



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxxxiii.

An Act to alter the Line of the *London, Tilbury, and Southend Extension* Railway, to authorize the Lease thereof, and the Purchase of the Railway and certain Parts of the Works belonging to the *Thames Haven Dock and Railway Company*; and for other Purposes.

[3d July 1854.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to enable the Eastern Counties and London and Blackwall Railway Companies to construct a Railway, with Branches, to Tilbury and Southend in the County of Essex, to provide a Steam Communication to Gravesend, and for other Purposes*, the Short Title of which Act is "*The London, Tilbury, and Southend Extension Railway Act, 1852*:" And whereas the said Companies have proceeded with the Execution of the said Act, and have constructed that Part of the Railway which is situate between the *Eastern Counties* Railway at *Ilford* and *Tilbury*, and are about to open the same for the Use of the Public, and are proceeding with the Construction of the remaining Portion of the Railway between *Tilbury* and *Southend*:

15 & 16 Vict.
c. lxxxiv.

[Local.]

24 R

And

*The London, Tilbury, and Southend Railway Deviation and
Amendment Act, 1854.*

And whereas it is expedient that Two Deviations should be made in the Line of that Part of the Railway which is intended to be made between *Tilbury* and *Southend*, one of such Deviations to be made in the Parish of *Leigh*, and the other of such Deviations to be made in the Parish of *Prittlewell*, and that the said Companies should be empowered to relinquish the Construction of so much of the authorized Line of Railway as will become unnecessary by reason of such Deviations: And whereas the Railway now in the course of Construction by the *Thames Haven Dock and Railway Company*, extending from the Point of Intersection of the *London, Tilbury, and Southend Extension* Railway to the River *Thames*, will form a Branch of such Extension Railway, and may be conveniently worked therewith, and the Wharfs upon such River and certain of the Lands belonging to the said *Thames Haven Dock and Railway Company* may be beneficially used for the Purposes of the said Extension Railway; and it is expedient to enable the *Eastern Counties* and *London and Blackwall* Railway Companies to purchase such Railway and Wharfs, when completed, as herein-after mentioned, and also the said Lands, and to hold the same Railway, Wharfs, and Lands as Part of the Undertaking of the *London, Tilbury, and Southend Extension* Railway, and that the said Companies and the *Thames Haven Dock and Railway Company* should be empowered to carry into effect Arrangements and Agreements with reference thereto: And whereas it would be advantageous to the Proprietors of the *London, Tilbury, and Southend Extension* Shares, if the said *Eastern Counties* and *London and Blackwall* Railway Companies were empowered to grant a Lease of the Extension Railway, or the Rates, Tolls, or Duties authorized to be taken in respect thereof, to the Persons, for the Term, in the Manner, and under the Conditions herein-after expressed: And whereas it is expedient that the *London, Tilbury, and Southend Extension* Capital should be increased for the Purposes herein-after mentioned, and that some of the Powers and Provisions of the said *London, Tilbury, and Southend Extension* Railway Act should be altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Meanings of
certain
Terms.

I. That the following Words and Expressions in this Act shall have for the Purposes of this Act the following Meanings, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

“ The

The London, Tilbury, and Southend Railway Deviation and Amendment Act, 1854.

- “The Companies” shall mean the *Eastern Counties* Railway Company and the *London and Blackwall* Railway Company :
- “The *Eastern Counties* Railway” shall mean the Railways and Works of the *Eastern Counties* Railway, exclusive of the *London, Tilbury, and Southend Extension* Railway :
- “The *London and Blackwall* Railway” shall mean the Railways and Works of the *London and Blackwall* Railway, exclusive of the said Extension Railway :
- “Extension Railway” shall include the Railway and Branch Railways, Piers, and Works by the recited Act and this Act authorized to be made and purchased :
- “The *Thames Haven* Company” shall mean the *Thames Haven* Dock and Railway Company :
- “The *Thames Haven* Branch” shall mean the Branch Railway, Wharfs, Works, and Land authorized by this Act to be purchased from the *Thames Haven* Dock and Railway Company :
- “The recited Act” shall mean “The *London, Tilbury, and Southend Extension* Railway Act, 1852.”

II. That in citing this Act for any Purpose, it shall be sufficient to use the Expression “The *London, Tilbury, and Southend* Railway Deviation and Amendment Act, 1854.” Short Title.

III. That “The Lands Clauses Consolidation Act, 1845,” and “The Railways Clauses Consolidation Act, 1845,” shall be incorporated with and form Part of this Act. 8 & 9 Vict. cc.18. and 20. incorporated.

IV. And whereas Plans and Sections of the proposed Deviations to be made by virtue of this Act in the Line of the Extension Railway as authorized by the recited Act, showing the Lines and Levels thereof, and also Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Land through which such Deviations are intended to pass, have been deposited with the Clerk of the Peace for the County of *Essex* : Be it enacted, That (subject to the Provisions of this and the incorporated Acts, and with Powers of Deviation within the Limits defined upon the said Plans, or otherwise, contained in such Acts) it shall be lawful for the Companies to make and maintain the Deviations herein-after particularly described, with all proper Works, Stations, Approaches, and Conveniences connected therewith, in the Line 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 to enter upon, take, and use such of the Lands as shall be necessary for such Purposes. Power to construct Works according to deposited Plans.

V. That

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Description
of Devia-
tions in
Railway.

V. That One of the said Deviations in the Line of Railway as authorized by the recited Act shall commence by a Junction with the Main Line of the Extension Railway between *Tilbury* and *Southend*, at or near a Road shown on the Plans deposited as mentioned in the recited Act near to the Mark denoting Thirty-three Miles and One Furlong from the Commencement of the Railway, and shall terminate at or near the Bank, Shore, or Land contiguous to the Mark on such Plans denoting Thirty-three Miles and Five Furlongs, all in the Parish of *Leigh* in the County of *Essex*, and the other of such Deviations shall commence by a Junction with the Main Line of Railway between *Tilbury* and *Southend* at or near the Bank, Shore, or Land contiguous to the Mark on such Plans denoting Thirty-four Miles from the Commencement of the Railway in the Parish of *Prittlewell*, and shall terminate in or near a Field belonging to *Daniel Robert Scratton* Esquire abutting upon the Road leading from *Prittlewell* to *Southend* in the said Parish of *Prittlewell* in the County of *Essex*, and the said Deviations shall be deemed Part of the Extension Railway authorized by the recited Act.

Power to
abandon cer-
tain Portions
of Railway
authorized.

VI. That it shall be lawful for the Companies and they are hereby required to abandon such Portions of the Extension Railway authorized by the recited Act as are herein-after described, (that is to say,) such Portion of the said authorized Line as is situate between the Commencement and Termination of the Deviation hereby authorized and first herein-before described, and such Portion of the said authorized Line as is situate between the Commencement of the Deviation hereby authorized and secondly herein-before described and the Termination of the said Extension Railway at *Southend* as authorized by the recited Act.

Compensa-
tion to be
made where
Contracts
have been
entered into
or Notices
given.

VII. That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Companies for purchasing any Lands which the Companies were empowered to purchase for the Purpose of constructing the Portions of Railway respectively so to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties 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 the Compensation to be paid for Lands taken under the Provisions thereof; provided also, that the Authority hereby given for abandoning the Formation of the
aforesaid

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aforesaid Portions of the said Extension Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Companies were so empowered to purchase as aforesaid to receive from the Companies Compensation for any Damage that may have been occasioned by the Entry of the Companies upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of Railway, pursuant to the Provisions for that Purpose in the said "Lands Clauses Consolidation Act" contained.

VIII. That the Powers of the said Companies for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Powers for compulsory Purchase of Lands limited.

IX. That the Deviations hereby authorized shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Companies for executing the same shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Works.

X. That in case the Extension Railway shall not be completed and opened for public Traffic within the Period limited by this Act for the Completion of the Works hereby authorized, then and from thenceforth it shall not be lawful for the Companies or the Joint Committee to pay any Dividend to the Holders of Shares in the Extension Railway Capital until such Railway shall have been completed and opened for public Traffic.

If Extension Railway not completed, &c. within the Period limited, Dividends on Extension Railway Shares to be suspended.

XI. That no Part of the Extension Railway shall be opened for public Traffic with a single Line of Rails, unless previous to such opening the Companies shall have provided thereon the Electric Telegraph.

Electric Telegraph to be provided.

XII. That it shall be lawful for the Companies to construct the Extension Railway according to the altered Line thereof authorized by this Act across the following Road on the Level:

Certain Roads may be crossed on the Level.

The Road or Street numbered 39 in the Parish of *Leigh* on the Plans of the Deviations deposited as before mentioned.

XIII. That for the greater Convenience and Security of the Public, the Companies shall erect and permanently maintain either a Station or Lodge at the Point where the before-mentioned Road shall be crossed on a Level; and the Companies shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing

Company to erect a Station or Lodge where Road is crossed on the Level.

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of

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of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Companies shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges instead of level Crossings.

XIV. Provided always, That it shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time, either before or after the Works hereby authorized to be made or any of them shall have been completed and opened for public Traffic, to require the Companies, within such Time as the said Board shall direct, and at the Expense of the Companies, to carry the hereinbefore mentioned Road either under or over the Railway by means of a Bridge or Arch instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board the best adapted for removing or diminishing the Danger arising from such level Crossing.

Application of existing Capital.

XV. That the Companies may apply to the Purposes of this Act the Monies raised or authorized to be raised under the Powers of the recited Act for the Construction of the Extension Railway.

Tolls.

XVI. That it shall be lawful for the Companies to demand and receive, for and in respect of the Use of the Deviations by this Act authorized, the same Tolls and Charges as they are authorized to demand and receive under and by virtue of the said recited Act for or in respect of the Railway thereby authorized.

Certain Provisions of recited Act applicable only to the Portions of Railway to be relinquished repealed.

XVII. And whereas the following Provisions of the recited Act relate to the Portions of the Extension Railway authorized by the recited Act which by this Act the Companies are directed to relinquish; namely,

Section 56, whereof the marginal Note in the Queen's Printer's Copies of the recited Act is "For preserving ancient Shipping Places at *Chalkwell Hall Farm*:"

Section 57, whereof the marginal Note in such Copies is "New Marsh Ditch to be made:"

Section 58, whereof the marginal Note in such Copies is "Siding to be made:"

Section

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Section 59, whereof the marginal Note in such Copies is
“Companies not to use Occupation Road to *Chalkwell Hall*
Farm :”

Section 60, whereof the marginal Note in such Copies is “For
Protection of the Shrubbery at *Southend* :”

Section 61, whereof the marginal Note in such Copies is
“As to Crossings from Shrubbery to Sea Beach :”

Section 62, whereof the marginal Note in such Copies is
“Provision for securing Non-interference with the Drainage :”

Section 63, whereof the marginal Note in such Copies is
“Company not to obstruct Bathing Places :”

Section 64, whereof the marginal Note in such Copies is
“No Engine House or Shed to be erected at *Southend* :”

Section 75, whereof the marginal Note in such Copies is
“Mode of constructing Railway between *Leigh* and *Southend* :”

And whereas it is expedient that such Provisions should be
repealed: Therefore the Sections numbered, in the Queen’s Printer’s
Copies of the recited Act 56, 57, 58, 59, 60, 61, 62, 63, 64, and
75 shall be and are hereby repealed.

XVIII. That the Companies shall not so construct the Extension
Railway, or any Works connected therewith, as that the same shall
pass over or to the South of the Two Shipping or Landing Places in
the Parish of *Prittlewell* forming Part of the *Chalkwell Hall* Farm,
and referred to in the Fifty-sixth Section of the recited Act; and the
Companies shall, at their own Expense, make, maintain, and for ever
repair a level Crossing or Road, with Gates and Fences, across the
Extension Railway, where the Railway intersects the Occupation Road
numbered 11 on the Plans and in the Book of Reference deposited
in respect of the Deviations authorized by this Act.

No Works to
be made over
or to the
South of
Shipping
Places at
Chalkwell
Hall Farm.

XIX. That if any of the Works of or connected with the Extension
Railway shall be so constructed as to cut off any Portion or Portions
of the Marsh Ditch on the South Side of the Fields numbered 12,
15, and 16 on the said Plans and in the Book of Reference
deposited as aforesaid, within *Chalkwell Hall* Farm, the Companies
shall at their own Expense construct a new Marsh Ditch or Ditches,
in lieu of and co-extensive with the Part or Parts of the present Marsh
Ditch which shall be so cut off, with all necessary and convenient
Marsh Gutters and Flaps leading out of the same, and running
down to the Estuary of the River *Thames* at a sufficient Depth below
High-water Mark, so as effectually to drain the said new Ditch or
Ditches, and the adjoining Grounds and Marsh Lands of *Chalkwell*
Hall Farm.

If any Por-
tion of Marsh
Ditch is cut
off, Company
to construct
a new Marsh
Ditch.

XX. That

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As to
making, &c.
a Siding to
Extension
Railway at
Prittlewell.

XX. That the Companies shall, within One Month after the opening of the Extension Railway to *Southend*, at their own Expense, make, maintain, and repair a Siding to the Extension Railway to join the Extension Railway in the Close delineated and described in the said Plans and Books of Reference deposited in respect of the Deviations authorized by this Act, and therein numbered 6 in the said Parish of *Prittlewell*, and at a Point near the Third Furlong of the First Mile of the Deviation in such Parish as laid down on the said Plan, and to extend from the said Point Twenty Yards in a Westerly Direction, and such Siding shall and may be for ever thereafter used, occupied, and enjoyed by the Owners and Occupiers (except the said Companies) for the Time being of the Land immediately adjoining the said Siding without Payment of any Toll or Sum of Money whatsoever in respect thereof.

Companies
not to use
Occupation
Road to
Chalkwell
Hall Farm.

XXI. That, except as to such Part thereof as shall be crossed by the Extension Railway, it shall not be lawful for the said Companies to use, occupy, or enjoy the Occupation Road delineated and described in the said Plans and Books of Reference deposited in respect of the said Deviations, and therein numbered 11, in the said Parish of *Prittlewell*, without the Consent in Writing of the Owners and Occupiers of *Chalkwell Hall Farm*.

Works con-
nected with
the Thames
to be previ-
ously ap-
proved by
the Com-
missioners of
Woods and
the Corpora-
tion of
London.

XXII. The Company shall not execute or commence the Execution of any Works whatsoever upon the Shore of the River *Thames* or of any Creek or Inlet thereof without the Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, and of the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, on behalf of the Mayor and Commonalty and Citizens of the City of *London*, under the Hand of the Town Clerk of the said City, first had and obtained.

Provision as
to the Rights
of the
Crown.

XXIII. That nothing whatsoever contained in this Act or in any of the Acts herein recited or referred to shall extend to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or but for the Provisions of the same Act or Acts might have been, vested in or enjoyed by Her Majesty, Her Heirs or Successors.

If Works
across tidal
Waters are
abandoned,
Corporation
may remove
the same, at

XXIV. That if any Work to be constructed by the Companies in, affecting, or across any tidal Water or navigable River within the Jurisdiction of the Mayor and Commonalty and Citizens of the City of *London*, or if any Portion of the Work which affects any such Water or River, or Access thereto, shall be abandoned or suffered to fall

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fall into Disuse or Decay, it shall be lawful for the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, or the Lord Mayor of the said City for the Time being, to abate and remove the same, or such Part or Parts thereof as they or he may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Companies, and the Amount thereof shall be a Debt due from the Companies to the said Mayor and Commonalty and Citizens, and be recoverable accordingly, with Costs of Suit. Expense of Companies.

XXV. Provided always, That nothing in this Act contained shall extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames*, or otherwise, did or might lawfully claim, use, or exercise. Saving Rights of the Lord Mayor, &c., of London.

XXVI. That the Works to be done and performed by virtue of this Act connected with the River *Thames*, or any other River or Stream, so far as the Tide of the River *Thames* flows and reflows therein, to the Westward of the City Stone at the Entrance to the Creek or Stream on the Eastern Side of *Conwey Island*, near to *Southend* aforesaid, shall be executed according to a Plan to be approved by the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, previously to the Execution of such Works, such Plans to be deposited in the Office of the Town Clerk of the City of *London*, and that the said Works shall be performed to the Satisfaction of the Engineer of the *Thames* Navigation for the Time being. Works connected with the Thames to be executed according to a Plan to be approved by the Corporation of London.

XXVII. That in constructing the Deviations hereby authorized upon any tidal Lands the Companies shall not deviate to the Seaward of the Black continuous or centre Line of Way as shown on the deposited Plan, without the previous Approval of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty; and the Sections of the recited Act numbered LXXVII. and LXXVIII. in the Queen's Printer's Copies of such Act shall extend and apply to any Work in, affecting, or across any tidal Water to be executed under the Authority of this Act. Companies not to deviate on tidal Lands without Consent of Admiralty.

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As to Purchase of Thames Haven Branch Railway.

XXVIII. That when and so soon as the Branch Railway now in course of Construction by the *Thames Haven* Company, from the Point where such Railway is shown on the Plans referred to in the recited Act as intersecting or crossing the Extension Railway in the Parish of *Mucking* in the County of *Essex* to the intended Termination of such Branch Railway at *Thames Haven*, shall have been completed with a single Line of Rails, and the Sum of Ten thousand Pounds expended in the Construction of Wharfs in such Manner as may have been or may be agreed upon between the Companies and the *Thames Haven* Company, it shall be lawful for the *Thames Haven* Company, with the Consent of Three Fifths of the Votes of Proprietors who may be present, either personally or by Proxy, at some General Meeting of that Company specially convened for such Purpose, to sell and transfer to the Companies the said *Thames Haven* Branch and the Wharfs and Lands belonging to the *Thames Haven* Company which may have been or may be agreed to be sold to the Companies, together with all the Rights, Privileges, Powers, and Authorities of the *Thames Haven* Company in and over the same; and it shall be lawful for the Companies, by and with the like Consent on the Part of the Holders of *London, Tilbury, and Southend Extension* Shares, assembled at a Meeting specially convened for such Purpose, to purchase the said *Thames Haven* Branch and the Wharfs and Lands belonging to the *Thames Haven* Company contracted or agreed to be sold to such Companies as aforesaid.

Transfer to be by Deed.

XXIX. That such Transfer shall be by Deed duly stamped, in which the Consideration shall be stated; and the Conveyance under the Common Seal of the *Thames Haven* Company shall be sufficient Evidence of the Completion of such Transfer.

Companies to exercise Powers on Purchase.

XXX. That on such Completion the Companies may have and hold the said *Thames Haven* Branch and the Wharfs and Lands purchased by such Companies, and may use, exercise, and enjoy the Rights, Powers, and Privileges of the *Thames Haven* Company with reference thereto.

Branch to be held as Part of the Undertaking of the London, Tilbury, and Southend Extension Railway.

XXXI. That from and after the Completion of such Purchase as aforesaid the *Thames Haven* Branch, Wharfs, and Lands shall form Part of the Undertaking of the *London, Tilbury, and Southend Extension* Railway, and shall vest in the *Eastern Counties* and *London and Blackwall* Railway Companies jointly, and shall be for ever held and enjoyed by them jointly upon trust for the Purposes of the recited Act and this Act, and shall be subject to the Control of the Joint Committee in the same Manner as the Undertaking under the recited Act is subject to the Control of such Committee; and from
thenceforth

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thenceforth the Provisions of the several Acts relating to the Branch and Works so transferred to the Companies shall, with reference to such Branch and Works, be applicable and applied to the Companies and the Joint Committee in the same Manner as if the Companies and the Joint Committee had been named with reference thereto in such Acts instead of the *Thames Haven* Company; and the same Branch and Works shall, as between the said Companies and the Shareholders of such Companies respectively, be deemed and taken to be amalgamated with the Extension Railway in the same Manner as if it had formed Part of the Works authorized by the recited Act.

XXXII. That the Companies may apply to the Purchase of the said *Thames Haven* Branch any Monies which they may have Power by the recited Act to raise by Mortgage or on Bond upon the Credit of the Extension Railway, or may allot Shares in such last-mentioned Railway to the *Thames Haven* Company, or to any of their Shareholders, in respect of such Purchase Money or any Part thereof, as herein-after mentioned.

Power to apply existing Capital to the Purchase.

XXXIII. That it shall be lawful for the Companies to raise for the Purposes of such Purchase, but not for any other Purpose, by creating new Shares, in addition to the Sums of Money which they are already authorized to raise by the recited Act, any further Sum of Money not exceeding in the whole the Sum of Fifty-two thousand Pounds.

Companies may raise additional Capital.

XXXIV. That such additional Capital shall be raised by the further Issue of *London, Tilbury, and Southend Extension* Shares, and the same shall be divided into Five thousand two hundred Shares of Ten Pounds each, and shall be considered as Part of the Capital authorized to be raised by the recited Act, and shall be subject to the same Provisions, Benefits, and Advantages in all respects from and after their Issue as if such Shares had been Part of the original *London, Tilbury, and Southend Extension* Shares, and the same shall be registered by the Companies in equal Portions.

New Shares to be considered same as original Shares.

XXXV. That Two Months at least before the Completion of the Purchase the *Thames Haven* Company shall signify to the Joint Committee their Election of the Mode in which the Purchase Money and the agreed Interest thereon shall be paid, and the Joint Committee shall allot either to the *Thames Haven* Company or to the Shareholders named by such Company so many *London, Tilbury, and Southend Extension* Shares created by virtue of this Act as shall be equal in nominal Value either to the whole of the said Purchase Money and Interest, or to the Part thereof elected by the *Thames Haven* Company to be received by means of such Allotment, and the Remainder (if any)

Thames Haven Company may take Shares in lieu of Money.

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any) of such Purchase Money and Interest shall be paid to the *Thames Haven Company*.

Thames
Haven Com-
pany may
hold the
Shares so
allotted.

XXXVI. That the *Thames Haven Company* may hold the *London, Tilbury, and Southend Extension* Shares so allotted to them under the Provisions of this Act in their corporate Name, and may have and exercise the same Powers with reference thereto as any other Holder of such Shares; and all Monies arising by way of Dividend in respect of such Shares, or from the Sale of any such Shares, and the said Purchase Money and Interest (if any) paid to the *Thames Haven Company* in lieu of the Allotment of such Shares, or any Part thereof, shall be first applicable to the Discharge of the Debts, Engagements, and Liabilities of such Company, and if the same shall be more than sufficient to discharge all the Debts, Engagements, and Liabilities of such Company, the same may be distributed amongst the Shareholders of such Company in proportion to their Interest in such Company.

Company
may lease
Undertaking
to certain
Persons for a
Term of
Years.

XXXVII. That the Companies, with the Consent of Three Fifths of the Votes of *London, Tilbury, and Southend Extension* Shareholders present in Person or by Proxy at a Meeting of such Shareholders convened for that Purpose, may demise and lease to *Samuel Morton Peto, Edward Ladd Betts, and Thomas Brassey*, their Executors and Administrators, for any Term not exceeding Twenty-one Years from the passing of this Act, all or any Part of the *London, Tilbury, and Southend Extension* Railway, and the Property for the Time being vested in the Companies for the Purposes of such Undertaking, and all or any of the Tolls, Rates, and Duties which the Companies are or may be empowered to raise and levy, and all or any of the Rights, Powers, and Privileges of which the Companies are or may be or become possessed, at or under such annual or other Rents, or for or in consideration of such Share of the gross or net Earnings or Profits, or for such other Considerations, and with, under, and subject to such Powers, Provisoos, Stipulations, Conditions, and Agreements as the Companies from Time to Time approve.

Board of
Trade may
determine
Lease at the
End of Ten
Years.

XXXVIII. Provided, That it shall be lawful for the Board of Trade, if in the Opinion of the said Board the further Continuance of such Lease would be injurious to the Public, to determine the said Lease at the Expiration of Ten Years after the Commencement thereof, upon giving Twelve Months previous Notice to that Effect to the Companies and to their Lessees respectively, or at the Expiration of any such Ten Years then at any subsequent Time, upon giving the like Notice.

Lease to
contain Pro-
visions for
Re-entry.

XXXIX. That any Lease to be made of the said Railway or of any Part thereof shall contain a Power of Re-entry to the Companies or either of them, in the event of the Lessees becoming unable, by reason
of

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of any Execution, legal Process, Intestacy, Bankruptcy, Insolvency, or any personal Disability or Incapacity whatsoever of the said Lessees, or any Failure of their legal Representatives to carry on and continue the Traffic or Working of the Railway in an effectual and proper Manner, and according to the Laws for the Time being in force relating to Railways; and upon the occurring of any such Event as aforesaid, it shall be the Duty of the Companies and of each of them respectively forthwith to re-enter upon and to carry on and continue the Traffic and Working of the said Railway in like Manner, and with the same Powers, and subject to the same Obligations, Liabilities, Penalties, and Restrictions as if no Lease thereof had been made; and the said Lease shall not contain any Covenant for the Renewal thereof upon the Expiration of the Term or sooner Determination of such Lease: Provided always, that no such Re-entry shall in any Manner prejudice any Right or Claim which the Companies may have against the Lessees, any or either of them, their or his Estate or Effects, on account of any Breach or Non-observance of any of the Covenants contained in such Lease.

If Lessees become unable to carry on the Traffic, the Companies shall enter and work the Line.

XL. That no Lease of the Extension Railway or any Part thereof shall take away, alter, or in anywise affect any of the Duties, Obligations, Restrictions, or Liabilities to which the Companies but for the making of such Lease might by any Law or Statute be subject, but all Persons and Corporations, other than the Lessees of the Extension Railway, shall have the same Rights, Privileges, Powers, and Remedies against the Company, after the making of and notwithstanding such Lease, as they might have had if such Lease had not been made.

Lease of Railway not to affect Third Parties.

XLI. That any Lease which may be granted of the Extension Railway under the Powers of this Act shall not be deemed or construed to exempt the Extension Railway by this or the said recited Act authorized to be made, or the Lessees, from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, 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 this Act or by the recited Act, or of Rates for small Parcels, but the Lessees shall be subject and liable to such Provisions and to such Revision and Alteration as the Companies would be liable to if such Lease had not been granted.

Lessees to be subject to Provisions of present or future Railway Acts.

XLII. That every Summons, Notice, or other Document requiring Authentication by the Companies may be signed by Two Members of the Joint Committee, or by the Secretary of the Joint Committee, and

Authentica-
tion of
Notices.

[Local.]

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need not be under the Common Seals of the Companies, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Interest not
to be paid on
Calls paid
up.

XLIII. That it shall not be lawful for the said Companies, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend 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 Companies 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 Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for
future Bills
not to be
paid out of
the Compa-
nies Capital.

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

Railway and
Companies
to be subject
to Provi-
sions 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.

XLV. 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 an Act was passed in the Session of Parliament held 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 Companies or the
Joint.

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Joint Committee or the Extension Railway from the Provisions of such several Acts respectively, but that such Provisions shall be in force in respect to the said Extension Railway and Companies, so far as the same shall be applicable thereto.

XLVI. That nothing herein contained shall be deemed or construed to exempt the said Extension Railway by this or the said recited Act authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to the better or 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 this Act or by the said recited Act, or the Rates, Tolls, and Charges in respect of small Parcels.

Railway not
exempt from
Provision of
future
General Acts.

XLVII. That all the Costs, Charges, and Expenses of obtaining and passing this Act or incident thereto shall be paid by the Companies out of the Funds arising in respect of the *London, Tilbury, and Southend Extension Railway*.

Expenses of
Act.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.

