CHAPTER lxxxvi.

An Act to confer further powers on the London Tilbury and Southend Railway Company with respect to their own and other undertakings and with respect to their Boats To authorise the abandonment of their authorised junction with the Metropolitan Outer Circle Railway and for other purposes. [16th July 1885.] A.D. 1885.

WHEREAS it is expedient that the London Tilbury and Southend Railway Company (in this Act called "the Company") should be empowered for the purposes of their undertaking to acquire additional lands in the parishes of West and East Ham and Leigh in the county of Essex and to extinguish certain rights of way over their railway on the level at points in this Act specified.

And whereas the Company are possessed of a reservoir well and springs mains and pipes in the parishes of East Tilbury West Tilbury and Chadwell Saint Mary in the county of Essex within the district which the South Essex Waterworks Company are empowered to supply with water and it is expedient that the Company on the one hand and the South Essex Waterworks Company on the other hand should be empowered to enter into and carry into effect an agreement or agreements as to the acquisition thereof by the South Essex Waterworks Company.

And whereas by the Act of 1883 the Company were empowered to construct a railway described as Railway No. 4 on the plans deposited for the purpose of that Act in order to form a junction with the railways authorised by the Metropolitan Outer Circle Railway Act 1882.

And whereas the Metropolitan Outer Circle Railway Company have been unable to proceed with their authorised undertaking and are seeking powers for the abandonment thereof and it is expedient that the Company should be empowered to abandon the construction of the said railway described as Railway No. 4.

A.D. 1885.

And whereas by the London Tilbury and Southend Extension Railway Act 1852 (herein-after called "the Act of 1852") and the London Tilbury and Southend Railway (Steamboats) Act 1875 (herein-after called "the Act of 1875") the Company have power to build construct navigate use maintain and work steamboats for the purpose of crossing the River Thames at points therein described and whereas the Company work two ferries between the parishes of West Tilbury and Chadwell in the county of Essex and Gravesend and Milton-next-Gravesend in the county of Kent of which ferries one is owned by and the other is leased to the Company and it is expedient that further powers should be conferred on the Company as regards the purposes for which such boats may be used.

And whereas plans showing the lands intended to be taken under the powers of 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 said lands were duly deposited with the clerk of the peace for the county of Essex and are herein-after respectively referred to as the deposited plans and books of reference.

And whereas it is expedient that other powers be granted to the Company as herein-after 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 1885.

Incorporation of general Acts.

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

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Commonable Rights Compensation Act 1882 and the Lands Clauses (Umpire) Act 1883.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts 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 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.

Power to purchase additional land.

4. Subject to the provisions of this Act the Company may purchase and take for purposes of or connected with their undertaking the lands herein-after described so far as the same are shown on the deposited plans and described in the deposited books of reference:

(*a.*) Lands in the parish of West Ham in the county of Essex adjoining the Plaistow Station of the Company and bounded on the north by land recently purchased by the Company on the south side of their railway and on the west by the Northern Main Outfall Sewer of the Metropolitan Board of Works: Provided that notwithstanding anything contained in this Act the Company shall not purchase or take any portion of the land street and road shown by the colour pink on the plan signed in duplicate by Lewis Angell on behalf of the West Ham Local Board and Arthur Lewis Stride on behalf of the Company and deposited in the principal offices of the said local board and the Company.

(*b.*) Lands in the parish of East Ham in the county of Essex on the southern side of their railway near and to the westward of East Ham Station.

(*c.*) Lands in the parish of Leigh in the county of Essex situate on both sides of their railway on the eastern side of their station at Leigh.

The Company may stop up and extinguish all rights of crossing their railway on the level at the crossing thereof immediately to the south-east of the Bell Inn: Provided that unless the Company have purchased or acquired either so much of the said lands in the parish of Leigh as is situate on the north side of their railway or so much thereof as is situate on the south side of their railway the Company shall make compensation to any person entitled to exercise any such right for all loss or damage which he may sustain by reason of the stopping up and extinction thereof: And the amount of such compensation if not agreed between the Company and such person shall be determined subject to and in accordance with the provisions of the Lands Clauses Consolidation Act 1845 with respect to the settlement of questions of disputed compensation as if the said rights stopped and extinguished by the Company under the powers of this section had been lands taken by them under the powers of this Act.

A.D. 1885.

For protection of the Whitechapel District Board.

5. 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.) The Company may arch over with the bridge or viaduct by which the railway and works shall be carried over the new street mentioned in section 26 of the Act of 1882 the whole of such street where the same lies between Lambeth Street and Gower's Walk leaving a clear headway throughout of not less than sixteen feet above the level of the street.

(2.) The Company shall at all times efficiently light and watch by day and by night so much of the said new street as shall be covered over by the railway and works of the Company.

(3.) The Company shall provide for the efficient ventilation of the said new street where so covered.

(4.) The Company shall if so required by the Whitechapel District Board paint white and from time to time as occasion may require repaint the walls and roof of the viaduct over the said new street.

(5.) Any works constructed over the said new street 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 Acts of 1882 1883 and 1884.

(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 Board of Trade and the costs of the reference shall be borne as he shall direct.

(9.) Nothing in this Act contained shall authorise the Company to stop up or extinguish rights of way over more of Gower's Row or Mill Yard than they are by the Act of 1884 authorised to stop up and extinguish rights of way over or shall alter or

affect the provisions contained in section 6 of that Act as to providing a turning place at the northern end of Mill Yard.

For protection of the East London Waterworks Company.

6. If the Company interfere with any mains pipes services or other works of the East London Waterworks Company they shall be subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to the mains pipes services and works of water companies which provisions for this purpose shall be incorporated with and form part of this Act and shall apply to such interference as if the taking of lands by this Act authorised were the construction of a railway.

Stopping footpath at Hornchurch.

7. The Company may stop up the footpath in the parish of Hornchurch shown on the deposited plans of Railway No. 1 (Barking to Pitsea) authorised by the Act of 1882 which footpath crosses the said railway at the distance marked on the said plans 6 miles 59 chains from the commencement of the said railway and may extinguish all rights of way over the same footpath so far as it now crosses the railway and property of the Company: Provided that before stopping up the same they shall complete and throw open for public use a substituted footpath from the point of intersection of the existing footpath with the railway on the north side of the line to the public road known as Hacton Lane.

Period for compulsory purchase of land.

8. 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.

Abandonment of railway.

9. The Company may and shall abandon the making of the Railway No. 4 authorised by section 6 of the London Tilbury and Southend Railway Act 1883 and on and after the passing of this Act the Company shall except only as is by this Act otherwise expressly provided be absolutely freed from all obligation with respect to the making and maintaining of the said Railway No. 4.

Compensation for damage to land by entry.

10. The abandonment of the said Railway No. 4 by the Company under the authority of this Act shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of Railway No. 4 and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of

A.D. 1885.

the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1883.

Compensation for non-completion of purchase.

11. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said Railway No. 4 authorised by the Act of 1883 or any portion thereof the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Agreement with South Essex Waterworks Company for sale of certain property.

12. The Company on the one hand and the South Essex Waterworks Company on the other hand may enter into and carry into effect an agreement or agreements for selling by the Company to the South Essex Waterworks Company the reservoir well and springs of the Company at Low Street in the parish of East Tilbury in the county of Essex and also all the rights powers property easements and privileges of the Company connected with or with reference to the said reservoir well and springs or some part or parts thereof for such price as from such date and on such terms and conditions as may be agreed upon between them:

Provided always that within three months from the date of any sale the South Essex Waterworks Company shall produce to the Commissioners of Inland Revenue a deed of conveyance duly stamped and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of sale to the date of payment shall be recoverable from the South Essex Waterworks Company with full costs of suit and all costs and charges attending the same.

As to use of boats.

13. From and after the passing of this Act it shall be lawful for the Company to use any boats (navigated and worked by them under the powers of the Acts of 1852 and 1875) for the conveyance of passengers animals goods and other articles matters and things in connexion with their railway undertaking between any pier or landing-place of the Company and any vessel lying in the River Thames in or between the parishes of West Tilbury and Chadwell

in the county of Essex and Gravesend and Milton-next-Gravesend in the county of Kent and also between the said pier or landing-places and any pier or landing-place within the estuary of the River Thames: But nothing in this section shall empower the Company to use any pier or landing-place belonging to or under the control of the Conservators of the River Thames otherwise than in accordance with the byelaws and regulations of the said Conservators and the directions of their officers and servants and upon payment of such tolls and charges as are from time to time leviable at any such pier or landing-place in respect of such vessels.

Provisions as to carriage of mails by steamers.

14. Without prejudice to any provisions in favour of the Postmaster General contained in the Post Office (Parcels) Act 1882 the Company shall perform the following services with regard to the conveyance of Her Majesty's mails by any vessels owned or worked by the Company (that is to say) :—

(1.) The Company shall render all such services and be liable to fulfil all such obligations as are specified in any of the following Acts viz. the Act passed in the first and second years of the reign of Her present Majesty (chapter 98) intituled An Act to provide for the conveyance of the mails by railways in this Act referred to as the Conveyance of Mails by Railway Act 1838 the Post Office (Duties) Act 1847 and the Regulation of Railways Act 1868 so far as such services and obligations may be performed and fulfilled in relation to vessels.

(2.) The Company shall convey by any vessel all such mails as may be tendered for conveyance by such vessel whether such mails be under the charge of a guard appointed by the Postmaster General or not and notwithstanding that no notice in writing requiring mails to be conveyed by such vessel has been given to the Company by the Postmaster General.

(3.) The Railway Company shall afford all reasonable facilities for the receipt and delivery of mails at any of the places at which any vessel shall depart call or arrive without requiring them to be booked or interposing any other delay.

(4.) Where the mails are in charge of a guard appointed by the Postmaster General the Company shall permit such guard if he think fit to receive and deliver them at any place at which any vessel shall depart call or arrive by himself or his assistants rendering him nevertheless such aid as he may require.

(5.) The Company shall be entitled to reasonable remuneration for any services performed by them in pursuance of this Act with respect to the conveyance of mails and such remuneration shall be paid by the Postmaster General.

A.D. 1885.

(6.) Any difference between the Postmaster General and the Company as to the amount of such remuneration or as to any other question arising under this Act shall be decided by arbitration in manner provided by the Conveyance of Mails by Railway Act 1838 or at the option of the Company by the Railway Commissioners or in the event of the Railway Commission ceasing to exist by the body or tribunal if any which may be substituted for it but in ascertaining the amount of such remuneration, any parcels conveyed by any vessel shall not be taken into account and any payment made by the Postmaster General to the Company shall not be considered to be in discharge or diminution or on account of any remuneration moneys or share of receipts to which the Company may be entitled under the Post Office (Parcels) Act 1882.

(7.) In this Act the term "mails" includes mail bags and post letter bags.

Restrictions as to houses of labouring classes.

15. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any one parish or urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

Provision as to general Railway Acts.

16. 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.

17. 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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