



ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xxviii.

An Act for making a Branch Railway from the *London and Blackwall Railway* to *Haydon Square, Whitechapel*; and for amending some of the Powers of the Acts relating to the *London and Blackwall Railway Company*.

[5th June 1851.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the Minories* 6 & 7 W. 4. c. 123. *to Blackwall, with Branches, to be called "The Commercial Railway:"*

And whereas by virtue of divers Acts passed in the First, in the Second and Third, in the Fourth, in the Fifth, in the Ninth and Tenth, in the Eleventh and Twelfth, in the Twelfth and Thirteenth, and in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, further Powers were granted to the Company, and by One of such Acts the Name of the Company was changed, and is now called "*The London and Blackwall Railway Company*:" And whereas the Company, by virtue of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "*The London and Blackwall Extension Railway Act, 1845*," have

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constructed the Line thereby authorized to be made, and the same communicates with the *East and West India Docks and Birmingham Junction* Railway, which is or is about to be connected with the *London and North-western* Railway at *Camden Town* in the County of *Middlesex*: And whereas it is expedient that the *London and Blackwall* Railway Company should be authorized to construct a Branch Railway, commencing by a Junction with the Line of the *London and Blackwall* Railway at or near the West End of *Chamber Street* in the Parish of *Saint Mary Matfelon* otherwise *Whitechapel*, and terminating at or near certain Warehouses on the North Side of *Haydon Square* in the Parish of *Holy Trinity* in the *Minories*: And whereas it is also expedient that the Company should be authorized to enter into certain Arrangements with the *London and North-western* Railway Company with reference to the said Branch Railway, and that some of the Powers and Provisions of the Acts relating to the *London and Blackwall* Railway Company should be altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

I. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to describe it as "*The London and Blackwall* Railway (Branch to *Haydon Square*) Act, 1851."

Certain Provisions of 8 & 9 Vict. cc. 18. & 20. incorporated with this Act.

II. That the "*Lands Clauses Consolidation Act, 1845*," and the "*Railways Clauses Consolidation Act, 1845*," (except such Parts of the same Acts as relates to Matters for which special Provision is herein-after made,) shall be incorporated with and form Part of this Act.

Power to make Branch Railway according to deposited Plans.

III. And whereas Plans and Sections of the said Branch Railway, showing the Line and Levels thereof, and also Books of Reference to such Plans, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands in, upon, or through which the same Works are intended to pass or be made, have been deposited with the respective Clerks of the Peace for the County of *Middlesex* and for the City of *London*: Be it enacted, That, subject to the Provisions in this Act, and in "*The Lands Clauses Consolidation Act, 1845*," and "*The Railways Clauses Consolidation Act, 1845*," contained, and to the Powers of Deviation in the said last-mentioned Act contained or defined upon the said Plans,

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it shall be lawful for the Company to make the said Branch Railway in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

IV. That it shall be lawful for the *London and Blackwall Railway* Company to make and maintain a Branch Railway, with proper Works and Conveniences connected therewith, commencing by a Junction with the *London and Blackwall Railway* at or near the West End of *Chamber Street* in the Parish of *Saint Mary Matfelon* otherwise *Whitechapel*, passing from, in, through, and into the several Parishes of *Saint Mary Matfelon* otherwise *Whitechapel* and *Holy Trinity* in the *Minories*, or One of them, in the County of *Middlesex*, and *Saint Botolph without Aldgate* in the City of *London*, and terminating at or near certain Warehouses on the North Side of *Haydon Square* in the said Parish of *Holy Trinity* in the *Minories*, described upon the Plans herein-before referred to.

Description
of Works.

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

Limiting
Time for
compulsory
Purchase of
Lands.

VI. That the said Branch Railway shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this or the recited Acts granted to the Company for executing the same shall cease to be exercised, except as to so much of the same as shall then be completed.

Period for
Completion
of Works.

VII. That in every Case in which any Question of disputed Compensation shall be required to be determined by the Verdict of a Jury in the City of *London* or the Liberties thereof, the Jury shall be required to appear before the Court of the Mayor and Aldermen of the City of *London* to be holden in the Outer Chamber of the *Guildhall* of the said City, according to the Custom of the said City, at a Time to be appointed by the said Court; and all the Directions and Provisions contained in the said "Lands Clauses Consolidation Act, 1845," in respect to the Settlement of Questions of disputed Compensation by Juries appearing before the Sheriff, Coroner, or other Person, shall extend and be applied with respect to the Settlement of any such Question of disputed Compensation under this Act by Juries appearing before the said Court of Mayor and Aldermen as aforesaid; and the said Court shall give Judgment for the Purchase Money or Compensation assessed by such Jury, and the Verdict and Judgment

Questions of
disputed
Compensa-
tion in Lon-
don to be
heard in the
Lord Mayor's
Court.

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Judgment shall be signed by the Registrar of the said Court of Mayor and Aldermen, and entered among the Records of the said Court.

Power to Corporation to lay out the Money paid by the Railway Company for Land belonging to them in the Purchase of other Land.

VIII. And whereas several of the Lands described in the said Plan and Book of Reference belong to the Mayor and Commonalty and Citizens of the City of *London*, as Owners thereof, and it is expedient that the said Mayor and Commonalty and Citizens should be empowered to invest in the Purchase of other Lands the Sum which may be paid for the Lands belonging to them as aforesaid by the Company: Be it therefore enacted, That it shall be lawful for the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, and they are hereby empowered, in the Name of the said Mayor and Commonalty and Citizens, to lay out and invest the Sum to be paid by the Company, or any Part thereof, for the Lands belonging to the said Mayor and Commonalty and Citizens as aforesaid, in the Purchase of any Lands, Tenements, or Hereditaments, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Power to Company to take the same Tolls as authorized by recited Acts.

IX. That it shall be lawful for the Company to demand and receive for and in respect of the Use of the said Branch Railway the same Tolls and Charges as they are by the said recited Acts or some of them authorized to collect upon the said *London and Blackwall Railway*; but the maximum Charges shall not exceed the maximum Charges allowed by the Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Two hundred and seventy-three, Local and Personal, for widening the said Railway.

As to Money authorized to be raised by the Company.

X. And whereas by the said last-recited Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty the *London and Blackwall Railway Company* are authorized to raise, by Mortgage or Bond, any Sum of Money not exceeding One Third of the Capital of the Company, and by "*The London and Blackwall Extension Railway Act, 1845*," the Company are authorized to raise Two hundred thousand Pounds by the Creation of new Shares, and also to raise by Mortgage or Bond the Sum of Sixty-six thousand and six hundred Pounds: And whereas the total Capital of the Company already created is One million three hundred and twenty-six thousand Pounds, and more than Three Fourths of such Sum has been paid up: And whereas it is expedient to consolidate the Powers of raising Money by Mortgage or Bond, and that the Sum which the Company may raise by Mortgage should be fixed: Be it enacted, That it shall be lawful for the Company from Time to Time to raise by Mortgage or Bond, upon the Credit of the Undertaking, such Sums of Money

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as they shall require for the Purposes of the Company, so that the aggregate Amount due and owing upon Mortgage or Bond shall not exceed the Sum of Four hundred and forty thousand Pounds; and such Sum of Four hundred and forty thousand Pounds shall be deemed to comprise the several Sums of Money authorized to be raised by Mortgage or Bond by all the Acts relating to the *London and Blackwall Railway Company*, save and except the Sum of Thirty-three thousand Pounds authorized to be raised by "*The London and Blackwall Railway Improvement, and Branches to Saint Katharine's and London Docks Act, 1848,*" which shall be applied solely to the Purposes of that Act.

XI. That nothing in this Act contained shall affect the existing Priorities of the several Mortgages or Bonds granted by the Company previous to the passing of this Act.

Priority of existing Mortgages not to be affected.

XII. That all Mortgages and Bonds granted or made previous to this Act shall have Priority over the Mortgages and Bonds to be granted or made by the Company after the passing of this Act.

Former Mortgages to have Priority.

XIII. That every Mortgage or Bond to be granted or made by virtue of the said recited Acts or this Act shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage may be made in the Form, or as near thereto as the Circumstances will allow, prescribed in the first-recited Act; and every such Bond may be in the Form set forth in the Schedule to the Act of the Fourth Year of Her present Majesty, Chapter Twelve; and such Mortgages and Bonds shall be subject to the same Provisions, as to the Registration of the same or otherwise, as are contained in the said Acts with reference to the Mortgages and Bonds thereby authorized to be granted.

Mortgages, &c. to be duly stamped.

XIV. That from Time to Time any Party entitled to any Mortgage or Bond granted under the Powers of the recited Acts and this Act, or any of them, may transfer his Right and Interest therein to any other Person, and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated.

Transfers of Mortgages to be by Deed duly stamped.

XV. That the Interest on any Mortgage or Bond shall not be transferable except by Deed duly stamped.

Transfers of Interest to be stamped.

XVI. That all such Money, being Part of the said Sum of Four hundred and forty thousand Pounds, as shall be raised by Mortgage or Bond after the passing of this Act, shall be applicable solely to the Purposes of the recited Acts for which no Capital or Money is

Application of Money raised by Mortgage.

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especially authorized to be raised, and also to the Construction of the Branch Railway and Works by this Act authorized to be made, and the Construction of such other Works as may be expressly authorized to be paid out of such Money.

London and North-western Railway Company may contract for the Use of Branch Railway.

XVII. That the *London and North-western* Railway Company and the *London and Blackwall* Railway Company may make any Contract or Agreement with reference to the Use by the *London and North-western* Railway Company of the said Branch Railway, subject to the Provisions of the Acts relating to the *London and Blackwall* Railway and of the "Railways Clauses Consolidation Act, 1845."

Provisions of London and Blackwall Acts as to Pavements, &c. extended to this Act.

XVIII. That, notwithstanding any Enactment in the said "Lands Clauses Consolidation Act, 1845," or in the said "Railways Clauses Consolidation Act, 1845," contained, all the Clauses and Provisions in the first-recited Act, and in the said Act of the Second and Third Years of the Reign of Her present Majesty, prescribing the Manner of crossing the Streets, and regulating the breaking up of Pavements, and the Re-instatement thereof, and the Recovery of the Expenses of such Re-instatement, and as to filling up Sewers and Drains, and providing others, and altering Steps and Pipes, and for providing for Deficiencies in Land Tax and in Parochial and other Rates, except where inconsistent with the Clauses and Provisions herein contained, shall be and the same are hereby extended to this Act, in the same Manner as if the same Clauses and Provisions were repeated and re-enacted in this Act.

Saving Rights of Metropolitan Commissioners of Sewers.

XIX. That in any Case where the intended Works to be done under this Act would pass over or under or by the Side of or in any other Manner so as in any way whatever to interfere with any Sewer, Drain, or Watercourse under the Management or Control of the Metropolitan Commissioners of Sewers, or of the Commissioners of Sewers for any District or Place through which any Line of Railway and Works hereby authorized, or any Part thereof, shall pass, the said Company shall not proceed therein until the said Company shall have given to the said Commissioners Twenty-one Days previous Notice in Writing of their Desire, and a full Particular and Plan of the Works affecting any Sewers, Drains, or Watercourses, and until the said Commissioners shall have sanctioned and approved the Mode of crossing or passing by such Sewer, Drain, or Watercourse; and the said Company shall and they are hereby required to comply with all such Orders and Regulations as the said Commissioners may make with reference to the Company providing by new, altered, or substituted Works for the proper Drainage of and the preventing Injury to the Sewerage of the District, and for guarding against any Obstruction or Impediment to the Drainage of the District, and for

saving

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saving harmless the said Commissioners against Expense; and all such Works as shall be so required shall be done under the Direction and Control of the Surveyor or other Officer of the said Commissioners to be appointed for that Purpose; and when any new, altered, or substituted Sewers as aforesaid, or any other Works connected with Sewerage, shall be completed by the said Company, the same shall be thereafter as fully and completely under the Direction, Control, and Management of the said Commissioners as any other Sewers, Drains, and Watercourses are or may be, and all the Rights, Powers, Privileges, and Authority of the said Commissioners shall remain in full force and virtue with reference to all such Sewers, Drains, and Watercourses for all Purposes, and shall not be prejudiced or affected by this Act.

XX. That the said Branch Railway shall cross *Little Prescott Street* in the said Parish of *St. Mary Matfelon* otherwise *Whitechapel* by means of a horizontal Girder Bridge, with a clear Space, Span, or Breadth between the Piers of not less than the clear Space, Span, or Breadth of the existing Bridge over the same Street; and the said Branch Railway shall cross *Goodman's Yard* in the said Parish by means of a like Bridge, with a clear Space, Span, or Breadth of not less than Forty-six Feet between the Piers; and the said Branch Railway shall cross *Swan Street* by means of a like Bridge, with a clear Space, Span, or Breadth of not less than Forty Feet between the Piers; and all the said Bridges shall be not less than Eighteen Feet clear in Height above the present Level of the said Streets and Places, and so constructed that Water shall not run, drain, or pass or come through any of the said Bridges upon the Foot Pavement or Footway for the Time being of any of the said Streets or Places; and the Abutments and Piers of the said Bridge crossing *Little Prescott Street* shall range and be in a Line with the Abutments and Piers of the existing Railway Bridge over the same Street; and the North Abutment or Pier of the said Bridge crossing *Goodman's Yard* shall be on the North Side of and contiguous and close to the Foot Pavement or Footway on the North Side of the Yard, but without encroaching on the same.

Regulating the Breadth and Height of the Bridges in Goodman's Yard.

XXI. That it shall not be lawful for the Company, out of any Money by any Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or to execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of the Company's Capital.

XXII. And

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Railway and Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two Acts were passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, the One intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways and Branch Railways from the Provisions of such several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Branch Railways, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

XXIII. That nothing herein contained shall be deemed or construed to exempt the said Railways by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to the better 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or by the said recited Acts.

Interpretation of "Company."

XXIV. That in this Act, whenever the Words "the Company" are used, the same shall be held to mean the *London and Blackwall Railway Company*.

Expenses of Act.

XXV. That all the Costs, Charges, and Expenses of obtaining and passing this Act or incident thereto shall be paid by the said *London and Blackwall Railway Company*.

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