ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. lxxiii.

An Act to extend the Time for the Purchase of Lands required for the widening of the *London and Blackwall* Railway, and to amend the Acts relating to such Railway. [28th *July* 1849.]

WHEREAS an Act was passed the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the* Minories 6 & 7 W. 4.
to Blackwall, *with Branches, to be called* " *The* Commercial *Railway* :" c. 123.
And whereas an Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend the Act* 7 W. 4. &
relating to the Commercial *Railway Company* : And whereas an Act 1 Vict. c.133.
was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for extending the Line of the Railway between* 2 & 3 Vict.
London *and* Blackwall *called* " *The* Commercial *Railway*," *and for* c. 95.
amending the Acts relating thereto : And whereas an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for granting further Powers to the* London and Blackwall 4 & 5 Vict.
Railway Company : And whereas another Act was passed in the Fifth c. 12.
Year of the Reign of Her present Majesty, intituled *An Act to alter,* 5 & 6 Vict.
amend, and enlarge the Powers and Provisions of the Acts relating to c. 34.
the London and Blackwall *Railway* : And whereas another Act was passed in the Ninth Year of the Reign of Her present Majesty,

8 & 9 Vict. c. 203. intituled *An Act for making a Railway from the* London and Blackwall *Railway at* Stepney *to the* Eastern Counties *Railway*: And whereas an Act was passed in the Ninth and Tenth Years of the 9 & 10 Vict. c. 273. Reign of Her present Majesty, intituled *An Act for widening the Line of the* London and Blackwall *Railway, and for amending the Acts relating to the said Railway*: And whereas another Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, 11 & 12 Vict. c. 90. intituled *An Act to amend the Acts relating to the* London and Blackwall *Railway, and to authorize the Company to alter the Gauge of their Railway, and to make certain Improvements in the Approaches to the said Railway, and to make Branches to the* London *and* Saint Katherine's *Docks*: And whereas another Act was passed in the said Eleventh and Twelfth Years of the Reign of Her present Majesty, 11 & 12 Vict. c. 111. intituled *An Act to alter and amend some of the Provisions of the Acts relating to the* London and Blackwall *Railway Company*: And whereas the Time within which the Powers for the compulsory Purchase or taking of Lands may be exercised for the Purpose of widening the Line of the said *London and Blackwall* Railway will expire on the Twenty-seventh Day of *July* One thousand eight hundred and forty-nine, and it is expedient that such Time should be extended, and that some of the Provisions of the recited Acts should be amended and enlarged; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the

Powers of 9 & 10 Vict. c. 273. extended to this Act.

Authority of the same, That all the Powers, Provisions, Matters, and Things given by or contained in the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty with reference to the widening of the Line of the said *London and Blackwall* Railway by such Act authorized, so far as the same are now in force, (and except such of them as are by this Act altered or otherwise provided for,) shall extend to this Act, as fully and effectually as if the same Powers, Provisions, Matters, and Things were repeated and re-enacted in this Act; and the said recited Act and this Act shall, as to all Matters and Things whatsoever (except as aforesaid), be read and construed together as one Act.

Time for compulsory Purchase of Lands extended.

II. And be it enacted, That the Time limited for the compulsory Purchase or taking of Lands for the Purpose of widening the Line of the said *London and Blackwall* Railway, according to the Plans and Sections of the said widening, and Books of Reference thereto, deposited with the Clerks of the Peace for the County of *Middlesex* and for the City of *London* respectively, shall be and the same is hereby extended and enlarged until the Twenty-seventh Day of *July* One thousand eight hundred and fifty-one, and after such Day the Powers by the said Act of the Ninth and Tenth Years of the Reign of Her present Majesty and this Act granted for the compulsory Purchase of Lands for the Purpose of widening the said Railway shall cease to be exercised.

Parties aggrieved by Extension of

III. Provided always, and be it enacted, That the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who

under

under the Provisions of the said recited Acts or this Act shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands which shall be taken or used for the Purposes of the widening of the Railway or Works by the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty or this Act authorized, or which may be injuriously affected by the Construction of such widening, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time hereby authorized.

Time being granted may have Compensation for additional Damage.

IV. Provided always, and be it enacted, That nothing herein contained shall in anywise prejudice or affect any Contracts entered into or Notice given by the said Company before the passing of this Act for purchasing, taking, or using any Lands which under the said Act of the Ninth and Tenth Years of the Reign of Her present Majesty such Company is entitled to purchase, take, or use, but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act not been passed.

Existing Contracts and Notices to take Lands not to be affected.

V. And be it enacted, That the widening of the Railway authorized by the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers of the said recited Act and this Act granted to the *London and Blackwall* Railway Company for widening the Railway shall cease to be exercised, except as to so much of such widening as shall then be completed.

Period for Completion of Works.

VI. Provided always, and be it enacted, That nothing herein contained shall give or be deemed or construed to give Power to the *London and Blackwall* Railway Company to take any Land, Buildings, or Premises belonging to the *East and West India* Dock Company without the previous Consent in Writing of the said Dock Company under their Common Seal, or to affect, alter, or vary the Agreement between the said Dock Company and Railway Company dated the Twenty-second Day *July* One thousand eight hundred and forty-six, or any of the Provisions therein contained.

Company not to take Land of East and West India Dock Company without Consent.

VII. And whereas by the said recited Act of the Seventh Year of the Reign of His late Majesty King *William* the Fourth it was enacted, that in case of Locomotive Engines being proposed to be used on the said Railway no such Engine should be used which should not be first approved of by His Majesty's Commissioners of Woods and Forests, certified under their Hands and Seal, and such Certificate of the said Commissioners should express that such Engine was in their Opinion adequately provided with Means to prevent the Danger of Fire either from the Chimney or Fireplace of the said Engine, and the said Commissioners should have Authority from Time to

Certain Provisions of 6 & 7 W. 4. c. 123. as to Locomotive Engines repealed.

to Time to cause any such Engine to be inspected, and the Directors of the said Railway should give every Facility to any Inspector or other Person appointed by such Commissioners from Time to Time to make such Inspection, under a Penalty of Five Pounds for any Impediment interposed by them or by Persons acting under their Authority; and it was thereby also enacted, that it should be competent to the said Commissioners at any Time, if they should so think fit, to require the Directors of the said Railway Company to adopt any further Means of Security beyond those expressed in the said Certificate; and it was thereby also enacted, that in case the Means of Security against Fire directed as aforesaid by the said Commissioners to be adopted in such Locomotive Engines should not be adopted by the said Company, the Directors of the said Railway Company should be liable to a Penalty not exceeding Ten Pounds for every Day that any such Engine should be used without the Adoption of such Means of Security as aforesaid; and it was thereby also enacted, that nothing in that Act contained should be construed to relieve the Company from any Responsibility for Damage by Fire or otherwise to which they would be subject by Common Law; and it was thereby also enacted, for the further Protection of Persons and Property residing and being on the Line of the said Railway, that every such Engine which should at any Time thereafter be brought upon or used on the said Railway should have a proper and well-secured Hood or Cover of Wire Gauze (the Width of the Spaces between the Wires of which should not be more than One Eighth of an Inch from each other) affixed upon the Top of the Shaft of the Chimney thereof, and that no such Engine should at any Time be brought upon or used on the said Railway unless the same should have first affixed thereon such Hood or Cover as aforesaid: And whereas it is expedient that the herein-before recited Provisions should be repealed, and that other Provisions should be made in lieu thereof: Be it enacted, That so much of the said Act as is herein-before recited shall be repealed.

Locomotive Engines not to be used unless Commissioners of Railways certify that they can be with Safety.

VIII. And be it enacted, That it shall not be lawful for the Company to use Locomotive Engines on the said *London and Blackwall* Railway unless it shall have been certified by the Commissioners of Railways that Locomotive Engines can in their Opinion be used with Safety on the said Railway; and in case Locomotive Engines shall at any Time hereafter be used on the said Railway it shall be lawful for the said Commissioners from Time to Time to require the Company to adopt such Means of Security, either in the Locomotive Engines to be used on the said Railway, or in the Construction of the Works of the said Railway, as shall be necessary to prevent the Danger of Fire from Locomotive Engines being used on the said Railway; and the Company shall be subject to and shall abide by all such reasonable Rules and Regulations with regard to the Use of Locomotive Engines on the said Railway as may from Time to Time be made by the said Commissioners for the Purpose of preventing such Danger of Fire; and if the Company shall use any Locomotive Engine on the said Railway without such Certificate of the said Commissioners having been first obtained, or shall fail to adopt any of the Means of Security which may be required to be adopted as aforesaid, or shall fail to observe or abide by any such Rules or Regulations as aforesaid, the

Penalty on using Locomotive Engineswithout Certificate having been obtained.

Company

Company shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds, and also to a daily Penalty not exceeding Ten Pounds for every Day such Offence shall be continued after such Penalty of Fifty Pounds shall have been incurred: Provided always, that nothing in this Act contained shall be construed to relieve the Company from any Responsibility for Damage by Fire or otherwise to which they would be subject by Common Law.

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

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

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

X. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two Acts were passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, the one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their said Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways, so far as the same shall be applicable thereto.

Railway to be subject to Provisions of future general Acts.

XI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railway by this or the said recited Acts authorized to be made or widened, or the said Company, from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by such Acts.

Short Title.

XII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to describe it as "The *London and Blackwall* Railway Amendment and Extension of Time Act, 1849."

Expenses of Act.

XIII. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act, or incident thereto, shall be paid out of the Funds of the said *London and Blackwall* Railway Company, in preference to all other Payments whatsoever.

Public Act.

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

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