company became incorporated: And whereas an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, called "The *North Woolwich* Railway Act, 1845," by which Act a Company was incorporated for the Purpose of making a Railway from the *Eastern Counties and Thames Junction* Railway near the Mouth of the River *Lea* to *North Woolwich*: And whereas another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the*

6 & 7 W. 4. c. cvi.

8 & 9 Vict. c. lxxxv.

10 & 11 Vict. c. clvi.

The Eastern Counties Railway (*North Woolwich Railway Branches*) *Act*, 1853.

the Purchase by the Eastern Counties *Railway Company of the* North Woolwich *Railway*, *and the Lease of the Pepper Warehouses and Wharfs of the* East and West India *Dock Company*, under the Powers of which Act the *Eastern Counties* Railway Company have purchased and now possess the said *North Woolwich* Railway: And whereas it is expedient that the *Eastern Counties* Railway Company should be empowered to make and maintain the Railways herein-after described in connexion with the said *North Woolwich* Railway; but for the Purposes aforesaid the Authority of Parliament is necessary: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

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

I. That "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Power to make Railways.

II. That it shall be lawful for the *Eastern Counties* Railway Company to make and maintain the following Railways, with all proper Works and Conveniences connected therewith; (that is to say,)

A Branch or Loop Line of Railway diverging from the said *North Woolwich* Line of the *Eastern Counties* Railway near *Bow Creek* in the Parish of *West Ham* in the County of *Essex*, and terminating in the same Parish by a Junction with the same Railway near *Ham Creek*:

A Railway commencing from and out of the last-mentioned intended Railway in the said Parish of *West Ham*, and terminating near the Shore or Bank of the River *Thames* in *Galleons Reach* in the Parish of *Woolwich* and County of *Kent*.

Railways to be made according to deposited Plans.

III. Whereas Plans and Sections showing the Line or Situation and Levels of the Railways, together with Books of Reference to the said Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerks of the Peace for the Counties of *Essex* and *Kent*: Be it enacted, That, subject to the Powers of Deviation in "The Railways Clauses Consolidation Act, 1845," contained, the Railways shall be made in the Line or Course and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and it shall be lawful for the Company to enter upon, take, and use such

such of the said Lands as shall be necessary for the Purposes aforesaid.

Level Crossings.

IV. That, subject to the Provisions in this Act, and "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Railways to carry the same across and upon the Level of the public Carriage Road numbered 12 on the Plans deposited as aforesaid in the Parish of *East Ham*.

Station or Lodge to be erected at the Point of crossing.

V. That the Company shall erect and permanently maintain either a Station or Lodge at the Point where the Railway crosses the before-mentioned Road on the Level, and shall be subject to and shall abide by all such Rules and Regulations, with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges instead of level Crossings.

VI. That it shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time hereafter to require the Company, within such Time as the said Board shall direct, at the Expense of the said Company, to carry the said Road either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from such level Crossing: Provided always, that when any such Road shall be so carried either over or under the Railway, it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

Lands for extraordinary Purposes.

VII. That it shall be lawful for the Company to purchase for extraordinary Purposes connected with the Railways any Quantity of Land not exceeding Ten Acres.

Period for Completion of Railways.

VIII. That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making the Railways shall cease.

IX. That

After Five Years Company not to pay Dividend on ordinary Shares unless Railway is opened for Traffic.

IX. That after the Expiration of Five Years from the passing of this Act it shall not be lawful for the Company to pay any Dividend upon any ordinary or unguaranteed Share in the Capital of the Company unless and until the Railway shall be opened for the Purposes of public Traffic.

Railways, &c. to form Part of the Undertaking of the Eastern Counties Railway.

X. That the Railways shall form Part of the Undertaking of the *Eastern Counties* Railway Company, and it shall be lawful for the Company to apply any Capital or Funds now belonging to them, or under the Control of their Directors, or which they are now authorized to borrow on Mortgage or Bond, to the Purposes aforesaid or any of them.

Not to interfere with the River Thames, without Consent of Corporation of London.

XI. That no Works authorized by this Act to be made or constructed shall interfere with or in any Manner affect the River *Thames*, or the Bank or Shore thereof, without the Consent in Writing of the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled.

Saving Rights of the Corporation of London.

XII. That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises 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 said River *Thames*, or otherwise, did or might lawfully claim, use, or exercise.

For the Protection of the Metropolitan Commissioners of Sewers.

XIII. That, notwithstanding this Act, or anything contained in it or in any Act incorporated therewith, any Work shall not be done which in any way interferes with any Sewers, Drains, or Watercourses under the Control of the Metropolitan Commissioners of Sewers; and any new Sewers, Drains, or Watercourses, or Works of Drainage, shall not be made or done under the Powers of this Act, unless the same be previously approved by those Commissioners, and the same shall be carried on and completed under the Direction and Control of those Commissioners and their Officers; and all Sewers, Drains, Watercourses, and Works of Drainage made under this Act shall be and remain subject in all respects to the Jurisdiction of those Commissioners; and whenever any Works of the Company would intersect or interfere with any Sewer, Drain, or Watercourse under the Control of those Commissioners, the Company shall, before any such Works be made, construct such proper Sewers or Works of Drainage, and also

also comply with such Orders and Regulations as those Commissioners of Sewers make to guard against Injury to the Drainage of the District; and this Act, or anything therein contained, shall not take away, lessen, prejudice, or affect any of the Rights, Powers, Jurisdictions, or Authorities of those Commissioners: Provided always, that nothing in this Act contained shall be held or construed to alter, prejudice, or interfere with any of the Powers or Provisions of "The *Victoria London* Dock Act, 1850," or any Exercise of those Powers by the *Victoria London* Dock Company.

Prescribing Mode of constructing Railway through Lands under Jurisdiction of Commissioners of Sewers for Levels of Havering, &c.

XIV. And whereas the Railway is intended to be carried over the Levels and Lands within the Jurisdiction of the Commissioners of Sewers for the Levels of *Havering*, *Dagenham*, *Ripple*, *Barking*, *East Ham*, *West Ham*, *Leyton*, *Walthamstow*, *Bromley*, and *Eastmarsh*, in the respective Counties of *Essex*, *Middlesex*, and *Kent*, and it is expedient to provide against Injury being occasioned thereby to the said Levels and Lands, or to the adjoining Lands, by the Obstruction of Flood and other Waters, or by Inundation from any Rivers or Streams crossed by the said Railway: Be it enacted, That nothing herein contained shall authorize or empower the Company to stop up, alter, remove, break into, or interfere with any Bank, Wall, River, Stream, Outlet, Sewer, Drain, or Watercourse, or other Work or Defence under the Jurisdiction or Control of the said Commissioners, without the Consent in Writing of the said Commissioners of Sewers, until such Banks, Walls, Culverts, Outlets, Sewers, Drains, or Watercourses, with the necessary Sluices, Penstocks, and other Works and Defences as may be required by the said Commissioners of Sewers, in lieu of those so intended to be stopped up, altered, removed, broken into, or interfered with, or which may become necessary from the Works of the Company, shall be made, done, executed, and completed in a good and substantial Manner by the said Commissioners, or by the Company, under the Directions of the said Commissioners or their respective Surveyors for the Time being, at the Costs, Charges, and Expenses of the Company.

Tolls.

XV. That it shall be lawful for the Company to demand and receive in respect of the Use of the Railways, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding the maximum Rate of Tolls and Charges authorized to be demanded and received by "The said *North Woolwich* Railway Act, 1845."

Passengers Luggage.

XVI. That every Passenger travelling upon the Railways may take with him his ordinary Luggage not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class

Passengers, without any Charge being made for the Conveyance thereof.

Deposits of future Bills not to be paid out of the Company's Capital.

XVII. That it shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Interest not to be paid on Calls paid up.

XVIII. That it shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital authorized to be raised by any Act relating to the Company: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Railways and Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XIX. 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 any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this or the said recited Acts authorized, or the Company, from the Provisions of

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

Railways not exempt from Provisions of future General Acts.

XX. That nothing in this Act shall be deemed or construed to exempt the Railways 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, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by this Act.

Works on the Thames not to be executed without the Consent of the Commissioners of Woods, &c.

XXI. That, notwithstanding anything herein contained, the Company shall not execute any of the Works herein-before mentioned upon or otherwise interfere with any Part of the Bed or Shores of the River *Thames* without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby empowered to give.

Saving the Rights of the Crown.

XXII. That nothing whatsoever contained in this Act, or in any of the Acts herein recited or referred to, shall extend to divert, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or but for the Provisions of the same Act or Acts might have been, vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Short Title.

XXIII. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Eastern Counties* Railway (*North Woolwich* Railway Branches) Act, 1853."

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