



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. lxxvi.

An Act to alter and amend the Powers and Provisions of an Act for making a Railway from the *London and Greenwich Railway* to the *Deptford Pier*, to be called "*The Deptford Pier Junction Railway.*" [19th July 1839.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the London and Greenwich Railway to the Deptford Pier, to be called "The Deptford Pier Junction Railway."* And whereas it is expedient that some of the Powers and Provisions of the said recited Act should be altered and amended, and that certain further Powers should be granted to the *Deptford Pier Junction Railway Company*; 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, That all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules of Interpretation and Construction, Clauses, Matters, and Things, contained in the said recited Act, (and not by this Act repealed, altered, or otherwise provided for,) shall extend and be construed to extend to this Act, and to the several Works and Things hereby authorized or required to be made and done, and shall operate and be in force in respect to the Objects and Purposes of this Act, as fully and effectually, to all Intents and Purposes whatsoever,

6 W. 4. c. 63.

Powers of former Act extended to this Act.

soever, as if the same Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules, Clauses, Matters, and Things, were repeated and re-enacted in this Act, with reference to the Works and Things to be made and done under the Authority hereof.

Power to raise further Capital of 40,000*l.* by a Creation of new Shares.

II. And be it further enacted, That it shall be lawful for the said Company, for the Purposes of the said recited Act and this Act, forthwith, or at any Time hereafter, and from Time to Time, to raise, in addition to the Sums raised by virtue of the said recited Act, any Sum or Sums of Money not exceeding in the whole the said Sum of Forty thousand Pounds, by creating an additional Number of Shares of Twenty Pounds each in the Capital of the said Company, and to sell, transfer, or otherwise dispose of the same Shares for such Price or Prices and upon such Terms as they shall think proper, and such additional Shares shall be considered as Part of the Capital or Joint Stock of the said Company, and shall be under and subject to the same Provisions, Regulations, Directions, and Management, and the Persons, Bodies Politic, Corporate, and Collegiate, Aggregate or Sole, to whom the same respectively shall be sold, transferred, or disposed, or their several and respective Successors or Assigns, shall respectively be entitled to the like proportionate Parts of Profits, and the same Privileges and Advantages, as if the same Shares had been Part of the Capital or Joint Stock authorized to be raised by the said first in part recited Act.

Proprietors of additional Shares to have a Preference over the present Proprietors to the Extent of a Dividend not exceeding 5 per Cent.

III. And be it further enacted, That in case the said Company, at any Extraordinary General Meeting or Meetings of Proprietors of the said Company to be especially called in pursuance of the said recited Act or this Act, for the Purpose of increasing the Capital or Joint Stock of the said Company shall resolve that any further Sum or Sums of Money shall be raised by the Creation of additional Shares as aforesaid, in pursuance of this Act, and that it would be advisable to secure to the Persons who should purchase such Shares the Payment of a Dividend or Dividends thereon, in preference to the Payment of any Dividend on the present Shares, Capital or Joint Stock of the said Company, and or such additional Shares or Capital (if any) as shall then have been raised without such Preference, then it shall be lawful for such Extraordinary General Meeting to resolve the Dividends after any Rate not exceeding Five Pounds *per Centum per Annum* shall be paid in respect of the Share or Shares so purchased after such Resolution, for or towards such additional Capital, before any Dividends shall be paid in respect of the then Shares, Capital or Joint Stock of the said Company; and after such Resolution no Dividends shall be payable to any of the Proprietors of Shares or Sums forming any Part of the said present Capital or Joint Stock of the said Company, or any additional Shares or Capital raised without such Preference, until there shall have been paid to the Proprietors of such Share or Shares a Dividend after the Rate determined by such Resolution as aforesaid in respect of the Share or Shares to which such Proprietors respectively shall be entitled in such additional Capital, but that no Proprietors of Shares, Part of any such additional Capital, shall be entitled to or receive Dividends to a greater Amount than after the Rate so to be determined as aforesaid

in respect of such Share or Shares as aforesaid, until and unless the Proprietors of the Share or Shares forming the said present Capital or Joint Stock, and any additional Capital raised without such Preference, as aforesaid, shall have received and been paid Dividends of equal Amount to the Dividends paid in respect of the additional Capital raised after such Resolution as aforesaid.

IV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate and Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other incapacitated Persons, who or are shall be seised, possessed, or interested in their own Right, and for all other Persons who are or shall be seised, possessed, or interested of or in any Lands, Tenements, and Hereditaments, for the Purposes of this Act, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid to all Intents and Purposes whatsoever, and all Bodies Politic, Corporate, or Collegiate, and all Persons, so conveying as aforesaid, are hereby indemnified for or in respect of such Sales as they or any of them respectively make by virtue or in pursuance of this Act; and all such Contracts, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company.

Incapacitated Persons empowered to sell.

V. And whereas the Mayor and Commonalty and Citizens of the City of *London*, in their own Right or as Trustees of the Bridge House Estates, are seised, possessed of or interested in divers Lands, Tenements, and Hereditaments upon or near to which the said Railway and other Works are intended to be erected, made, and performed, or through which the Avenues and Approaches thereto are intended to pass, or which may be required for the Purposes of this Act, and it may be extremely injurious to the said Mayor and Commonalty and Citizens, or their Successors, if the said Company were not compelled to purchase the whole of such Lands, Tenements, and Hereditaments respectively, if required by the said Mayor and Commonalty and Citizens so to do; be it therefore enacted, That if the said Mayor and Commonalty and Citizens of the City of *London*, or their Successors, shall be applied to, by or on behalf of the said Company, to treat for, sell, dispose of, or convey, for the Purposes of this Act, any Part of any Lands, Tenements, or Hereditaments now belonging to them the said Mayor and Commonalty and Citizens of the City of *London*, and the said Mayor and Commonalty and Citizens shall, by Notice in Writing to be delivered to the Treasurer, Clerk, or any one of the Directors of the said Company, signify their Inclination or Desire to treat for, sell, dispose of, and convey the Whole of such Lands, Tenements, and Hereditaments, and it shall happen that the said Company shall not think proper or be willing to purchase the Whole of such Lands, Tenements, and Hereditaments, then and in every such Case nothing in this Act contained shall extend or be construed to extend to compel the said Mayor and Commonalty

Corporation of the City of London not obliged to dispose of Part only of any Lands or Premises belonging to them if desirous to sell the whole of such Lands or Premises.

Commonalty and Citizens of the City of *London*, or their Successors, to treat for, sell, dispose of, or convey, or to authorize the said Company to take or use, Part only or less than the Whole of such Lands, Tenements, and Hereditaments so belonging to them the said Mayor and Commonalty and Citizens, any thing herein-before contained to the contrary notwithstanding.

Lands bought of any Person under any Disability to be valued by Two Surveyors or their Umpire.

VI. Provided always, and be it further enacted, That the Consideration Money to be paid for any Lands or Hereditaments, Share or Shares, to be purchased from or conveyed by any Corporation, or any Person under any Disability or Incapacity as aforesaid, or not having Power to sell, except under the Provision herein-before contained, shall in no Case be less than such Sum as the same shall be valued at by Two Surveyors, one of whom shall be nominated by the said Company, and the other by the Person or Corporation contracting or agreeing to sell the same, and if such Two Surveyors shall not agree in the Valuation thereof, then by such Third Surveyor as any Two Justices acting for the County or Counties respectively in which the Lands or Hereditaments shall be situated shall for that Purpose nominate, and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not then the Surveyor so to be nominated by the Justices as aforesaid, shall annex to their or his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof, conformable and subject to the Provisions of an Act made and passed in the Session of Parliament of the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;'* and to make other Provisions for the Abolition of unnecessary Oaths.

5 & 6 W. 4.
c. 62.

Expences of Counsel to be allowed in the Taxation of Costs.

VII. And be it further enacted, That in all Cases where a Verdict of a Jury summoned as by the said recited Act directed shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of the said recited Act or this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers thereof, the reasonable Fees which may have been paid to Counsel for attending the Inquiry before such Jury by the Party with whom the said Company may be in dispute shall be paid by the said Company, and the Amount of such Fees shall be settled and determined by the Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Inquiry, in like Manner as the Costs of summoning such Jury and other Expences payable by the said Company, but upon the same Scale or Allowance as may for the Time being be adopted or allowed by the Taxing Officers of Her Majesty's Courts of Record at *Westminster*.

Rates of Carriage to be charged equally.

VIII. And be it further enacted, That the Charges by the said recited Act authorized to be made for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said

said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine passing on the Line for any Distance; and no Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon the said Railway for any Distance.

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

Annual Account to be made up, and Copy transmitted to Clerk of the Peace.

X. And be it further enacted, That no Bye Law which the said Company may have heretofore made under the Authority of the said recited Act (except such as may relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants) shall be valid or binding for a longer Period than Six Months from the passing of this Act; nor shall any Bye Law, except as aforesaid, which may hereafter be made by the said Company, be valid or binding, unless the same shall be allowed by some Judge of one of Her Majesty's Courts of Record at *Westminster*, or by the Justices assembled at some General or Quarter Session of the Peace of the County of *Kent*; which said Justices are hereby authorized and required, on Request of the said Company, to examine into the Bye Laws which may be tendered to them for that Purpose by the said Company, and to allow or disallow the same as to them may seem meet; and all Penalties which may be imposed by virtue of any such Bye Laws shall be so framed as to allow the Justice or Justices before whom the same may be sought to be recovered to order the Whole or any Part of such Penalties to be paid.

Bye Laws to be confirmed.

XI. And whereas it is by the said recited Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth enacted, that no Action, Suit, or Information, nor any other Proceedings, of what Nature soever, should be brought, commenced, or prosecuted against any Person or Corporation for any thing done or omitted to

Provision as to Limitation of Actions recited and repealed.

[Local.]

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be done in pursuance of the said Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under the said Act, unless Twenty Days previous Notice in Writing should be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding should be brought or commenced within Six Calendar Months after the Act committed, or in case there should be a Continuation of Damage then within Six Calendar Months after the doing or committing such Damage should have ceased, nor unless such Action, Suit, or Information should be laid and brought in the County or Place where the Matter in dispute or Cause of Action should have arisen; and the Defendant in such Action, Suit, or Information, or other Proceeding, might plead the General Issue, and give the said Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of the said Act; and if they should appear to have been so done, or to have been so omitted to be done, or if it should appear that such Action, Suit, Information, or Proceeding should have been brought otherwise than as therein-before directed, then and in every such Case the Jury should find for the Defendant, upon which Verdict, or if the Plaintiff should become nonsuited, or should suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant should have appeared thereto, or if a Verdict should pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff, the Defendant should have his Costs, and should have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases: And whereas it is expedient that such Enactment should be repealed; be it therefore enacted, That the same shall be and is hereby repealed.

Amending
Clause for
Payment of
Rates.

44 G. 3.c.53.

XII. And whereas in the said recited Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth, after reciting that by reason of the pulling down Houses and Buildings in pursuance of the said Act there might be Deficiencies in the Produce of the several Rates therein-after mentioned in the Parishes of *Saint Nicholas Deptford* and *Saint Paul Deptford* respectively, and also in the Rates made and to be made under and by virtue of an Act passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better paving, cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places within the Parish of Saint Nicholas Deptford in the County of Kent, and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein*, it was therefore enacted, that from and after the said Company should have become seised and possessed, by virtue of that Act, of any Premises charged or chargeable with any County Rates, Police Rates, Highway Rates, or with any other Parochial Rates, Charges, or Assessments not therein otherwise provided for, then or thereafter charged or chargeable within the said Parishes respectively, and from and after the Occupier of any Premises so charged or chargeable as aforesaid should have quitted Possession thereof in pursuance of any Notice to be given by the said Company,

and from and after any Premises so charged or chargeable as aforesaid should have become unoccupied by reason of any such Notice or of any other Proceedings by the said Company, and until the Works thereby authorized to be made should be completed, used, or occupied, and assessed to such Rates respectively, the said Company should be subject and liable from Time to Time to pay and make good, to or in aid of the said Parishes respectively, all such Sums of Money as would have been payable in respect of or for all such Premises whereof the said Company should so have been seised and possessed, and one Half of all such Sums of Money as would have been payable in respect of or for all such Premises whereof such Occupier should have quitted Possession in pursuance of such Notice as aforesaid, or which should have become unoccupied by reason of any such Notice or other Proceeding of the said Company, in case all such Premises had been actually rated and assessed to such Rates respectively, according to the Rental at which the same were rated or valued at the Time of the passing of that Act; and the Treasurer to be appointed under or by virtue of that Act was thereby required to pay all such Sums of Money, on Demand thereof, to the Collector of the said Rates respectively, or other Person duly authorized to receive the same: And whereas Doubts and Disputes have arisen concerning the proper Construction of the said Section, and it is expedient that the same should be explained, and that all Doubts and Uncertainties should be removed, and that further Protection should be given to the Inhabitants and Parishioners of the said Parish of *Saint Nicholas Deptford* against any Loss or Deficiency to be occasioned to or in the said Rates or any of them; be it therefore enacted, That the said Section, as far as the same relates to the Parish of *Saint Nicholas Deptford*, shall be and the same is hereby repealed; and in lieu thereof, so soon as the Occupier of any Houses, Buildings, or Land to be purchased or used by the said Company for the Purposes of this Act or the said recited Act shall have quitted Possession thereof, after the same shall have been purchased or used by the said Company, or in case the said Company shall purchase or use for the Purposes of this Act or of the said recited Act any Houses, Buildings, or Land which at the Time of their so purchasing or using the same shall be and for Twelve Months immediately preceding shall have been unoccupied, then from the Time of their so purchasing the same, and until the whole Houses or Buildings intended to be built on the Ground occupied by such Houses and Buildings to be taken down for the Purposes of this Act shall be completed and occupied, or until the Value of the Erections, Buildings, or Improvements to be made upon such Land shall exceed the Sum at which the whole of the Property purchased or used, or to be purchased or used by the said Company, shall have been rated or assessed to the said Rates, and the said Company or some other Persons shall have become liable to be assessed in respect of such new Erections, Buildings, and Improvements, the said Company shall be subject and liable to be rated and assessed to the respective Rates and Assessments aforesaid for and in respect of every such House, Building, or Land which they shall purchase, and which shall be or become unoccupied as aforesaid; and the said Company shall, out of the Monies to be raised by virtue of or for the Purposes of this Act

or

or of the said recited Act, pay and make good all such Sums of Money as shall from Time to Time be deficient in the said respective Rates or Assessments by reason of the taking down or using all or any such Houses or Buildings, or by reason of all or any such Houses, Buildings, or Land being unoccupied as aforesaid, according to the Rental at which the same were valued or rated to the Poor Rate at the Time of their being so purchased or used by the said Company as aforesaid; and the Treasurer to be appointed under and by virtue of the said recited Act or this Act is hereby required to pay all such Rates and Deficiencies, on Demand thereof, to the Collector of the said Rates respectively, or other Person duly authorized to receive the same: Provided always, that the Sum of Money to be paid or made good by the said Company by reason of any such Deficiency as aforesaid shall diminish in proportion to the annual Value of the Houses or Buildings to be from Time to Time erected and occupied in the Place or Stead of those pulled down or become unoccupied as aforesaid.

Power to sell
Railway.

XIII. And be it further enacted, That the said Company are hereby authorized and empowered to enter into Contracts with the *London and Greenwich Railway Company*, or the *Deptford Pier and Improvement Company*, for the Sale to them or either of them of the said Railway and Works by the said recited Act and this Act authorized to be made, when constructed, for all or any of their Estate therein, for such Price or Sum as they the said Company shall think fit.

Act not to
interfere
with the
Powers of
Commis-
sioners of
Paving,
of Saint
Nicholas
Deptford.

XIV. Provided always, and be it further enacted, That nothing herein contained shall alter, affect, take away, or abridge, or be construed to alter, affect, take away, or abridge, the Powers, Jurisdictions, and Authorities of the Commissioners appointed or to be appointed under the Provisions of an Act of Parliament made and passed in the Forty-fourth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for better paving, cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places within the Parish of Saint Nicholas Deptford in the County of Kent, and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein.*

Railway not
to be exempt
from Pro-
visions of
any general
Act.

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

Public Act.

XVI. And it be further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.