



**CHAPTER lxxxiv.**

An Act to confer further Powers on the London Tilbury and Southend Railway Company.      A.D. 1886.  
[25th June 1886.]

**W**HEREAS it is expedient that the London Tilbury and Southend Railway Company (in this Act called "the Company") should be empowered to make a wharf or landing-place and other works at Thames Haven and for the purposes of their undertaking to acquire additional lands in the parishes of West Horndon and Pitsea in the county of Essex and to extinguish certain rights of way over their railway on the level at the point in this Act specified;

And whereas plans and sections showing the line and situation of the works 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 said lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Essex and are hereinafter respectively referred to as the deposited plans and sections and books of reference;

And whereas the Company have various powers as to levying tolls rates and dues in respect of traffic resorting to their piers and river works and it is expedient that a uniform scale of charges should apply to all such works;

And whereas it is expedient that the Company should have further time for the compulsory purchase of lands for the purposes of certain of the railways authorised by the London Tilbury and Southend Railway Act 1883 and for the completion of the said railways;

And whereas it is expedient that other powers be granted to the Company as hereinafter 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

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*Railway Act, 1886.*

A.D. 1886. 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 1886.

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

~~The Lands Clauses Consolidation Acts 1845 1860 and 1869~~  
 amended by the Lands Clauses (Umpire) Act 1883 Part II. of the Railways Clauses Act 1863 relating to extension of time ;

The Harbours Docks and Piers Clauses Act 1847 ;

Provided always that for the purposes of this Act the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force except so far as may from time to time be required by the Board of Trade.

Extending certain provisions of Companies Clauses Acts. 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 the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of the borrowed money into capital ;

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 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as 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 meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act 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.

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Interpretation.

5. Subject to the provisions of this Act the Company may make and maintain in the situation and according to the levels shown on the deposited plans and sections a wharf or landing-place in the parish of Fobbing in the county of Essex to be situate within three lines of wall embankment or lines of piling placed as follows viz. :—

Power to make works.

(1.) Commencing at the existing river wall at a point 360 yards or thereabouts eastward of the easternmost side of the old pier of the Company at Thames Haven extending thence into the river at right angles to the said river wall to and terminating at a point about 150 yards from the said river wall ;

(2.) Commencing at the existing river wall at a point 26 yards or thereabouts west of the westernmost side of the old pier of the Company at Thames Haven extending thence into the river at right angles to the said river wall to and terminating at a point about 55 yards from the said river wall ;

(3.) Extending between the points of termination of the two lines hereinbefore described and so as to connect the same ;

And the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes.

6. In constructing the works by this Act authorised the Company may deviate from the line or situation thereof as shown on the deposited plans to any extent within the limits of deviation shown on the deposited plans and they may deviate from the levels of any of the said works so far as they are shown on the deposited sections to any extent not exceeding five feet but no deviation from the lines of any such work as marked on the deposited plans even within the limits of deviation shown on such plans shall be made in such manner as to diminish the navigable space of the River Thames without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

Deviation.

7. Subject to the provisions of this Act the Company may make erect and maintain wharves warehouses landing and shipping places

Power to make wharves, &c.

A.D. 1886. staiths cranes and other conveniences for landing and shipping passengers animals and goods in the River Thames at and in connection with the works at Thames Haven by this Act authorised but such works shall not without the consent in writing of the Conservators be constructed further into the river than the line of works as delineated on the deposited plans.

Works on the River Thames to be executed under the direction of the Conservators of the River Thames.

8. The wharf or landing-place and other works by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall if constructed be executed according to a plan and elevation to be approved of in writing by the Conservators of the River Thames and deposited at their office and the works in the River Thames shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the Conservators and the traffic of the said River Thames shall not be interfered with more than may be absolutely necessary in the construction of the said wharf or landing-place and the works connected therewith and the Company shall within fourteen days after notice from the Conservators so to do remove any materials for temporary works which may have been placed in the river by the Company and on their failing to do so the Conservators may remove the same charging the Company with the expense of so doing and the Company shall forthwith repay to the Conservators all expenses so incurred.

Lights to be exhibited upon the wharf or landing-place and upon temporary works.

9. The Company shall hang out and exhibit at or near to the wharf or landing-place by this Act authorised every night from sunset to sunrise lights to be kept burning in such position and of such character by and at the expense of the Company and proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Company in such manner and be of such kind and number and be so placed and used as the Conservators of the River Thames by writing under the hand of their secretary shall approve and direct and in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds and further the Company shall exhibit under a like penalty lights to be similarly approved by the Conservators upon any temporary works or materials which may be placed on the river by the Company during the making of the said wharf or landing-place or works connected therewith.

Company not to interfere with the bed of the river.

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

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**11.** The Company shall not (except as far as shall be necessary) in the construction of the said wharf or landing-place and the works connected therewith take any gravel soil or other material from the bed of the river without the previous consent of the Conservators of the River Thames signified in writing under the hand of their secretary.

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

**12.** If in the opinion of the Conservators it should by reason of the works by this Act authorised be necessary to remove the Upper Petroleum mooring situate at Thames Haven it shall be competent for the Conservators to remove the same to some other part of the river and all the costs charges and expenses of and incident to such removal and relaying shall be paid in full by the Company and shall be a debt due from the Company to the Conservators and may be recovered with costs of action in any court of competent jurisdiction.

As to Petroleum mooring in Thames Haven.

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

Saving rights of the Conservators of the River Thames.

**14.** The Company shall not commence any work on the shore or bed of the River Thames without the consent in writing of the Conservators of the River Thames until the expiration of one month after notice in writing to the Conservators of the River Thames.

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

**15.** Subject to the provisions of this Act the Company may purchase and take for purposes of or connected with their undertaking the lands hereinafter described so far as the same are shown on the deposited plans and described in the deposited books of reference:—

Power to purchase additional lands.

(a) Land in the parish of West Horndon in the county of Essex adjoining and on the north side of the East Horndon Station of the Company now under construction and abutting on the road from Upminster to East Horndon;

(b) Lands in the parish of Pitsea in the said county of Essex situate on both sides of the road from Vange to Pitsea where it is crossed by the Company's Barking and Pitsea Line now under construction.

**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.

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*Railway Act, 1886.*

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Period for  
completion  
of works.

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

Stopping up  
footpath.

**18.** The Company may stop up the footpath hereinafter described so far as it passes over land acquired or which may be acquired by the Company for the purposes of the Barking and Pitsea Railway described in and authorised by the London Tilbury and Southend Railway Act 1882 viz. :—

The footpath in the parish of Vange in the county of Essex leading from the inn known as the "Basildon Bull" to Pitsea and crossing the lands acquired or which may be acquired by the Company for that railway at or about the point shown on the deposited plans thereof referred to in the said Act as 18 miles and 9 chains from the commencement thereof :

And all rights of way over the part of the said footpath within the boundaries of the Company's property shall thereupon cease and be extinguished : Provided that before stopping up the said footpath the Company shall construct to the satisfaction of the surveyors of highways of the said parish of Vange a substituted footpath along the northern side of their railway between the road leading from the Basildon Bull to Nevendon and the point at which the northern boundary of their property joins the said existing footpath.

As to taking  
houses of  
persons of  
the labouring  
class.

**19.** The Company shall not under the powers conferred or extended by this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Uniform toll  
for quays &c.

**20.** The Company may in respect of all vessels using any quay pier jetty or landing place of the Company and in respect of all

animals and goods shipped or unshipped at any such quay pier jetty or landing place and in respect of the use of cranes weighing machines and sheds and in respect of passengers landing at or embarking from any such quay pier jetty or landing place and in respect of passengers luggage demand and take any rates not exceeding the respective rates specified in the third schedule to the Gravesend Town Quay and Pier Act 1884.

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**21.** The period limited by the London Tilbury and Southend Railway Act 1883 for the compulsory purchase of lands for the purpose of the railways thereby authorised which are described on the deposited plans and thereon referred to as Railway No. 2 and Railway No. 3 is hereby extended until the twentieth day of August one thousand eight hundred and eighty-eight and the period limited by the said Act for the completion of the said railways is hereby also extended until the twentieth day of August one thousand eight hundred and eighty-nine and sections 16 and 17 of the said Act of 1883 shall be read and have effect accordingly and the powers conferred on the Company by the said Act of purchasing lands for the purpose of the said railways and of completing the same may be exercised at any time before the expiration of the said periods as respectively extended by this Act.

Extension of time for certain railways authorised in 1883.

**22.** The Company may apply towards the purposes of this Act to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may also from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the said moneys any additional sum or sums not exceeding in the whole three 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.

Company may apply their funds towards purposes of Act and may raise additional capital.

**23.** 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 accepting the same unless and until a sum not being less than one-fifth part of the amount of such share or stock shall have been paid in respect thereof.

Shares or stock not to vest until one-fifth part paid up.

**24.** 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.

Receipt in case of persons not sui juris.

**25.** The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall be entitled to such number of

As to votes of proprietors of new

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shares or  
stock.

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.

**26.** The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one hundred thousand pounds but no part of the said sum shall be borrowed until shares for so much of the capital by this Act authorised 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 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 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 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 to the extent aforesaid 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 capital is raised by shares that such persons or corporations or their executors administrators or assigns are legally liable for the same.

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.

Appointment  
of receiver.

**27.** Every provision in any Act relating to the Company with respect to the appointment of a receiver on the application of mortgagees of the 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.

Debenture  
stock.

**28.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863



but notwithstanding anything therein contained the interest of all debenture stock 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. A.D. 1886.

**29.** All mortgages granted by the Company in pursuance of the powers of any former Act and subsisting at the time of the passing of this Act shall during the continuance of such mortgages and 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. Former mortgages to have priority.

**30.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only for the purposes of this Act or for the general purposes of the undertaking being in all cases purposes to which capital is properly applicable. Application of moneys.

**31.** The directors of the Company may from time to time invest temporarily any moneys in their hands not required to be immediately applied as capital or revenue as the case may be and any reserve fund and any interest dividend or profit resulting from any such investment shall be carried to the credit of the general revenue of the Company: Provided that such moneys shall be invested in Exchequer bills or bonds or other British Government security and not otherwise. Temporary investment of moneys.

**32.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. Interest not to be paid on calls paid up.

**33.** 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. Deposit for future bills not to be paid out of capital.

[Ch. lxxxiv.] *London, Tilbury, and Southend* [49 & 50 Vicr.]  
*Railway Act, 1886.*

A.D. 1886. **34.** 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.

Costs of Act. **35.** 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.

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