CHAPTER cxiv.

An Act to authorise the widening and improvement of parts of the London and Blackwall Railway and the raising of additional Capital; and for other purposes. A.D. 1885.

[22nd July 1885.]

WHEREAS the railways works and undertaking of the London and Blackwall Railway Company (in this Act called "the Company") are vested in the Great Eastern Railway Company (in this Act called "the Great Eastern Company") for the term of nine hundred and ninety-nine years from the 1st day of January 1866 under and by virtue of a lease thereof from the Company to the Great Eastern Company dated the 30th day of December 1865:

And whereas it is expedient that the Company should be authorised to widen certain parts of their railway and to execute the other works and to exercise the other powers herein-after mentioned for the improvement of their railway:

And whereas it is expedient that the additional capital required for purposes of this Act should be raised by the Company subject to the special provisions herein-after contained in that behalf:

And whereas plans and sections describing the lines situations and levels of the works by this Act authorised and the lands required for the purposes thereof and books of reference to such plans containing the names of the owners or reputed owners and of the lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Middlesex and are in this Act referred to as the deposited plans sections and books of reference:

And whereas the objects aforesaid 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

A.D. 1885.

Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the London and Blackwall Railway Act 1885.

Incorporation of general enactments.

2. The following enactments (as far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) are hereby incorporated with and shall be part of this Act (that is to say):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following namely:—

The distribution of the capital of the Company into shares;

The transfer and transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act;

and Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to cancellation and surrender of shares to additional capital and to debenture stock;

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883;

The Railways Clauses Consolidation Act 1845; and

Part I. of the Railways Clauses Act 1863 relating to construction of a railway.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Act 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 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.

A.D. 1885.

Interpretation of term "parish clerks" &c.

4. With respect to lands within the Metropolis as defined by the Metropolis Management Act 1855 and the Acts amending the same the expressions "parish clerks" and "clerks of the several parishes" in sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or extra-parochial places in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or extra-parochial place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

Power to execute works.

5. Subject to the provisions of this Act the Company from time to time may make execute and maintain in the lines and within the limits of lateral deviation shown on the deposited plans and according to the levels shown on the deposited sections the widenings and improvements of the London and Blackwall Railway and other works herein-after described with all proper stations approaches works and conveniences in connexion therewith respectively and with such additional line or lines of rails as the Company think fit (that is to say):—

(A.) A widening and improvement (No. 1) on the north side wholly in the parish of Saint Mary Whitechapel commencing at or near the point where Little Prescott Street abuts on the said railway and terminating at or near a point $7\frac{1}{2}$ chains measured in a westerly direction from the centre of the bridge carrying the said railway over Leman Street;

(B.) A widening and improvement (No. 2) on the north side commencing in the parish of Saint Mary Whitechapel by a junction with the widening and improvement (No. 1) by this Act authorised at the termination thereof and terminating in the hamlet of Ratcliff in the parish of Saint Dunstan Stepney otherwise Stebonheath at or near a point 20 yards measured in an easterly direction from the east side of Bower Street where the said street abuts on the northern side of the said railway; and

(C.) A widening and improvement (No. 3) on the south side commencing in the hamlet of Ratcliff in the parish of Saint Dunstan Stepney otherwise Stebonheath at or near a point 1 chain measured in a westerly direction from the west side of Bower Street where the said street abuts on the south side of the said railway and terminating in the hamlet of Ratcliff in the parish of Saint Dunstan Stepney otherwise Stebonheath at or near the

A.D. 1885.

western end of the up platform (Blackwall Branch) of Stepney Junction Station.

Limiting land of Messieurs David and George Martineau to be taken compulsorily.

6. The Company shall not except by agreement with Messieurs David and George Martineau or other the owner or owners of the property numbered on the deposited plans 36 in the parish of Saint George-in-the-East enter upon take or use compulsorily under the powers of this Act any portion of the said property except a strip lying between Christian Street and Grove Street parallel with the existing viaduct of the London and Blackwall Railway and measuring not more than twenty-one feet in width from the northern face of that viaduct.

Other works.

7. The Company may also execute the following works (that is to say):—

An alteration and extension on the southern side of the bridge in the said parish of Saint Mary Whitechapel carrying the London and Blackwall Railway over Leman Street;

An alteration and extension on the southern side of the bridge in the said parish of Saint Mary Whitechapel carrying the said railway over Mill Yard Lane;

An alteration and extension on the south side of the bridge in the said parishes of Saint Mary Whitechapel and Saint George-in-the-East or one of them carrying the said railway over Back Church Lane; and

In connexion with such widenings and improvements:

The stopping up and discontinuance for public use of the following streets or some of them or some part or parts thereof (that is to say) James Street and Lower John Street in the hamlet of Ratcliff in the parish of Saint Dunstan Stepney otherwise Stebonheath (which are respectively shown on the deposited plans as intended to be wholly stopped up) and Cross Row Glover's Court and Ohran's Court in the said hamlet of Ratcliff.

New bridges and arches to be of same dimensions as those now existing.

8. In executing and maintaining the widenings and improvements of railways and the alterations and extensions of bridges by this Act authorised the Company may construct the bridges and arches for effecting such widenings and improvements alterations and extensions of the same height width span and dimensions as the existing bridges and arches unless otherwise specified on the deposited sections or expressly provided by this Act.

Power to take lands.

9. The Company may enter on take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for the purposes of any of the works herein-before described and by this Act authorised.

Lands for extraordinary purposes.

10. The Company may by agreement from time to time purchase land for any of the extraordinary purposes specified in the Railways Clauses Consolidation Act 1845 not exceeding four acres in addition to any quantity of lands which the Company are authorised to purchase under their existing Acts.

Power to take easements &c. by agreement.

11. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain lands &c.

12. And whereas in the construction of the widenings and improvements by this Act authorised portions only of certain of the lands buildings and manufactories shown on the deposited plans may be sufficient for the purposes of the same and it may happen that such portions can be severed from the remainder of the said properties without material detriment thereto therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands buildings and manufactories described in the first schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Restriction on displacing persons of labouring class.

13. (1.) The Company shall not under the powers of this Act purchase or acquire in any parish within the Metropolis as defined by the Metropolis Management Act 1855 twenty or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A.) They shall have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new

A.D. 1885.

dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Secretary of State shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) They shall have given security to the satisfaction of the said Secretary of State for the carrying out of the scheme.

(2.) The approval of the said Secretary of State to any scheme under this section may be given either absolutely or conditionally and after the said Secretary of State has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Secretary of State may dispense with the last-mentioned requirement subject to such conditions if any as he may see fit.

(4.) Any conditions subject to which the said Secretary of State may have approved of any scheme under this section or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any such house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being

belonging to them or which they have power to acquire and may purchase such further lands as they may require.

(7.) The Company may on any lands belonging to them or purchased under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the said Secretary of State may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as he may see fit.

(8.) All buildings erected or provided by the Company for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Acts amending the same respectively.

(9.) The said Secretary of State may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and may appoint inspectors for the purposes of any such inquiry and the inspectors so appointed shall for the purposes of any such inquiry have all such powers as inspectors have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(10.) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(11.) The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire beyond the Metropolis in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were

A.D. 1885.

occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

(12.) The expression "labouring class" in this section includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for completion of works.

14. If the railway widenings and works by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railway widenings and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls.

15. The railway widenings and improvements which the Company are by this Act authorised to make shall subject to the provisions of this Act be and be deemed to have been in respect of tolls and be in all other respects part of the railway of the Company.

Period for compulsory purchase of land.

16. The powers 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.

Power to lease or dispose of lands.

17. The following provisions shall notwithstanding anything in the Lands Clauses Consolidation Act 1845 or any Act relating to the Company with which that Act is incorporated with respect to the sale or re-vesting of superfluous lands apply to any lands in the parishes and places mentioned in the schedule to this Act which may have been acquired by the Company under the powers of the several Acts relating to them or may be acquired by them under the powers of this Act (that is to say):—The Company may hold demise and let and otherwise dispose of the said lands or any part thereof and grant building and repairing leases of the same for any term and with and subject to such covenants and conditions as they may think fit and such lands shall not be subject to the provisions of the Lands Clauses Consolidation Act with respect to the sale or re-vesting of superfluous lands Provided that unless the Company shall have previously declared under their common seal that such lands are not in their opinion required or likely to be required to be used for the purposes of their undertaking there shall be reserved to the Company in the lease of any such lands a right to re-enter take and occupy permanently the said lands or any part thereof which may

be required for the purposes of their undertaking upon their giving at any time to the lessee his executors administrators or assigns six months notice of their requirements and paying to him such an amount of compensation as in case of difference may be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for the settlement of cases of disputed compensation and in all cases in which such rights shall not be reserved as aforesaid the interest of the Company in the land in question shall at the expiration of ten years from the passing of this Act be absolutely sold and disposed of.

For the protection of the East London Railway Company.

18. The following provisions for the protection of the East London Railway Company (in this section called the East London Company) and the East London Railway Joint Committee under the East London Railway Act 1882 (herein-after called the joint committee) shall be observed and have effect:—

(1.) Before the Company shall for the purpose of making and maintaining or for any purposes connected with the widening No. 2 (so far as the same affects the East London Railway and any works or lands of the East London Company) take use enter upon interfere with or affect either temporarily or permanently any part of the railways or lands belonging to the East London Company or any of the works or conveniences of or connected therewith the Company shall furnish to the joint committee proper and sufficient plans sections elevations and specifications of the works proposed to be made by the Company which will affect the railways belonging to the East London Company and such plans sections elevations and specifications shall be settled and agreed upon between the engineer of the Company and an engineer to be nominated by the joint committee or in case of their failing to agree or of any difference arising between them the same shall be settled and determined by an engineer to be on the application of the Company and the joint committee or either of them appointed by the Board of Trade and such works shall be carried into effect only in accordance with such determination and agreement and under the superintendence and to the reasonable satisfaction of the said engineer to be nominated by the joint committee;

(2.) The Company shall at all times at their own expense maintain the said widening so far as the same affects the railways of the East London Company and the bridges works and conveniences connected therewith in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the joint committee;

A.D. 1885.

(3.) The Company shall not without in every case the previous consent of the East London Company in writing under their common seal and of the joint committee take use enter upon or interfere with any of the lands which are or may be required by the East London Company or the joint committee for the purposes of their railway and works or any extensions or improvements thereof from time to time belonging to or in the possession or under the power of the East London Company or the joint committee or which they have power to take except so far as it shall be necessary for the Company to take and use enter upon or interfere with the same for the purpose of making and maintaining the said widening in accordance with the provisions of this section;

(4.) With respect to any land of the East London Company which the Company are by this Act from time to time authorised to use enter upon or interfere with which is or may be required by the East London Company or the joint committee for the purposes of their railway and works or any extensions or improvements thereof the Company shall not purchase and take the same but the Company may purchase and take and the East London Company may (but with the consent of the joint committee as regards any lands in which the joint committee are interested) and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same;

(5.) If during the execution of the works the railways belonging to the East London Company or their said lessees or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the East London Company or the joint committee may make good the same and recover the cost thereof from the Company with full costs of suit in any court or competent jurisdiction;

(6.) The Company shall not in making and maintaining the said widening and works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways belonging to the East London Company or any traffic thereon and if at any time or times hereafter the free uninterrupted and safe user of the said railways or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall forfeit and pay to the joint

committee fifty pounds per hour by way of ascertained damages for every hour during which such obstruction hindrance or interference shall continue;

(7.) During the construction of the said widening over the railways belonging to the East London Company the Company shall bear and on demand shall pay to the joint committee the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their railways with reference to and during the execution of the said works and for preventing as far as may be all interference obstruction danger and accident to arise from any of the operations of the Company or from the acts or defaults of the contractors or of any person or persons in their employ or otherwise and all costs and expenses which the joint committee may incur in reference to the examination and approval of such plans sections elevations and specifications and the execution of such works as in this section mentioned shall be paid by the Company to the joint committee or may be recovered by them from the Company with full costs of suit in any court of competent jurisdiction;

(8.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the joint committee all costs losses damages and expenses which may be occasioned to the railways belonging to the East London Company or to any of the works or property thereof or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of the said widening and the works in connexion therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the East London Company and the joint committee from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission;

(9.) Any dispute or difference which may arise between the joint committee and the Company with reference to the provisions of this enactment or in any way arising thereout or any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the Board of Trade on the application of the two companies or the said lessees or either of them;

(10.) Except as by this Act expressly provided nothing in this Act contained shall extend to prejudice diminish alter or in any

A.D. 1885.

way affect any of the rights privileges powers or authorities vested in the East London Company and the joint committee.

For the protection of the East London Waterworks Company.

19. In addition to the provisions of the Railways Clauses Consolidation Act 1845 with respect to the construction of the railway and the works connected therewith the following provisions shall have effect for the protection of the East London Waterworks Company (in this section called "the water company") that is to say:—

(A.) Before commencing the stopping up and discontinuance for public use of any street or any part or parts thereof by this Act authorised in which any mains pipes services or other works of the water company (herein-after referred to as water apparatus) are laid the Company shall give to the water company fourteen days notice of their intention to commence such stopping up and discontinuance;

(B.) If and when the Company under the powers of this Act stop up any road highway or place so that the water apparatus or any part thereof in under or upon any such road highway or place become useless for supplying water the Company shall pay to the water company the value of such water apparatus and the expenses of the water company in and about the laying down of the same in their then position and the same shall thereupon become the property of the Company and the Company shall also pay to the water company their reasonable charges for removing any of their water apparatus in immediate communication therewith and which the works of the Company shall render useless;

(C.) If any difference shall arise between the Company or their engineer and the water company or their engineer on any question matter or thing under the provisions of this Act relating to the stopping up of any street or highway such difference shall be referred to and determined by an engineer to be agreed upon by the engineer of the Company and the engineer of the water company or failing agreement shall be referred to and determined by an engineer to be appointed on the application of the Company or the water company or the engineer of either of those companies by the President for the time being of the Institution of Civil Engineers and the costs and expenses of the reference shall be borne and paid as the engineer agreed upon or appointed as aforesaid shall direct;

(D.) Except as in this Act specially provided nothing in this Act shall prejudice diminish alter or take away any of the rights privileges powers or authorities of the water company.

A.D. 1885.

For the protection of the board of works for the Whitechapel District.

20. For the protection of the board of works for the Whitechapel district (in this Act referred to as the district board) the following provisions shall have effect in all cases in which the Company widen their railway so as to extend over any portion of a street or lengthen any bridge carrying their railway over any street within the said district (that is to say) :—

(1.) The word "street" in this section has the same meaning as is assigned to that word in the Metropolis Management Act 1855;

(2.) Any part of any street which under the provisions of this Act shall be covered over by the Company shall be so covered as to leave a headway in each case not less than the headway of the existing bridges except in the case of Chamber Street which shall have a clear headway over the roadway thereof of fifteen feet six inches;

(3.) The Company shall upon the completion of their works put into a state of repair equal in all respects to the condition of the street before the commencement of the works the roadway and footways of so much of any street as is for the time being covered over by the railway of the Company as well existing as widened under the powers of this Act and shall at all times when necessary efficiently light the said street so covered;

(4.) The Company shall provide for the efficient ventilation of such street by such means as may be reasonably necessary;

(5.) The Company shall if required by the surveyor for the time being of the district board limewhite and keep limewhited the roof over and the walls of every street where so covered;

(6.) Any works constructed under this Act over any street shall be made and maintained so as to prevent as far as practicable the dripping of water therefrom on any part of that street or the footway on either side thereof;

(7.) All the works matters and things by this section prescribed shall be done at the cost of the Company and under the superintendence and to the reasonable satisfaction of the district board;

(8.) It shall not be lawful for the Company to enter upon take or use the lands abutting upon Back Church Lane and upon the diversion of Pinchin Street authorised by the London Tilbury and Southend Railway Act 1882 and described in an agreement dated the twenty-fifth day of June one thousand eight hundred and eighty-four made between the district board of the one part and the London Tilbury and Southend Railway Company of the other part or any part of such lands respectively without

A.D. 1885.

the previous consent in writing of the district board under their common seal first had and obtained;

(9.) If any difference arise between the district board and the Company touching this section or anything to be done or not to be done thereunder such difference shall be determined by an engineer to be agreed on within one month after such difference shall have arisen or failing such agreement by an engineer to be appointed on the application of either party by the Board of Trade and the costs of the reference shall be borne as he shall direct.

Rates in Whitechapel to be made good.

21. While the Company are possessed under the authority of this Act of any lands houses buildings or other property assessed or liable to be assessed to any parochial or other general or special rate and until any works to be constructed by the Company in the parish of Saint Mary Whitechapel under or consequent on the powers of this Act are so far completed as to be assessed or liable to be assessed the Company shall be liable to make good the deficiency in the assessment for such rates by reason of such lands houses buildings or other property being taken or used by them for the purposes of this Act or other the purposes of their undertaking and the deficiency shall be computed according to the rental at which such lands houses buildings and other property respectively are rated at the time of the passing of this Act.

As to Swallow's Gardens.

22. Nothing in this Act contained shall empower the Company without the consent in writing of the district board under their common seal first had and obtained to stop up or discontinue as a public highway Swallow's Gardens.

For the protection of the vestry of Saint George-in-the-East.

23. For the protection of the vestry of the parish of Saint George-in-the-East (herein-after called the vestry) the following provisions shall apply :—

Notice to be given before works commenced affecting streets in the parish of Saint George-in-the-East.

(A.) The Company shall not commence any of the works by this Act authorised over through affecting or disturbing any of the public streets or places in the parish of Saint George-in-the-East until they shall have given fourteen clear days notice in writing to the surveyor for the time being of the said vestry of their intention to commence the same and the said works shall at all times be carried on and conducted so far as they affect any public street or place to the reasonable satisfaction of the said surveyor;

Construction of bridge widenings.

(B.) The widenings of any of the bridges for carrying the works by this Act authorised across any street or public way court or alley in the parish of Saint George-in-the-East shall be con-

structed of the same headways and spans as the existing bridges over such streets ways courts or alleys respectively and the present level of the streets and public ways courts and alleys shall not in any manner be altered or interfered with without the previous consent in writing of the surveyor of the said parish: Provided that the foundations of the piers of the bridge widenings shall be so built in such a way as not to be injurious to the sewers;

Bridges and bridge widenings to be water-tight.

(c.) All widenings of bridges across any street or public way court or alley in the said parish constructed under the powers of this Act shall be constructed so far as practicable so that water shall not run or come through any of the said bridges upon any street or public way court or alley and so far as practicable all such bridges shall be so constructed and maintained as to deaden the sound of engines carriages and traffic passing over them;

Free passage to be preserved during construction of works.

(d.) The said widenings of bridges and works by this Act authorised shall be so constructed as to afford a free passage for foot passengers along the streets and thoroughfares over which the said works are to be executed and in such manner as to cause as little obstruction as the construction of the works will allow to the transit of the carriages and passengers along the said streets and thoroughfares or any of them;

Company to hoard in ground.

(e.) If by reason of any of the works hereby authorised any ground shall be thrown open by the Company to any street court alley or public place the Company shall forthwith enclose and keep enclosed the same in a line with the houses in such streets courts and public places adjoining thereto with good sufficient close hoarding or brick walls not less than seven feet in height and the Company shall also enclose and keep enclosed in like manner the arches under the said railway widenings which shall abut upon or open on to any street or other public place and in default after twenty-eight days notice in writing by the vestry requiring the Company so to do the said vestry may so enclose the same and recover the costs and expenses incurred thereby from the Company;

Company not to obstruct roads and to guard and protect the works.

(f.) The Company shall not permit or suffer any materials rubbish or other matter or thing to be laid shot or placed by any of their contractors agents or workmen upon any of the streets or public ways courts or alleys under the control of the vestry except so far as may be necessary for any of the works to be done under this Act and so as not to obstruct the passing of carriages further than is absolutely necessary in constructing

A.D. 1885.

the said works and the said Company shall forfeit to the vestry the sum of two pounds for every day that any materials rubbish or other matter or thing shall be laid shot or placed as aforesaid or any obstruction or interference in breach of this enactment shall take place and for the purpose of preventing accidents during the progress of the works to be done under this Act the Company shall well and sufficiently guard protect and watch such works with lights fences and watchmen and otherwise and they shall forfeit to the vestry the sum of two pounds for every day that such works shall not be lighted guarded protected and watched as aforesaid;

Company to pay vestry costs which they may incur.

(G.) The Company shall on demand pay to the vestry all the costs charges and expenses which they may reasonably incur by reason of the Company's works or in examination of plans or designs or superintendence and the same may be recovered by action in any division of the High Court of Justice as and for liquidated damages;

Company to light street under railway.

(H.) The Company shall at their own expense at all times after the completion of the railway widenings and works by this Act authorised over any street where the length of the said street under such railway widenings and works shall exceed sixty-five feet if the vestry shall so require keep so much of the said street well and sufficiently lighted with gas at all times during the day and night for affording proper light and security to passengers and traffic using such street to the satisfaction of the surveyor for the time being of the vestry and the Company shall at their expense provide and maintain all lamp posts lamps and other things requisite for such purpose and if the Company fail or neglect so to light and keep lighted so much of the said street as aforesaid or to provide and do all things necessary for that purpose the vestry may themselves light the said street and provide and do all things necessary for that purpose and the Company shall on demand pay the said vestry all costs charges and expenses they may incur or pay in that behalf;

Bridges &c. not to be used for advertising purposes.

(I.) The Company shall not affix or authorise or permit the affixing of any placards bills or advertisements to or upon the face of any walls or other parts of any bridge carrying the railway widenings and works over any such street except such as relate to the railway and their train service and the vestry or their authorised officers may prohibit and prevent the affixing of any such placard bill or advertisement and if affixed may remove the same but in so doing they shall not injure the works of the Company;

Company to restore streets &c.

(K.) Except as herein provided the Company shall not break up or disturb any street or place under the control or direction of the vestry or the pavement thereof unless at least fourteen days previous notice in writing of their intention so to do specifying the street place or pavement intended to be broken up or disturbed be given to the surveyor of the vestry or left for him at his office 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 and at the furthest within six months after the day on which the works were begun restore the street place or pavement to as good a condition as it was when so broken up or disturbed and shall keep the same in repair for six months thereafter and if the Company shall fail to restore or repair any such street place or pavement within the prescribed period they shall forfeit to the vestry the sum of five pounds for every such offence and an additional five pounds for every day after the expiration of that period and the vestry may restore or repair the street place or pavement in such manner as may in the judgment of their surveyor be considered reasonably necessary at the expense of the Company who shall on request repay the same to the vestry;

Penalty if Company neglect to give notice of breaking up streets or fail to observe foregoing provisions.

(L.) If the Company open or break up any street without giving such notice as aforesaid or shall refuse or neglect to obey such reasonable direction as aforesaid or shall make any unnecessary delay in filling in the ground or in reinstating and making good the soil or pavement so opened or broken up by them or in carrying away the rubbish occasioned thereby or if they neglect to cause the place where such soil or pavement has been broken up by them to be fenced guarded and lighted they shall forfeit to the vestry the sum of ten pounds for every such offence and an additional sum of five pounds per day for every day during which any such default as aforesaid shall continue after they shall have received notice thereof;

Frederick Street not to be stopped up until payment therefor made.

(M.) The Company shall be at liberty to stop up and appropriate to their own use Frederick Street and they shall pay to the vestry if they stop up the said street such sum therefor as may be agreed upon between the vestry and the Company or failing agreement as may be settled by arbitration under the Companies Clauses Consolidation Act 1845;

Rates in Saint George-in-the-East to be made good.

(N.) While the Company are possessed under the authority of this Act of any lands houses buildings or other property assessed or liable to be assessed to any parochial or general or special rate and until any works to be constructed by the

A.D. 1885.

Company in the parish of Saint George-in-the-East under or consequent on the powers of this Act are so far completed as to be assessed or liable to be assessed the Company shall be liable to make good the deficiency for the assessment for such rates by reason of such lands houses buildings or other property being taken or used by them for the purposes of the said Act or other the purposes of their undertaking and the deficiency shall be computed according to the rental at which such lands houses buildings and other property respectively are rated at the date of the passing of the said Act;

General saving of rights of vestry.

(o.) Excepting only as by this Act is expressly provided this Act shall not take away alter lessen prejudice or affect any of the rights powers or authorities vested in the said vestry but all such rights powers and authorities vested in the said vestry shall be as valid and effectual to all intents and purposes as if this Act had not been passed anything herein contained to the contrary notwithstanding.

As to works affecting certain streets.

24. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions shall have full force and effect:—

As to Widening No. 1 over Chamber Street.

(1.) The Widening and Improvement No. 1 authorised by this Act where it will be constructed over Chamber Street shall be so constructed as to leave a clear headway throughout the whole width of the carriageway thereof of not less than fifteen feet six inches and no pier or works shall be placed on any part of the said street or the footway thereof except a pier not exceeding two feet in diameter which shall be placed on the south side of the said street so that the northern face of the said pier shall be not less than nine nor more than twelve feet to the northward of the north-east corner of the existing pier between the arches numbered on the deposited plans 22 and 23 in the parish of Saint Mary Whitechapel and no pier or works shall be placed in front of any part of the archway numbered on the deposited plans 23 and 24 in the said parish in order that the entrance thereto may be left free from any obstruction in the event of its being hereafter thrown open for public use;

As to widening over Backchurch Lane.

(2.) The widenings of the railway over Backchurch Lane shall be so constructed on both sides of the existing railway as to leave a clear span of thirty-five feet measured on the square and the abutments to range in line with the abutments of the bridge built across the same street by the London Tilbury and Southend Railway Company under the London Tilbury

and Southend Railway Act 1882 and to have a clear headway throughout of not less than sixteen feet;

Bridges over roads in the metropolis.

(3.) Where any works are constructed over any street or road (except Chamber Street) in widening or improving the railway altering or extending a bridge or otherwise under the powers of this Act there shall be left a clear headway above the existing surface of the street or road not less than the headway afforded by the existing structure of the railway over the same and a clear span throughout not less than the existing span;

As to construction of bridges &c.

(4.) All bridges and works constructed as aforesaid shall be of a reasonably ornamental character and design and shall be made and maintained so as to prevent as far as practicable the dripping of water therefrom on any part of such street or road or of any footway area or forecourt on either side thereof and so as to deaden as far as is reasonably practicable the sound of engines carriages and traffic passing over them and the parapets of such bridges and works shall be carried up to a height of seven feet above the rail level;

Plans &c. of bridges to be submitted to the Metropolitan Board.

(5.) The Company shall not execute or commence the erection of any such bridge or works as aforesaid until they shall have given to the Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the said board with plans elevations sections and other necessary particulars of the construction of the said bridge and works and until that board shall have signified their approval of the same unless that board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the said board in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the said board against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the said board at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said board may be put to by reason of the works of the Company whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the said board by the Company on demand.

A.D. 1885.

Exhibition of placards.

25. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act within view of any public street any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the Metropolitan Board of Works and if any such placard or advertisement be affixed or exhibited the said Metropolitan Board of Works and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting placards giving information to the public as to the traffic of the Company on the front of any station or the entrance thereto.

For protection of sewers in the metropolis.

26. Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Metropolitan Board of Works or of any vestry or district board of works constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any sewers or works to be made or executed by the said boards or vestries or any of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Company shall not commence such works until they shall have given to the said Metropolitan Board or to the district board or vestry as the case may be twenty-one days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such board or vestry respectively shall have signified their approval of the same unless such board or vestry as the case may be do not signify their approval disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said Metropolitan Board and of the respective district board or vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards or vestries respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said boards and vestries respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other

officer or officers of the said Metropolitan Board district board or vestry as the case may be at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said Metropolitan Board or any district board or vestry may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such board or vestry by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Metropolitan Board district board or vestry as the case may be respectively as any sewers or works now or hereafter may be: And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said respective boards or vestries or any or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

For the protection of the Limehouse Board of Works.

27. For the protection of the board of works for the Limehouse district (herein-after called the Limehouse Board) the following provisions shall apply:—

Notice to be given before works commenced affecting streets in Limehouse district.

(A.) The Company shall not commence any of the works by this Act authorised over through affecting or disturbing any of the public streets or places in the district of the Limehouse Board until they shall have given twenty-one clear days notice in writing to the surveyor for the time being of the Limehouse Board of their intention to commence the same and the said works shall at all times be carried on and conducted so far as they affect any public street or place to the reasonable satisfaction of the said surveyor and so as to afford a free and uninterrupted passage for foot passengers through and over the several public streets and places and in such manner as to cause as little obstruction as possible to the traffic of such streets and places;

Prescribing manner of crossing streets.

(B.) The widening of every bridge or arch for carrying the works by this Act authorised (except in the cases herein-after otherwise expressly provided for) across any street or public way court or alley within the district of the Limehouse Board shall be so formed as to leave a clear and open space for such street way court or alley and all the bridges underneath the said railway widenings shall span across the whole width of the respective streets or public ways courts or alleys which the said

A.D. 1885.

railway widenings may cross so that no part of the abutment piers or any other obstruction shall stand or encroach upon any part of the carriage or footways or project beyond the fronts of the houses and premises in the said streets or public ways courts or alleys abutting on the said railway and that the said railway widenings shall be carried over the said streets or public ways courts or alleys by straight girder bridges (except in the cases herein-after otherwise expressly provided for) of not less than the headways of the existing bridges and the present level of the streets and public ways courts and alleys shall not in any manner be altered or interfered with without the previous consent in writing of the surveyor of the Limehouse Board: Provided that the foundations of the piers of the said bridges shall be so built as not to be injurious to the sewers: Provided always that all the bridges of the said railway widenings across any such street or public way court or alley shall so far as practicable be constructed so that water shall not run or come through any of the said bridges upon any street or public way court or alley and in every case where water shall run or come through any of the said bridges upon or into any street or public way court or alley the Company shall in every such case forfeit and pay the sum of one pound for every day the same shall continue after having received notice in writing from the surveyor to the Limehouse Board and failing to remedy the breach of this enactment specified in such notice within fourteen days from the date of the service of such notice: And so far as practicable all such bridges shall be so constructed and maintained as to deaden the sound of engines carriages and traffic passing over them;

Company to hoard in ground.

(c.) If by reason of any of the works hereby authorised any ground shall be thrown open by the Company to any street court alley or public place the Company shall forthwith enclose and keep enclosed the same in a line with the houses in such streets courts alleys or public places adjoining thereto with good sufficient close hoarding or brick walls not less than seven feet in height and the Company shall also enclose and keep enclosed in like manner the arches under the said railway widenings which shall abut upon or open on to any street or other public place and in default after twenty-eight days notice in writing by the Limehouse Board requiring the Company so to do the said board may so enclose the same and recover the costs and expenses incurred thereby from the Company;

Company not to obstruct roads

(d.) The Company shall not permit or suffer any materials rubbish or other matter or thing to be laid shot or placed by any of

and to guard and protect the works.

their contractors agents or workmen upon any of the streets or public ways courts or alleys under the control of the Limehouse Board except so far as may be necessary for any of the works to be done under this Act and so as not to obstruct the passing of carriages further than is absolutely necessary in constructing the said works and the said Company shall forfeit to the Limehouse Board the sum of two pounds for every day that any materials rubbish or other matter or thing shall be laid shot or placed as aforesaid or any obstruction or interference or breach of this enactment shall take place and for the purpose of preventing accidents during the progress of the works to be done under this Act the Company shall well and sufficiently guard protect and watch such works with lights fences and watchmen and otherwise and they shall forfeit to the said Limehouse Board the sum of two pounds for every day that such works shall not be lighted guarded protected and watched as aforesaid;

Consent of Limehouse Board necessary for certain works.

(E.) Except as in this section is expressly provided it shall not be lawful for the Company to erect or place any of their works upon any of the streets or public places in the Limehouse district without the previous consent in writing of the Limehouse Board;

Company to light streets under railway.

(F.) The Company shall at their own expense at all times after the completion of the railway widenings and works by this Act authorised over any street where the length of the street under such railway railway widenings and works shall exceed sixty-five feet if the Limehouse Board shall so require keep so much of the said street well and sufficiently lighted with gas at all times during the day and night for affording proper light and security to passengers and traffic using such street to the satisfaction of the surveyor for the time being of the Limehouse Board and the Company shall at their expense provide and maintain all lamp posts lamps and other things requisite for such purpose and if the Company fail or neglect so to light and keep lighted so much of the said street as aforesaid or to provide and do all things necessary for that purpose the Limehouse Board may themselves light the said street and provide and do all things necessary for that purpose and the Company shall on demand pay the said Limehouse Board all costs charges and expenses they may incur or pay in that behalf;

Bridges &c. not to be used for advertising purposes.

(G.) The Company shall not affix or authorise or permit the affixing of any placards bills or advertisements to or upon the face of any walls or other parts of any bridge carrying the railway widenings and works over any such street except such

A.D. 1885.

as relate to the railway and their train service and the Limehouse Board or their authorised officers may prohibit and prevent the affixing of any such placard bill or advertisement and if affixed may remove the same but in so doing they shall not injure the works of the Company;

Company to restore streets &c.

(H.) Except as herein provided the Company shall not break up or disturb any street or place under the control or direction of the Limehouse Board or the pavement thereof unless at least fourteen days previous notice in writing of their intention so to do specifying the street place or pavement intended to be broken up or disturbed be given to the surveyor of the Limehouse Board or left for him at his office 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 and at the furthest within six months after the day on which the works were begun restore the street place or pavement to as good a condition as it was when so broken up or disturbed and shall keep the same in repair for six months thereafter and if the Company shall fail to restore or repair any such street place or pavement within the prescribed periods they shall forfeit to the Limehouse Board five pounds for every such offence and an additional five pounds for every day after the expiration of that period and the Limehouse Board may restore or repair the street place or pavement in such manner as may in the judgment of their surveyor be considered reasonably necessary at the expense of the Company who shall on request repay the same to the Limehouse Board;

Penalty if Company neglect to give notice of breaking up streets or fail to observe foregoing provisions.

(I.) If the Company open or break up any street without giving such notice as aforesaid or shall refuse or neglect to obey such reasonable direction as aforesaid or shall make any unnecessary delay in filling in the ground or in reinstating and making good the soil or pavement so opened or broken up by them or in carrying away the rubbish occasioned thereby or if they neglect to cause the place where such soil or pavement has been broken up by them to be fenced guarded and lighted they shall forfeit to the Limehouse Board the sum of ten pounds for every such offence and an additional sum of five pounds per day for every day during which any such default as aforesaid shall continue after they shall have received notice thereof;

Vacant spaces adjoining piers &c. to be vested in the Board.

(J.) Where the existing railway is carried over any public street or thoroughfare within the Limehouse district by means of bridges or arches the piers or supports of which are so placed that vacant ground belonging to the Company is left between such piers or supports projecting beyond the frontage line of

the adjoining buildings and the street or thoroughfare the Company shall at their own expense in all things convey the said vacant ground to and vest the same in the Limehouse Board who shall for ever thereafter control and maintain the same as though the same formed part of the street or thoroughfare adjacent thereto;

(K.) In constructing the widening over Rose Lane the Company shall construct the bridge for carrying the widening with a clear headway of fifteen feet and the abutments of such bridge shall be in a line with the existing line of the street and the Company shall be at liberty to place iron columns of not exceeding two feet in diameter on each of the footways and the columns shall line with the face next the roadway of the existing brick piers: And the Company shall if required by the Limehouse Board after the completion of the widening over Rose Lane and within six months after being required so to do raise the archway of the bridge over each of the footways so as to give a clear headway of not less than eleven feet from the pavement to the soffit of each archway;

(L.) The widened portion of the bridge carrying the railway over Ratcliff Square shall be constructed by means of a girder bridge of a span of forty feet measured on the square the headway of the same being not less than the headway of the existing arch over the curb of the existing footway on the east side of the said road: And the Company shall throw into the roadway and dedicate to the public use the land lying to the south-east of an imaginary line drawn between the south-east corner of the west abutment of the widened bridge to the south-east corner of the west abutment of the existing bridge;

(M.) The said widenings shall be carried over Bower Street Havering Street and Hardinge Street respectively by means of bridges of the same span and headway respectively as the existing bridges over those streets: Provided that if those bridges respectively on either side of the existing bridge exceed twenty-five feet in width they shall be constructed as iron girder bridges;

(N.) If the Company acquire under the powers of this Act the several properties respectively numbered on the deposited plan 111 112 113 and 114 in the hamlet of Ratcliff they shall before opening the said widening for traffic if so required by the Limehouse Board provide the necessary land for and permanently widen Brunswick Place for its whole length to a width of not less than six feet beyond its present width and they shall pave the said widened portion with such materials and shall

A.D. 1885.

provide such lamp posts and lamps as the surveyor of the Limehouse Board shall approve or require and they shall also form pave channel and complete the same to the reasonable satisfaction of the said surveyor;

Company to pay for paving of streets stopped up.

(o.) The Company shall on demand pay to the Limehouse Board the value of the paving and other works matters and things belonging to the Limehouse Board in any street or public thoroughfare or in any portion of any street or public thoroughfare permanently stopped up by them and rendered useless to the public. If any question shall arise between the Limehouse Board and the Company under this sub-section such question shall be settled by arbitration in accordance with the provisions contained in the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration;

Company to pay Limehouse Board costs which they may incur.

(p.) The Company shall on demand pay to the Limehouse Board all the costs charges and expenses which they may reasonably incur by reason of the Company's works the examination of plans or designs superintendence or otherwise and the same may be recovered by action in any division of the High Court of Justice as and for liquidated damages;

General saving of rights of Limehouse District Board.

(q.) Excepting only as by this Act is expressly provided this Act shall not take away alter lessen prejudice or affect any of the rights powers or authorities vested in the said Limehouse Board but all such rights powers and authorities shall be as valid and effectual to all intents and purposes as if this Act had not been passed.

Protecting lands of the London Tilbury and and Southend Railway Company.

28. Whereas there are delineated on the deposited plans and described in the deposited books of reference in connexion with Widening and Improvement No. 2 by this Act authorised certain lands which have either been acquired by the London Tilbury and Southend Railway Company or which that company are authorised to acquire for purposes of their undertaking therefore notwithstanding anything in this Act or in the said plans or books of reference contained the Company shall not purchase or acquire without the consent in writing of the London Tilbury and Southend Railway Company under their common seal any greater part of such lands than is required for the construction of the works by this Act authorised and the enlargement and improvement of the Leman Street Station nor in any event any part of any such lands distant more than twenty feet from the centre line of the Widening and Improvement No. 2 as delineated on the deposited plans.

If by reason of any works constructed by the Company under the powers of this Act any alterations of the junction between the

railway of the Company and the railway of the London Tilbury and Southend Railway Company in the parish of Saint George-in-the-East become necessary the costs and expenses of such alterations including the necessary signals shall be borne by the Company.

For joint use of lands by the Company and the Midland Railway Company.

29. Whereas for the purpose of executing the works for the widening and improvement (A) by this Act authorised the Company will require to purchase and take certain lands fronting to Chamber Street in the parish of Saint Mary Whitechapel which lands the Midland Railway Company were by the Midland Railway (Additional Powers) Act 1883 authorised to purchase and acquire for the purpose of extending their goods station at Royal Mint Street but inasmuch as the railway of the Company is on a higher level than the station of the Midland Railway Company the said lands can by arrangement between the Company the Great Eastern Company and the Midland Railway Company be utilised for the purposes of both Acts: Be it enacted that notwithstanding anything in this Act the Company and the Great Eastern Company respectively shall not purchase take or use any lands houses or buildings lying between the Company's railway and Chamber Street in the parish of Saint Mary Whitechapel except by agreement with the Midland Railway Company or under and in accordance with the award of an arbitrator to be appointed by the Board of Trade at the instance of any one or more of the said companies and such arbitrator is hereby authorised to prescribe by his award the terms and conditions upon which any lands houses and buildings so acquired shall be utilised in order to give full effect to the objects and intentions of the Midland Railway (Additional Powers) Act 1883 and this Act.

As to Millyard Burial Ground.

30. The following provisions shall have effect with respect to the acquisition by the Company of a portion of the burial ground in the parish of Saint Mary Whitechapel known as the Millyard Burial Ground (that is to say):—

(1.) The Company shall not purchase or acquire any greater part of the said burial ground than is absolutely required for the construction of the works by this Act authorised nor in any event any part of the said burial ground which is more than twenty feet measured at right angles from the centre line of Widening and Improvement No. 2 as delineated on the deposited plans;

(2.) It shall be lawful for the heirs executors or administrators or relatives of any deceased person whose body shall have been interred in the portion of the said burial ground which may be purchased or acquired by the Company or in any grave or

A.D. 1885.

vault therein to cause such body to be removed to and interred in any burial ground in which burials may legally take place or the heirs executors administrators or relatives of any such deceased person shall be at liberty if they so desire to remove the body of any deceased person so interred as aforesaid to unconsecrated ground in any cemetery every such removal shall be carried out under the supervision of the medical officer of health for the district of Whitechapel and under such precautions with a view to decency and the public health as may be prescribed by the Secretary of State for the Home Department;

(3.) The expense of such removing and interment not exceeding in respect of any one grave or vault the sum of ten pounds shall be defrayed by the Company;

(4.) The Company may notwithstanding anything in the Disused Burial Grounds Act 1884 erect on the part of the said burial ground which they may acquire three piers for supporting the arches of the viaduct of which the widening of the Company's railway by this Act authorised will consist none of such piers shall exceed six feet in width from east to west or twenty feet in length from north to south: Save as aforesaid the Company shall not erect any building on any part of the said burial ground.

Saving agreements with the London and North-western Railway Company.

31. Nothing in this Act contained shall extend to interfere with prejudice or affect an agreement dated the twenty-fourth day of October one thousand eight hundred and fifty and made between the London and North-western Railway Company of the one part and the Company of the other part or an agreement dated the twentieth day of March one thousand eight hundred and sixty-five and made between the London and North-western Railway Company of the one part and the Great Eastern Company and the Company of the other part or the rights powers and privileges of the London and North-western Railway Company under the said agreements or either of them and notwithstanding anything in this Act contained the London and North-western Railway Company shall have exercise and enjoy the running powers or other the rights and privileges conferred upon them by the said agreements as fully freely and effectually as if this Act had not been passed and if by the construction of the said Widening and Improvement No. 1 by this Act authorised such exercise or enjoyment shall be prejudiced or interfered with the London and North-western Railway Company shall so far as may be necessary for the exercise and enjoyment of their said powers rights and privileges have the same rights powers

and privileges over the said widening and improvement as they have over the London and Blackwall Railway under the said agreements.

For the protection of the London and North-western Railway Company.

32. The following provisions for the protection of the London and North-western Railway Company (in this section referred to as the North-western Company) shall apply and have effect :—

(1.) In constructing the Widening and Improvement No. 1 where the same is intended to cross on the level the Haydon Square Branch of the North-western Company the Company shall lay only one additional line of rails along and on the north side of their existing railway and the Company shall construct the said widening and improvement and all the works necessary and incident to the construction thereof or affecting the said Haydon Square Branch or the property and works of the North-western Company in accordance with the provisions of this section and according to plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously submitted to and approved in writing by Francis Stevenson or other the principal engineer for the time being of the North-western Company and the Company shall not commence the construction of the said widening and improvement or enter upon or interfere with any land works or property of the North-western Company until such plan sections and specifications have been so submitted and approved : Provided always that if the said Francis Stevenson or other the principal engineer as aforesaid shall for the period of one month neglect or refuse to approve such plans sections or specifications or shall disapprove the same then the said widening and improvement shall be constructed according to plans sections and specifications to be submitted to and approved by an engineer to be agreed upon or in default of agreement to be appointed at the request of either the Company or the North-western Company by the President for the time being of the Institution of Civil Engineers;

(2.) The Company shall not enter upon or interfere in any way with any portion of the Haydon Square Branch or the property or works connected therewith lying to the north of the northern abutment of the bridge carrying that branch over Chamber Street except so far as may be necessary for the erection of a column or pillar and the construction of abutments in connexion with the proposed bridge over Chamber Street in accordance with plans sections and specifications to be approved in manner herein-before provided;

A.D. 1885.

(3.) The Company shall construct the Widening and Improvement No. 1 and all works in connexion therewith so as in no way except as by this section specially provided to obstruct impede or interfere with the free and uninterrupted and safe use of the said Haydon Square Branch or with the traffic thereon and if any such obstruction or interference shall be caused or take place the Company shall pay to the North-western Company in respect thereof all costs losses damages or expenses which may be occasioned to that Company by reason of any such obstruction or interference;

(4.) Any alteration or reconstruction of the bridge carrying the said Haydon Square Branch over Chamber Street shall be completed within four months from the time when the same shall be commenced and the Company shall during such alteration or reconstruction provide to the reasonable satisfaction of the said Francis Stevenson or other the principal engineer as aforesaid a free and uninterrupted means of access by one or two lines of rails between the said branch railway and the London and Blackwall Railway as may be agreed upon between the engineer of the Company and such principal engineer or in default of agreement determined by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers and if the Company fail to provide or maintain such free and uninterrupted means of access they shall forfeit and pay to the North-western Company the sum of twenty-five pounds per hour for every hour during which they shall so fail;

(5.) During the construction of the said widening and improvement near to or affecting the railway property and works of the North-western Company the Company shall bear and on demand pay to that company all expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by that Company for watching their railway and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise;

(6.) The Company shall not (except with the previous consent of the North-western Company under their common seal) purchase or acquire any lands or property of the North-western Company but the Company may purchase and take and the

North-western Company shall sell and grant accordingly an easement or right of using so much of the lands of that company as may be necessary for the construction of the said widening and improvement in accordance with the provisions of this section: And any works which the Company may construct in lieu of any works now forming part of the North-western Company's said Haydon Square Branch or any alteration of such last-named works shall from and after the completion thereof become part of such branch railway and be vested in and maintained by the North-western Company;

(7.) If by reason of the construction or working of the said widening and improvement it shall become necessary to construct any additional signals in connexion with the said Haydon Square Branch the same shall be constructed worked and maintained at the expense of the Company;

(8.) The Company shall at all times maintain the said widening and improvement and all the works connected therewith where the same affect the railway works or lands of the North-western Company (except any substituted works which shall become the property of the North-western Company but including any additional crossings over the said Haydon Square Branch) in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of that company and if and whenever the Company fail so to do the North-western Company may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the sum from time to time certified by such principal engineer to be the reasonable amount of such expenditure shall be repaid to the North-western Company by the Company and in default may be recovered by them from the Company with full costs in any court of competent jurisdiction;

(9.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North-western Company all costs losses damages and expenses which may be occasioned to that Company or to their railway works or property or to the traffic thereon or otherwise by reason of the execution or failure of the Company's said widening and improvement and the works in connexion therewith or by reason of any obstruction or interference with the access to the said Haydon Square Branch or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually in-

A.D. 1885.

demnify and hold harmless the North-western Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission;

(10.) The Company and the North-western Company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed;

(11.) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the North-western Company otherwise than is herein expressly provided.

Additional capital.

33. Subject to the provisions of this Act the Company may from time to time raise in addition to the sums of money which they are already authorised to raise any further capital not exceeding in the whole three hundred and thirty thousand pounds by the creation of new ordinary shares or new ordinary stock or both of such nominal amount or amounts as at the price at which the same are in accordance with the provisions of this Act issued will produce the amount of money required for the purposes of this Act not exceeding the sum of three hundred and seventy thousand pounds.

Shares not to be issued until one fifth paid.

34. The Company shall not issue any share under this Act of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting it unless and until a sum not being less than one fifth of the nominal amount thereof is paid in respect thereof.

Calls.

35. Twenty per centum on the nominal amount of any share shall be the largest amount of any call which may be made thereon and there shall be an interval of not less than three months between any two successive calls and the Company shall not call up more than three fourths of the nominal amount of a share in any year.

Power to borrow on mortgage.

36. Subject to the provisions of this Act the Company may in respect of the additional capital of three hundred and thirty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one hundred and ten thousand pounds but no part thereof shall be borrowed until shares representing at the price at which the same are issued the whole of the said additional capital or (as the case may be) so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital or (as the case may be) such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consoli-

dation Act 1845 before he so certifies that shares representing (at the price at which the same are issued in accordance with the provisions of this Act) the whole of such capital or (as the case may be) such portion of capital have been issued and accepted and that one half of such capital or (as the case may be) such portion of capital has been paid up and that not less than one fifth part of the nominal amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock representing at the price at which the same is issued one half of the said additional capital or (as the case may be) one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock (as the case may be) were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital or any portion thereof is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the nominal amount of such shares and for any premium at which the same are issued and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Rate of interest &c. on borrowed moneys.

37. Any moneys borrowed by the Company shall be so borrowed with the consent in writing of the Great Eastern Company and at such rate of interest and upon such terms and conditions as that Company in writing reasonably approve and the Company and the Great Eastern Railway Company may from time to time enter into and carry into effect agreements with respect to such matters and the amount to be from time to time borrowed by the Company on mortgage under the provisions of this Act and any incidental matters and during the subsistence of any such agreement moneys borrowed by the Company shall be borrowed in accordance with the terms and conditions of such agreement and not otherwise.

Debenture stock.

38. The Company may create and issue 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 and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

A.D. 1885.

Existing mortgages to have priority.

39. 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 hereof shall during their continuance and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repealing provisions of Act of 1877 for appointment of a receiver.

40. The provisions of the London and Blackwall Railway Act 1877 authorising the appointment of a receiver for principal moneys or interest due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of such appointment and in force or pending at the time of the passing of this Act.

For appointment of a receiver.

41. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Application of loan or share capital under Act.

42. All money raised under this Act whether by shares stock mortgages or debenture stock shall be applied only for purposes authorised by this Act or some other Act relating to the Company to which capital is properly applicable.

As to amount terms of issue &c. of shares and stock.

43. With reference to the issue of shares and stock in the additional capital by this Act authorised the following provisions shall have effect (that is to say) :—

(1.) The nominal amount of shares or stock to be created from time to time by the Company shall be such as the Great Eastern Company by notice in writing to the Company from time to time reasonably require and direct and such shares or stock shall be offered to the holders of the ordinary shares and ordinary stock of the Company ;

(2.) If the ordinary shares or stock of the Company at the time of the giving of any such notice are or is at a premium the new shares or stock shall be offered to the holders of the ordinary shares and ordinary stock of the Company at such a premium as will be equal to half the premium at which the ordinary shares or stock are or is at the market price of the day on which such notice is given but in other respects such shares or stock shall be offered to the holders of ordinary

shares or ordinary stock of the Company in accordance with the provisions of sections 17 to 20 both inclusive of the Companies Clauses Act 1863 and any shares or stock not accepted in accordance with those provisions shall be disposed of by the Company at such times to such persons on such terms and conditions and in such manner as the directors may think advantageous to the Company provided that the price at which the said last-mentioned shares or stock shall be disposed of shall be at least equal to the nominal amount of such shares or stock and in addition one half the premium at which the ordinary shares or stock of the Company are or is at the market price of the day when such shares or stock shall be disposed of as aforesaid;

(3.) The Company and the Great Eastern Company may from time to time enter into carry into effect and rescind agreements in variation of the preceding provisions of this section with respect to :—

(A.) The nominal amount of shares or stock or both to be from time to time created by the Company for the purposes of this Act;

(B.) The price at which any such shares or stock shall in accordance with the provisions of the Companies Clauses Act 1863 be offered to the holders of the ordinary stock and ordinary shares of the Company;

(C.) The price at which any shares or stock so offered but not accepted shall be disposed of by the Company; and

(D.) All incidental matters;

And during the subsistence of any such agreement all or any shares or stock created by the Company shall be created offered and issued respectively by the Company in accordance with the terms and conditions of such agreement and not otherwise.

As to share capital raised for purposes of Act.

44. All shares or stock created by the Company for the purposes and in accordance with the provisions of this Act shall be deemed to be additional share capital or stock to the nominal amount of such shares and stock raised created and expended by the Company for the purposes and within the meaning of the recited lease of the thirtieth day of December one thousand eight hundred and sixty-five entitled to four pounds ten shillings per centum per annum upon the nominal amount of such shares or stock and all debentures granted by the Company for the purposes and in accordance with the provisions of this Act shall be deemed to be debentures issued by the Company for the purposes and within the meaning of the said lease and all debenture stock created and issued by the Company for the

A.D. 1885.

purposes and in accordance with the provisions of this Act shall be deemed to represent debentures to an equal nominal amount issued by the Company for the purposes and within the meaning of the said lease.

Altering dates of meetings of Company.

45. From and after the date of the passing of this Act the half-yearly general meetings of the Company may (notwithstanding anything in section 91 of the Act of the seventh year of the reign of his late Majesty King William the Fourth chapter 123) be held in the month of January and the month of July instead of in the second week in the month of February and the second week in the month of August as provided by that Act.

Agreements between Company and Great Eastern Railway Company.

46. The Company on the one hand and the Great Eastern Company on the other hand may from time to time enter into and carry into effect and rescind agreements as to the exercise by the Company or by the Company and the Great Eastern Company jointly of all or any of the powers of this Act and if the agreement be that any such powers shall be exercised by the Great Eastern Company jointly with the Company such powers may be exercised accordingly as if the same had by this Act been conferred upon the Great Eastern Company jointly with the Company instead of upon the Company but shall not confer upon the Great Eastern Company any powers of raising further money by shares or stock or by borrowing or by debenture stock.

Widenings to be part of Blackwall Railway.

47. The widenings and improvements of the London and Blackwall Railway authorised by this Act shall be deemed to be necessary widenings or additional works within the meaning of section 33 of the London Tilbury and Southend Railway Act 1882 and the provisions of that section with respect to arbitration as to the additional payments to be made by the Tilbury Company to the Great Eastern Company in respect of such widenings and improvements shall extend and apply thereto and the arbitrator shall take into consideration all the circumstances of the case including the exigencies of the traffic carried by the Great Eastern Company.

Classification table to be open to inspection and copies to be sold.

Terminal charges (if

48. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company

shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

any) to be specified on application.

Penalty.

49. While the Company are possessed under the authority of this Act of any lands houses buildings or other property assessed or liable to be assessed to any hamlet parochial or other general or special rate in the hamlet of Ratcliff in the parish of Saint Dunstan Stepney otherwise Stebonheath the Company shall be liable to make good the deficiency in the assessment for such rates by reason of such lands houses buildings or other property being taken or used by them for the purposes of this Act and the deficiency shall be computed according to the rateable value of such lands houses buildings and other property respectively at the time of the passing of this Act provided that the liability of the Company to make good such deficiency shall cease as to all rates which have not then become payable in respect of the lands houses buildings or other property taken for the purposes of any works by this Act authorised as soon as the works for the purposes of which such lands houses and buildings or other property may be taken appropriated or used are completed and assessed or liable to be assessed and notice of such completion shall have been given to the clerk to the trustees of the said hamlet.

As to rates in the hamlet of Ratcliff.

50. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

Interest not to be paid on calls paid up.

A.D. 1885.

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

51. 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 any other railway or tramway or to execute any other work or undertaking.

Provisions as to general railway Acts.

52. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to railways or tramways 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 tolls or charges or the rates for small parcels authorised by any Act relating to the Company.

Expenses of Act.

53. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING LANDS BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Work.	Parish or Place.	Number on deposited Plans.
Widening and Improvement No. 2	Saint Mary Whitechapel - -	70 to 82 (both inclusive) 103 135
	Saint George-in-the-East - -	7 20 36 281, 284, 285, and 286
Widening and Improvement No. 3	Hamlet of Ratcliff Saint Dunstan Stepney otherwise Stebonheath.	181
Widening and Improvement No. 2 and Widening and Improvement No. 3	Hamlet of Ratcliff Saint Dunstan Stepney otherwise Stebonheath.	91 and 92

THE SECOND SCHEDULE.

All Hallows Staining.
Saint Katherine Coleman.
Saint Olave Hart Street.
All Hallows Barking Tower Ward.
Saint Botolph Without Aldgate.
Saint Mary Whitechapel.
Saint George-in-the-East.
Saint Dunstan Stepney otherwise Stebonheath.
Hamlet of Mile End Old Town.
Hamlet of Ratcliff.
Saint Anne Limehouse.
All Saints Poplar.
Bromley Saint Leonards.
Saint Mary-le-Bow otherwise Saint Mary Stratford-le-Bow.

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