



CHAPTER lxix.

An Act to enable the London, Tilbury, and Southend Railway Company to improve and extend the West Street Pier at Gravesend, and to construct a Wharf at Thames Haven. A.D. 1880.
[19th July 1880.]

WHEREAS by the London, Tilbury, and Southend Extension Railway Act, 1852 (in this Act called the Act of 1852), powers now vested in the London, Tilbury, and Southend Railway Company (who are herein referred to as the Company) were granted for the construction of a railway from the Eastern Counties (now Great Eastern) Railway, with branches to Tilbury and Southend, in the county of Essex, and for providing a steam communication across the river Thames to Gravesend : 15 & 16 Vict.
c. lxxxiv.

And whereas the steam-boat powers were by that Act granted for only a limited period, but such limit was repealed by the London, Tilbury, and Southend Railway (Steam Boats) Act, 1875 : 38 & 39 Vict.
c. xviii.

And whereas by the London, Tilbury, and Southend Railway Deviation and Amendment Act, 1854, the purchase of the railway and certain parts of the works of the Thames Haven Dock and Railway Company was authorised, and the same are now vested in the Company : 17 & 18 Vict.
c. cxxxiii.

And whereas the Company are the owners of a pier at Gravesend known as the West Street Pier and of property held in connexion therewith :

And whereas, with a view of rendering their steam communication between Tilbury and Gravesend more perfect, it is expedient that the Company should be authorised to improve and enlarge their said pier :

And whereas it is also expedient that the Company should be empowered to construct and maintain the wharf and works at

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A.D. 1880. Thames Haven and to exercise the other powers by this Act authorised:

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also a book of reference to such plans, 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 respective clerks of the peace for the counties of Kent and Essex, and are hereinafter respectively referred to as the deposited plans, sections, and book of reference:

And whereas the 31st section of the said Act of 1852 confers powers to treat and agree with the corporations or parties entitled to or interested in any rights of ferry between the parishes of West Tilbury and Chadwell in the county of Essex, and Gravesend and Milton-next-Gravesend in the county of Kent, for the purchase of such rights of ferry or any interest therein, and those powers were by the London, Tilbury, and Southend Railway Act, 1862, vested in the Company:

25 & 26 Vict.
c. viii.

And whereas there are two such ferries, one (from Tilbury to Gravesend) belonging or reputed to belong to Her Majesty's Principal Secretary of State for War, which has been demised to the mayor, aldermen, and burgesses (hereinafter called "the Corporation") of Gravesend for a term of which many years are still unexpired, and has been held and worked by the Company under a lease which has expired in this present year; and it has been agreed between the several parties interested that the said subsisting lease should be determined and that a new lease should be granted to the Company:

And whereas the other of such ferries (from Gravesend to Tilbury) has been recently purchased by the Company in pursuance of the said recited powers:

And whereas it is expedient that the provisions hereinafter contained should be made with reference to such ferries:

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:

Short title.

1. This Act may be cited as the London, Tilbury, and Southend Railway (Further Powers) Act, 1880.

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2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Harbours, Docks, and Piers Clauses Act, 1847, except the provisions with respect to life boats and with respect to keeping a tide and weather gauge, are (so far as they are applicable to the purposes of this Act, and except where expressly varied by this Act) incorporated with and form part of this Act.

Incorporation
of 8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
10 & 11 Vict.
c. 27.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction :

Interpreta-
tion of terms.

The expression "harbour, dock, or pier" in the Harbours, Docks, and Piers Clauses Act, 1847, means the pier and wharf by this Act authorised; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly incorporated herewith, shall 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.

4. Subject to the provisions and restrictions in this Act contained, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works hereinafter described, with all proper sidings, approaches, floating stages, quays, tramways, rails, cranes, warehouses, works, and conveniences connected therewith, and may acquire easements, rights, and privileges in and over such parts of the bed and foreshore of the river Thames, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act.

Power to
improve pier
at Graves-
end and to
construct
wharf at
Thames
Haven.

The works authorised by this Act are the alteration, extension, and enlargement of the existing pier at Gravesend known as the West Street Pier, and the construction of a floating stage and other works and conveniences connected therewith ;

A wharf in the parish of Fobbing and county of Essex.

5. The Company may in the construction of the said pier and wharf, and of any works connected therewith, deviate from the levels thereof defined upon the deposited sections to any extent not exceeding five feet, and from the lines thereof within the limits of deviation defined on the deposited plans, and beyond those limits with the consent of the owners, lessees, and occupiers of the lands, or persons having the superintendence, control, and management of the lands, through or over which each deviation is to be made :

Power to
deviate
from lines
and levels.

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Consent of Board of Trade to be given to variation of work affecting tidal water.

Works in the river Thames to be executed under the direction of the Conservators of the river Thames.

Work not to be commenced without consent of Conservators.

Lights to be exhibited during construction of works.

Company not to interfere with bed of river.

Provided that 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.

6. The pier and wharf 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 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 pier and wharf 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.

7. The Company shall not make or commence any work on the shore or bed of the river Thames without the consent of the Conservators of the river Thames until the expiration of one calendar month after notice to the Conservators of the river Thames.

8. If during the making of the pier or wharf, or works connected therewith, any temporary works or materials are placed on the river, the Company shall hang out and exhibit thereat or near thereto, and for ever after, every night from sunset to sunrise, lights to be kept burning 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 in case the Company fail so to exhibit and keep burning the lights, they shall for every such offence forfeit ten pounds.

9. 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 by the Conservators.

10. The Company shall not (except so far as shall be necessary in the construction of the said pier and wharf, 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.

11. Except as herein expressly provided, nothing contained in this Act shall extend to, 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 Conservators.

12. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the last-mentioned Acts with respect to lands and rent-charges, 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.

Power to take easements, &c. by agreement.

13. If the works authorised by this Act are not completed within four 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 same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.

14. 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 three years from the passing of this Act.

Period for compulsory purchase of lands.

15. The Company may, subject to the provisions of this Act, maintain and use the said pier and the landing stage in connexion therewith for all or any of the purposes of their steam-boat communication referred to in and authorised by the 28th section of the Act of 1852, and by the London, Tilbury, and Southend Railway (Steam Boats) Act, 1875; and the provisions and restrictions contained in those Acts with respect to the steam boats and powers of the Company in connexion therewith shall, so far as the same are now in force, extend and apply to this Act, and the powers thereby conferred

Maintenance of pier.

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with respect to the West Street Pier. The Company may nevertheless, under agreement with the owners thereof, take a lease of the ferry from Tilbury to Gravesend mentioned in the said Act of 1852, and during the continuance of any such lease may work the said ferry by means and on the line of any such steam communication as aforesaid; but nothing in this Act contained shall be construed to curtail, prejudice, alter, or diminish the estate, rights, and privileges of Her Majesty's Principal Secretary of State for War with respect to the ferrying of animals, passengers, and things across the river Thames between Tilbury and Gravesend upon the expiration or other sooner determination of such last-mentioned lease.

As to working of ferry purchased.

16. It shall be lawful for the Company to work the ferry from Gravesend to Tilbury purchased by them under the powers of the said Act of 1852 upon the line or lines of such steam communication as aforesaid.

Charges as to Thames Haven wharf.

17. The Company may take and demand for or in respect of every vessel using the wharf by this Act authorised at Thames Haven, for each time of using the same, any sum not exceeding two shillings and sixpence; and for every passenger landing at or embarking from the wharf, any sum not exceeding one penny; and for all animals or goods received at or delivered from the wharf, such reasonable rates as the Company shall from time to time, with the sanction of the Board of Trade, appoint.

Power to apply corporate funds to purposes of Act.

18. The Company may apply to the purposes of this Act any of the moneys which they have now in their hands or which they have power to raise, and which may not be required for the purposes for which the same were authorised to be raised.

Saving rights of the Thames Haven Company, Limited.

19. Nothing in this Act shall extend or be construed to prejudice or derogate from the estate, rights, interests, privileges, and liberties of the Thames Haven Company, Limited, under or by virtue of a certain indenture dated the thirteenth day of September one thousand eight hundred and seventy-six, and made between the Company of the one part, and the Thames Haven Company, Limited, of the other part, or to prohibit, defeat, alter, or diminish any estate, right, interest, privilege, power, authority, or jurisdiction which at the time of passing this Act the Thames Haven Company, Limited, did or might lawfully claim, use, or exercise under and by virtue of the said indenture of the thirteenth day of September one thousand eight hundred and seventy-six, or to subject their estate or interest thereunder to the compulsory powers of this Act.

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20. Nothing in this Act contained shall exempt the Company or their railways 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 any Act relating to the Company.

Provision as
to general
Railway
Acts.

21. 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.

Expenses of
Act.

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