

CHAPTER cxliii.

An Act to enable the London Tilbury and Southend Railway A.D. 1882. Company to construct additional Railways and for other [24th July 1882.] purposes.

THEREAS the London Tilbury and Southend Railway Company (who are in this Act referred to as "the Company") were incorporated by the London Tilbury and Southend Railway 25 & 26 Vict. Act 1862 (herein referred to as the Act of 1862) and their under- c. viii. taking comprises a railway between Southend and the London and Blackwall Railway and the Company are entitled to run over and use the last-mentioned railway from the Gas Factory Junction to Fenchurch Street:

And whereas the new railway from Barking to Pitsea hereinafter described will provide a shorter route between London and Southend and the construction thereof and also of the extension to Shoeburyness herein-after described will be of public and local advantage:

And whereas it is expedient that in order to provide further accommodation for their traffic the Company should be empowered to purchase additional lands in the parishes of Saint Mary Whitechapel and Saint George-in-the-East and to construct a branch railway from the London and Blackwall Railway into such lands:

And whereas plans and sections showing the line and levels of the railways authorised by this Act and also books of reference 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 Middlesex and Essex and are herein-after respectively referred to as the deposited plans and sections and books of reference:

And whereas the Act of 1862 directs that the number of directors of the Company shall not exceed nine of whom three are to be appointed by the Company three by the directors of the Eastern

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Counties (now the Great Eastern) Railway Company and three by the directors of the London and Blackwall Railway Company:

28 & 29 Vict. c. c.

And whereas under the powers of the London and Blackwall Railway Lease Act 1865 the London and Blackwall Railway has been leased to the Great Eastern Railway Company for a term of nine hundred and ninety-nine years:

And whereas the interests of the Company on the one hand and the Great Eastern and London and Blackwall Railway Companies on the other hand are seldom identical and frequently antagonistic and the existing provisions of the Act of 1862 as to the directorate are inadequate in the present circumstances for the protection of the Company And it is expedient that the said provisions should be repealed and that other provisions should be made as to the directorate of the Company:

And whereas it is expedient that such further powers be granted as are herein-after mentioned:

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 (that is to say):—

Short title.

1. This Act may be cited as the London Tilbury and Southend Railway Act 1882.

Incorporation of general Acts.

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

8 & 9 Vict. c. 20.

26 & 27 Vict. c. 92. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 82 & 33 Vict. c. 18. The Railways Clauses Consolidation Act 1845 Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 and the Lands Clauses Consolidation Acts 1845 1860 and 1869.

Extending certain provisions of Companies Clauses Acts.
8 & 9 Vict.
c. 16.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the share-holders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

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c. 48.

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

And also Parts I. II. and III. of the Companies Clauses Act 26 & 27 Vict. 1863 (relating respectively to the cancellation and surrender c. 118. of shares to additional capital and to debenture stock) as 32 & 33 Vict. amended by the Companies Clauses Act 1869;

shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

4. In this Act the several words and expressions to which Interpretameanings are assigned by the Acts wholly or partially incorporated tion. 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 London Tilbury and Southend Railway Company" the expression "the railway" means the railways by this Act authorised the expressions "the Metropolitan Board" "the district board" and "the vestry" mean respectively "the Metropolitan Board of Works" "the Board of Works for the Whitechapel District" and "the vestry of St. Georgein-the-East" 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 for the purposes of this Act 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.

5. The expressions "parish clerk" and "clerks of the several Interpretaparishes" in sections 7 8 and 9 of the Railways Clauses Con- "parish" solidation Act 1845 shall with reference to the Company and clerk "&c. as regards those parishes and places in respect of which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the respective parish or place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

6. Subject to the provisions of this Act the Company may make Power to and maintain in the line and according to the levels shown on the make new

railways.

deposited plans and sections the railways herein-after described with all proper stations sidings 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 books of reference as may be required for those purposes. The railways herein-before referred to and authorised by this Act are:—

Railway No. 1. (The Barking and Pitsea Railway) nineteen miles and seven chains in length wholly in the county of Essex commencing in the parish of Barking by a junction with the Company's railway on the east side of the road numbered on the deposited plans 58 in that parish and terminating in the parish of Pitsea by a junction with the Company's railway four hundred and seventy-five yards or thereabouts measured in an easterly direction from the eastern end of the platform at Pitsea Station;

Railway No. 2. (The Shoeburyness Extension) three miles five furlongs and 6.50 chains in length wholly in the county of Essex commencing in the parish of Prittlewell by a junction with the Company's railway at its termination in Southend Station and terminating in the parish of South Shoeburyness on the west side of High Street Shoeburyness;

Railway No. 3. (The Whitechapel Goods Branch) two furlongs and 5.90 chains in length wholly in the county of Middlesex commencing in the parish of Saint George-in-the-East by a junction with the London and Blackwall Railway one hundred and thirty yards or thereabouts east of Backchurch Lane and terminating in the parish of Saint Mary Whitechapel near the junction of Goodman's Stile with the Commercial Road.

For protection of Rainham Commissioners of Sewers.

- 7. 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. The Company shall not under the powers of this Act stop up alter remove break into or interfere with any 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 the Company shall have completed in a good and substantial manner under the direction of the Commissioners or their surveyor if any such direction be given such culverts 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.

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- 2. In that part of the railway by this Act authorised within the limits of the jurisdiction of the said Commissioners which is 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 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 across the railway or through the embankment or viaduct upon which the railway shall be carried within the limits aforesaid all such pipes culverts and channels for the passage of fresh water under through and across the railway from the north side thereof into and for the purposes of the lands and grounds on 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 said railway within the limits aforesaid it shall be found that the waters on the north side of the railway embankment shall be and remain so much higher than the waters on the south side thereof 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 Commissioners the Company shall and they are hereby required to make such additional opening or so many additional openings in the embankment as shall admit of the free passage of the said waters and if the Company refuse to make such additional

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opening 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 such additional opening 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 sluices works and defences made and completed at any time hereafter by the Company or by the Commissioners within the limits aforesaid shall when so made and completed be and remain under the jurisdiction and control and within the management of the Commissioners in the same manner as the works for which they are respectively substituted.
- 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.

For protection of the East London Waterworks Company.

- 8. Whereas divers mains pipes services and other works belonging to and now in use by the East London Waterworks Company (in this section called "the water company") for the purpose of their water supply will or may in the execution of the works by this Act authorised be intersected or otherwise interfered with Therefore the following provisions shall have effect:
 - (A) All works matters or things which the Company may be empowered or required to do or execute with reference to the mains pipes services or other works of the water company shall be done and executed by and at the expense of the Company but to the reasonable satisfaction of the engineer for the time being of the water company Such works matters or things shall not be commenced till after fourteen days' notice thereof in writing shall have been given by the Company to the water company and if the water company by notice in writing to the Company within seven days after the receipt by them of

- notice of the intended commencement by the Company of any such work matter or thing require that the water company shall by their own engineer or workmen do or execute such work matter or thing the water company may on the expiration of the first-mentioned notice do or execute the same to the reasonable satisfaction of the engineer of the Company and the Company shall on the completion thereof pay to the water company the reasonable expenses incurred by them in the execution thereof.
- (B) The water company may if they think fit cause their engineer or other officer to superintend and watch all or any of the works by this Act authorised by which any main or pipe of the water company shall be interfered with.
- (c) If any interruption whatsoever in the supply of water by the water company shall be caused by the Company or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to the water company for the use and benefit of the water company the sum of ten pounds for every hour during which such interruption shall continue such sum to be recovered by the water company in any court of competent jurisdiction.
- (D) The expense of all repairs or renewals of any main pipe or service of the water company or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Company their contractors agents workmen or servants or any person in the employ of them or any or either of them shall be borne and paid by the Company and may be recovered against them by the water company in any court of competent jurisdiction.
- (E) The water company and their engineer and workmen may at all reasonable times when necessary enter upon the railways and works by this Act authorised for the purpose of laying and maintaining and may lay and maintain any mains pipes services or other works needful or proper for carrying on their supply of water under or over the said railway and works where such mains pipes services or works now exist and in every case in which the works of the Company shall interfere with the mains and pipes of the water company the Company shall give every reasonable facility for provisions being made so as to allow such mains and pipes to be replaced by mains and pipes of a larger size Provided always that the water company shall in the exercise of those powers do as little

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- damage as possible to the said railways and works and shall not interfere with the traffic passing on the railway or other property of the Company and that all such works shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the Company.
- (F) If any difference shall arise between the Company or their engineer and the water company or their engineer touching the amount of any costs expenses or charges under the provisions of this Act or any Act incorporated therewith to be paid by the Company to the water company or touching any work matter or thing with reference to the mains pipes services or other works of the water company under such provisions to be done or executed by the Company or the water company or the mode of doing or executing the same such difference shall be settled by arbitration in accordance with the provisions of the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.
- (G) Except as in this Act specially provided nothing in this Act shall prejudice diminish alter or take away any of the rights privileges powers or authorities of the water company.

East Horn-don Station.

9. No part of railway No. 1 by this Act authorised east of the point marked eight miles on the deposited plans shall be opened for passenger traffic unless the Company shall have constructed and shall simultaneously open for traffic on the level a station for passengers goods and minerals at the point marked eleven miles six furlongs on the deposited plans to be called East Horndon Station with proper and sufficient approaches on both sides of the intended railway from the Romford Road marked 21 in the parish of Childer-ditch on the deposited plans.

Protecting Gunmakers' property.

10. Nothing in this Act shall enable the Company to purchase and take the properties belonging or claimed to belong to the Gunmakers' Company numbered on the deposited plans and in the deposited books of reference 248 249 and 250 in the parish of Saint Mary Whitechapel.

For protection of Sir Edward Hulse, Bart. 11. For the protection of Sir Edward Hulse Baronet or other the owners for the time being of the estate known as the Barking Estate in the parishes of Barking and Dagenham in the county of Essex herein-after called the owners the following provisions shall apply and have effect:—

The inclination of the approach road to the bridge to be constructed over Railway No. 1 in Upney Lane numbered on the deposited plans and books of reference 104 in the parish of

Barking shall be not steeper than 1 in 25 on either side of the A.D. 1882. said bridge; and

The approach road to the bridge to be constructed over the said railway in the lane leading to Porter's Lodge Farm numbered on the deposited plans and books of reference 110 in the parish of Barking shall be not steeper than 1 in 30 on either side of the said bridge.

12. For the protection of the Reverend Thomas Edmund Heygate For proof Porters Grange Southend-on-Sea in the county of Essex and of Thomas his heirs and assigns (herein referred to as "the owner") the Edmund following provisions shall have effect (that is to say):—

Heygate.

- (1) The Company shall provide at the point shown on the deposited plans as fifteen chains from the commencement of Railway No. 2 or at the point shown as twenty-five chains from the commencement for the purpose of affording access underneath the railway between the severed portions of the said property an opening of not less width than thirty-five feet in the clear and having a headway of not less than sixteen feet throughout the entire width thereof above the present surface of the ground at such point;
- (2) Where the railway will intersect the property of the owner the Company shall plant with ornamental trees and shrubs and so maintain the embankment on both sides thereof to the reasonable satisfaction of the owner.
- 13. Notwithstanding anything in this Act contained the Com-Railway pany shall not construct Railway No. 2 by this Act authorised nearer No. 2 to be than one hundred and thirty-two yards to the Powder Magazine at from Powder South Shoebury belonging to Her Majesty's Principal Secretary of Magazine at South Shoe-State for War and in constructing the said railway the Company bury. shall within the limits shown on the deposited plans make such deviation to the northward of the centre line thereof shown on the deposited plans as may be necessary to give effect to this section.

14. Nothing in this Act contained shall authorise the Company Saving to enter upon use or interfere with any land soil or water or any rights of the War Departright in respect thereof or to take away lessen prejudice or alter ment. any of the rights privileges or powers vested in or exercised by Her Majesty's Principal Secretary of State for the War Department for the time being without his previous consent in writing under his hand and which consent the said Principal Secretary is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Company.

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For protection of George
Asser White Welch.

- 15. For the protection of George Asser White Welch and his successors in estate the owner or owners for the time being of the estate in the parishes of Southchurch, North and South Shoebury in the county of Essex known as Southchurch Hall Estate (in this section included in the expression and referred to as "the owners") the following provisions shall have effect:—
 - (1) The Company shall make and for ever after maintain-
 - (a) A proper and substantial bridge of not less than twenty feet in width between the fences thereof over the Railway No. 2 with approaches properly fenced on either side thereof at the point marked A on the plan signed by Sir Wilfrid Lawson Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and copies of which plan have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, and which plan is herein called "the standard plan" The bridge and approaches to be properly metalled their whole width;
 - (b) A proper and substantial bridge of not less than twenty-five feet in width between the fences thereof over the Railway No. 2 at the point marked B on the standard plan with approaches properly fenced on either side thereof such approaches being of a gradient not steeper than one in twenty-five The bridge and approaches to be properly metalled their whole width;
 - (2) The Company shall form and for ever after maintain in proper repair for the use of the owners and their tenants and other persons being lawful owners to pass and repass with or without carriages and horses the following level crossings with proper and sufficient gates that is to say:—

(a) A level crossing of a width of not less than twelve feet over the Railway No. 2 at the point marked C on the standard plan with proper approaches thereto;

(b) A level crossing at the point marked D on the standard plan with proper approaches thereto properly fenced such level crossing and the approaches being of a width of not less than twelve feet and such approaches shall be of a gradient not steeper than one in twenty-five.

The approaches to the above described level crossings to be properly metalled their whole width;

(3) The Company shall make and for ever after maintain at the point marked E on the standard plan a substantial culvert of not less than five feet in diameter and a cattle creep of not less

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than eight feet in height under the said Railway No. 2 the roadway under such cattle creep and for an area of fifty square yards at each end thereof to be properly metalled;

- (4) In case it shall be necessary to interfere with any drains or watercourses or the outfalls thereof belonging to or used by the owners the Company shall before interfering with any such drains and watercourses or outfalls construct in lieu thereof and shall for ever after maintain in good and efficient repair and condition such other drains watercourses outfalls and works as shall be reasonably required by the owners;
- (5) All or any gates gateways bridges and other works on the said estate which may be in any way interfered with by the Company shall with all reasonable despatch be made good restored or replaced by the Company and if any watercourse or means of water supply on or to the said estate be interfered with by the Company the Company shall with all reasonable despatch restore or by substituted works replace the same If the Company fail to comply with the provisions of this sub-section they shall forfeit and pay to the owners as and by way of liquidated damages the sum of fifty pounds and the further sum of ten pounds for every day or fraction of a day after the first during which the failure shall continue and all or any sums so payable may be recovered by the owners with full costs of suit from the Company in any court of competent jurisdiction.
- 16. The powers of the Company for the compulsory purchase of lands authorised by this Act to be taken shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

- 17. Persons empowered by the Lands Clauses Consolidation Power to Act 1845 to sell and convey or release lands may if they think take easements &c. fit subject to the provisions of that Act and of the Lands Clauses by agree-Consolidation Acts Amendment Act 1860 and of this Act grant ment. 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 extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.
- 18. If the Company fail within the period limited by this Act Imposing to complete any of the railways the Company shall be liable to a penalty unless railpenalty of fifty pounds a day for every day after the expiration of way opened. the period so limited until the railway is completed and opened for public traffic or until the sum received in respect of such penalty

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shall amount to five per centum on the amount of the estimated cost of the railway not so completed and the said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty pro-17&18 Vict. vided in section 3 of 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 that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter 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 the railway by unforeseen accident or circumstances beyond their control Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty.

19. 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 not completed in manner aforesaid or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purpose of such railway conferred upon the Company by this Act 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 Chancery Division of the High Court of Justice 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 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

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and shall be carried to and form part of the Consolidated Fund of A.D. 1882. the United Kingdom or in the discretion of the said Division 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.

20. If the railway is not completed within five years from the Period for passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

completion of railway.

21. Subject to the provisions of this Act the Company may Power to purchase and take certain lands houses and buildings bounded by purchase additional the London and Blackwall Railway on the south Commercial Road lands. on the north Lambeth Street and Gower's Row on the west and in part by Gower's Walk and in part by Back Church Lane on the east and situate partly in the said parish of St. Mary Whitechapel and partly in the said parish of St. George-in-the-East which are delineated on the deposited plans and described in the deposited book of reference and may use such lands for stations and siding purposes and for providing yards warehouses and other accommodation.

22. And whereas for the purposes of this Act portions only of Owners may certain of the lands and buildings shown on the deposited plans be required may be sufficient for the purposes of the Company and such only of portions may be severed from the remainder of the said properties certain lands without material detriment thereto Therefore notwithstanding ings. section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands and buildings described in the schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbitrator or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

to sell parts and build-

23. The Company shall not less than eight weeks before they Notice to be take in any parish fifteen houses or more occupied either wholly or given of

taking

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houses of labouring classes.

partially by persent 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.

Company to procure accommodation for persons of the labouring class to be displaced.

24. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers the Company shall (unless the Company and such persons otherwise agree) procure sufficient accommodation elsewhere for such persons Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice.

Power to sell lease or dispose of lands.

- 25. The following provisions shall apply to any lands buildings yards gardens and hereditaments in the said parishes of St. Mary Whitechapel or St. George-in-the-East which may be acquired by the Company under the powers of this Act and which the Company shall under their common seal declare are not required to be used for Railway No. 3 by this Act authorised or the accommodation of the traffic thereon and the same lands buildings yards gardens and hereditaments are in this section referred to as "the premises" and such premises shall not be subject to the provisions of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands.
 - 1. The Company may from time to time sell and demise and otherwise dispose of the premises or any part thereof or any estate or interest therein held or acquired by or in trust for them.
 - 2. The Company may hold and let the premises or any part thereof and grant building and repairing leases of the same for any term and with and subject to such covenants and conditions as they may think fit.
 - 3. The Company may on any part of the premises build dwelling-houses for persons of the labouring class who may be displaced under the powers of this Act or may demise or lease any part of the premises for the purposes of any such building and may enter into contracts relative thereto.
 - 4. The premises shall not be deemed part of the undertaking of the Company charged with the general mortgage debt or debenture stock thereof excepting such mortgages as may be expressly charged upon the premises or upon any specific portion thereof.

5. The Company may from time to time borrow on mortgage of the premises any sums of money and the only security of the mortgagee shall be the premises or the part thereof specially comprised in his mortgage Notwithstanding anything contained in the special Acts of the Company or in the Lands Clauses Consolidation Act 1845 or other Acts the Company may retain such portion of the premises as they believe may hereafter be necessary for the widening of their railway or for stations and sidings connected therewith.

26. With reference to Railway No. 3 by this Act authorised and for the protection of the Board of Works for the Whitechapel Whitechapel District (in this Act referred to as "the district board") and of the vestry of the parish of St. George-in-the-East (in this Act referred to as "the vestry") respectively the following provisions shall have effect that is to say:—

1. While the Company are possessed under the authority of this Rates in Act of any lands houses buildings or other property assessed to be made or liable to be assessed to any parochial or other general or good. special rate and until any works to be constructed by the Company in the parish of St. Mary Whitechapel under or consequent on the powers of this Act are so far completed as to be assessed or liable to be assessed to an amount equal to or greater than the aggregate amount of the gross rateable value of the same lands houses buildings and property in a rate made the 2nd day of June 1881 the Company shall be liable to make good the deficiency in the assessment for such rates by reason of such lands houses buildings or other property being taken or used by them for the purposes of this Act or other the purposes of their undertaking and the deficiency shall be computed according to the rental at which such lands houses buildings and other property respectively are rated in the said rate.

2. The Company shall not stop up or cover over Jones' Buildings Limiting inbut shall continue the same as a footway in a direct line of with Jones' the width of not less than seven feet into Lambeth Street Buildings. and the railway shall be carried over the said footway so as to leave a headway throughout that width of not less than nine feet above the surface of the footway.

3. Before the Company stop up any street in the parish of St. Mary Whitechapel and in substitution for the several streets provided. thoroughfares and places to be closed under the powers of this Act they shall make and dedicate to public use a new

For protection of the District Board as to streets affected by Railway No. 3.

Substituted : streets to be

end of Lambeth Street to Back Clarch Land shall also connect therewith Gower's Roll by the and shall also connect therewith Gower's Roll by the formed new street not less than thirty-five feet wide throughout. The said new streets shall have a flagged footway on either side thereof not less than five feet and six inches wide and shall be formed made sewered drained kerbed channelled flagged and completed in all respects to the reasonable satisfaction of the surveyor of the district board.

Bridge over new street.

4. The railway shall be carried over the said new street from Lambeth Street by a bridge having throughout a single span the full width of the street and a headway throughout above the level of the street not less than 16 feet.

Addition to Gower's Walk. 5. The Company shall set apart and appropriate to the purposes of and throw into Gower's Walk the portions of land on the east and west sides of Gower's Walk distinguished by the colour red on a plan signed in triplicate by the Most Noble the Duke of Leinster the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred which plans shall be deposited as to one copy in the Office of the Clerk of the Parliaments as to another copy with the Secretary of the Company and as to the third copy with the clerk to the district board and the land so thrown into the said street shall for ever thereafter form part thereof and be dedicated to the use of the public accordingly.

Company to continue Pinchin Street to Backchurch Lanc.

6. The Company shall construct and dedicate to public use a new street in continuation of Pinchin Street from its western end on the outside of the north-eastern boundary of the railway and works so as to join Backchurch Lane. The said new street shall have a carriage-way and footways of the same respective widths as those which now exist in Pinchin Street and shall be formed made sewered drained channelled kerbed paved flagged and completed by and at the cost of the Company in all respects to the reasonable satisfaction of the surveyor of the vestry.

Company to carry railway over Backchurch Lane. 7. The Company shall not alter the level of Backchurch Lane and shall carry the railway over the same by a flat girder bridge of sufficient width to carry two lines of rails and having a headway throughout of not less than 16 feet above the level of the street.

As to interference with Backchurch Lane.

8. The Company shall not permanently stop up any part of Backchurch Lane and shall only temporarily interfere therewith 16

- so far as may be necessary during the construction of the said bridge thereover and during such interference shall maintain a sufficient passage for foot passengers and also for two lines of vehicles and reasonable means of ingress and egress for carriages to and from all courtyards abutting on the footpath and as soon as the said bridge shall have been completed the Company shall forthwith reinstate the said street to the reasonable satisfaction of the district board and the vestry so far as the said street is within their respective jurisdiction.
- 9. When the Company have completed the said new streets in manner aforesaid they may if and when they own the land courts, &c. on both sides of any yards courts or thoroughfares within the limits marked on the deposited plans of the said Railway No. 3 stop up and appropriate the site of such yards courts or thoroughfares.

As to sites of yards

27. If and when the Company at any time widen the said Provisions if bridge over Backchurch Lane the following provisions shall have Backchurch effect with respect to the said bridge and the widening thereof and Lanewidened the street thereunder respectively that is to say:—

at any time.

- 1. The Company shall at all times properly cleanse maintain and repair the roadway and footways under the said bridge as widened.
- 2. The Company shall efficiently light and watch the street under the said bridge as widened both by day and by night.
- 3. The Company shall in the roof of the said bridge or otherwise provide for the efficient ventilation of the street under the said bridge as widened.
- 4. The Company shall paint white and so repaint from time to time as occasion may require the roof of the said bridge and the piers abutments and walls thereof or they shall in lieu of painting the said piers abutments or walls face the same with white glazed or enamelled bricks.
- 5. All the said works matters and things shall be done at the cost of the Company to the reasonable satisfaction of the surveyors of the district board and the vestry.
- 6. If any difference at any time or times arise between the Company the district board and the vestry or any two of them such difference shall be determined by an engineer to be agreed on within one month after such difference shall have arisen or failing such agreement by an engineer to be

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appointed on the application of either of the parties in difference by the Metropolitan Board and the costs of the reference shall be borne as he shall direct.

For protection of sewers in the Metropolis.

28. Where any of the works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Metropolitan Board or the district board or vestry or with any sewers or works to be made or executed by the said boards or vestry or any of them or shall or may in any way affect the sewerage or drainage of the districts under their respective control the Company shall not commence such work until they shall have given to the engineer or surveyor of the Metropolitan Board or the district board or vestry as the case may require twenty-one days' previous notice in writing of their intention to commence the same by leaving such notice at his office with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the Metropolitan Board or the district board or vestry as the case may require shall have signified their approval of the same unless the Metropolitan Board or the district board or vestry as the case may require do not signify their approval or disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said Metropolitan Board or district board or vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as the Metropolitan Board or the district board or vestry as the case may be shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the said intended works or any part thereof and shall save harmless the Metropolitan Board or the district board or vestry as the case may require against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the Metropolitan Board or the district board or vestry as the case may require and at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said boards and vestry respectively or either of them may be put to by reason of such works of the Company whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid by the Company on demand and when

- any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges and expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the Metropolitan Board or the district board or vestry as the case may require as any sewers or works now or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the Metropolitan Board or the district board or vestry or their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.
- 29. Where any bridge or works are constructed under the Bridges over powers of this Act over any street or road within the Metropolis all such bridges and works shall be of a reasonably ornamental character and design and shall be made and maintained so as to prevent the dripping of water therefrom on any part of such street or road or the footway on either side thereof and so as to deaden so far as is practicable the sound of engines carriages and traffic passing over them.

roads in the Metropolis.

30. The Company shall not execute or commence the erection of Plans, &c., any such bridge or works as aforesaid until they shall have given to the Metropolitan Board of Works twenty-one days' notice in writing to the Metroof their intention to commence the same by leaving such notice at Board. the office of the said Board with plans elevations sections and other necessary particulars of the construction of the said bridge and works and until that Board shall have signified their approval of the same unless that Board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the said Board in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the said Board against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the said Board at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said Board may be put to by reason of the works of the Company whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the said Board by the Company on demand.

of bridges to be submitted

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Prohibiting placards and advertisements.

31. The Company shall not exhibit or permit to be exhibited upon any part of the works authorised by this Act within view of any public street within the Metropolis any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the Metropolitan Board of Works But this provision shall not prevent the exhibition of placards on the exterior of their station giving information to the public as to the traffic of the Company.

As to tolls.

32. The Company may subject as herein-after provided demand and take in respect of the railways by this Act authorised the same tolls and charges as they are authorised to receive for and in respect of the London Tilbury and Southend Railway as if they were part of such undertaking Provided that inasmuch as the maximum rates of charge on the London Tilbury and Southend Railway are exceptionally low (for passengers first class one penny second class three farthings and third class one halfpenny per mile) the Company may in respect of passenger traffic passing on the railways of the Company between Barking and any station westward thereof on the one hand and Pitsea and any station eastward thereof on the other hand charge as for the same number of miles as if such traffic had been conveyed by the Company's railway viâ Tilbury and that in respect of traffic of every description conveyed over the Whitechapel Goods Branch the Company may charge as if that railway were one mile.

Future widening of London and Blackwall Railway.

33. If at any time after the passing of this Act the Company shall desire to convey over the London and Blackwall Railway for the purpose of giving effect to any proposed agreement with the East and West India Dock Company or to Railway No. 3 by this Act authorised an amount of traffic greater than that conveyed by them over the London and Blackwall Railway before the passing of this Act and an amount which in the opinion of the Company or the Great Eastern Railway Company cannot be properly and safely conveyed over the London and Blackwall Railway without the construction of additional works thereon it shall on the application of the Company or the Great Eastern Railway Company be referred to arbitration to determine whether the widening of the London and Blackwall Railway or any part thereof or any additional works connected therewith are required in order that such traffic may be properly and efficiently carried over that railway having reference to the amount of traffic on the London and Blackwall Railway existing at the time such application is made by either of the said companies to refer the matter to arbitration. And if it shall be determined that any such widening or additional works be necessary

then it shall be determined by arbitration, as between the Company and the Great Eastern Railway Company what additional payments having regard to all the circumstances of the case which may be reasonably considered in reference to the question in dispute shall be made by the Company to the Great Eastern Railway Company either by way of additional toll or rent for such additional accommodation and the arbitrator shall fix the minimum amount to be paid as aforesaid by the Company to the Great Eastern Railway Company for such additional accommodation and the said company shall give effect to any such determination Any arbitration under this section shall be in accordance with the Railway Companies Arbitration Act 22 & 23 Vict. 1859 and the arbitrator shall allow a reasonable time to make the c. 59. additional works required including the time which may be required for any necessary application to Parliament.

34. The Company shall construct and provide free of expense Provision of to the London and Blackwall and Great Eastern Railway Companies in any way a new coal depôt in connexion with Railway No. 3 in Eastern and lieu of the existing coal depôt belonging to the London and Black-Blackwall wall Railway Company as part of their undertaking required by the Companies. Company for the purpose of Railway No. 3 and such new depôt shall be equal in area and in all other respects to the said existing coal depôt and with as convenient road access And the Company shall not charge any toll to the Great Eastern Railway Company or to their lessees or tenants for the use of so much of Railway No. 3 as may be necessary for obtaining access by railway to such new coal depôt and shall convey the said new coal depôt when completed to the London and Blackwall and Great Eastern Railway Companies or as they may direct and the Company shall complete the said new coal depôt before they take possession of the said existing coal depôt and shall compensate the London and Blackwall and Great Eastern Railway Companies for any loss or damage which may arise to them by reason of any temporary interference by the Company with the said existing coal depôt during the construction of Railway No. 3. Provided that if any dispute shall arise between the Company and the London and Blackwall and Great Eastern Railway Companies or either of them with reference to this section any difference shall be referred to arbitration in the manner provided by the Railway Companies Arbitration Act 1859.

coal depôt for Great Railway

35. The Company may apply towards the construction of the Company railways by this Act authorised and other purposes of this Act any money which they are already authorised to raise and which may towards purnot be required by them for the purposes for which the same was poses of Act authorised to be raised and the Company may from time to time additional

may apply their funds and may raise capital.

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- subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money so authorised to be raised any additional sum or sums not exceeding in the whole six hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company.

Shares or stock not to vest until paid up.

36. No share or stock created under the authority of this Act shall be issued nor shall any such share or stock vest in the person one-fifth part accepting the same unless and until a sum not being less than onefifth part of the amount of such share or stock shall have been paid in respect thereof.

Receipt in case of persons not sui juris.

37. If any money is payable under this Act to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge.

As to votes of proprietors of new shares or stock.

38. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Power to borrow.

39. The Company may in respect of the additional capital of six hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole two hundred thousand pounds and of that sum they may borrow one hundred thousand pounds in respect of each sum of three hundred thousand pounds of such additional capital but no part of any such sum of one hundred thousand pounds shall be borrowed until shares for so much of the portion of capital in respect of which it may be borrowed as is to be raised by means of shares are 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 shares for so much of such portion of capital as is to be raised by shares have 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 such separate share therein has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are

held by the persons or corporations to whom the same were issued or their executors administrators or assigns and also if the said respective portion of capital is raised by shares that such persons or corporations or their executors administrators or assigns are legally liable for the same;

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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 certificate shall be sufficient evidence thereof.

40. Any provision in any of the Acts of the Company with Appointment respect to the appointment of a receiver by mortgagees of the of receiver. Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision. The mortgagees 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 ten thousand pounds in the whole.

41. The Company may create and issue debenture stock subject Debenture to the provisions of Part III. of the Companies Clauses Act 1863 stock. but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company and the interest of all mortgages at any time after the passing of this Act granted by the Company shall rank pari passu and such interest shall have priority over all principal moneys secured by such mortgages.

42. All mortgages granted by the Company in pursuance of the Former powers of any former Act and subsisting at the time of the passing mortgages to have of this Act shall during the continuance of such mortgages and priority. subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect the priority of the interest of any debenture stock at any time created and issued by the Company.

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

44. Upon and from the passing of this Act sections 23 to 30 inclusive of the Act of 1862 relating to the directors of the Company

Repeal of certain sections of the Act of 1862.

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shall subject to the provisions of this Act be and the same are hereby repealed but this repeal shall not invalidate prejudice or affect any Act or thing duly done by the directors of the Company prior to the passing of this Act.

Number of directors.

45. The number of directors shall be not less that five nor more than seven.

Qualification of directors.

46. The qualification of a director shall be the possession in his own right of not less than one thousand pounds of shares or stock in the capital of the Company.

As to first directors of the Company and their future election.

47. The several persons who on the passing of this Act are directors appointed by the Company shall be the directors of the Company and shall continue in office as such until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may elect a new body of directors the directors at the passing of this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the said first ordinary meeting the shareholders present in person or by proxy shall subject to the power herein-before contained for varying the number of directors 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.

Quorum of meeting of directors.

48. The quorum of a meeting of directors shall be three while their number is five and four when it is more than five.

As to meetings of the Company. 49. The ordinary meetings of the Company shall be held in the months of January or February and July or August in each year (or at such other periods as shall be appointed for that purpose by an order of a general meeting) instead of in the months of February and August as prescribed in the Act of 1862.

Trains for labouring classes.

- 50. The Company may run workmen's trains on their railway, or any part thereof and from time to time discontinue such trains if they think fit and the following provisions shall apply to any such trains during such period as they may run:—
 - (a) There shall be one such train at least in the morning and one in the evening of every day in the week (Sunday Christmas Day Good Friday and Bank Holidays excepted) at such hours not later than seven in the morning or earlier than six in the evening as may be most convenient for the labouring classes resorting to or returning from their work;

- (b) The fares for passengers of the labouring class by such trains A.D. 1882. shall not exceed one farthing a mile;
- (c) The Board of Trade may in case of any complaint fix and regulate the hours at which within the limits aforesaid the said trains shall run;
- (d) The liability of the Company under any claim to compensation for injury or otherwise in respect of each passenger travelling by any such train at the fare aforesaid shall not exceed one hundred pounds and the amount of compensation payable in respect of any passenger so injured shall be determined by an arbitrator to be appointed by the Board of Trade and not otherwise and his decision shall be final and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall apply to every such arbitration.
- 51. The book tables or other document in use for the time being Classification containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all inspection; reasonable hours be open to the inspection of any person without copies to be 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.

table to be open to

The Company shall within one week after application in writing Terminal made to the secretary of the Company by any person interested in charges (if any) to be the carriage of any goods which have been or are intended to be specified on carried over the railway render an account to the person so applying application. 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 but if any terminal charge is included in such account the nature and detail of such terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section Penalty. they shall for each offence and in 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).

52. The Company shall not out of any money by this Act Interest not authorised to be raised pay interest or dividend to any shareholder to be paid on the amount of the calls made in respect of the shares held by paid up. him but nothing in this Act shall prevent the Company from paying

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A.D. 1882. 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.

Deposit for future Bills not to be paid out of capital.

53. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of 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.

Provision as to general Railway Acts. 54. Nothing in this Act contained shall exempt the Company or the railway 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.

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

The SCHEDULE referred to in the foregoing Act.

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Describing Lands Buildings and Manufactories of which portions only are required by the Company.

Parish.	Number on deposited Plan.
	42, 43, 55, 56, 72, 74, 75, 76, 77, 78, 79, 80. 17, 21a, 49, 86, 87, 88, 89.

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