CHAPTER CXXXV.

An Act to confer further powers on the London Tilbury and Southend Railway Company. [14th July 1884.]

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WHEREAS by the London Tilbury and Southend Railway Act 1882 (in this Act called "the Act of 1882") the London Tilbury and Southend Railway Company (in this Act called "the Company") were authorised amongst other things to make and maintain a railway (therein described as "Railway No. 3 (the Whitechapel Goods Branch)") and by the same Act the Company were empowered to purchase and take a large area of land with houses and buildings thereon on either side of the said railway partly in the parish of St. Mary Whitechapel and partly in the parish of St. George-in-the-East in the county of Middlesex and to use the same for stations and siding purposes and for providing yards warehouses and other accommodation:

And whereas the Company have acquired or are in course of acquiring the said lands houses and buildings with the view of constructing the said railway on the site thereof in connexion with stations sidings yards warehouses and other accommodation:

And whereas the Act of 1882 (section 26) contained various special provisions with reference to the said railway and the manner in which certain streets or passages upon or bounding the said lands should be dealt with:

And whereas by the London Tilbury and Southend Railway Act 1883 (in this Act called "the Act of 1883") further provisions were made with reference to some of the said thoroughfares:

And whereas by the Act of 1882 (section 26) the Company are under obligation to make a new street from Lambeth Street to Back Church Lane and so to carry the said railway over the said new street as to leave a headway throughout of not less than sixteen feet And the Company cannot provide that headway without varying the level of the said railway to a greater extent than they are authorised to do under the Act of 1883:

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And whereas it is expedient that the Company should be empowered in constructing the said railway to alter the level thereof and that further provisions should be made with regard to the utilisation of the said lands by the Company and with reference to the said streets and thoroughfares:

And whereas it is also expedient that provisions should be made;

For empowering the Company to raise additional capital;

For conferring upon the Company further powers with reference to the ferries or communications across the River Thames between Tilbury and Gravesend;

And generally for the other purposes of this Act:

And whereas a section showing the proposed level of the Railway No. 3 authorised by the Act of 1882 and plans of the lands houses and other property which may be acquired under 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 Middlesex and Essex and are herein-after respectively referred to as the deposited plans section and books of reference:

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 1884.

Incorporation of general Acts.

2. 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 as amended by the Lands Clauses (Umpire) Act 1883 (so far as they are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act.

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 nonpayment 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. 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 clerks" and "clerks of the several parishes" in section 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and for the purposes of this Act mean as regards the parish of St. Mary Whitechapel the clerk of the district board for the district in which the said parish is included and as regards the parish of St. George-in-the-East the vestry clerk of that parish.

Alteration of powers relating to Whitechapel Goods Branch and lands.

6. For the purpose of constructing the Railway No. 3 (Whitechapel Goods Branch) authorised by the Act of 1882 and of utilising the lands which under that Act they are authorised to acquire for the purposes thereof the Company may exercise the following powers subject to and in accordance with the following provisions:—

(1.) They may construct the said railway at the level shown on the deposited section instead of at the level shown on the deposited sections referred to in the Act of 1882;

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(2.) They may stop up appropriate and use for stations sidings and other purposes the site of the passage known as Jones' Buildings;

(3.) They may also stop up appropriate and use the site of Gowers Row as shown on the deposited plans when and so far as they shall have purchased the lands abutting on each side thereof;

(4.) They shall provide at the northern end of Mill Yard shown on the deposited plans a space not less than sixty feet in diameter in order to permit the turning of waggons there;

(5.) They may stop up and extinguish all rights of way over the footpath leading by the south side of the German Chapel from Gowers Row to Hooper Square as shown on the deposited plans;

(6.) They may either erect warehouses and other buildings upon the said lands or any part thereof and either over or in connexion with or separate from their railway and station or may enter into agreements with any company person or persons for the erection of such warehouses and buildings and may from time to time hold the same as part of their undertaking and may demise or lease the same or any of them or any part thereof for any term or terms of years;

(7.) The Company shall not use for siding purposes the portion of the said lands which will be required for the new street from the southern end of Lambeth Street to Back Church Lane mentioned in section 26 of the Act of 1882 except to the following extent:—

They may lay across and on the level of those lands not exceeding two lines of rails which shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the road and shall be kept in repair by and at the expense of the Company from time to time to the reasonable satisfaction of the surveyor for the time being of the board of works for the Whitechapel District:

Provided always that the use of the said rails shall be exercised subject to and in accordance with the following regulations (that is to say):—

(*a.*) The Company shall not use any other than animal power for moving carriages and waggons across the said street and shall not allow more than one carriage or waggon at a time and with only one horse to be taken across the said street and shall not allow any carriage or waggon to stand on any crossing:

(*b.*) During the time that any crossing shall be used by the Company there shall be a signalman maintained by them at or near the corner of the said street and it shall be the duty of such signalman when any cart or carriage approaches from either side to the portion of the street crossed to give warning thereof by effectual signals to the officers and servants of the Company so as to prevent the crossing of the street by means of the said rails until such cart or carriage shall have passed it being the intent and meaning of this condition that the carts and carriages passing along the said street shall at all times have precedence over the traffic of the railway using the crossing.

For protection of the Metropolitan Board of Works.

7. For the protection of the Metropolitan Board of Works the following provisions shall have effect that is to say—

Railway No. 3 (Whitechapel Goods Branch) shall be carried across Back Church Lane by a flat girder bridge having throughout a single span the full width of that street:

Section 31 (prohibiting placards and advertisements) of the Act of 1882 shall extend and apply to the Company in relation to all and every the works by this Act authorised within the metropolis. But this provision shall not prevent the exhibition on the exterior of any warehouses or other buildings used for warehouse purposes erected under the powers of this Act of placards giving information to the public as to the traffic of the Company or as to the business carried on by the occupiers of such warehouses.

Power to purchase additional lands.

8. 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. :—

Lands in the parish of West Ham in the county of Essex on both sides of the railway of the Company and adjoining their Plaistow Station on the western side thereof.

And they may use for laying additional rails and for railway purposes the site of an occupation road adjoining and on the northern side of their railway near the said Plaistow Station at the point where the northern main outfall sewer of the Metropolitan Board of Works crosses the said railway and may use for the same purposes the archway by means of which the said sewer is carried over the said occupation road.

Saving the rights of the West Ham

Provided always that nothing in this Act contained shall limit or affect the powers conferred on the Great Eastern Railway Company

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Local Board and Great Eastern Railway Company.

to make execute and maintain the widening and improvement of their North Woolwich Branch Railway authorised by section 7 (sub-section 3) of the Great Eastern Railway Act 1882 or to divert Manor Road as authorised by the Great Eastern Railway Acts 1882 and 1883 or either of them.

Stopping rights of crossing railway at certain points.

9. The Company may extinguish and stop up all rights of way over so much of the following roads as now cross the railway of the Company on the level, viz.:—

(1.) So much of the occupation road crossing the Company's railway in the parish of Chadwell St. Mary immediately to the northward of the Tilbury Station as is shown on the plan signed by Sir Joseph Bailey the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred: Provided that they shall not stop up the same occupation road or any part thereof until there shall have been completed in substitution therefor by and at the expense of the Company the new road also shown upon the said plan which road shall from and after its completion be maintained by and at the expense of the Company:

(2.) The occupation road known as the Bell House Manor Way dividing the parishes of Grays Thurrock and Little Thurrock in the county of Essex between the Grays and Tilbury Stations: Provided that before stopping up any part of the said occupation road the Company shall complete a bridge for carrying the said Bell House Manor Way over the railway. The said bridge shall be constructed with a clear width throughout of not less than fourteen feet between the parapets thereof and the approaches thereto so far as they shall be constructed by the Company shall be of a clear width of not less than twenty feet and the surface of the roadway over the said bridge shall not be more than sixteen feet above the level of the rails and the inclination of the approaches thereto shall not be steeper than one in twenty:

(3.) The occupation road on the east side of the said main outfall sewer near Plaistow Station.

Period for compulsory purchase of lands.

10. 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 two years from the passing of this Act.

For the protection of the sewers of the West Ham Local Board, &c.

11. The following provisions shall apply and take effect for the protection of the sewers of the West Ham Local Board—

(*a.*) Where under the powers of this Act any railway viaduct or other work by this Act authorised shall cross any sewer vested

in or subject to the supervision or control of the West Ham Local Board every such railway viaduct or work over such sewer and to a reasonable extent on either side thereof shall be constructed and maintained by the Company at their own cost to the reasonable satisfaction of the surveyor for the time being of the said West Ham Local Board:

(*b.*) The Company shall pay to the said West Ham Local Board any damages costs charges or expenses which the said West Ham Local Board may be compelled to pay 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 occur either during or after the construction or incident upon the maintenance alteration or repairing of such works) or in or by the user thereof and all moneys paid by the said West Ham Local Board on account of any such damages costs charges or expenses shall be repaid to the said West Ham Local Board by the Company on demand and in default thereof may be recovered summarily by the said West Ham Local Board from the Company:

(*c.*) If any difference shall arise between the Company and the said West Ham Local Board or between the Company and the surveyor for the time being of the said West Ham Local Board touching the construction and maintenance of the works under the foregoing provisions of this Act or any of them the same shall be from time to time referred to and determined by an engineer to be agreed upon by the Company and the said West Ham Local Board or failing agreement by an engineer to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the decision of such engineer shall be final binding and conclusive on all parties and the costs of the reference shall be in the discretion of the said engineer.

Power to take easements &c. by agreement.

12. 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.

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

13. The Company may apply towards the purposes of this Act any moneys 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 also 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 fifty 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.

14. 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.

15. 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.

16. 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.

17. The Company may in respect of the additional capital of one hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole fifty 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 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 to the extent aforesaid 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.

18. Section 37 of the Act of 1883 with respect to the appointment of a receiver on the application of 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.

19. 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.

20. 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.

21. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only for the purposes of this Act or for the general purposes of the undertaking being in all cases purposes to which capital is properly applicable.

As to working of Ferries across the Thames.

22. If and when the Company acquire the Gravesend Town Pier it shall be lawful for them to work the ferries mentioned in the

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London Tilbury and Southend Railway Act 1880 (sections 15 and 16) to and from the said pier as well as to and from the other places in the parishes of Gravesend and Milton next Gravesend to or from which they are or may be authorised to work the said ferries or either of them.

Interest not to be paid on calls paid up.

23. 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.

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

24 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.

25. 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.

26. 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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