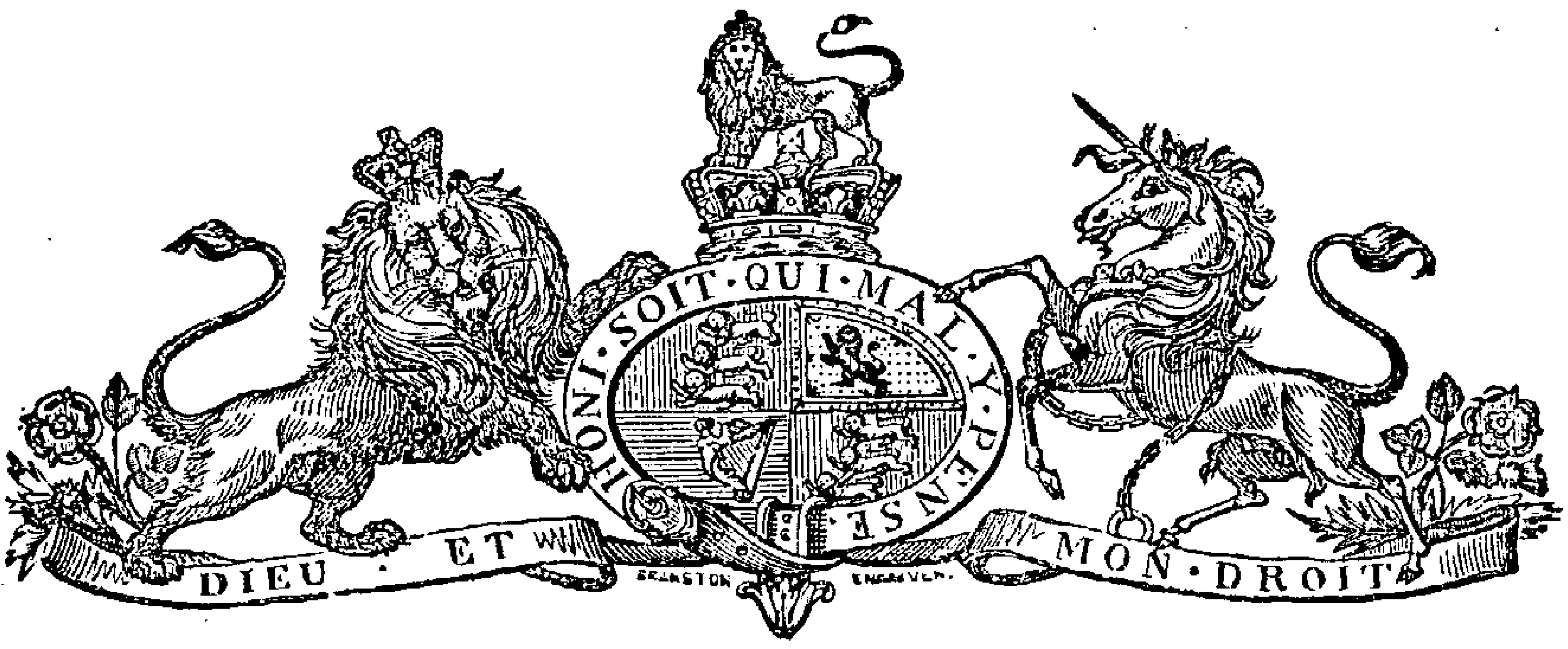


ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. xxxiv.

An Act to alter, amend, and enlarge the Powers and Provisions of the Acts relating to the *London and Blackwall* Railway. [31st *May* 1842.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the* Minories *to* Blackwall, *with Branches, to be called "The Commercial Railway:"* And whereas an Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend the Act relating to the Commercial Railway Company:* And whereas an Act was passed in the Third Year of the Reign of Her said present Majesty, intituled *An Act for extending the Line of the Railway between* London *and* Blackwall *called "The Commercial Railway," and for amending the Acts relating thereto:* And whereas an Act was passed in the Fourth Year of the Reign of Her said present Majesty, intituled *An Act for granting further Powers to the* London and Blackwall *Railway Company:* And whereas, under and by virtue of the said recited Acts, or some of them, the said Company were authorized to raise the Sum of Seven hundred and fifty thousand Pounds by the Creation of Shares, and to borrow on Mortgage, or to

6 & 7 W. 4. c. 123.

7 W. 4. & 1 Vict. c. 133.

2 & 3 Vict. c. 95.

4 & 5 Vict. c. 12.

raise by the Creation of Shares, the Sum of Two hundred thousand Pounds, and to borrow on Mortgage, or by Bond, or to raise by the Creation of Shares, the Sum of Fifty thousand Pounds: And whereas the Sum of Seven hundred and seventeen thousand Pounds, or thereabouts, has been paid up and received by the Company in respect of the said Sums of Seven hundred and fifty thousand Pounds and Fifty thousand Pounds, which have been raised by the Creation of Shares, and the Sum of One hundred and ninety-seven thousand five hundred Pounds, or thereabouts, has been borrowed on Mortgage: And whereas it is expedient that some of the other Powers and Provisions of the said recited Acts should be amended and enlarged; but the same cannot be effected without the Aid and 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, That all the Powers, Provisions, Matters, and Things contained in the said recited Acts (except such of them as are repealed, altered, or otherwise provided for,) shall extend to this Act, and shall be in force in respect to the Objects and Purposes of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes thereof.

Powers of recited Acts extended to this Act.

II. And whereas it is by the said recited Act of the Third Year of the Reign of Her said present Majesty enacted, that the said Company should provide, within the Depôt of the said Company in *Fenchurch Street*, Room for the standing of all Carts, Coaches, and other Carriages resorting to the Railway, or taking Goods or Passengers from the same, to the Extent of not less than Ninety Feet back Southwards from the Fronts of the Houses in *Fenchurch Street* scheduled in that Bill, and from *London Street* on the West to *Church Row* on the East, and should also provide an Area for the like Purpose at the Southern End of the said Terminus towards *Crutched Friars* to the Extent of the Property scheduled, and the same should be divided for the Passage of Carriages and Foot Passengers: And whereas the said Company have provided within the Depôt at or near *Fenchurch Street* aforesaid Room for the standing of all Coaches and Carriages resorting to the Railway, or taking Passengers from the same, to a greater Extent and of a greater Area than that comprised within the Limits of Ninety Feet back Southwards from the Fronts of the Houses in *Fenchurch Street*, and from *London Street* on the West to *Church Row* on the East, as required by the said last-mentioned Act: And whereas the said Company have also provided an Area for the standing of Carts resorting to the said Railway, for taking Goods to or from the same, at the Southern End of the said Terminus towards *Crutched Friars*, to a greater Extent than the Property there scheduled to the last-mentioned Act, which Two several Spaces so provided as aforesaid by the said Company have been found sufficient for the standing of all Carts, Coaches, and other Carriages resorting to the Railway; and it is therefore expedient that the said recited Provision should be repealed:

Repeal of Provision in third-recited Act relative to Accommodation for Carriages at the Depôt in Fenchurch Street.

pealed: Be it therefore enacted, That so much of the said recited Act as is herein-before recited shall be and the same is hereby repealed.

Power to borrow Money.

III. And be it enacted, That in addition to the Sums authorized to be borrowed by the said recited Acts respectively it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General or Special General Meeting of the Company, not exceeding in the whole the Sum of Sixty-six thousand Pounds, and to secure the Repayment of the Money so borrowed, with Interest, by Mortgage or by Bonds, as in the said recited Acts authorized.

Re-borrowing.

IV. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of re-borrowing shall not be exercised without the Authority of a General or Special General Meeting of the Company, unless the Money be so re-borrowed in order to pay off any existing Mortgage or Bond.

Rights of Mortgagees.

V. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgage, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of the Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Priority of Mortgagees and Bondholders.

VI. Provided always, and be it enacted, That all Mortgages and Bonds already entered into under the Powers of the said recited Acts or either of them shall have Priority over the Mortgages and Bonds by this Act authorized to be given.

Transfer of Bonds.

VII. And be it enacted, That from Time to Time any Party entitled to any Bond granted under the Powers of this or the lastly-recited Act may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form prescribed in the said first-recited Act for the Transfer of Mortgages, or as near thereto as the Circumstances of the Case will admit.

Power to convert Loan into Capital.

VIII. And be it enacted, That it shall be lawful for the said Company, if they think fit, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same, or having borrowed the same it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder

Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; but no such Augmentation of Capital shall take place without the Authority of an Order of a General or Special General Meeting of the Company called for the Purpose previously obtained.

Providing for Collection of Rates at Brunswick Wharf,

IX. And whereas it is in and by the said recited Act of the Third Year of the Reign of Her said present Majesty enacted, that it should be lawful for the *East* and *West India* Dock Company to grant or assure unto the said *London and Blackwall* Railway Company, and for the said *London and Blackwall* Railway Company to accept from the said *East* and *West India* Dock Company a Grant or Assurance of the perpetual Use and Occupation of a certain Wharf and Hereditaments called *Brunswick Wharf*, adjoining to the River *Thames*, very commodiously situated for the Reception of Steam-boats, and for the landing and Embarkation of Passengers, or a competent Part thereof, for the Reception of Passengers and Goods landed and embarked thereat, and conveyed or to be conveyed by the said Railway; and in the Deed by which such Grant or Assurance should be made it should be provided that all Passengers conveyed or to be conveyed by the said Railway should be entitled to use and pass freely upon the said Wharf and Hereditaments, or a competent Part thereof, upon Payment of Rates or Wharfage Dues not exceeding the usual Rates or Dues which had been received for similar Purposes at *Brunswick Wharf* aforesaid, and other Wharfs situate between the said *Brunswick Wharf* and *London Bridge*, during the Twelve Months previous to the First Day of *July* then last past, and which was in the Year One thousand eight hundred and thirty-nine; and unless such Grant or Assurance should be made within One Year from the passing of that Act, and the said Railway Company and their Passengers by means of such Grant or Assurance should be entitled to the perpetual and indefeasible Use and Enjoyment of the said Wharf and Hereditaments, or a competent Part thereof, in manner aforesaid, none of the Powers or Provisions in that Act contained should have any Force or Effect: And whereas in pursuance of the said recited Provision the said *East* and *West India* Dock Company have granted, sold, and confirmed to the said *London and Blackwall* Railway Company the perpetual Use and Occupation, for the Reception of Passengers and Goods landed and embarked at the said Wharf and Hereditaments, and conveyed or to be conveyed by the said Railway, so much of the said Wharf and Hereditaments called *Brunswick Wharf* as is capable of being appropriated to the landing and embarking of Passengers and Goods, and such Passengers are now entitled to use and pass freely on the said Wharf and Premises upon Payment of certain Rates or Wharfage Dues: And whereas, in consequence of the Number of Persons who embark on board and disembark from Steam Packets and other Vessels at the said Wharf and Premises, it is expedient that Provision should be made for the more easy Collection of the Rates or Wharfage Dues that become payable in respect of such Persons; be it therefore enacted, That all Rates becoming due to the *East* and *West India* Dock Company or their Grantee shall be paid to such Persons and in such Manner as the said *East* and *West India* Dock Company or their

their Grantee shall appoint; and the Money payable by or in respect of Passengers shall, if the said *East* and *West India* Dock Company or their Grantee shall so direct, be collected and received by the Master or other Person having the Command of the Vessel carrying such Passengers before the Departure of such Passengers from on board such Vessel, and shall be by such Master or other Person, with all convenient Speed, paid over to the Collector or other Person to be appointed for that Purpose.

Recovery of Rates by Distress of Ship and Tackle.

X. And be it enacted, That if any Master or other Person having Command of any Vessel in respect of which any Rates shall be payable to the said *East* and *West India* Dock Company or their Grantee shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the said *East* and *West India* Dock Company or their Grantee to collect such Rates, with such Assistance as he may deem necessary, to go on board of such Vessel, and demand such Rates, and on Nonpayment thereof, or any Part thereof, to take and distrain such Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and to detain such Distress until the Rates shall be paid; and in case any of the said Rates shall remain unpaid for the Space of Fourteen Days next after any Distress so made, then it shall be lawful for the said Collector to cause such Distress to be appraised by Two or more sworn Appraisers, and afterwards to sell the Distress, and therewith to satisfy the Rates so unpaid, and all the Expences of taking, keeping, appraising, and selling such Distress, rendering the Overplus (if any) to the Master or other Person having the Command of such Vessel, upon Demand.

Penalty on evading Payment of Rates.

XI. And be it enacted, That if any Master or Commander of any Vessel shall evade the Payment of any Rates payable to the said *East* and *West India* Dock Company or their Grantee, he shall pay to them Three Times the Amount of such Rates; and the same shall be recovered from such Master or Commander in the same Manner as Penalties imposed by this or the said recited Acts are directed to be recovered, or by Action in any of Her Majesty's Superior Courts of Record at *Westminster*.

Disputes concerning Rates and Distress to be settled by a Justice.

XII. And be it enacted, That if any Dispute shall arise concerning the Amount of any Rates due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to detain such Distress until the Amount of the Rates due, or the Charges of such Distress, (as the Case may be,) shall be ascertained by some Justice of the Peace, who, upon Application made to him for that Purpose, shall determine the Amount of the Rates due, and award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and such Costs, if not paid on Demand, shall be levied by Distress; and such Justice shall issue his Warrant accordingly.

Lists of Rates to be set up.

XIII. And be it enacted, That the said *East* and *West India* Dock Company or their Grantee shall from Time to Time cause to be painted on Boards, in large and legible Characters, and affixed on

some conspicuous Part of the Wharf, a List of the several Rates which shall be from Time to Time payable in respect of the Wharf; and no Rate shall be payable in respect of the Wharf during such Time as such List shall not continue so affixed, or for any Matter or Thing not specified in such List: Provided always, that if any such List shall be removed, stolen, destroyed, injured, or obliterated, the Rates shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed and in the State required by this Act.

Rates to be charged equally.

XIV. And be it enacted, That the several Rates collected by the said *East* and *West India* Dock Company or their Grantee shall at all Times be charged equally and after the same Rate in respect of Passengers and Goods landed or embarked at the said Wharf and Hereditaments coming from or going to the same respective Places.

Railway Company to take down certain Houses in Fenchurch Street on the widening of such Street by the City of London.

XV. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, at any Time within Six Calendar Months from and after the passing of this Act, to give Notice to the said *London and Blackwall* Railway Company of their Intention to widen so much of *Fenchurch Street* as lies between *London Street* and *Mark Lane*, by setting back the Houses on the South Side of the said Street to an Extent not exceeding Seventeen Feet in Depth; and such Notice shall specify the Time when the said Alteration in *Fenchurch Street* aforesaid shall be commenced; and that within Six Calendar Months after the Commencement of such Alteration by the Mayor, Aldermen, and Commons aforesaid the said Railway Company shall take down such Parts of the Houses on the South Side of *Fenchurch Street* aforesaid, extending from *Church Row* to *London Street* aforesaid, as shall be necessary, so that *Fenchurch Street* aforesaid shall be widened from *Church Row* to *London Street* aforesaid in a Line with the widening thereof from *London Street* aforesaid to *Mark Lane* aforesaid by the said Mayor, Aldermen, and Commons; and in case the said Mayor, Aldermen, and Commons, after giving such Notice, shall not take down the said Houses between *London Street* and *Mark Lane* within Six Calendar Months from the Period specified in such Notice, the said Mayor, Aldermen, and Commons shall and they are hereby required to purchase of and from the said Railway Company the several Houses standing and being on the South Side of *Fenchurch Street* aforesaid between *Church Row* and *London Street*, at such Price or Prices as shall be agreed upon between the said Parties, or in case of Difference the same shall be settled by a Jury in the Manner provided by the said first-recited Act for the Purchase of Property by the said Railway Company; provided also, that in case the said Company shall not have carried into effect the widening of *Fenchurch Street* to *Church Row* within Six Calendar Months after the widening of *Fenchurch Street* from *Mark Lane* to *London Street* shall have been carried into effect by the said Mayor, Aldermen, and Commons, it shall be lawful for the said Mayor, Aldermen, and Commons to widen the said Part of *Fenchurch Street* from *London Street* to *Church Row* in a Line with the widening thereof from

Mark Lane to *London Street* by the said Mayor, Aldermen, and Commons; and the said Company shall pay all the Costs, Charges, and Expences attending the same; and in default of such Payment the said Costs, Charges, and Expences may be recovered by the said Mayor, Aldermen, and Commons by an Action of Law in any of Her Majesty's Courts of Law at *Westminster*.

Amending Power in former Acts relative to Re-sale of Land.

XVI. And whereas it is by the said first-recited Act enacted, that it should be lawful for the said Company and they were thereby required, within the Time and in the Manner therein mentioned, to contract for and to sell such superfluous Lands as might be purchased by the said Company, or any Estate or Interest in such Lands; and it is by the said Act provided, that the said Company before they should dispose of any such superfluous Lands should first offer to sell the same to the Person or to the several Persons whose Lands or Premises should immediately adjoin the Lands so proposed to be sold, such Persons being in *England*, and conveniently to be found, and being capable of entering into a Contract for the Purchase of such Lands: And whereas it is by the said recited Act of the Third Year of the Reign of Her said present Majesty enacted, that it should be sufficient for the said Company to first offer to sell the same to the Person or to the several Persons whose Lands or Premises should immediately adjoin the Lands so proposed to be sold, by Notice to be inserted Twice in the *London Gazette* and Twice in Two *London* Newspapers, any thing in that Act contained to the contrary notwithstanding: And whereas it is expedient that the said recited Provisions requiring the said Company, before they should dispose of any such superfluous Lands, to first offer to sell the same to the Person or to the several Persons whose Lands or Premises should immediately adjoin the Lands so proposed to be sold in the Manner therein mentioned, should, so far as the same relate to any Lands within any Street or continuous Line of Buildings, be repealed; be it therefore enacted, That so much of the said recited Provisons as relates to any Lands within any Street or continuous Line of Buildings shall be and the same is hereby declared to be repealed.

As to Sale of Lands within a Street, &c.

XVII. And be it enacted, That in any Case in which the said Company shall have purchased or paid for any House or Land within any Street or continuous Line of Buildings, it shall be lawful for the said Company absolutely to sell and dispose of all or any Part of such House or Land to such Person and in such Manner as the said Company shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto.

Repeal of Restriction on Use of Extension Line of Railway on Sunday, &c.

XVIII. And whereas it is by the said recited Act of the Third Year of the Reign of Her said present Majesty enacted, that, notwithstanding any thing in the said recited Acts or either of them or in that Act contained, it should not be lawful for the said Company to use the Extension of the said Railway thereby authorized to be made in any Manner whatever upon *Sundays*, *Christmas Days*, or *Good Fridays*: And whereas the said Company, in the Construction of the said Extension, have caused the same to be completely enclosed, so as to prevent the Annoyance to the Neighbourhood by the Noise arising

arising from working the said Railway, which was apprehended at the Time of the passing of the said Act, and it is therefore expedient that the recited Provision should be repealed; be it therefore enacted, That the same shall be and is hereby declared to be repealed.

For paying Expences of Act.

XIX. And be it enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or incident thereto, shall be paid and discharged out of the Funds of the said Company, in preference to all other Payments whatsoever.

Public Act.

XX. 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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