ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. civ.

An Act to enable the *South-eastern* Railway Company to make a Railway to connect the *London and Greenwich* Railway and the *North Kent* Line of the *South-eastern* Railway with the *Bricklayers Arms* Branch Railway.

[2d *July* 1847.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the* London and Croydon *Railway to* Dover, *to be called* "*The* South-eastern *Railway*," whereby several Persons were incorporated by the Name of "The *South-eastern* Railway Company:" And whereas the Provisions of the said Act have been amended and enlarged by several subsequent Acts of Parliament relating to the said Company, passed respectively in the Sessions held in the First, Second, Second and Third, Third, Fifth, Sixth, Sixth and Seventh, Seventh, Seventh and Eighth, Eighth and Ninth, Ninth, and Ninth and Tenth Years of the Reign of Her present Majesty: And whereas the *South-eastern* Railway Company are the Lessees of the *London and Greenwich* Railway: And whereas an Act was passed in the last Session of Parliament,

6 & 7 W. 4. c. 75.

9 & 10 Vict. c. 305.

intituled *An Act to enable the* South-eastern *Railway Company to make a Railway from the* London and Greenwich *Railway to* Woolwich *and* Gravesend, and the Line of the Railway thereby authorized commences at or near a certain Point on the *London and Greenwich* Railway where the same crosses the *Grand Surrey* Canal: And whereas an Act was passed in the Session held in the said Seventh and Eighth Years of

6 & 7 Vict. c. 62.

the Reign of Her present Majesty, intituled *An Act to enable the* South-eastern *Railway Company, in conjunction with the* London and Croydon *Railway Company, to make a Railway from the* London and Croydon *Railway to* Swan Street *near the* Bricklayers Arms *in the* Old Kent Road, *and to provide a new Station there:* And whereas the said Railway to the *Bricklayers Arms* has been completed, and it would be attended with great public Advantage if a Railway were constructed from the said Point on the Line of the *London and Greenwich* Railway where the same crosses the *Grand Surrey* Canal to the said *Bricklayers Arms Branch* Railway, so as to connect the said *London and Greenwich* Railway and the said authorized Railway from the *London and Greenwich* Railway to *Woolwich* and *Gravesend* with the said *Bricklayers Arms Branch* Railway: And whereas the *South-eastern* Railway Company are desirous of carrying into effect the Object aforesaid, if authorized by Parliament so to do: 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, That all the Provisions, Matters, and Things contained in the several Acts relating to the *South-eastern* Railway, so far as the same are now unrepealed and in force, and are not inconsistent with or altered by the Provisions of this Act, and save in so far as the same may be inconsistent with the Provisions of the Lands Clauses Consolidation Act, 1845, or of the Railways Clauses Consolidation Act, 1845, shall extend to this Act, and to the several Purposes thereof, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes; and the Railway and Works by this Act authorized to be made by the said *South-eastern* Railway Company shall, when so made, form Part of the Undertaking of the *South-eastern* Railway.

Powers of recited Acts extended to this Act.

8 & 9 Vict. cc. 18. & 20. extended to this Act.

II. And be it enacted, That the several Provisions of the said Lands Clauses Consolidation Act, 1845, and the several Provisions of the said Railways Clauses Consolidation Act, 1845, so far as the same may be applicable, and are not inconsistent with or modified by the Provisions of this Act, shall be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof.

Power to raise Money by Creation of new Shares, which shall form Part of general Capital.

III. And be it enacted, That it shall be lawful for the said Company to raise for the Purposes of this Act the Sum of Fifty-five thous~~and Pounds by the Creation of new~~ Shares or Stock, in addition to any Sums which they are already authorized to raise, or which they may be authorized to raise by any other Act or Acts to be passed in the present Session of Parliament, upon such Terms and in such Manner as may be or may have been agreed upon at any General Meeting or Meetings of the Company specially convened

for that Purpose; and the new Shares or Stock created by virtue of this Act shall be considered Part of the general Capital of the Company.

Power to borrow Money on Mortgage.

IV. And be it enacted, That after the whole of the Capital in Shares or Stock by this and the several Acts relating to the said *South-eastern* Railway Company authorized to be raised shall have been subscribed, and One Half thereof paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sums authorized to be borrowed by the said Acts, or which the said Company may be authorized to borrow by virtue of any other Act or Acts to be passed during the present Session of Parliament, the Sum of Eighteen thousand three hundred Pounds, and to secure the Payment of the Sum so to be borrowed, with Interest, by Mortgage of the Undertaking of the *South-eastern* Railway, as in the said recited Acts mentioned, and, if they so think fit, of the future Calls, or any of them, to be made on the Share or Stock Holders.

Re-borrowing.

V. And be it enacted, That if after having borrowed any Part of the Money by this Act authorized to be borrowed the said Company shall pay off the same, it shall be lawful for them again to borrow the Sum so paid off, or any Part thereof, and so from Time to Time.

Mortgages and Assignments to be stamped.

VI. And be it enacted, That every Mortgage for securing Money borrowed by the Company under the Powers of this Act, and any Transfer of any Share, Mortgage, Bond, or other Security to be granted or made by virtue of this or the said recited Acts, shall be by Deed duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage may be according to the Form prescribed by the said first-recited Act, or to the like Effect.

Rights of Mortgagees.

VII. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls and Premises comprised in such Mortgage, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of the Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Former Mortgages to have Priority.

VIII. Provided always, and be it enacted, That all Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be created by virtue of this Act.

Power to convertLoan into Capital.

IX. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the Sum by this Act authorized to be borrowed or any Part thereof, by creating new Shares or Stock of the Company, instead of borrowing the same, or, having borrowed the same,

same, it shall be lawful for them to pay off such Loan, or any Part thereof, if they so think fit, by creating new Shares or Stock of the Company in manner aforesaid; but no such Augmentation of Capital shall take place without the previous Order of a General Meeting specially convened for that Purpose.

Interest not to be paid on Calls paid up.

X. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the said first-recited Act in that Behalf contained.

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

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

Power to make Railway.

XII. And be it enacted, That it shall be lawful for the said Company to make and maintain a Railway, with all proper Works and Conveniences connected therewith, commencing from and out of the *London and Greenwich* Railway at or near the Point where the said Railway crosses the *Grand Surrey* Canal in the Parish of *Saint Paul Deptford* in the County of *Kent*, and terminating by a Junction with the said *Bricklayers Arms* Branch Railway in the Parish of *Saint Mary Magdalen Bermondsey* in the County of *Surrey* near the Point where the same Branch Railway crosses the new Turnpike Road (formerly *Corbet's Lane* and *Galley Wall*).

Railway to be made according to deposited Plans.

XIII. And whereas Maps or Plans and Sections showing the Line or Situation and Levels of the said Railway by this Act authorized to be made, together with Books of Reference to the said Plans containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes of the said Railway, have been deposited with the several Clerks of the Peace of the Counties of *Kent* and *Surrey*; be it therefore enacted, That, subject to the Powers of Deviation contained in the said Railways Clauses Consolidation Act, 1845, and to the Provisions herein contained, the said Railway shall be made in the Line or Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

XIV. And

Lands for extraordinary Purposes.

XIV. And be it enacted, That it shall be lawful for the Company, in addition to the Lands which they are at present authorized to purchase, and in addition also to the Lands herein-before authorized to be purchased by them for the Purposes of the Construction of the Railway and other Works by this Act authorized, to contract with any Party willing to sell the same for the Purchase of and to purchase any Land adjoining or near to the said Railway, not exceeding in the whole Ten Acres, for any of the extraordinary Purposes specified in the said Railways Clauses Consolidation Act, 1845.

Compulsory Purchase of Lands limited.

XV. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof.

Period for Completion of Works.

XVI. And be it enacted, That the Railway and other Works by this Act authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for executing the same shall cease to be exercised, except as to so much of the said Railway as shall then be completed.

Provisions of 9 & 10 Vict. c. 305. relating to Grand Surrey Canal extended to this Act.

XVII. And whereas the Railway at or near the Commencement thereof is intended to be carried over the *Grand Surrey* Canal, and the Towing Paths, Banks, Side Drains, and other Works thereof, in the Parish of *Saint Paul Deptford ;* be it therefore enacted, That the several Provisions, Matters, and Things in the said recited Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to enable the* South-eastern *Railway Company to make a Railway from the* London and Greenwich *Railway to* Woolwich *and* Gravesend, enacted and contained, which relate to or concern the *Grand Surrey* Canal, and the Towing Paths, Banks, Side Drains, and other Works thereof respectively shall be and the same are hereby declared to be applicable to the Railway and Works by this Act authorized to be made, as fully and effectually, to all Intents and Purposes, as if the same Provisions, Matters, and Things were severally herein repeated and re-enacted in reference to such Purposes.

The Arch over Trundley's Lane to be of certain Height and Width.

XVIII. Provided always, and be it enacted, That the said Company shall carry the said Railway over a Road under the Jurisdiction of the Trustees of the *Bermondsey*, *Rotherhithe*, and *Deptford* Roads, called *Trundley's Lane*, by means of a Bridge or Arch, which shall be constructed of the clear Width from one Abutment to the other of not less than Thirty-five Feet, and of the clear Height from the Soffit of the Bridge or Arch to the present Level of the Road of not less than Seventeen Feet.

As to the Construction of Bridges over Turnpike Roads.

XIX. Provided always, and be it enacted, That in every Case in which the said Railway shall cross any of the Roads under the Jurisdiction of the Trustees of the *Bermondsey*, *Rotherhithe*, and *Deptford* Roads, otherwise than at Right Angles, the Bridges over such Roads shall be constructed with Skew Arches, so as not in any Manner

Manner to alter the Direction of or interfere with the Line of the said Roads, or the Footpaths to the same.

Crossings of London and Brighton Railway to be made under the Direction of their Engineer.

XX. And whereas the Line of Railway by this Act authorized will pass under the *London, Brighton, and South Coast* Railway, and over the Branch of the same Railway to *Deptford* called the *Thames Junction* Branch; be it enacted, That the Line of Railway at the said Crossings, and all Works for carrying the Railway by this Act authorized under or over the said *London, Brighton, and South Coast* Railway and *Thames Junction* Branch, shall be made and effected to the Satisfaction of the Engineer for the Time being of the *London, Brighton, and South Coast* Railway Company; and the said Works shall for ever thereafter be kept in perfect Repair by and at the Expence of the *South-eastern* Railway Company.

Traffic of London and Brighton Railway not to be obstructed.

XXI. And be it enacted, That the *South-eastern* Railway Company shall not in constructing the Railway by this Act authorized impede or obstruct in any way the Traffic passing along the *London, Brighton, and South Coast* Railway, or the said Branch, nor hinder or prevent the Construction of the said *Thames Junction* Branch; and the said *South-eastern* Railway Company shall not deviate from the Levels defined on the deposited Sections in making their Railway under or over the said *London, Brighton, and South Coast* Railway and *Thames Junction* Branch without the Consent in Writing of the *London, Brighton, and South Coast* Railway Company first obtained.

Lands of the London and Brighton Railway not to be taken without Consent.

XXII. And be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the *South-eastern* Railway Company to take or enter upon any of the Lands or Grounds belonging to the *London, Brighton, and South Coast* Railway Company, or to alter, vary, or interfere with the said *London, Brighton, and South Coast* Railway, or any of the Works thereof respectively, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the said *London, Brighton, and South Coast* Railway Company in every Instance for that Purpose first had and obtained.

Saving Rights of the London and Brighton Railway Company.

XXIII. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *London, Brighton, and South Coast* Railway Company, but saving and reserving to such Company all the Rights, Privileges, and Franchises to them respectively belonging, and also saving and reserving all such Powers, Authorities, and Provisions in the several Acts relating thereto respectively as if this Act had not been passed.

Saving Rights of Commissioners of Sewers.

XXIV. Provided always, and be it enacted and declared, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the Limits extending from *East Moulsey* in the County of *Surrey* to *Ravensborne* in the County of *Kent*, but all the Rights, Powers,

Powers, and Authorities vested in the said Commissioners shall be as good, valid, and effectual as if this Act had not been passed.

Power to Commissioners of Sewers to construct Drains, &c.

XXV. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Sewers for the Limits extending from *East Moulsey* in *Surrey* to *Ravensborne* in *Kent* at any Time to construct any Drain or Sewer under or across any Line of Railway hereby authorized to be formed which in their Opinion may be necessary for effectuating any Improvements in the Drainage of Places under their Jurisdiction, so that such Drain or Sewer shall be constructed under the Superintendence of the Engineer for the Time being of the Company, and that the Traffic along the Railway shall not be obstructed during the Construction of such Drain or Sewer.

Company be rated until Completion of Works.

XXVI. Provided always, and be it enacted, That the said Company shall from Time to Time after the passing of this Act, until the Works hereby authorized to be made shall be completed, be liable to be rated and assessed to the Rates made by the Commissioners of Sewers for or in respect of any Land of which they may become possessed by virtue of this Act, or which may become unoccupied by reason of any Proceeding taken by the said Company, shall be rated and assessed to the said Rates according to the Rental at which such Lands, with any Buildings thereon, were valued or rated at the Time of the passing of this Act, and on Demand of such Rates or Assessments the Company, or their Treasurer, shall pay the same to the Collector thereof.

Tolls and Charges.

XXVII. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway by this Act authorized not exceeding the Tolls which they are now authorized to demand for the Use of the *South-eastern* Railway by virtue of the said first-recited Act relating thereto: Provided always, that the maximum Charges to be made by the said Company for the Conveyance of Passengers, Horses, Cattle, Carriages, and Goods upon the Railway hereby authorized shall not exceed the maximum Charges which the said Company are authorized to demand and receive for and in respect of the Use of the said Railway from the *London and Greenwich* Railway to *Woolwich* and *Gravesend* under and by virtue of the said recited Act relating thereto passed in the last Session of Parliament.

Restriction as to Charges not to apply to Special Trains.

XXVIII. And be it enacted, That the Restrictions as to the Charges to be made for Passengers shall not extend to any special or extra Train, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Company may take increased Charges by Agreement.

XXIX. And be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges limited by the said last-mentioned Act, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason

reason of any other special Service performed by the said Company in relation thereto.

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

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

Costs of Act.

XXXI. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Railway to be subject to Provisions of any future general Act.

XXXII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any general Act relating to this Act now in force, or of any general Act relating to Railways which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

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

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