ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. lxx.

An Act to authorize the Abandonment of a Portion of the Undertaking of the *Thames Haven* Dock and Railway Company, and to reduce the Capital of the said Company, and to enable the Company to sell Lands not required, and for other Purposes. [28th *June* 1853.]

WHEREAS by an Act (Local and Personal) passed in a 6 & 7 W. 4.
Session of Parliament held in the Sixth and Seventh Years c. cviii.
of the Reign of His late Majesty King *William* the Fourth (Sixth and Seventh of *William* the Fourth, Chapter One hundred and eight), the *Thames Haven* Dock and Railway Company were incorporated for the making of the Railway, Dock, and Works, and for the other Purposes therein mentioned: And whereas by an Act (Local 5 & 6 Vict.
and Personal) passed in a Session of Parliament held in the Fifth and c. lxxxix.
Sixth Years of the Reign of Her present Majesty (Fifth and Sixth of *Victoria*, Chapter Eighty-nine), and by an Act (Local and Personal) 9 & 10 Vict.
passed in a Session of Parliament held in the Ninth and Tenth Years c. cxliv.
of the Reign of Her said Majesty (Ninth and Tenth of *Victoria*, Chapter One hundred and forty-four), and by an Act passed in a 14 & 15 Vict.
Session of Parliament held in the Fourteenth and Fifteenth Years of c. cxxiii.

the Reign of Her said Majesty (Fourteenth and Fifteenth of *Victoria*, Chapter One hundred and twenty-three) the Provisions of the said first-recited Act were extended and enlarged, and the Time for taking Lands and for completing the Undertaking was extended: And whereas the Works have not yet been commenced on that Portion of the Railway of the Company authorized by the first-recited Act which lies between the Commencement of the said Railway near *Romford* in the County of *Essex* and the Point in the Field numbered 37 in the Parish of *Mucking* in the same County, in the Plans referred to in "The *London, Tilbury, and Southend Extension* Railway Act, 1852," where the Main Line of Railway by such last-mentioned Act authorized intersects or crosses the Line of the said *Thames Haven* Railway as shown on such Plans: And whereas it is expedient that the Construction of such Portion of the said Undertaking should be abandoned: And whereas by the Two hundred and fifty-second Section of the first-recited Act it was (amongst other things) enacted, that if any Part of the said Railway should at any Time thereafter be abandoned or given up by the said Company, the Portion so abandoned or given up should vest in the Owners for the Time being of the Land adjoining the Land so abandoned and given up in the Manner therein mentioned: And whereas the Company were authorized by the said first-recited Act to raise a Capital of Four hundred and fifty thousand Pounds, and the same will be more than is required for the Purposes of the Undertaking as reduced by this Act, and it is expedient that such Capital should be reduced to the Extent and in the Manner herein-after mentioned; but the several Objects 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.

I. That in citing this Act for any Purpose whatsoever it shall be sufficient to designate it as "The *Thames Haven* Dock and Railway Act, 1853."

As to "the Company."

II. That the Expression "the Company" as used in this Act shall denote "The *Thames Haven* Dock and Railway Company."

Certain Provisions of recited Acts repealed.

III. That it shall be lawful for the Company from and after the passing of this Act, and they are hereby required, to abandon the Formation of such Portion of the said Railway between *Romford* and *Mucking* as herein-before described, and that all the Provisions of the said recited Acts which authorize the Company to construct and maintain such Portion of the said Railway, or to purchase Lands for the Purpose of constructing and maintaining the same, shall, except

as

as to such Acts and Matters as shall have been already done under the Authority of the said recited Acts or any of them, be and the same are hereby accordingly repealed.

Compensation to be made by the Company for Non-completion of certain Purchases.

IV. That in any Case where before the passing of this Act any Contract has been entered into or Notice given by or on behalf of the Company for purchasing any Land which they were by the said recited Acts or any of them empowered to purchase for the Purpose of constructing the Portion of Railway so authorized to be abandoned as aforesaid, as to which the Purchase Money and Compensation payable under the Provisions of the said Acts, or either of them, shall not have been paid or deposited by the Company as thereby required, the Company shall make to the Owners and other Parties interested in such Lands respectively full Compensation for all Injury and Damage sustained by such Owners and other Persons interested by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of Compensation to be paid for Lands taken under the Provisions thereof: Provided that the Company shall not be liable to make Compensation in any of the Cases aforesaid unless the Claim for such Compensation shall have been made within Six Months from the passing of this Act.

Company not liable unless Claim be made within Six Months.

Reduction of the Capital.

V. That from and after the passing of this Act the Capital which the Company shall be authorized to raise by Shares shall be the Sum of Three hundred thousand Pounds and no more; and that as to so many of the Shares authorized by the said recited Acts or any of them to be issued, which have not yet been issued in fact, or which are now in the Hands of the Company, Six thousand of such Shares considered as Shares reduced to the nominal Value of Twenty-five Pounds each under the Provisions of the fourth-recited Act (Fourteenth and Fifteenth of *Victoria*, Chapter One hundred and twenty-three) shall not be issued; without Prejudice, however, to the Right of the Company to issue and they are hereby empowered to issue the Remainder of such unissued Shares as Shares of the nominal Value of Twenty-five Pounds each upon the Terms, in the Manner, and subject to the Provisions in the said recited Acts contained.

Provisions in recited Acts as to Calls, &c. to be applicable to reduced Shares.

VI. That all the Provisions and Enactments in the said recited Acts or any of them as to the making of Calls, the enforcing of the Payment thereof, and the Forfeiture thereof in case of Nonpayment shall be applicable to the Shares already issued and to be issued as last aforesaid.

VII. That

Actions or Suits commenced before the passing of this Act not affected.

VII. That no Action, Suit, or other Proceeding at Law or in Equity commenced by the Company at any Time before the passing of this Act against any Shareholder for the Recovery of any Amount which may be due from him in respect of any Call shall be affected by anything in this Act contained.

Borrowing Powers.

VIII. That it shall not be lawful for the Company to borrow on Mortgage or Bond any greater Sum than One hundred thousand Pounds, anything to the contrary in the said recited Acts contained notwithstanding; and when and so soon as the Sum of One hundred and fifty thousand Pounds shall have been actually paid up on the Shares of the Company it shall be lawful for the Company to borrow any Sum not exceeding the said Sum of One hundred thousand Pounds; and all the Provisions in the recited Acts contained as to the borrowing and reborrowing, and the Conversion of the Money so borrowed into Capital, shall be applicable to any Money which may be borrowed under the Powers of this Act.

Company to sell certain Lands purchased of Crisp Molineux Montgomerie, Esq.

IX. Whereas the Company have purchased of *Crisp Molineux Montgomerie* Esquire, deceased, certain Lands in the Parish of *Horndon on the Hill* in the County of *Essex*, numbered respectively 8, 10, 11, 15, 16, 17, 18, and 19 on the Plans referred to in the said first-recited Act, for the Construction of a Portion of the Railway abandoned under the Provisions of this Act, and Doubts have arisen whether on the passing of this Act such Lands would effectually vest, under the Provisions of the first-recited Act and the Abandonment hereby authorized, in the Person or Persons entitled to the Lands adjoining the said Lands so purchased as aforesaid, and the Person or Persons so entitled as aforesaid have agreed to accept a Conveyance of the said Lands from the Company on the Terms herein-after mentioned, and it is expedient that the Company should be authorized to convey such Lands to the Person or Persons so entitled: Be it therefore enacted, That it shall be lawful for the Company and they are hereby required, within Six Months from the passing of this Act, to sell and convey the said Lands so purchased as aforesaid to such Person or Persons so entitled as aforesaid at such Price as shall be agreed upon between the said Company and such Person or Persons respectively, or, in case of Difference, at such Price as shall be determined by Arbitration in the Manner provided by "The Lands Clauses Consolidation Act, 1845," and the Proceeds of such Sale shall be carried to the Capital Account of the Company; and that upon the said Lands being so conveyed as aforesaid the said Company shall be released from all Claims and Demands from or by the Person or Persons so entitled as aforesaid, or which he or they might have had against the said Company in respect of such Lands before the passing of this Act: Provided always, that, except as herein-before provided

as

as to the Lands of the said *Crisp Molineux Montgomerie*, nothing in this Act contained shall be held to repeal or alter any of the Provisions of the Two hundred and fifty-second Section of the first-recited Act, but that all such Provisions shall remain and be in full Force and Effect.

Interest not to be paid on Calls paid up.

X. That the Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the 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 of "The Companies Clauses Consolidation Act, 1845."

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

XI. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the 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 Company to construct any other Railway, or execute any other Work or Undertaking.

Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XII. And whereas an Act was passed in the Second Year 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 Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year 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 Eighth Year 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 another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway, or the said Company in respect thereof, from the Provisions of the same several Acts respectively, but that such Pro-

visions shall be in force with reference to the same Railway and Company in respect thereof so far as the same are applicable.

Railways not exempt from Provisions of future General Acts.

XIII. That nothing herein contained shall be deemed or construed to exempt the Railways by the said recited Acts authorized to be made, or the Company, from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Acts.

Expenses of Act.

XIV. That all the necessary Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company.

Payment of Dividends after prescribed Period suspended until Completion of Railway.

XV. And whereas by the fourthly-recited Act the Time for completing the Undertaking was extended to Three Years from the Third Day of *July* One thousand eight hundred and fifty-one, and it is expedient that Provision should be made for securing the Completion of the Railway as reduced by this Act within such Period: Be it therefore enacted, That after the Expiration of such Period the Payment of any Dividend on the ordinary and unguaranteed Capital of the Company shall be suspended until such Railway shall have been completed and opened for public Traffic.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.