



CHAP. iv.

An Act to enable the South-eastern Railway Company to complete their authorised Greenwich Line. A.D. 1871.

[25th May 1871.]

WHEREAS amongst the Acts which have been from time to time passed relating to the South-eastern Railway Company are the following :

Recital of Acts relating to South-eastern Railway.

The South-eastern Railway Act, 1865 (herein called the Act of 1865) ;

The South-eastern Railway Act, 1866 (herein called the Act of 1866) ;

The South-eastern Railway (Capital) Act, 1867 (herein called the Act of 1867) ; and

The South-eastern Railway Act, 1870 (herein called the Act of 1870) :

And whereas one of the railways authorised by the Acts of 1865 and 1866 is a line through Greenwich known as the Greenwich and Woolwich Railway :

And whereas the Company in the last session introduced a Bill into Parliament for the abandonment of a portion of the said authorised line, and the substitution therefor of a shorter and cheaper line passing by a tunnel under a portion of Greenwich Park :

And whereas the Company were unable to proceed with the application for powers to make the said substituted railway in consequence of the opposition of the Lords Commissioners of Her Majesty's Admiralty, who were apprehensive of injury by vibration to the Greenwich Observatory, but the said Lords Commissioners were willing that experiments should be made by the officers of the said Lords Commissioners and of the Board of Trade to test the validity of the objections, provided the Company undertook to defray the costs of the experiments, and it is therefore expedient that the Company should be authorised to defray such costs :

And whereas by the Act of 1870 the period limited by the Acts of the Company for the compulsory purchase of lands and for the

A.D. 1871. — completion of works was extended excepting as regards the portion of railway so sought to be diverted :

And whereas it is expedient that the powers of the Company with respect to the said excepted portion of railway should be revived and enlarged :

And whereas plans and sections describing the line, situations, and levels of the said portion of railway, and a book of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of the proposed new works, or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Kent (which are in this Act referred to as the deposited plans, sections, and book of reference) :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Short title.

1. This Act may be cited as *The South-eastern Railway Act, 1871.*

Provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts (as far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act ; (namely,)

The Railways Clauses Consolidation Act, 1845 ;

Part I. of the Railways Clauses Act, 1863 ; and

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

Interpretation of terms.

3. With respect to the interpretation of terms in and for the purposes of this Act the following provisions shall have effect ; (namely,)

In this Act and in any Act incorporated therewith the term " the Company " shall be taken to mean the South-eastern Railway Company :

In this Act and in any Act incorporated therewith the term " the railway " shall be taken to mean the railway by this Act authorised :

In this Act and in any Act incorporated therewith the term " court of competent jurisdiction " shall have effect as if the debt or demand with respect to which that term is used was a common simple contract debt, and not a debt or demand created by statute ; and the term " superior courts " shall be taken to include all courts of competent jurisdiction within the meaning of this Act :

Subject to the foregoing interpretations, words to which meanings

are assigned by any Act incorporated with this Act, or which have therein special meanings, have in this Act the same meanings. A.D. 1871.

4. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the following railway, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated upon the deposited plans, and described in the deposited book of reference, as may be required for the purpose. The railway herein-before referred to and authorised by this Act is,—

Power to make railway according to deposited plans.

A railway one mile two furlongs and one chain, or thereabouts, in length, wholly situate in the parish of Greenwich, otherwise Saint Alphage, Greenwich, in the county of Kent, to commence at the point where the centre line of railway, according to the deposited plans referred to in the Act of 1866, crosses the outside wall forming the western boundary of the properties in Greenwich numbered 38 on those plans, and a point upon railway number 2, authorised by the Act of 1865, about twenty-two chains to the eastward of Conduit Lane ;

and the railway shall form part of the undertaking of the Company, and the Company may demand and receive such tolls and charges in respect of each and every description of traffic upon the railway as they would have been entitled to demand and receive if the same had originally formed part of the main line of the South-eastern Railway.

5. The powers of the Company for the compulsory purchase of lands authorised to be taken by this Act shall not be exercised after the expiration of one year from the passing of this Act. Powers for compulsory purchases limited.

6. The railway shall be completed within two years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. Period for completion of works.

7. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice, placed in public view, upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention to take the same. Houses of labouring classes.

A.D. 1871.
 Penalty if
 parts of rail-
 way not
 made within
 extended
 time.

8. If the Company fail within the period limited by this Act to complete the railway, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act seventeenth and eighteenth Victoria, chapter thirty-one, known as "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the Act seventeenth and eighteenth Victoria, chapter thirty-one, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
 of moneys to
 be recovered
 by way of
 penalty.

9. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any part thereof, or who may be subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company from whom such penalty was recovered.

10. Section twenty-five of the Act of 1866 and section six of the Act of 1867 are hereby repealed. A.D. 1871.

11. The several provisions of sections nineteen, twenty, twenty-one, twenty-eight, twenty-nine, and thirty of the Act of 1865, and seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three of the Act of 1866, shall extend and apply to the works by this Act authorised and the purposes of this Act as fully and effectually as if those sections respectively were re-enacted in this Act with respect to those works and purposes.

12. The Company may apply for the purposes of this Act, and of defraying the cost of any experiments with respect to the effect upon the Greenwich Observatory of a tunnel line through Greenwich Park, any money in their possession and any money which under or by any former Act they have raised or are authorised to raise, and which is not required for any purpose of any such former Act, and the Company and the Lords Commissioners of the Admiralty may enter into agreements as to the mode of conducting and otherwise with reference to the said experiments.

13. Nothing in this Act shall exempt the railways of the Company from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

14. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, and obtaining, and passing of this Act shall be paid by the Company.

