CHAPTER cciv.

An Act to enable the London Tilbury and Southend Railway Company to construct new Railways and for other purposes. [20th August 1883.]

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WHEREAS the London Tilbury and Southend Railway Company (who are in this Act referred to as "the Company") were incorporated by the London Tilbury and Southend Railway Act 1862 (herein referred to as the Act of 1862) and their undertaking comprises a railway between Southend and the London and Blackwall Railway and the Company are entitled to run over and use the last-mentioned railway from the Gas Factory Junction to Fenchurch Street:

And whereas the construction of the new railways hereinafter described will be of public and local advantage:

And whereas it will conduce to the public convenience that for facilitating the interchange of traffic between the undertaking of the Company and the Great Eastern Railway provisions should be made as in this Act contained.

And whereas part of the capital of the Company consists of two hundred and forty thousand pounds of debenture stock bearing interest at the rate of four and a quarter per centum per annum and it would be more convenient for the holders thereof and it is expedient that the said stock should be converted into a debenture stock bearing interest at the rate of four per centum per annum and that the nominal amount of the debenture stock of the Company should be increased for that purpose without nevertheless any increase of the annual charge on the revenues of the Company:

And whereas plans and sections showing the line and levels of the railways authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the counties of

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Middlesex and Essex and are hereinafter respectively referred to as the deposited plans and sections and books of reference:

And whereas it is expedient that such further powers be granted as are hereinafter mentioned:

And whereas the purposes of this Act 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 authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the London Tilbury and Southend Railway Act 1883.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated in this Act namely:—

The Railways Clauses Consolidation Act 1845 Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 and the Lands Clauses Consolidation Acts 1845 1860 and 1869.

Extending certain provisions of Companies Clauses Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing 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 by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

And also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by the Companies Clauses Act 1869;

shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the London Tilbury and Southend Railway Company the expression "the railway" means the railways by this Act authorised the expression "the Act of 1882" means the London Tilbury and Southend Railway Act 1882 and 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 for the purposes of this Act 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.

Interpretation of term "Parish Clerks," &c.

5. The expressions "parish clerk" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards the parish of St. Mary Whitechapel in which by the Standing Orders of Parliament plans sections and other documents are required to be deposited with reference to this Act mean the clerk of the district board for the district in which the said parish is included.

Power to make new railways.

6. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for those purposes. The railways hereinbefore referred to and authorised by this Act are:—

A railway (described on the deposited plans as "Railway No. 2") six miles five furlongs and eight chains or thereabouts in length commencing in the parish of Upminster by a junction with the Barking and Pitsea Railway of the Company authorised by the Act of 1882 four hundred and thirty yards or thereabouts (measuring in an easterly direction along the centre line of the said authorised railway as shown upon the plans thereof deposited in November 1881 with the clerk of the

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peace for the county of Essex and mentioned in that Act) from the point at which the said railway is shown on the said plans as crossing the road from Upminster to Brentwood at about seven miles five furlongs and seven chains from the commencement of the said Barking and Pitsea Railway and terminating in the parish of Grays Thurrock by a junction with the Company's railway two hundred yards or thereabouts measuring along the said railway in an easterly direction from the level crossing of the road known as Mill Lane situated at the boundary of the parishes of Stifford and West Thurrock.

A railway (described on the deposited plans as "Railway No. 3") two miles five furlongs and five chains or thereabouts in length commencing in the parish of Upminster by a junction with the said authorised Barking and Pitsea Railway of the Company four hundred and forty yards or thereabouts measured along the centre line in a westerly direction from the intended crossing by it of the said road leading from Upminster to Brentwood as shown on the above-mentioned deposited plans and terminating in the parish of Romford by a junction with the Colchester line of the Great Eastern Railway five hundred and eighty yards or thereabouts measuring along the said railway in an easterly direction from the bridge carrying the said railway over South Street Romford.

A railway (described on the deposited plans as "Railway No. 4") three furlongs and one chain or thereabouts in length commencing in the parish of East Ham by a junction with the main line of the Company at or near the level crossing of Jews Farm Lane and terminating in the parish of Little Ilford by a junction with the Railway No. 24 authorised by the Metropolitan Outer Circle Railway Act 1882 at or near the intended crossing of the said authorised railway (as shown in the plans deposited in relation to the Bill for the said Act in November 1881 with the clerk of the peace for the county of Essex) over the railway of the Company between East Ham and Barking.

For protection of works of Havering Dagenham &c. Commissioners of Sewers.

7. Where any of the intended new 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 river sewer drain watercourse river wall defence or work under the jurisdiction or control of the Commissioners of Sewers for the levels of Havering Dagenham Ripple Barking East Ham West Ham Leyton and Walthamstow in the respective counties of Essex Middlesex and Kent hereinafter called "the Essex Commissioners" or may in any way affect the drainage of the districts under their control the Company shall not commence

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such works until they shall have given to the Essex Commissioners fourteen days notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the Essex Commissioners with plans elevations sections and other necessary particulars of the construction of the said works and until the Essex Commissioners shall have signified their approval of the same unless the Essex Commissioners fail to signify such approval or their disapproval or other directions within fourteen 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 Essex Commissioners in the execution and subsequent maintenance of the said works and shall provide by new altered or substituted works in such manner as the Essex Commissioners may deem necessary for the proper protection of and for preventing injury or impediment to the rivers sewers drains river walls and other works hereinbefore referred to by or by reason of the said intended works or any part thereof and shall save harmless the Essex Commissioners against all and every the expense to be occasioned thereby and all such works shall be done under the superintendence and to the reasonable satisfaction of the surveyor engineer or other officer or officers of the Essex Commissioners as the case may be at the reasonable costs charges and expenses in all respects of the Company and all costs charges and expenses which the Essex Commissioners may be put to by reason of the works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise by the Essex Commissioners officers shall be paid to the Essex Commissioners by the Company on demand and when any new altered or substituted work 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 ever thereafter be maintained by the Company to the reasonable satisfaction of the surveyor or engineer to the Essex Commissioners for the time being and the said works shall be as fully and completely vested in and under the jurisdiction and control of the Essex Commissioners as any sewers or works now are 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 Essex Commissioners or their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed: Provided that if any dispute shall arise as to the mode of executing any such works as aforesaid the matter in

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difference shall be referred to an arbitrator to be appointed by the Board of Trade whose decision shall be final.

For the protection of Messrs. Gibbs & Co. Limited.

8. The railway firstly described in and authorised by this Act shall (unless otherwise agreed between Messrs. Gibbs and Co. Limited and the Company) be carried over the roadway and tramway in the parish of West Thurrock belonging or reputed to belong to Messrs. Gibbs and Company Limited (and which road and tramway are shown on the deposited plans as intended to be crossed by the line of the said railway at or about the distance of six miles forty-three and a half chains from the commencement of the said railway) by means of a bridge of a single span and having a headway over the whole of the said road and tramway of not less than twelve feet above the present level of the tramway at the point at which the said railway will cross the same and of not less than eight feet above the road: Provided that the Company may for the purpose of obtaining such headway of eight feet above the said road at their own expense lower the said road to any extent not exceeding two feet six inches below the present level thereof at the point at which the road will be crossed by the railway such lowering to be executed and the altered road made and metalled at the expense of the Company under the superintendence and to the reasonable satisfaction of the engineer or other officer to be appointed in that behalf of Messrs. Gibbs and Company Limited.

For the protection of the main out-fall Sewer of the Romford Local Board.

9. The Company shall not commence any alterations of the main outfall sewer of the Local Board of Health for the district of Romford in the County of Essex (hereinafter called the Local Board) until they shall have given to the said Local Board fourteen days notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the said Local Board with plans sections and other necessary particulars of the intended alteration and until the said Local Board shall have signified their approval of the same unless the said Local Board fail to signify such approval or their disapproval or other directions within fourteen days after service of the said notice and delivery of the said plans sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the said Local Board with reference to such alterations and shall provide in such manner as the said Local Board may deem necessary for the protection of the said sewer and for preventing during such alterations any impediments to the flow of sewage to the sewage farm belonging to the said Local Board and shall save harmless and keep indemnified the said Local Board against all and

every the expense damage and loss to be occasioned by such alterations or to arise therefrom and any such alterations shall be done to the reasonable satisfaction of the surveyor or engineer of the said Local Board at the costs charges and expenses in all respects of the Company. And the same shall be thereafter maintained by and at the expense of the Company to the reasonable satisfaction of the surveyor or engineer of the said Local Board and all costs charges damages and expenses which the said Local Board may be put to or sustain by reason of such alteration shall be paid to the Local Board by the Company on demand and the said sewer as altered shall be as fully and completely vested in and under the jurisdiction and control of the said Local Board as such sewer now is Provided that if any dispute shall arise as to the mode of making such alteration the matter in difference shall be referred to an arbitrator to be appointed by the Board of Trade whose decision shall be final.

For the protection of the Romford Local Board.

10. 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 road sewer drain watercourse or work under the jurisdiction or control of the Local Board of Health for the district of Romford in the county of Essex (hereinafter called the Local Board) or may in any way affect the roads or communications between roads or the drainage of the district under their control the Company shall not commence such works until they shall have given to the Local Board fourteen days notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the Local Board with plans elevations sections and other necessary particulars of the construction of the said works and until the Local Board shall have signified their approval of the same unless the Local Board fail to signify such approval or their disapproval or other directions within fourteen 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 Local Board in the execution of the said works and shall provide by new altered or substituted works in such manner as the Local Board may deem necessary for the proper protection of and for preventing injury or impediment to the roads sewers drains and other works hereinbefore referred to by or by reason of the said intended works or any part thereof and shall save harmless the Local Board against all and every the expense to be occasioned thereby and all such works shall be done within a reasonable time under the superintendence and to the reasonable satisfaction of the surveyor or engineer or such other officer of the Local Board as they

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may appoint at the reasonable costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the Local Board may be put to by reason of the works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise by the Local Board's officer shall be paid to the Local Board by the Company on demand and when any new altered or substituted work as aforesaid or any works connected therewith shall be completed by or at the cost charges or expenses of the Company under the provisions of this Act the same shall be as fully and completely vested in and under the jurisdiction and control of the Local Board as any sewers or works now are or hereafter may be and the Local Board shall have at all times when the said sewers and works are completed a right of entry on the lands of the Company to repair or reconstruct the same at their own expense and under the superintendence of the engineer for the time being of the Company due notice of their intention so to enter having been first given to the Company 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 Local Board or their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed Provided that if any dispute shall arise as to the mode of executing any such works as aforesaid the matter in difference shall be referred to an arbitrator to be appointed by the Board of Trade whose decision shall be final.

For the protection of East Ham Local Board.

11. For the protection of the East Ham Local Board the following provisions shall apply and have effect:

(1.) If the railway thirdly described in and authorised by this Act is constructed in the parish of East Ham and so as to interfere with the watercourses herein described the Company shall at their own expense form a culvert at least four feet in diameter under the said railway where it crosses the watercourse numbered 7 on the deposited plans in the parish of East Ham and like culverts under the said railway on the north and north-east sides of the field numbered 4 on the deposited plans for the protection of the watercourses in the said field shewn on the deposited plans:

(2.) The said culverts respectively shall be made in all things to the reasonable satisfaction of the said Local Board and shall be supplied with necessary pen stocks and appliances for protecting and clearing the same and with proper ascending and descending shafts on either side of the railway if necessary:

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(3.) The said culverts and the appliances belonging thereto shall at all times be maintained by and at the expense of the Company but the said Local Board shall have the free use thereof and access thereto:

(4.) If the said railway be carried across the road known as Jews Farm Lane as shewn on the deposited plans between the properties numbered 4 and 5 on the deposited plans in that parish so as to stop the same the Company shall at their own expense make a fresh road in the place thereof of a width equal to that of the existing lane where stopped and the said Local Board shall have full access thereover to the said culverts mentioned in this section and any other works or watercourses under their jurisdiction:

(5.) The Company shall be liable to pay and shall pay to the Local Board any damages penalties costs charges or expenses which the Local Board may become liable to pay and shall have paid in respect of any injury loss or damage consequent upon or arising from the execution by the Company of any works under the authority of this Act (whether such injury or loss occurs either during or after the construction or in effecting the maintenance alteration or repairing of such works) and all moneys which the Local Board may have been compelled to pay on account of any such damages penalties costs charges or expenses shall be repaid to the Local Board by the Company on demand and in default thereof may be recovered by the Local Board from the Company as any simple contract debt of like amount.

For protection of the Rainham Commissioners of Sewers.

12. For the protection of the Commissioners of Sewers for the several levels and marsh grounds lying and being within the limits between Rainham Bridge and Mucking Mills and the meadow grounds between Childerditch Ponds and Purfleet Mills in the county of Essex (hereinafter called "the Rainham Commissioners"): Be it enacted as follows:

(1.) Nothing herein contained shall authorise or empower the Company to stop up alter remove break into or interfere with any bank wall river stream outlet sewer drain or watercourse or other work or defence under the jurisdiction or control of the Rainham Commissioners without their consent in writing until such banks walls culverts outlets sewers drains or watercourses with the necessary sluices penstocks and other works and defences as may be reasonably required by the Rainham Commissioners in lieu of those so intended to be stopped up altered removed broken into or interfered with or which may

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become necessary from the works of the Company shall be made done executed and completed in a good and substantial manner by the Company under the directions of the said Commissioners or their surveyors or surveyor for the time being at the costs charges and expenses of the Company:

(2.) In that part of the railway which is intended to be carried over any levels marsh or meadow grounds within the jurisdiction of the Rainham Commissioners and in the embankment or viaduct by which the said railway shall be carried over the same the Company shall make leave and construct and shall at all times thereafter at their own expense maintain leave and keep in good condition and repair such and so many arches and openings over all common sewers drains and watercourses of such levels marsh and meadow grounds within the jurisdiction of the Rainham Commissioners and of such height and width and in such position as shall to the satisfaction of the Rainham Commissioners be sufficient to prevent any impediment being made or caused by the said railway viaduct or embankment to the water flowing down any such sewer drain or watercourse or over any such levels marsh or meadow grounds or the lands adjoining:

(3.) The Company shall lay down construct and make and keep in good repair and condition across the railway or through the embankment or viaduct upon which the railway shall be carried all such pipes culverts and channels for the passage of fresh water under through and across the railway and in all such places as the Rainham Commissioners within their levels shall reasonably require and direct at the costs and charges of the Company:

(4.) If at any time after the construction of the railway it shall be shown to the satisfaction of the engineer for the time being of the Rainham Commissioners that the due and proper drainage of the lands of the said levels or any part thereof shall be impeded or obstructed then and in such case upon due notice of such obstruction being given to or served upon the Company by the marsh bailiff of any one of the said levels or by any other person thereto authorised by the Rainham Commissioners or by the owner or occupier of any lands thereby injured or affected the Company shall and they are hereby required to make such additional opening or so many additional openings in the said viaduct or embankment as may be necessary for the due and proper drainage of the lands of the said levels:

(5.) All new sewers drains watercourses arches walls banks sluices works and defences to be made and completed as aforesaid by the Company or by the Rainham Commissioners when so made and completed shall be and remain for ever thereafter under the jurisdiction control and management of the Rainham Commissioners to all intents and purposes whatsoever:

(6.) Except as herein expressly provided nothing in this Act contained shall extend or be deemed or construed to extend to prejudice diminish alter abridge or take away any of the jurisdictions rights powers or authorities vested in the Rainham Commissioners but except as aforesaid all the jurisdictions rights powers and authorities vested in them shall be as good valid and effectual to all intents and purposes as if this Act had not been passed.

Lands for extraordinary purposes.

13. The quantity of land to be taken by the Company by agreement under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres.

Period for compulsory purchase of lands.

14. The powers of the Company for the compulsory purchase of lands authorised by this Act to be taken shall not be exercised after the expiration of three years from the passing of this Act.

Power to take easements &c. by agreement.

15. 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 rent-charges 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.

Imposing penalty unless railway opened.

16. If the Company fail within the period limited by this Act to complete any of the railways the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the amount of the estimated cost of the railway not so completed and the said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in accordance with the provisions of the next following section of this Act or by the Solicitor of Her

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Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided: But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control: Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty.

17. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway not completed in manner aforesaid or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purpose of such railway conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to

such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for completion of railway.

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

Power to purchase additional lands.

19. Subject to the provisions of this Act the Company may purchase and take for the purpose of their undertaking the lands hereinafter described which are shown on the deposited plans and described in the deposited books of reference or such part or parts of those lands respectively as they may think fit together with any houses and buildings thereon respectively viz.:

(1.) Lands in the parish of South Shoebury on the north side of the Shoeburyness Extension Railway of the Company authorised by the London Tilbury and Southend Railway Act 1882 and on the west side of High Street:

(2.) Lands in the parish of Grays Thurrock near the Grays Station of the Company on the south side of the railway and on the west side of the present goods shed at the said station:

(3.) Lands in the parish of St. Mary Whitechapel bounded on the east by Gowers-row and Millyard on the north by a passage leading from Gowers-row to Hooper-square on the south by Millyard passage and on the west by Leman Street.

Power to arch over part of Gowers-row.

20. The Company may arch or cover over Gowers-row aforesaid or part thereof so far as it adjoins the property lastly hereinbefore described and may utilise the upper surface of the arch or girders placed by them over the said row for stations sidings and other like purposes: Provided that the Company shall not without the consent of the Board of Works for the Whitechapel District arch or cover over Gowers-row for any greater length thereof than one piece of not exceeding fifty feet or two pieces of not exceeding twenty-five feet each until they shall have in accordance with the provisions of section 26 of the Act of 1882 completed the new street from Lambeth Street to Back Church Lane and have connected Gowers-row aforesaid with that new street.

For the protection of the Board of Works for the Whitechapel District.

21. 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 (that is to say):

(1.) Any part of Gowers-row which under the provisions of this Act shall be covered over by the Company shall be so covered

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as to leave a clear headway throughout of not less than sixteen feet above the level of the road:

(2.) The Company shall at all times repair maintain and cleanse the roadway and footways of so much of Gowers-row as shall be covered over by the works of the Company and shall efficiently light and watch by day and by night the said row so covered:

(3.) The Company shall by openings in the roof of the said bridge or otherwise provide for the efficient ventilation of the said row where so covered.

(4.) The Company shall paint white and from time to time as occasion may require repaint the roof over and the walls of the said row or in lieu of so painting the same shall face the same with white glazed tiles or white enamelled bricks:

(5.) Any works constructed under this Act over Gowers-row shall be made and maintained so as to prevent the dripping of water therefrom on any part of that street or the footway on either side thereof and so as to deaden so far as is practicable the sound of engines carriages and traffic passing over them:

(6.) Except as in this Act is expressly provided nothing in this Act shall repeal alter or prejudicially affect the provisions for the protection of the District Board contained in the Act of 1882:

(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.) 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 Metropolitan Board of Works, and the costs of the reference shall be borne as he shall direct.

Rates in Whitechapel to be made good.

22. Sub-section 1 of section 26 of the Act of 1882 is hereby repealed and instead thereof be it enacted as follows:

While the Company are possessed under the authority of the Act of 1882 and this Act or either of them 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 St. Mary Whitechapel under or consequent on the powers of

the said Acts are so far completed as to be assessed or liable to be assessed to an amount equal to or greater than the aggregate amount of the gross rateable value of the same lands houses buildings and property in a rate made the second day of June 1881 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 the said Acts or either of them 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 in the said rate.

Power to sell lease or dispose of land.

23. Section 25 of the Act of 1882 shall be deemed to apply to any lands houses and property which may be acquired by the Company under the powers of this Act in the parish of St. Mary Whitechapel.

Power to use portions of the Colchester Line of the Great Eastern Railway Company &c.

24. The Company may run over and use with their engines and carriages of every description and with their clerks officers and servants so much of the Colchester Line of the Great Eastern Railway Company as lies between the junction therewith by this Act authorised and the Romford Station of the Great Eastern Railway Company together with the stations watering-places booking-offices warehouses landing-places sidings works and conveniences connected with the said portion of railway and station.

As to future alteration of Colchester Main Line of the Great Eastern Railway Company at Romford.

25. If in the opinion of the Company or of the Great Eastern Railway Company any enlargement widening improvement or alteration of so much of the Colchester Main Line of the Great Eastern Railway Company as lies between the junction therewith by this Act authorised and the Romford Station or of that station be rendered necessary in consequence of the said use then either of the said two Companies (failing agreement between them) may apply to an arbitrator to be appointed upon the application of either Company by the Board of Trade and such arbitrator shall determine and specify what if any enlargement widening improvement or alteration as aforesaid of the parts of the Great Eastern Railway in this section described is required for the accommodation of the traffic of the Company and such enlargement widening improvement or alteration (if any) shall be effected and any land required therefor shall be purchased by the Great Eastern Railway Company and if any dispute shall arise between the said two Companies as to the mode of construction or as to the cost of such enlargement widening improvement or alteration or as to the

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purchase of the lands required for such purposes such dispute shall from time to time be determined by such arbitrator and the costs and expenses of such enlargement widening improvement or alteration and of the purchase of the lands required therefor or such proportion thereof as shall in the judgment of such arbitrator have been rendered necessary by reason of the exercise or the proposed exercise of such powers as the case may be shall be paid by the Company to the Great Eastern Railway Company and may be recovered by the Great Eastern Railway Company in any court of competent jurisdiction.

Terms of such use.

26. The terms conditions and regulations in respect of the said use and the tolls or other consideration to be paid for the same shall if not agreed upon between the Company and the Great Eastern Railway Company be from time to time determined by an arbitrator to be appointed on the application of either party by the Board of Trade and the decision of such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct and either of the parties who shall refuse or neglect to perform observe and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to the other of them as the arbitrator shall determine any sum not exceeding fifty pounds for every such offence and twenty pounds for every day during which such offence shall continue.

Bye-laws to be observed.

27. In running over and using the said portion of railway and in using any of the said stations and conveniences in accordance with the provisions herein-before contained the regulations and bye-laws for the time being in force on the undertaking so used shall be at all times observed so far as such bye-laws shall be applicable.

Facilities to be afforded by the Great Eastern Railway Company to the Company.

28. (A.) The Great Eastern Railway Company (herein-after called the Great Eastern Company) shall run a service of trains (not being excursion or special trains) and not exceeding eight in number each way on every week day (Christmas Day and Good Friday excepted) between Liverpool Street and Barking. Half of the said trains each way shall be trains stopping at the stations intermediate between Liverpool Street Station and Barking Station the remaining half shall (if so required by the Company) be run as through trains between Liverpool Street and Barking not calling at the said intermediate stations. The Great Eastern Company shall time such trains so far as they reasonably can (1) so as to give a connection with the trains of the Company running between Fen-

church Street and Southend or (2) so as to be available (so far as the reasonable requirements of the traffic of the Great Eastern Company may allow) for the purpose of a separate service of trains between Liverpool Street and Southend and the intermediate stations to be run at such hours as the Company may reasonably require. The said trains shall consist of carriages belonging to both the Company and the Great Eastern Company in such proportion as shall be agreed upon or in default of agreement as shall be determined by arbitration so as to provide that the mileage run by the carriages of either of the said two Companies over the line of the other shall as nearly as may be be equal and nothing shall be payable by either Company to the other in respect of the use of such carriages.

(B.) The said trains or such part or parts thereof as shall be required for the purposes of the traffic to and from the stations of the Great Eastern Company from and to the stations of the Company shall be either: (1) connected or detached as the case may be by the Company at Barking to or from their said trains between Fenchurch Street and Southend or (2) be run by the Company as a separate service of trains between Barking and Southend and the Great Eastern Company shall carry forward the said trains or such part or parts thereof as aforesaid from Barking to Liverpool Street and from Liverpool Street to Barking as the case may be by means of the service of trains provided for in this section.

(C.) The Great Eastern Company shall carry forward the said trains between Liverpool Street and Barking and Barking and Liverpool Street with all reasonable despatch and shall provide all such reasonable and necessary accommodation for the same in Liverpool Street Station as shall be agreed upon between the said two Companies or in default of agreement shall be determined by arbitration and the arbitrator in determining any such difference shall have regard to the important through trains of the Great Eastern Company.

(D.) The fares to be charged to passengers by the said trains shall be as follows viz.:—

The fares to and from stations between Forest Gate Junction and Bishopsgate from and to any station on the railways of the Company shall be such as shall be mutually agreed upon between the two Companies or failing agreement as shall be determined by arbitration.

The fares to and from Bishopsgate from and to any station on the railways of the Company shall be the same as those to and from Fenchurch Street from and to the same station on the railways of the Company and the fares to and from Liverpool Street from

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and to any station on the railways of the Company shall be the same as those to and from Fenchurch Street from and to the same station on the railways of the Company with the following additions (that is to say):

On the first class single fare one penny and on the first class return fare twopence;

On the second class and third class single fares one penny each;

On the second class and third class return fares each one penny.

The whole of the said additions of one penny and twopence respectively shall be paid and allowed to the Great Eastern Company in lieu of any other payment for rent of and services at the Liverpool Street Station all the remaining parts of the fares to and from that station and the whole of the fares to and from other stations shall be divided by mileage in accordance with the Clearing House regulations for the time being: Provided always that if the passenger fares to and from Fenchurch Street from or to any station on the railways of the Company shall at any time or times hereafter be altered and the Great Eastern Company shall be required to adopt such altered fares with respect to Bishopsgate Station then any question between the Great Eastern Company and the Company as to whether such altered fares are suitable or properly applicable to Bishopsgate Station shall if not agreed upon between the said two Companies be determined by arbitration as hereinafter provided: Provided further that if the Company require the Great Eastern Company to run any of the said trains as through trains between Liverpool Street and Barking under the provisions of this section the fares charged to passengers by such through trains and the division of such fares shall notwithstanding anything in this Act contained to the contrary be agreed on between the said two Companies or failing agreement as shall be determined by arbitration and in determining any such difference the arbitrator shall have regard to and make his award on the basis of the difference in the receipts to the Great Eastern Company which may arise by reason of the said trains being run as through trains and not as trains stopping at the intermediate stations and available for the local traffic of the Great Eastern Company and shall have regard to that circumstance only.

(E.) The Company shall pay to the Great Eastern Company for the running and working by the Great Eastern Company of the said trains between Forest Gate Junction and Barking an amount for every train mile run to be agreed on or failing agreement to be determined by arbitration.

(F.) The Company shall by means of the said trains carry the horse carriage and dog traffic to and from the undertaking of the Company from and to Stratford and Liverpool Street and the rates for horses carriages and dogs shall be such as shall be mutually agreed upon or in default of agreement as shall be determined by arbitration and the division of the receipts from such traffic shall be by mileage in accordance with the Clearing House regulations for the time being.

(G.) Any dispute between the Great Eastern Company and the Company with reference to the provisions of this section or arising thereout shall be determined by a single arbitrator to be agreed upon between the said two Companies or failing agreement to be appointed by the Board of Trade and the provisions of the Railway Companies Arbitration Act 1859 shall apply to any such arbitration.

Nothing in this section shall be so construed as to authorise any tolls rates or charges to be levied on any part of the Great Eastern Railway in excess of the maximum tolls rates and charges authorised by the Acts relating to the Great Eastern Company or on any part of the London Tilbury and Southend Railway in excess of those authorised by the Acts relating to the Company.

Tolls on traffic conveyed partly on Railway of Company and partly on Great Eastern Railway.

29. Where traffic is conveyed under the powers of this Act partly on the railway of the Company and partly on the railway of the Great Eastern Railway Company the railway of the Company and the railway of the Great Eastern Railway Company shall for the purposes of short distance tolls and charges leviable in respect of such traffic be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed under the powers of this Act partly on the railway of the Company and partly on the railway of the Great Eastern Railway Company for a less distance than four miles tolls and charges may only be charged as for four miles and in respect of passengers for every mile or fraction of a mile beyond four miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond four miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods under the powers of this Act partly on the railway of the Company and partly on the railway of the Great Eastern Railway Company.

For protection of sewers.

30. Where any of the 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

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the jurisdiction or control of the Metropolitan Board of Works (hereinafter called the Metropolitan Board) or of the Board of Works for the Whitechapel District (hereinafter called the District Board) or with any sewers or works to be made or executed by the said Boards or either of them or shall or may in any way affect the sewerage or drainage of the districts under their respective control the Company shall not commence such work until they shall have given to the engineer or surveyor of the Metropolitan Board or the District Board as the case may require twenty-one days' previous notice in writing of their intention to commence the same by leaving such notice at his office with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the Metropolitan Board or the District Board as the case may require shall have signified their approval of the same unless the Metropolitan Board or the District Board as the case may require do not signify their approval or 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 or District Board 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 the Metropolitan Board or the District Board shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by or by reason of the said intended works or any part thereof and shall save harmless the Metropolitan Board or the District Board as the case may require 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 Metropolitan Board or the District Board as the case may require and at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said Boards respectively or either of them may be put to by reason of such 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 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 and 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 Metropolitan Board or the District Board as the case may require 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 Metropolitan Board or the District Board or their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

As to tolls.

31. The Company may demand and take in respect of the railways by this Act authorised the same tolls and charges as they are authorised to receive for and in respect of the London Tilbury and Southend Railway as if they were part of that railway.

Company may apply their funds towards purposes of Act and may raise additional capital.

32. The Company may apply towards the construction of the railways by this Act authorised and other purposes of this Act any money which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the said moneys any additional sum or sums not exceeding in the whole one hundred and eighty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company.

Shares or stock not to vest until one-fifth part paid up.

33. No share or stock created under the authority of this Act shall be issued nor shall any such share or stock vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share or stock shall have been paid in respect thereof.

Receipt in case of persons not sui juris.

34. If any money is payable under this Act to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge.

As to votes of proprietors of new shares or stock.

35. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Power to borrow.

36. The Company may in respect of the additional capital of one hundred and eighty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole sixty thousand pounds but no part of the said sum shall be borrowed until shares for so much of the capital by this Act authorised as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the

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Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for so much of such capital as is to be raised by shares have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth of the amount of each such separate share therein has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such 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 and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators or assigns and also if the said capital is raised by shares that such persons or corporations or their executors administrators or assigns are legally liable for the same.

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.

Appointment of receiver.

37. Section 40 of the Act of 1882 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section. 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 ten thousand pounds in the whole.

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

Former mortgages to have priority.

39. All mortgages granted by the Company in pursuance of the powers of any former Act and subsisting at the time of the passing of this Act shall during the continuance of such mortgages 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 contained shall affect the priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

40. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act only or for the general purposes of the undertaking.

Providing for conversion of four and a quarter per cent. debenture stock.

41. The directors of the Company may at any time after the passing of this Act convene a meeting of the holders of four and a quarter per cent. debenture stock in the Company by a circular delivered or sent by post to the last known or registered address of each such holder not less than ten days previous to the meeting and such circular shall state the purpose for which the meeting is called and enclose a blank form of proxy with proper instructions for the use of the same and with the sanction of the holders present in person or by proxy of at least three-fourths of the debenture stock represented at the meeting the directors may convert all the then existing four and a quarter per cent. debenture stock of the Company into debenture stock bearing interest at the rate of four per cent. per annum which they are hereby authorised to create for the purpose. Upon the day upon which such conversion is to take effect every such holder of four and a quarter per cent. debenture stock shall have registered in his name such a nominal amount of four per cent. debenture stock as will yield to him an amount of interest equal to but not greater than the amount of interest yielded to him by the existing four and a quarter per cent. debenture stock then registered in his name and in lieu of which the four per cent. debenture stock may be substituted. And upon the creation of such last-mentioned stock the existing four and a quarter per cent. debenture stock shall be cancelled: Provided always that the Company shall not be bound to register fractions of a pound of such four per cent. debenture stock but may pay to the registered holder thereof such fractional part of a pound as but for this proviso he would have been entitled to have registered in his name in order to secure equality of exchange.

New certificates to be issued in exchange for old certificates.

42. The directors upon such conversions taking effect shall forthwith issue to every holder of the four and a quarter per cent. debenture stock so converted a certificate for and representing such an amount of the four per cent. debenture stock as such holder is entitled to under the foregoing provision: Provided always that until the issue of such new certificates the existing certificates of

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four and a quarter per cent. debenture stock and the holders thereof shall bear and possess the same rights and advantages as they would have had and possessed if this Act had not passed: Provided also that the directors shall not issue any new certificate unless and until the existing certificate in substitution for which it is issued is given up to be cancelled or is proved to the satisfaction of the directors to have been lost or destroyed. And the certificates so delivered up shall be cancelled.

Substituted debentures to be held on same trusts.

43. The debenture stock which under the powers of this Act may be created and issued in exchange for four and a quarter per cent. debenture stock shall remain and be vested in the person or persons to whom it is issued upon the same trusts and subject to the same powers provisions declarations agreements charges liens and incumbrances as at the time of the issue thereof affect the stock in substitution for which the four per cent. debenture stock is so issued and so as to give effect to and not revoke any testamentary or other disposition of or affecting the same. And the bequest of any specified amount of four and a quarter per cent. debenture stock shall be held to apply to that amount of four per cent. debenture stock increased by one-sixteenth. And trustees executors or administrators and other incapacitated persons may accept such debenture stock in substitution or exchange for the four and a quarter per cent. debenture stock theretofore held by them and may retain dispose of or otherwise deal with the same in all respects as they might have retained disposed of or otherwise dealt with the four and a quarter per cent. debenture stock for which it is substituted.

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

44. 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.

Terminal charges (if any) to be specified on application.

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 railway 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 railway shall be distinguished from the terminal

charges if any but if any terminal charge is included in such account the nature and detail of such terminal expenses in respect of which it is made shall be specified.

Penalty.

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 the Regulation of Railways Act 1873 (section 14).

Interest not to be paid on calls paid up.

45. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend 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.

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

46. 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 to execute any other work or undertaking.

Provision as to general railway Acts.

47. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways 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 and charges or of the rates for small parcels.

Costs of Act.

48. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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