CHAPTER ccxx.

An Act for incorporating the Tilbury and Gravesend Tunnel Junction Railway Company, for authorising the construction of railways, and for other purposes. A.D. 1882.

[10th August 1882.]

WHEREAS the construction of the railways herein-after described in the counties of Essex and Kent would be of public and local advantage:

And whereas the several persons herein-after named with others are willing at their own expense to carry the undertaking into execution on being incorporated into a company for the purpose:

And whereas it is expedient that the company so to be incorporated (herein-after referred to as "the Company") and any company or persons for the time being working or using the railways of the Company be empowered to run over and use the railways parts of railways and stations herein-after in that behalf mentioned:

And whereas plans and sections showing the line and levels of the railways authorised by this Act and books of reference to the plans 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 duly deposited with the clerks of the peace for the counties of Essex and Kent and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

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Short title.

1. This Act may be cited as the Tilbury and Gravesend Tunnel Junction Railway Act 1882.

Incorporation of Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. 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 expression "the Company" means the Company incorporated by this Act the expressions "the railway" "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. John Dunham Massey Edward Arthur Henry Theodore Van Laun and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Tilbury and Gravesend Tunnel Junction Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make railways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings bridges viaducts rails tunnels roads buildings yards approaches works and conveniences connected there-

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with and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are—

No. 1. A railway (with a tunnel for carrying the same under the River Thames) 3 miles and 3·60 chains in length commencing in the parish of Little Thurrock, in the county of Essex, by a junction with the London, Tilbury, and Southend Railway, at a point 1,180 yards or thereabouts, measured in a north-westerly direction along that line, from the north-western side of the signal-box, known in the locality as the West Tilbury Junction signal-box, passing thence through the parish of Chadwell, under the River Thames by means of a tunnel (to be used also for foot passengers), and terminating in the parish of Gravesend, in the county of Kent, at a point in a fence or railing, which fence or railing is the boundary on the eastern side of the house and premises, No. 132, Windmill Street, in the said parish of Gravesend, where a wall, dividing the premises of that house from the premises being No. 133, Windmill Street aforesaid meets that fence or railing.

No. 2. A railway 2 furlongs and 8·60 chains in length all in the county of Kent, to commence in the parish of Gravesend, in the county of Kent, at the point of termination of Railway No. 1, and passing thence into and through the parish of Milton-next-Gravesend, in the said county of Kent, and terminating in that parish by a junction with the South-eastern Railway, at a point 160 yards or thereabouts measured in an easterly direction along the down line of that railway from the eastern face of the bridge which carries the street or road known as Wellington Street over that line of railway.

No. 3. A railway, 6 furlongs and 0·80 chains in length all in the county of Kent, commencing in the parish of Gravesend at the point where the Railway No. 1 above described passes under the North Kent line of the South-eastern Railway Company, and terminating in the parish of Northfleet by a junction with the Gravesend Railway authorised in the last session of Parliament, at a point on the deposited plans and sections of that railway where such railway is to cross the road leading from Northfleet by Esher Place to Perry Street.

Works on and under Thames to be executed

6. The Railway No. 1 by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall if constructed be executed

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under direction of conservators.

according to a plan and elevation to be approved by the Conservators of the River Thames and deposited at their office and the works in on or under the River Thames shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the conservators and the traffic of the River Thames shall not be interfered with more than may be absolutely necessary in the construction of the Railway No. 1 and the works connected therewith and the Company shall within fourteen days after notice from the conservators so to do remove any materials for temporary works which may have been placed in the river by the Company and on their failing to do so the conservators may remove the same charging the Company with the expense of so doing and the Company shall forthwith repay to the conservators all expenses so incurred.

Company not to commence any work on shore of Thames until notice given to conservators.

7. The Company shall not make or commence any work on the shore or bed of the River Thames without the consent of the Conservators of the River Thames until the expiration of one calendar month after notice to the Conservators of the River Thames.

Lights to be exhibited upon the Railway No. 1 and upon temporary works during its construction.

8. The Company shall hang out and exhibit at or near to the Railway No. 1 by this Act authorised every night from sunset to sunrise lights to be kept burning by and at the expense of the Company and proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Company in such manner and be of such kind and number and be so placed and used as the Conservators of the River Thames by writing under the hand of their secretary shall approve and direct and in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds and further the Company shall exhibit under a like penalty lights to be similarly approved by the conservators upon any temporary works or materials which may be placed on the river by the Company during the making of the Railway No. 1 or works connected therewith.

Company not to interfere with the bed of the river.

9. Nothing in this Act contained shall authorise or empower the Company to embank or encroach upon or interfere with any part of the soil or bed of the River Thames or the shore thereof except according to the plan to be approved by the conservators.

Company not to take gravel &c. from river without consent of conservators.

10. The Company shall not (except so far as shall be necessary in the construction of the Railway No. 1 and the works connected therewith) take any gravel soil or other material from the bed of the river without the previous consent of the Conservators of the River Thames signified in writing under the hand of their secretary.

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For protection of Rainham Commissioners of Sewers.

11. For the protection of the Commissioners of Sewers for the several levels and marsh grounds lying and being within the limits between Rainham Bridge and Mucking Mills and the meadow grounds between Childerditch Ponds and Purfleet Mills in the county of Essex (herein-after called "the commissioners") be it enacted as follows:—

1. Nothing herein contained shall authorise or empower the Company to commence or prosecute the tunnel authorised by this Act without the Company do first provide against the inflow of waters from such tunnel into or upon lands within the said levels such measures or precautions as shall be required of the Company in writing by the surveyor or marsh bailiff of the commissioners or by any other person duly authorised by the commissioners in that behalf nor shall the Company stop up alter remove break into or interfere with any bank wall river stream outlet sewer drain or watercourse or other work or defence under the jurisdiction or control of the commissioners without their consent in writing until such banks walls culverts outlets sewers drains or watercourses with the necessary sluices penstocks and other works and defences as may be reasonably required by the commissioners in lieu of those so intended to be stopped up altered removed broken into or interfered with or which may become necessary from the works of the Company shall be executed and completed in a good and substantial manner by the Company under the directions of the commissioners or their surveyor or marsh bailiff at the costs charges and expenses of the Company.
2. In that part of the railway which is intended to be carried over any levels marsh or meadow grounds and in any embankment or viaduct by which the railway shall be carried over the same the Company shall make leave and construct and shall at all times thereafter at their own expense maintain leave and keep in perfect good condition and repair such and so many arches and openings over all common sewers drains and watercourses of such height and width and in such position as shall to the reasonable satisfaction of the commissioners be sufficient to prevent any impediment being caused by the railway viaduct or embankment to the water flowing down any such sewer drain or watercourse or over any such levels marsh or meadow grounds or the lands adjoining.
3. The Company shall at their own expense lay down construct and make and keep in good repair and condition over under through and across the railway or through the embankment or

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viaduct upon which the railway shall be carried all such pipes culverts aqueducts and channels for the passage of fresh water over under through and across the railway from the north side thereof to the south side thereof and in all such places as the commissioners shall reasonably require and direct.

4. If at any time after the construction of the railway it shall be found that the waters on the north side of the railway shall be and remain so much higher than the waters on the south side thereof so as to show that the due and proper drainage of the lands of the said levels or any part thereof shall be impeded or obstructed then and in such case upon due notice of such impediment or obstruction being given to or served upon the Company by the marsh bailiff of any of the said levels or by any other person authorised by the said commissioners the said Company shall and they are hereby required to make and provide such additional pipes, culverts, aqueducts, and channels, or additional openings, over, under, across, or through the railway as shall admit of the free passage of the said waters, and if the Company refuse to make such additional pipes, culverts, aqueducts, and channels, or openings for the space of twenty-eight days after notice requiring them so to do, duly served as aforesaid, the commissioners are hereby authorised and empowered after due notice to the Company of their intention so to do to make and provide such additional pipes, culverts, aqueducts, and channels, or openings, from time to time as they may reasonably consider necessary and all the costs and expenses attending the same shall be repaid by the Company to such person as the commissioners shall appoint to receive the same and if not paid within twenty-eight days after demand thereof may be recovered from the Company by the commissioners in any court of competent jurisdiction.

5. All new sewers, drains, watercourses, arches, walls, banks, sluices, works, and defences to be made and completed at any time hereafter by the Company or by the commissioners when so made and completed shall be and remain for ever under the jurisdiction and control and within the view and management of the commissioners.

6. Except as is herein otherwise expressly provided nothing in this Act shall extend or be deemed or construed to extend to prejudice, diminish, alter, abridge, or take away any of the jurisdictions, rights, powers, or authorities vested in the commissioners but except as aforesaid all the jurisdictions, rights, powers, and authorities vested in them shall be as good, valid,

and effectual to all intents and purposes as if this Act had not been passed. A.D. 1882.

For protection of the South-eastern Railway Company.

12. In constructing the junction hereby authorised with the railway of the South-eastern Railway Company (in this Act called "the South-eastern Company") the Company shall conform to the following conditions—

1. The junction shall be made at such point and in such manner as the principal engineer for the time being of the South-eastern Company shall designate and according to plans to be reasonably approved by him and all works necessary to be executed upon the lands of the South-eastern Company for the purpose of effecting such junction shall be executed by the South-eastern Company at the request and expense of the Company.

2. The South-eastern Company may from time to time erect maintain and alter such signals and other works and conveniences as may reasonably be found requisite in consequence of the construction of the said junction and may appoint and remove such watchmen pointsmen switchmen or other persons as may be reasonably necessary for the prevention of danger or detention to or interference with traffic at or near the junction between the railway and the railway of the South-eastern Company by the construction of the intended railway and the working of such signals works and conveniences and the control and direction of such watchmen pointsmen switchmen and other persons shall belong exclusively to that company and all the costs and expenses of erecting and maintaining such signals works and conveniences and the wages of such watchmen pointsmen switchmen and other persons shall at the end of every half-year be repaid by the Company to the South-eastern Company on demand and in default of such repayment the amount of such costs expenses and wages may be recovered from the Company by the South-eastern Company in any court of competent jurisdiction.

3. The Company shall not without in every case obtaining the previous consent of the South-eastern Company under their common seal take use or interfere with any of the lands or property from time to time belonging to or in the possession or under the power of that company but they may purchase and take and the South-eastern Company may and shall sell and grant accordingly an easement or right of using such part or

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parts of such lands and property as shall be necessary for the purposes of the junction by this Act authorised.

4. Nothing in this Act contained shall prejudice take away diminish or interfere with any of the property rights interests powers and privileges of the South-eastern Company otherwise than is herein expressly provided.

For the protection of the Gravesend Railway Company.

13. For the protection of the Gravesend Railway Company the following provisions shall have effect—

1. All works at and near the intended junction with the Gravesend Railway and for crossing under that railway shall be executed at the cost of the Company to the reasonable satisfaction in all respects of the engineer of the Gravesend Railway Company.

2. The eastern side of the tunnel shall not be carried eastward of the centre line delineated on the deposited plans where the tunnel is shown on those plans to pass under the road near the Clifton Baths leading from West Street to Clifton Marine Parade and from thence for a distance of two hundred and fifty yards northward under the River Thames nor shall the level of the rails for the same distance be higher than the level shown on the deposited section.

3. Railways Nos. 1 and 2 shall not be opened for public traffic before Railway No. 3 is completed and opened for like traffic.

For the protection of the London Tilbury and Southend Railway.

14. The following provisions with reference to the junction of Railway No. 1 by this Act authorised, with the London, Tilbury and Southend Railway, shall apply and have effect:—

1. The junction and all works required for effecting such junction, or affecting the lands or works of the London, Tilbury and Southend Railway Company, shall be made according to plans and sections, first reasonably approved in writing by and executed under the superintendence and control of the chief engineer of that company, and in all things at the expense of the Company.

2. The London, Tilbury and Southend Railway Company may, from time to time, either on their own lands or on the lands of the Company, erect such signals and conveniences incident to the said junction, and may, from time to time, appoint and remove such watchmen, switchmen and other persons as may be necessary for the prevention of danger to or interference

with the traffic at and near the said junction. The working and management of such signals and conveniences, wherever situate, shall be under the exclusive regulation of the London, Tilbury and Southend Railway Company, and all the expenses of erecting and maintaining, and, if necessary, of altering, from time to time, those signals and conveniences, and of employing those watchmen, switchmen and other persons, and all incidental current expenses shall at the end of every half-year be repaid by the Company to the London, Tilbury and Southend Railway Company, and in default thereof, may be recovered from them with full costs of suit in any court of competent jurisdiction;

3. The Company shall not without in every case obtaining the previous consent of the London, Tilbury and Southend Railway Company under their common seal take, use or interfere with any of the lands or property from time to time belonging to or in the possession or under the power of that company but they may purchase and take and the London, Tilbury and Southend Railway Company may and shall sell and grant accordingly an easement or right of using such part or parts of such lands and property as shall be necessary for the purposes of the junction by this Act authorised, and the amount of the purchase money to be paid for such easement shall if not agreed between the Company and the London, Tilbury and Southend Railway Company be settled as a question of disputed compensation under the Lands Clauses Consolidation Act 1845 as if such easement were lands taken.

4. Subject to the provisions of this Act, the provisions of the Railways Clauses Act, 1863, relating to junctions, shall apply to the junction in manner aforesaid of the railway, by this Act authorised, with the railway of the London, Tilbury and Southend Railway Company;

5. If any difference shall arise between the Company and the London, Tilbury and Southend Railway Company as to the true intent and meaning of this enactment, or the mode of giving effect thereto, the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration.

15. The capital of the Company shall be four hundred and fifty thousand pounds in forty-five thousand shares of ten pounds each. Capital.

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Shares not to be issued until one fifth paid.

16. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

17. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

18. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

19. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole of the amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

20. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) first in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

21. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day

of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

22. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share shall be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

23. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

24. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

25. No preferred half share created under the authority of this Act shall be cancelled or surrendered to the Company.

Half shares to be half shares in capital.

26. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Power to borrow.

27. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one hundred and fifty thousand pounds but no part thereof shall be borrowed

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until the whole capital of four hundred and fifty thousand pounds is issued and accepted and one half thereof is paid up and the 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 the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof, before or at the time of the issue or acceptance thereof, and, that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

28. The mortgagees of the undertaking of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. 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 twenty thousand pounds in the whole.

Debenture stock.

29. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

30. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

31. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

32. The number of directors shall be five.

Qualification of directors.

33. The qualification of a director shall be the possession in his own right of not less than one hundred shares.

Quorum.

34. The quorum of a meeting of directors shall be three.

First directors.

35. John Dunham Massey Edward Arthur Henry Theodore Van Laun and two other duly qualified persons to be nominated by them or the majority of them and consenting to the nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

36. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed two acres.

Period for compulsory purchase of lands.

37. 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 of this Act.

Inclination of road.

38. In altering for the purposes of this Act the public road called Love Lane numbered on the deposited plans 134 in the parish of Milton-next-Gravesend the Company may make the same of any inclinations not steeper than 1 in 10 on one side and level on the other of the bridge carrying that road under the railway.

Power to take easements &c. by agreement.

39. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water 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

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extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Deposit money not to be repaid except so far as railway is opened.

40. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of twenty-one thousand eight hundred pounds Consolidated Three Pounds per Cent. Annuities being equal to five per centum upon the amount of the estimate in respect of the railways has been deposited with the Chancery Division of the High Court of Justice in England with respect to the application to Parliament for this Act which sum is referred to in this Act as the "deposit fund" Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as "the depositors" unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

41. If the Company do not previously to the expiration of the period limited for the completion of the railways complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the

commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interests or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

42. If the railways 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 Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls for passengers animals &c.

43. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say):—

In respect of passengers and animals conveyed on the railways—

Class 1. For every person conveyed in a first-class carriage per mile twopence.

Class 2. For every person conveyed in a second-class carriage per mile one penny halfpenny.

Class 3. For every person conveyed in a third-class carriage per mile one penny.

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Class 4. For every horse mule or ass or other beast of draught or burden conveyed in or upon any carriage per mile twopence.

Class 5. For every ox cow bull or neat cattle conveyed in or upon any carriage per mile one penny halfpenny.

Class 6. For every calf pig sheep or lamb or other small animal conveyed in or upon any carriage per mile one halfpenny.

In respect of goods conveyed on the railways—

Class 7. For all coals coke culm slack cannel cinders lime limestone sand clay (except fire-clay) chalk dung compost and all sorts of common manure and all undressed materials for the repair of highways clay ironstone and iron ore per ton per mile one penny.

Class 8. For all pig iron bar iron and all other similar descriptions of iron and iron castings not manufactured into utensils or other articles of merchandise undressed stones for building pitching and paving bricks tiles common slates fire-clay charcoal bats copper tin lead and other ores per ton per mile one penny halfpenny.

Class 9. For all sugar grain corn flour potatoes guano and artificial manures hides (dried and salted) dyewoods timber staves and deals metals (except iron) tinned plates nails anvils vices hoop iron sheet iron and chains per ton per mile twopence.

Class 10. For lace furs silk drapery millinery china glass cotton wool manufactured goods drugs and all other wares merchandise fish articles matters or things per ton per mile threepence.

In respect of carriages conveyed on the railways—

Class 11. For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform belonging to the Company if having more than two wheels per mile fourpence and if having only two wheels per mile threepence and for every additional quarter of a ton up to four tons which any such carriage weighs one penny per mile in addition if such carriage have more than two wheels and three farthings per mile in addition if the same have only two wheels.

Tolls for carriages, &c.

44. For carriages supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand or take

for or in respect of goods articles matters or things persons or animals comprised in either of the classes herein-before specified any tolls not exceeding the tolls next herein-after mentioned in connexion with the class in which such goods articles matters or things persons or animals are respectively comprised (to wit):—

For Class 1 for each person per mile one penny
For Class 2 for each person per mile three farthings
For Class 3 for each person per mile one halfpenny
For Class 4 for each animal per mile one penny
For Class 5 for each animal per mile one penny
For Class 6 for each animal per mile one halfpenny
For Class 7 per ton per mile one halfpenny
For Class 8 per ton per mile one halfpenny
For Class 9 per ton per mile three farthings.
For Class 10 per ton per mile one penny.
For Class 11 for each carriage per mile two pence.

Tolls for propelling power.

45. The tolls which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal or carriage or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

46. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say:—

For all passengers animals or goods conveyed on the railways for a less distance than three miles the Company may demand tolls and charges as for three miles;

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

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With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

Tolls for small parcels and articles of great weight.

47. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say);—

For the carriage of small parcels on the railways.—

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence;

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they think fit.

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

For the carriage of any single thing the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand and take any sum not exceeding sixpence a ton a mile with a minimum of three shillings per ton;

For the carriage of any single thing the weight of which with the carriage exceeds eight tons the Company may demand and take any sum they think fit.

Maximum rates for passengers.

48. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including the tolls for the use of the railways and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage the sum of threepence per mile;

For every passenger conveyed in a second-class carriage the sum of twopence per mile;

For every passenger conveyed in a third-class carriage the sum of one penny per mile.

Maximum rates for animals and goods.

49. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier (where any such service is performed by the Company) shall not exceed the following sums (that is to say):—

Class 4. For each animal fourpence per mile;

Class 5. For each animal threepence per mile;

Class 6. For every calf pig sheep or lamb or for every other small animal one penny per mile;

Class 7. One penny halfpenny per ton per mile;

Class 8. Twopence per ton per mile;

Class 9. Threepence per ton per mile;

Class 10. Fourpence per ton per mile;

Class 11. For every carriage if having more than two wheels and not weighing more than one ton and a half sixpence and one penny farthing for every additional quarter of a ton and if having only two wheels fivepence per mile and one penny for every additional quarter of a ton.

Tolls in respect of tunnel under Thames.

50. And whereas the length of the tunnel under the River Thames by this Act authorised will be about thirty chains and twenty links in length and the whole railways will be about four miles one furlong and three chains in length and the estimate of the expense of the undertaking is six hundred thousand pounds Be it enacted that in addition to the tolls which the Company may demand and take in respect of the railways by this Act authorised for traffic passing over the railways the Company may demand and take for the conveyance of passengers animals and things passing through the tunnel or any part thereof including the tolls for the user thereof and for carriages and locomotive power and every other expense incidental to the conveyance tolls and charges for six miles in addition to the tolls and charges they may demand and take in respect of the railways by this Act authorised.

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Passengers luggage.

51. Every passenger travelling upon the railways may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Terminal station.

52. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

53. The restrictions as to the charges to be made shall not extend to any special or express or extra train run upon the railways in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary trains appointed from time to time by the Company for the conveyance of passengers and goods respectively upon the railways.

Company may take increased charges by agreement.

54. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals and goods (other than small parcels) by passenger trains.

Classification table to be open to inspection and copies to be sold.

Terminal charges (if any) to be specified on application.

55. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. If the Company fail to comply with the provisions of this section they shall for each offence and in

Penalty.

the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14. 36 & 37 Vict. c. 48.

Compensation to London Tilbury and Southend Railway Company.

56. Whereas the London Tilbury and Southend Railway Company are the owners or lessees of the exclusive right of ferry across the Thames for a considerable distance on both sides of the tunnel by this Act authorised the Company shall pay to the Tilbury Company or their successors in respect of their said ferry rights as and by way of compensation for the interference therewith such annual sums of money as in default of agreement between the Company and the Tilbury Company shall be determined by arbitration.

Power to use other railways.

57. The Company and any company or persons for the time being working or using the railways of the Company or any part thereof either by agreement or otherwise may run over work and use with their engines carriages and waggons of every description officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description the railways or portions of railways following that is to say :—

(A.) So much of the London Tilbury and Southend Railway as lies between the point of junction therewith of the Railway No. 1 by this Act authorised and the Grays Station of the London Tilbury and Southend Railway Company including the said station.

(B.) So much of the South-eastern Railway as lies between the point of junction therewith of the Railway No. 2 by this Act authorised and the Gravesend Station of the South-eastern Railway Company including the said station.

together with all other stations and all roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said railways portions of railways and stations and as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said railways portions of railways and stations as are now authorised to be taken upon and in respect of such railways portions of railways and stations. Provided always that the Company and any company or person for the time being working or using the railways of the Company or any

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part thereof shall not run over work and use the said portion of the South-eastern Railway and Gravesend Station unless with the consent of the South-eastern Railway Company signified in writing under their common seal.

Terms of such user.

58. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or any such other company or persons as aforesaid for and in respect of the use of such railways portions of railways stations works and conveniences shall be such as from time to time may be agreed upon between them and the companies or any or either of them owning the said respective railways portions of railways stations works and conveniences or failing such agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any or either of the companies or persons interested and the cost of the arbitration shall be in his discretion and the decisions of such arbitrator shall be final and binding on all parties.

Running powers to London Tilbury and Southend Railway Company.

59. The London Tilbury and Southend Railway Company may run over and use with their engines carriages and waggons and for all purposes of traffic the railways and works by this Act authorised with all stations sidings junctions watering-places and other works and conveniences connected therewith and the tolls to be paid or payments to be made by the London Tilbury and Southend Railway Company in respect of such use and the terms and conditions upon which such use is to be exercised shall in default of agreement between the Company and the London Tilbury and Southend Railway Company be determined by arbitration.

Power to purchase existing ferries over River Thames.

60. The Company may from time to time enter into carry into effect vary or extend any contract or agreement with the owners of any existing ferry or ferries or right of ferry or ferries over or across the River Thames for a distance of two miles either above or below the proposed tunnel under the River Thames for the purchase by the Company of any such ferry or ferries or right of ferry or ferries at such a price or on such terms as the Company may think fit.

Tolls on traffic conveyed partly on the railways and partly on London Tilbury and Southend Railway.

61. During the exercise of the running powers herein-before given the railways of the Company and of the London Tilbury and Southend Railway Company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways of the

London Tilbury and Southend Railway Company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railways of the Company and partly on the railways of the London Tilbury and Southend Railway Company.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

62. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Company.

Saving rights of the Conservators of the River Thames.

63. Except as herein expressly provided nothing contained in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the Conservators of the River Thames or to prohibit defeat alter or diminish any powers authority or jurisdiction which at the time of passing this Act the conservators did or might lawfully claim use or exercise.

Interest not to be paid on calls paid up.

64. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend 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 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

65. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing

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paid out of capital.

Order of either House of Parliament now or hereafter in force may be required to be deposited in respect to any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provisions as to general Railway Acts.

66. Nothing in this Act contained shall exempt the Company or the railways 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 authorised by this Act.

Costs of Act.

67. All costs charges and expenses of and incident to the preparing for and obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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