ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

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Cap. lxxxix.

An Act for extending and enlarging some of the Provisions of an Act relating to the *Thames Haven* Dock and Railway. [30th *June* 1842.]

WHEREAS an Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from or near* Romford *in the County of* Essex *to* Shell Haven *in the same County, and for constructing a Tide Dock at the Termination of the said Railway at* Shell Haven *aforesaid:* And whereas it is expedient that the Period by the said recited Act granted for the purchasing and paying for, taking or using, Lands for the Construction of the said Railway, Dock, and Works by the said recited Act authorized to be made and completed, should be extended, and that some of the other Powers and Provisions of the said recited Act should be altered, amended, and enlarged; but the same cannot be effected without the Aid and 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, That the said recited Act, and all the Provisions, Matters, and Things therein contained, (except so far as the same are varied, altered, or repealed,) shall

6 & 7 W. 4. c. 108.

Powers of former Act extended to this Act.

shall extend to this Act, in as full, ample, and beneficial a Manner as if the same had been re-enacted in this Act with reference to the Objects and Purposes thereof: Provided nevertheless, that it shall be lawful for Her Majesty's High Court of Chancery to exercise and execute all and singular the Jurisdictions, Powers, and Authorities in and by the said recited Act given or conferred to or upon Her Majesty's Court of Exchequer.

Extending Period for taking and using Lands.

II. And be it enacted, That the Period by the said recited Act granted for the taking or using of Land for the Purposes of the said Railway, Dock, and Works by the said recited Act authorized to be made and completed shall be and the same is extended and enlarged until the Fourth Day of *July* One thousand eight hundred and forty-four.

Time enlarged for making Railway, &c.

III. And be it enacted, That the Time limited by the said recited Act for the Completion of the said Undertaking shall be extended and enlarged for the Term of Three Years, to be computed from the Fourth Day of *July* One thousand eight hundred and forty-three.

Abstract of annual Account to be made up, and a Copy transmitted to Clerk of the Peace.

IV. And be it enacted, That the said Company shall and they are hereby required in each and every Year to cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Act for the Year ending on the Thirtieth Day of *June*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Secretary or Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Essex*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Accounts as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Five Pounds.

Repealing Clause as to Rates of Carriage being charged equally.

V. And whereas it is by the said recited Act enacted, that the aforesaid Rates, Tolls, and Sums to be taken by virtue of this Act shall at all Times be charged equally and after the same Rate *per* Ton *per* Mile throughout the whole of the said Railway in respect of the same Description of Articles, Matters, or Things, and that no Reduction or Advance in the said Rates, Tolls, and Sums shall either directly or indirectly be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said Railway, but every such Reduction or Advance of Rates, Tolls, and Sums upon any particular Kind or Description of Articles, Matters, or Things shall extend to and take place throughout the Whole and every Part of the said Railway, upon and in respect of the same Description of Articles, Matters, and Things so reduced or advanced, and shall extend to all Persons whomsoever using the same

or

or carrying the same Description of Articles, Matters, and Things thereon, any thing to the contrary thereof in anywise notwithstanding; and it is expedient that the said Clause should be repealed; be it therefore enacted, That the said Clause shall be and the same is hereby repealed.

Tolls to be charged equally.

VI. And be it enacted, That all Tolls for the Use of the Railway shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile or *per* Ton *per* Mile, or otherwise, in respect of all Passengers, and all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, and that all Tolls for Carriages and the Use of locomotive Power shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile or *per* Ton *per* Mile, or otherwise, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, passing on the same Portion of the Line of Railway, under the like Circumstances, and no Reduction or Advance in any such Tolls for the Use of the Railway, or for Conveyance by the Company, or for the Use of any locomotive Power to be supplied by them, shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the same Portion of the Railway.

For facilitating Arrangements as to Traffic between the Eastern Counties Railway and the Thames Haven Railway.

VII. And whereas the said *Thames Haven* Railway communicates with the Line of the *Eastern Counties* Railway at a Place called *Romford*, about Twelve Miles from *London*, and it would be attended with public Convenience if Arrangements were made between the said *Eastern Counties* Railway Company and the said *Thames Haven* Dock and Railway Company for facilitating the Carriage on the said *Eastern Counties* Railway Company of the Traffic passing to or from the said last-mentioned Railway from or to the said *Thames Haven* Railway; be it therefore enacted, That it shall be lawful for the said *Thames Haven* Dock and Railway Company and for the said *Eastern Counties* Railway Company respectively to enter into such Arrangements as they may think fit for the Admission of the Engines and Carriages of the said *Eastern Counties* Railway Company on to the Line of the said *Thames Haven* Railway, and for the Conveyance by the said *Eastern Counties* Railway Company on the Line of the said *Thames Haven* Railway of Passengers, Animals, Minerals, and other Goods, Wares, and Merchandize which may have passed or be intended to pass on the Line of the said *Eastern Counties* Railway, or any Part thereof, and for the Use of the Stations, Watering Places, and other Accommodations of the said *Thames Haven* Dock and Railway Company, at such annual or other Sum, in gross or otherwise, as to the said Companies respectively may seem expedient, and after any such Arrangement shall have been effected it shall be lawful for the said *Eastern Counties* Railway Company to demand and take the same Tolls, Rates, and Sums, for the Carriage of any such Passengers, Animals, Minerals, Goods, Wares, and Merchandize on the Line of the said *Thames Haven* Railway, as they shall for the Time being demand and take for the Carriage of Passengers, Animals, Minerals, Goods, Wares, and

and Merchandize of a like Description on the Line of the said *Eastern Counties* Railway: Provided always, that all the Clauses, Regulations, Penalties, and Provisions in this or the said recited Act contained, with regard to the Rates and Charges to be taken by the said *Thames Haven* Dock and Railway Company (except as regards the Amount thereof), and to the Account thereof to be kept by the said Company, or in any other Manner relating to such Rates and Charges, shall extend and apply to the Traffic of the said *Eastern Counties* Railway Company passing on the Line of the said *Thames Haven* Railway, and the said *Eastern Counties* Railway Company shall, as regards the said Traffic, in all things conform to and abide by such Clauses, Regulations, and Provisions, except as aforesaid, and be subject to the same Penalties for Breach thereof, as though the said *Thames Haven* Railway formed Part of the said *Eastern Counties* Railway, and that the said Clauses, Regulations, Penalties, and Provisions (except as aforesaid) had been enacted in the Acts relating to the said last-mentioned Railway.

The Costs of Juries, &c. to include those of Counsel.

VIII. And be it enacted, That in all Cases in which it shall become necessary to summon, impannel, and return a Jury for settling Cases of disputed Compensation under the said recited Act, the Costs attending the same, which shall be settled by the Sheriff, shall include the Employment of Counsel, whenever such Expence has been incurred.

Poor's Rate to be made good.

IX. And for the Purpose of providing against Deficiencies in the Assessments for Poor's Rate occasioned by the making of the Railway authorized to be made by the said recited Act or this Act in the several Parishes wherein the same or any Part thereof may be situate, be it enacted, That the said Company shall, in respect to the Land taken for the said Railway by the said recited Act, and the Land taken for the Works under this Act, be liable to be assessed to the Poor's Rate, and the said Company shall from Time to Time, until the Railway and Works shall be completed, and assessed to such Poor's Rate, be liable to make good the Deficiency in the several Assessments for Poor's Rate arising within such Parishes by reason of such Lands having been taken or used for the Purposes of the Railway and Works, and such Deficiency shall be computed 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 Deficiency the Treasurer of the Company shall pay all such Deficiencies to the Collector of the said Assessments respectively.

Accounts of Tolls rateable to the Poor to be kept.

X. And for the Purpose of providing for the proper rating of the Railway to the Relief of the Poor, be it enacted, That the Company shall keep an Account of the whole Tolls received by them, and rateable for the Relief of the Poor, showing the gross Amount of the monthly Receipts in respect of such Tolls received in every Year, and the Amount and Particulars of the Expenditure in every such Year on account of any Expences, the probable annual average Cost of which is to be taken into account in ascertaining the net annual Value of the Railway, for the Purpose of rating the same for the

Relief of the Poor; and if the Company carry for their own Benefit any Passengers, Cattle or other Animals, Goods or other Matters, they shall keep a separate Account, showing the Amount of Tolls or Sums which would have been received by the Company in every such Year for the Use of the Railway in respect of such Passengers, Cattle, Goods, or other Matters, if the same had been carried by any other Party, and the Amount of Tolls or Sums which shall have been actually received by the Company for the Carriage of the same.

Power to Overseers of Poor to inspect Accounts of the Company.

XI. And be it enacted, That any Time during the first Fourteen Days in the Months of *February* and *August* in each Year it shall be lawful for the Overseers of the Poor of the several Parishes through which the Railway shall pass to inspect such Accounts; and if the Company fail to keep such Accounts, or to permit such Inspection thereof, they shall forfeit to each Overseer who shall demand the said Accounts, or who shall be refused the Inspection of such Accounts, or either of them, for every such Failure to keep such Accounts, Thirty Pounds, and for every Day during which the Refusal to permit such Inspection may continue the Sum of Ten Pounds *per* Day; and such Penalties shall be recoverable by Action of Debt or on the Case in any of the Superior Courts, and shall be applied for the Benefit of the Poor of the Parish within which such Failure may occur.

Repealing so much of recited Act as relates to Limitation of Actions.

XII. And whereas it is by the said recited Act enacted, that no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage then within Three Calendar Months after the doing or committing of such Damage shall have ceased, nor unless such Action, Suit, Information, or Proceeding shall be laid and brought in the County or Place within which the Matter in dispute or Cause of Action shall have arisen; and the Defendant in such Action, Suit, Information, or Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the Acts were done or were omitted to be done (as the Case may be) in pursuance or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or that such Action, Suit, Information, or Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise,

Judgment shall be given against the Plaintiff, the Defendant shall have Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases: And whereas it is expedient that the said Provisions, so far as the same may confer any special Privilege or Advantage on the said Company which without such Provisions they would not enjoy, should be repealed; be it therefore enacted, That the said Provisions shall be and the same are hereby declared to be repealed: Provided always, that nothing herein contained shall extend or be held to revive any Claim already barred by the Operation of the Enactment hereby repealed.

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

XIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this and the said recited Act authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

For paying the Expences of the Act.

XIV. And be it enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act shall be paid and defrayed by the said Company out of the Money already raised or received, or out of the Money to be raised or received by them under the Authority of the said recited Act.

Public Act.

XV. 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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