CHAPTER clxxvi.

A.D. 1898.

An Act to enable the London Tilbury and Southend Railway Company to construct works and purchase additional lands for the improvement of their undertaking to subscribe towards the undertaking of the Whitechapel and Bow Railway Company or to guarantee interest on the capital of that Company and to make other provisions with respect to the use by the Tilbury Company of the London and Blackwall Railway and stations thereon and for other purposes.

[2nd August 1898.]

WHEREAS it is expedient that the London Tilbury and Southend Railway Company (in this Act called "the Tilbury Company") should be empowered to make and maintain the works described in this Act:

And whereas the Tilbury Company require additional capital for the purposes of this Act and in connexion with their authorised undertaking and it is expedient that powers should be conferred upon the Tilbury Company to raise additional capital and that further powers should be conferred upon the Tilbury Company such as are herein-after mentioned:

And whereas the Tilbury Company require to take additional lands for the purposes of their undertaking:

And whereas plans and sections showing the line and levels of the works authorised by this Act and plans of the additional lands which may be taken under this Act and also a book 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 deposited with the clerk of the peace for the county of Essex and are herein-after respectively referred to as the deposited plans sections and book of reference:

A.D. 1898.

And whereas previously to the year 1862 the railway from West Ham to Tilbury and Southend in the county of Essex with certain piers and works connected therewith (which under the Acts hereafter mentioned now forms part of the undertaking of the London Tilbury and Southend Railway Company) had been constructed by the Eastern Counties (now Great Eastern) Railway Company and the London and Blackwall Railway Company:

And whereas the object with which the Southend Extension Railway was constructed was to provide communication between on the one hand Southend Tilbury and adjacent places and on the other hand the London and Blackwall Railway with its terminus at Fenchurch Street and the Eastern Counties Railway with its terminus at Bishopsgate Street respectively:

And whereas questions arose under the Act of 1862 between the Tilbury Company on the one hand and the said two companies on the other hand as to the nature and extent of the rights of the Tilbury Company under the said Act and otherwise of running into and using the railways and termini respectively:

28 & 29 Vict. c. c.

And whereas having regard to the increased power and control from time to time obtained by the Great Eastern Company over the London and Blackwall Railway of which pursuant to the London and Blackwall Railway Lease Act 1865 they became lessees for the term of nine hundred and ninety-nine years it became necessary for the Tilbury Company on the termination of a lease to Messieurs Peto Brassey and Betts which expired in 1875 to obtain some further security with respect to their traffic over the London and Blackwall Railway to Fenchurch Street and an agreement dated the 1st June 1876 was made between the Great Eastern Railway Company and the Tilbury Company which contains provisions with regard to running powers over the London and Blackwall Railway in substitution for the doubtful powers under the London Tilbury and Southend Extension Railway Act 1852 and it was provided by the said agreement that "in substitution for their powers if any under "the Act fifteen Victoria chapter eighty-four with regard to traffic "from or to the Tilbury and Southend Railway over the London "and Blackwall Railway the Tilbury Company shall from the first "of July one thousand eight hundred and seventy-five during the "continuance of the existing lease of the last-mentioned railway by "the London and Blackwall Railway Company to the Great Eastern "Company (which is for the term of nine hundred and ninety-nine "years from the first day of January one thousand eight hundred "and sixty-six) and during the continuance of such further term or

15 & 16 Vict. c. lxxxiv.

A.D. 1898.

" estate (if any) as the Great Eastern Company may acquire in " the said railway exercise running powers over the London and " Blackwall Railway between Gas Factory (Tilbury Line) Junction " and the Fenchurch Street Station for traffic on the terms and " conditions herein-after set forth" :

And whereas the said agreement was at once acted upon and the Tilbury Company have since that date under the provisions of the said agreement exercised running powers over the whole of the said portion of the London and Blackwall Railway on payment of a certain rent as fixed by the said agreement for accommodation at Fenchurch Street Station and certain tolls in respect of the use of the said railway and the said agreement contains no limitation as to the amount of the traffic in respect of which the Tilbury Company are to exercise such running powers :

45 & 46 Vict. c. cxliii.

And whereas by the London Tilbury and Southend Railway Act 1882 the Tilbury Company were empowered amongst other things to construct a certain railway therein described as Railway No. 3 with the object of accommodating thereon the general goods traffic of the Tilbury Company and also traffic from the East and West India Docks expected to arise under a certain agreement then in contemplation And it was provided (section 33) that "If at any time after the " passing of this Act the Company shall desire to convey over the " London and Blackwall Railway for the purpose of giving effect " to any proposed agreement with the East and West India Dock " Company or to Railway No. 3 by this Act authorised an amount " of traffic greater than that conveyed by them over the London and " Blackwall Railway before the passing of this Act and an amount " which in the opinion of the Company or the Great Eastern Railway " Company cannot be properly and safely conveyed over the London " and Blackwall Railway without the construction of additional " works thereon it shall on the application of the Company or the " Great Eastern Railway Company be referred to arbitration to " determine whether the widening of the London and Blackwall " Railway or any part thereof or any additional works connected " therewith are required in order that such traffic may be properly " and efficiently carried over that railway having reference to " the amount of traffic on the London and Blackwall Railway " existing at the time such application is made by either of the " said companies to refer the matter to arbitration And if it shall " be determined that any such widening or additional works be " necessary then it shall be determined by arbitration as between " the Company and the Great Eastern Railway Company what " additional payments having regard to all the circumstances of

A.D. 1898.

" the case which may be reasonably considered in reference to the " question in dispute shall be made by the Company to the Great " Eastern Railway Company either by way of additional toll or " rent for such additional accommodation and the arbitrator shall " fix the minimum amount to be paid as aforesaid by the Company " to the Great Eastern Railway Company for such additional " accommodation and the said Company shall give effect to any " such determination Any arbitration under this section shall be
22 & 23 Vict. c. 59. " in accordance with the Railway Companies Arbitration Act 1859 " and the arbitrator shall allow a reasonable time to make the " additional works required including the time which may be " required for any necessary application to Parliament":

And whereas in the year one thousand eight hundred and eighty-four the Great Eastern Company gave notice to the Tilbury Company that having referred to the provisions of the said section 33 they considered that the London and Blackwall Railway should be widened by the construction of an additional line of rails from Stepney Junction to Fenchurch Street and suggested that if the Tilbury Company concurred in this view the two companies should take steps to dispense with the holding of the arbitration as to works referred to in the said section 33 leaving the question of additional payments to be made by the Tilbury Company by way of additional toll or rent to be settled by arbitration thereafter in case of dispute:

And whereas the Tilbury Company agreed to dispense with the said arbitration:

And whereas in the year one thousand eight hundred and eighty-five the Great Eastern Company and the London and Blackwall Company applied to Parliament for powers to widen the London and Blackwall Railway:

And whereas section 47 of the London and Blackwall Railway Act 1885 is as follows:—

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

A.D. 1898.

And whereas the time limited for the construction of the works authorised by the London and Blackwall Railway Act 1885 being the reasonable time allowed by arrangement in lieu of the reasonable time which was to be fixed by the arbitrator under the provisions of section 33 of the Act of 1882 expired in the year one thousand eight hundred and ninety but the Great Eastern Company and the London and Blackwall Company found it necessary to apply for an extension of time for the completion of such works:

And whereas the Tilbury Company upon being applied to for their consent to the extension of time desired by the Great Eastern Company and London and Blackwall Company assented thereto upon the terms of an agreement entered into with the Great Eastern Company that such extension of time should not prejudice the position of either the Tilbury Company or the Great Eastern Company in reference to the arbitration under the said section 33:

And whereas the works under the Act of 1885 were not open for traffic until the month of July one thousand eight hundred and ninety-six and at that time the Great Eastern Company had placed a considerable amount of further traffic upon the said railway:

And whereas the question of the amount to be paid by the Tilbury Company under section 33 by way of additional toll or rent for the additional accommodation afforded to them by the construction of the additional works came before the Railway and Canal Commissioners sitting as arbitrators on the sixteenth day of July one thousand eight hundred and ninety-seven whereupon after a preliminary discussion certain questions of detail were referred to Sir Benjamin Baker for his report:

And whereas it is expedient that the said sections should be rectified and amended:

And whereas the said Sir Benjamin Baker duly made his report dated the fourth day of May one thousand eight hundred and ninety-eight for the consideration of the court of the Railway and Canal Commission:

And whereas by the Whitechapel and Bow Railway Act 1897 a railway was authorised to be made between Whitechapel and Bow in the county of London commencing by a junction with the Metropolitan District Railway and terminating by a junction with the railway of the Tilbury Company and powers were contained in the said Act for the Company on the one hand and the Metropolitan District Railway Company and the Tilbury Company or either of them on the other hand to enter into agreements with respect to the use and working of the railway authorised by the said Act and other matters in connexion therewith: 60 & 61 Vict. c. cclvii.

A.D. 1898.

And whereas pending a final settlement of the questions between the Tilbury Company and the Great Eastern Company under the said recited sections 33 and 47 the Tilbury Company have been unable to complete the necessary arrangements connected with the Whitechapel and Bow Railway and the construction thereof has remained in abeyance:

And whereas it is expedient that powers should be conferred upon the Tilbury Company to subscribe towards the undertaking of the Whitechapel and Bow Railway Company subject to and in accordance with the provisions set forth in this Act:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and 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 1898.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where the same are expressly varied by this Act) incorporated with and form part of this Act namely:—

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845; and

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

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 any subsequent Act 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 expressions "the Company" or "the Tilbury Company" mean the London Tilbury and Southend Railway Company ;

The expressions "the railway" or "the railways" mean the works by this Act authorised.

Power to make works.

5. Subject to the provisions of this Act the Tilbury Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the works herein-after described with all proper 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 book of reference as may be required for those purposes :

The Tilbury Company may—

(*a*) Lengthen the bridge in the county borough and parish of West Ham carrying the road from West Ham to Plaistow over the Tilbury Company's railway immediately to the eastward of Plaistow Station and alter the approach to the bridge on the northern side thereof the alteration commencing at a point $7\frac{1}{2}$ chains or thereabouts northwards from a point over the centre of the Tilbury Company's railway and terminating on the southern side thereof at a point 40 feet or thereabouts southward from the said point over the centre of the Tilbury Company's railway ;

(*b*) Remove the existing staircase in the said county borough and parish leading from the said road to the footpath along the northernmost side of the Tilbury Company's railway at Grafton Road and stop up the said footpath and substitute therefor a new access and footpath from the point where the lengthening of the said bridge is herein-before described as terminating to a point in Grafton Road opposite Willow Grove ;

(*c*) Lengthen the bridge in the county borough and parish of West Ham carrying the Pelly Road over the Tilbury Company's railway and alter the approaches to the said

A.D. 1898.

bridge on both sides thereof commencing in the said road on the northern side of the railway 1 chain or thereabouts from a point over the centre of the Tilbury Company's railway and terminating on the southern side at a point 2 chains or thereabouts southward from the centre of the Tilbury Company's railway;

(*d*) Lengthen the bridge in the said county borough and parish of West Ham carrying Carter Road over the Tilbury Company's railway extending from a point over the centre of the Tilbury Company's railway to a distance of 1 chain or thereabouts northward and 1 chain or thereabouts southward thereof;

(*e*) Lengthen the bridge situate partly in the said county borough and parish of West Ham and partly in the parish of East Ham carrying Green Street over the Tilbury Company's railway and alter the approaches to the said bridge commencing 2 chains or thereabouts northward from a point over the centre of the Tilbury Company's railway and terminating at a point $1\frac{1}{2}$ chains or thereabouts southward from the centre of the Tilbury Company's railway;

(*f*) Lengthen the bridge in the parish and urban district of East Ham in the county of Essex carrying the Plashet Lane over the Tilbury Company's railway extending from a point over the centre of the Tilbury Company's railway to a distance of 55 feet or thereabouts northward and 55 feet or thereabouts southward thereof;

(*g*) Lengthen the bridge in the said parish of East Ham carrying the Katherine Road over the Tilbury Company's railway and alter the approaches to the said bridge commencing at a point 1 chain or thereabouts northward from a point over the centre of the Tilbury Company's railway and terminating at a point $1\frac{1}{2}$ chains or thereabouts southward from the centre of the Tilbury Company's railway;

(*h*) Lengthen the bridge in the said parish of East Ham carrying the High Street North over the Tilbury Company's railway and alter the approaches to the said bridge commencing on the northern side of the railway $1\frac{1}{2}$ chains or thereabouts from a point over the centre of the Tilbury Company's railway and terminating on the southern side $3\frac{1}{4}$ chains or thereabouts from the centre of the Tilbury Company's railway;

(*i*) Remove or alter the bridge carrying the road between Ilford and East Ham and known as White Post Lane in

the said parish of East Ham over their Forest Gate branch railway and lengthen the said bridge or construct instead thereof a new and widened bridge and alter the approaches to the said bridge commencing on the northern side of the railway at a point in White Post Lane 1 chain or thereabouts from the centre of the said branch railway and terminating in White Post Lane at a point $3\frac{1}{4}$ chains or thereabouts southward of the centre of the said branch railway for the purpose of enabling the Tilbury Company to carry their sidings beneath the said road between the land belonging to them on either side thereof and close the said bridge if altered to traffic during the alteration;

(*j*) Lengthen the bridge carrying the Bridge Road Grays in the parish and urban district of Grays Thurrock in the county of Essex over the Tilbury Company's railway situate about 30 chains to the eastward of Grays Station and alter the approaches to the said bridge commencing on the northern side 1 chain or thereabouts extending from a point over the centre of the Tilbury Company's railway and terminating on the southern side at a point 1 chain or thereabouts from the centre of the Tilbury Company's railway.

As to certain roads and bridges in West Ham and East Ham.

6. In executing the works referred to in subsections (*a*) (*c*) (*d*) (*e*) (*f*) (*g*) (*h*) and (*i*) of the last preceding section—

(1) The Company shall widen the bridges and approaches thereto within the meaning of section 46 of the Railways Clauses Consolidation Act 1845 to the width of forty feet between the parapets except in the case of Green Street partly in West Ham and partly in East Ham and High Street North in East Ham which shall be made of a width of forty-five feet:

Provided that the Company shall not be required or compellable under this section to widen the said approaches further than they are able to do upon land already belonging to or acquired by them under the provisions of this Act unless the corporation of West Ham or the urban district council of East Ham within their respective districts shall provide the and required for the purpose:

(2) The Company shall construct and make up with footpaths properly kerbed paved and channelled the roads over and the approaches to the said bridges so far as they require to alter the same with the best gradients reasonably practicable in the circumstances and the corporation of West Ham and the urban district council of East Ham shall thereafter maintain and repair

A.D. 1898.

the said roads over the said bridges and the approaches thereto at their own cost respectively:

(3) The Company shall seven days before any one of the said works is commenced deliver to the said corporation or the said council as the case may be a plan of such work:

(4) If the said corporation or the said council so require the Company shall pave the said roads and approaches with stone blocks to the satisfaction of the corporation or the council as the case may be and the corporation or the council as the case may be shall thereupon become liable for and shall repay to the Company two thirds of the cost incurred by the Company in giving effect to such requirement:

(5) If any further widening of any of the said bridges and approaches is required to be done by the said corporation or urban district council the same shall be done by the Company at the cost of the corporation or urban district council requiring the same:

(6) Unless otherwise agreed between the Company and the corporation or the Company and the council as the case may be the time during which the existing roads shall be interrupted and interfered with by the reconstruction of each of the said bridges shall not exceed twelve months from the commencement thereof And the Company shall not for the purpose of reconstructing any of the said bridges stop the traffic on more than one half of the roadway thereof respectively Provided that the bridge at White Post Lane East Ham may be closed for a period of not exceeding three months so long as a bridge known as the "Little Ilford Road Bridge" is open for traffic:

(7) If the Company under the powers conferred upon them by this Act acquire any lands houses or buildings in the county borough of West Ham or the East Ham Urban District and the amount of any general district rate levied in the borough or district by the corporation or council in respect of such lands houses or buildings shall in any year be less than the amount of such rate leviable during the year one thousand eight hundred and ninety-seven in respect of such lands houses or buildings by reason of such lands houses or buildings being acquired by the Company for the purpose of this Act the Company shall from time to time on demand make good such deficiency by payment thereof to the corporation or council as the case may be until the works or buildings for the purposes of the construction of which such lands houses or buildings are acquired shall be completed and liable to be assessed to such rate:

(8) The Company shall to the reasonable satisfaction of the engineer of the corporation or the surveyor of the council restore all sewers drains and pipes in the borough or district not otherwise by this section dealt with which shall be broken up damaged or disturbed by the Company in the execution of any works by this Act authorised or in the exercise of any powers by this Act granted or provide instead other proper and sufficient sewers drains or pipes but subject to and without affecting the provisions of an agreement of the eleventh day of September one thousand eight hundred and eighty-three between the East Ham Local Board of the one part and the Company of the other part:

(9) If any difference shall arise between the corporation and the Company or the council and the Company touching this section or anything to be done or not to be done or any payment to be made hereunder and when any matter is by this section to be determined by arbitration such difference or matter shall be referred to and settled by an arbitrator to be appointed as occasion arises on the application of either party by the President of the Institution of Civil Engineers.

Works at Tilbury Station.

7. The Tilbury Company may in the parish of Chadwell Saint Mary and county of Essex make certain alterations at their Tilbury Station and in connexion therewith they may stop up the existing road leading from the docks past the Tilbury Station of the Tilbury Company to Tilbury Fort and construct instead thereof a new road commencing opposite the Board of Trade Mercantile Marine Office and terminating on the east side of the said station and the Tilbury Company may also in order to carry the said road under the said station alter their railway at its termination and raise the same in accordance with the deposited plans and sections.

Provision for access at Tilbury Station.

8. The Company shall form a means of access for foot passengers from the said new road on the west side of Tilbury Station to a strip of land eight feet wide along the river side of the existing road from a point opposite the Mercantile Marine Office up to the Tilbury Station and a further means of access on the eastern side of the Tilbury Station from the said new road near the smithy to the river wall on the eastern side of the said station.

Nothing in this Act shall be deemed to confer or take away any rights of way over the said strip of land or over the river wall or shall enable the Company to stop up the said strip of land pending the decision of any question which may arise as to the existence of the said rights of way.

A.D. 1898.

Alteration of road at East Tilbury.

9. The Tilbury Company may alter and divert the road in the parish of East Tilbury and county of Essex leading from Low Street Railway Station to East Tilbury commencing at a point therein 9 chains or thereabouts measured along the said road to the eastward of the said Low Street Station and terminating at a point opposite the Gravel Pit Farm and the Tilbury Company may construct a siding across the said road on the level where diverted:

Provided that the Company shall not stop up any part of the said road until they shall have completed and opened to the public the diversion of such road and they shall have obtained the certificate of two justices that such diverted road is duly completed Provided that the Company shall before applying to such justices for such certificate give seven days notice in writing of their intention to apply for the same to the road authority of the district in which such road is situate.

Stopping rights of crossing railway at certain points.

10. The Tilbury Company may stop up and extinguish all or any rights of way over their railway on the level at the following places viz.:—

(*a*) At a point on the railway of the Tilbury Company to Tilbury in the parish of Barking in the county of Essex about 19 chains or thereabouts south-eastward of the crossing by the Tilbury Company's railway at East Street;

(*b*) At a point on the railway of the Tilbury Company to Upminster in the said parish of Barking 20 chains or thereabouts eastward of the said crossing at East Street;

(*c*) At a point on the Tilbury Company's main line of railway at a point between Barking Station and the River Roding known as Hart's Lane crossing 9 chains or thereabouts westward of the crossing by that railway of Tanner Street and the Tilbury Company may in connexion with the stopping up of the said Hart's Lane crossing construct a footbridge over the said railway at or near the said crossing:

Provided that the Company shall not stop up any rights of way over any of the said level crossings until they shall have constructed and opened for public use reasonably sufficient and convenient foot bridges over the railway in substitution for the said level crossings.

Stopping rights of way at Southend Station.

11. The Tilbury Company may stop and extinguish all rights of way over all that part of the Tilbury Company's station goods yard and premises at Southend which lies on the northern side of the down platform at that station.

Lands for extraordinary purposes.

12. The quantity of land to be taken by the Tilbury Company by agreement for the extraordinary purposes mentioned in the

Railways Clauses Consolidation Act 1845 shall not exceed twenty acres but nothing in this Act or in that Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Power to purchase additional lands.

13. Subject to the provisions of this Act the Tilbury Company may enter upon purchase and take and may hold and use for the purposes of their undertaking all or any of the lands hereafter described so far as the same are delineated on the deposited plans of the additional lands and described in the book of reference (that is to say):—

(*a*) Lands in the said county borough and parish of West Ham situate on the southernmost side of the Tilbury Company's railway near the Plaistow Station;

(*b*) Lands in the said parish of East Ham at the Tilbury Company's East Ham Station;

(*c*) Lands in the parish of Leigh in the urban district of Leigh-on-Sea and county of Essex adjoining and on the north side of the Tilbury Company's railway near High Street Leigh;

(*d*) Lands in the parish of Prittlewell and borough of Southend-on-Sea in the said county of Essex adjoining and on the north side of the Tilbury Company's Southend Station.

Lengthening of footbridge near Leigh Station.

14. In connexion with the acquisition of the said lands at Leigh the Tilbury Company may lengthen the footbridge over their railway on the eastern side of Leigh Station called the Bell Lane footbridge and extend the same on the northern side of the railway for a distance of 1 chain or thereabouts from the stairs of the said footbridge on the northern side thereof.

Extinction of rights of way over diverted roads additional lands &c.

15. All rights of way over or along the several streets roads or footpaths or portions thereof which shall under the provisions of this Act be diverted stopped up and discontinued and over any of the lands which shall be purchased or acquired under the compulsory powers of this Act shall be and the same are as from the diversion stopping up purchase or acquisition thereof respectively by this Act extinguished.

Vesting in Tilbury Company site and soil of portions of roads &c. stopped up.

16. The site and soil of the several streets roads and footpaths or portions thereof by this Act authorised to be diverted stopped up and discontinued and the fee simple and inheritance thereof shall if the Tilbury Company are or if and when under the powers of this Act or of any other Act relating to the Tilbury Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively wholly and

A.D. 1898.

absolutely vested in the Tilbury Company for the purposes of their undertaking subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

For protection of East London Waterworks Company.

17. Whereas divers mains pipes services and other works (herein-after called "apparatus") belonging to and now in use by the East London Waterworks Company (in this section called "the water company") for the purpose of their water supply will or may in the execution of the works by this Act authorised be intersected or otherwise interfered with Therefore the following provisions shall have effect in addition to and not in substitution for the provisions contained in the Railways Clauses Consolidation Act for the protection of water pipes and water companies:—

(1) Before commencing any works by this Act authorised in or under any street in or under which any apparatus of the water company are situate the Company shall from time to time deliver to the water company plans and sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and such plans sections and description shall be delivered to such water company at least fourteen days before the commencement of any such work If it should appear to the water company that such works will interfere with or endanger any of their apparatus or impede the supply of water such water company may give notice to the Company to lower or otherwise alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substance and any difference as to the necessity of such lowering alteration support substitution laying or placing cement concrete or other like substance shall be settled as herein-after provided and all such works shall be done and executed by and at the expense of the Company but to the satisfaction and under the superintendence of the engineer of the water company and the reasonable costs charges and expenses of such superintendence shall be paid by the Company And if the water company by notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of any such works so require the water company may by their own engineer or workmen do and execute such works so far as they interfere with or affect the apparatus of such water company and the Company shall on the completion thereof pay to the water company the reasonable expenses incurred by them in the

execution thereof to be recovered against the Company in any court of competent jurisdiction :

(2) In the event of such plans sections and descriptions so delivered to the water company as aforesaid not being objected to within fourteen days the said works shall be executed in strict accordance therewith :

(3) The water company may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any apparatus of such water company will be interfered with or affected during their construction repair or renewal and the reasonable wages of such watchmen or inspectors shall be borne by the Company and be paid by them to such water company to be recovered against the Company in any court of competent jurisdiction :

(4) If any interruption in the supply of water by the water company shall without the written authority of the said company be in any way occasioned by the Company or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall compensate the water company for all damage or loss incurred or sustained by the water company by or by reason of such interruption to be recovered by such water company against the Company in any court of competent jurisdiction :

(5) The expense of all repairs or renewals of any apparatus of the water company or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Company their contractors agents workmen or servants or any person in the employ of them or any of them or rendered necessary by reason of any subsidence resulting from the works of the Company whether during the construction of the works or at any time thereafter shall be borne and paid by the Company and may be recovered against the Company by the water company in any court of competent jurisdiction :

(6) If any difference shall arise with respect to any matter under this section between the Company and the water company or their respective engineers or concerning any plans sections or descriptions to be delivered to any such company under the foregoing provisions of this Act the matter in difference shall be referred to and settled by an arbitrator to be agreed on between the Company and the water company or failing agreement to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

A.D. 1898.

For protection of Southend Waterworks Company.

18. For the protection of the Southend Waterworks Company (in this section called "the water company") and of their mains works and property the following provisions shall (unless otherwise agreed between the Company and the water company) apply and have effect :—

(*a*) The Company may divert the main of the water company between Whitegate Road and the southern end of Napier Avenue or any part thereof :

(*b*) The Company shall in diverting such main or in diverting or lowering any road or lowering any land in which any mains or pipes of the water company are situate leave a covering of not less than three feet from the surface of the road or land over such mains or pipes :

(*c*) The Company shall before commencing any works which would in any manner interfere with or affect any main pipe or work of the water company give to the water company fourteen days notice in writing of their intention to do so :

(*d*) All such works shall be constructed made and completed at the expense of the Company in a good substantial and workmanlike manner and to the reasonable satisfaction of the engineer of the water company and so as not to interfere with the supply of water by the water company :

(*e*) The Company shall be liable for and shall keep the water company indemnified from all damages whatsoever to their mains and works arising from the construction of works by the Company :

(*f*) If any difference shall arise between the company and the water company under the provisions of this section the same shall be determined by arbitration in manner prescribed by the Arbitration Act 1889.

For protection of South Essex Waterworks Company.

19.—(1.) And whereas in the execution of the works by this Act authorised the mains and other works belonging to the South Essex Waterworks Company (herein-after referred to as "the water company") may be intersected or otherwise interfered with and it is expedient that such provision should be made as is herein-after contained for providing against the supply of water being impeded Therefore all works which the Company may be empowered or required to do with reference to the mains or other works of the water company shall be done by and at the cost of the Company to the reasonable satisfaction of the engineer of the water company and such works shall not be commenced (except in case of emergency) until after fourteen days previous notice thereof in writing shall have been given to the water company and where any such work is done

in a case of emergency notice shall be given by the engineer of the Company forthwith to the water company.

(2.) It shall be lawful for the water company by their engineer workmen and others in their employment at all times when it may be necessary but under the superintendence and subject to the control in all respects of the engineer of the Company to enter upon the railway lands and premises of the Company to do all such works in and upon such railway lands or premises as may be necessary for laying repairing maintaining or removing or replacing any mains or pipes under or over the same railway lands and premises Provided always that in so doing the water company or their engineer or workmen or contractors or others in their employment shall not interrupt the traffic passing on the said railway or any of the Company's premises And provided also that the water company shall make good and reimburse to the Company all damages to the railway company or any of their railways works and premises occasioned by the exercise of the power by this section reserved.

(3.) In constructing any works by this Act authorised which shall interfere with the mains of the water company the Company shall give every reasonable facility for such mains to be replaced by mains of a larger size and at the cost in all respects of the water company and if any difference shall arise between the engineers of the water company and the Company as to the extent of such facility the same shall be settled by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either company.

(4.) If any interruption whatsoever in the supply of water by the water company shall be in any way occasioned by the negligence of the Company their contractors agents workmen or servants or any person in the employ of them or either of them the Company shall forfeit and pay to the water company the sum of five pounds for every hour during which such interruption shall continue.

Power to take easements &c. by agreement.

20. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Tilbury Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

A.D. 1898.

Restrictions on displacing persons of labouring class.

21.—(1.) The Tilbury Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Tilbury Company—

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

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

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in

respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

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

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

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

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

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

A.D. 1898.

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

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" means mechanics artizans 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 of such persons who may be residing with them.

Period for compulsory purchase of lands.

22. The powers of the Tilbury Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

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

Works to form part of railways of Tilbury Company.

24. The works executed under the authority of this Act shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the London Tilbury and Southend Railway and comprised in the undertaking of the Tilbury Company.

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

25. The Tilbury Company may apply towards the works by this Act authorised and other purposes of this Act being in all cases purposes to which capital is properly applicable 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 Tilbury 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 for the purposes of this Act and for other purposes of and connected with their authorised undertaking any additional sum or sums not exceeding in the whole five hundred 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 Tilbury Company.

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

26. The Tilbury Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share 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 is paid in respect thereof.

Receipt in case of persons no sui juris.

27. 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 to the Tilbury Company.

As to votes of proprietors of new shares or stock.

28. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall subject to the provisions of this Act 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 Tilbury Company.

Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new preference shares or stock.

A.D. 1898.

Power to borrow.

29. The Tilbury Company may in respect of the additional capital of five hundred 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 one hundred and sixty-six thousand pounds and of that sum they may from time to time borrow any sum not exceeding in the whole thirty-three thousand two hundred pounds in respect of each one hundred thousand pounds of the said additional capital but no part of either such sum of thirty-three thousand two hundred pounds shall be borrowed until shares for so much of the one hundred thousand pounds of capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Tilbury 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 the whole of such portion of capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital 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 the said additional capital as is to be raised by means of stock is fully paid up and the Tilbury 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 successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Tilbury 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.

Power to Tilbury Company to subscribe to Whitechapel and Bow Railway undertaking.

30. The Tilbury Company may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose subscribe such moneys as they may think fit towards the undertaking of the Whitechapel and Bow Railway Company (herein-after referred to as "the Whitechapel Company") not exceeding in the whole one half of the authorised capital and the Company may with the like authority contribute and apply in or towards payment of their said subscription any moneys which they

are already authorised to raise and which may not be required by them for the purposes of their undertaking and also any moneys which they are by this Act authorised to raise and the Tilbury Company shall in respect of the sums to be subscribed and the corresponding shares in the Whitechapel Company to be held by them have all the powers rights and privileges and be subject to all the obligations and liabilities of proprietors of shares in the Whitechapel Company Provided always that the Tilbury Company shall not sell dispose of or transfer any of the shares in the Whitechapel Company for which they may subscribe.

Tilbury Company may guarantee interest on debenture stock &c.

31. The Tilbury Company may with such consent as aforesaid subscribe for and hold any debentures or debenture stock of the Whitechapel Company not exceeding in the whole one half of the authorised debentures or debenture stock of that company and they may guarantee the payment of interest not exceeding the rate of four per centum per annum upon the debentures or debenture stock of the Whitechapel Company authorised by the Whitechapel and Bow Railway Act 1897 and the debentures or certificates of debenture stock issued by the Whitechapel Company to which the said guarantee may apply shall be marked or endorsed with a statement that they are so guaranteed.

Nomination of directors of Whitechapel Company.

32. The Tilbury Company may from time to time nominate three of their directors to be directors of the Whitechapel Company in respect of their subscription to the undertaking of that company.

Every such nomination shall be made in writing under the seal of the Tilbury Company and shall be deposited with the secretary of the Whitechapel Company and may in like manner be revoked and renewed.

The directors so to be nominated shall be in addition to the number of directors to be elected by the shareholders of the Whitechapel Company.

Every director so nominated by the Tilbury Company shall enter upon office immediately upon his appointment and shall remain in office until his appointment be revoked or until he die or resign and need not be a shareholder in the Whitechapel Company.

Appointment of receiver.

33. Section 24 of the London Tilbury and Southend Railway Act 1888 with respect to the appointment of a receiver by mortgagees of the Tilbury 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 undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver

A.D. 1898.

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.

34. 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.

Existing mortgages to have priority.

35. 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.

36. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act or for the general purposes of the Tilbury Company to which capital is properly applicable and not otherwise.

Recovery of demands under fifty pounds.

37. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

As to widenings and improvements under London and Blackwall Railway Act 1885.

38. The widenings and improvements carried out under the authority of the London and Blackwall Railway Act 1885 so far as they were made in order that the traffic of the Tilbury Company might be properly and efficiently carried over the London and Blackwall Railway within the meaning of the 33rd section of the London Tilbury and Southend Railway Act 1882 shall be deemed to have been required for the accommodation not only of the new traffic of the Tilbury Company in the said section referred to but also of the increase of the traffic of the Great Eastern Company and the other companies using the line and the arbitrator in ascertaining under the said 33rd section the amount to be paid by the Tilbury Company to the Great Eastern Company by way of additional toll or rent for the additional accommodation afforded to the Tilbury Company shall have regard to the extent to which the Great Eastern Company and Tilbury Company respectively have

derived and are deriving or are likely to derive benefit from such widenings and improvements as and by way of additional accommodation or otherwise Any additional payment in respect thereof shall be calculated as additional to the payments by the Tilbury Company for such year not later than the year 1890 as the arbitrator having regard to all the circumstances of the case shall determine.

Any rehearing that may be required for giving effect to this section shall take place under the said 33rd section and this section.

Interest not to be paid on calls paid up.

39. No interest or dividend shall be paid out of any share or loan capital which the Tilbury 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 Tilbury 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.

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

40. The Tilbury 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 Tilbury Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

41. Nothing in this Act contained shall exempt the Tilbury 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.

42. 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 Tilbury Company.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.