



## CHAPTER clviii.

An Act to confer further powers on the London Tilbury and Southend Railway Company. A.D. 1888.  
[7th August 1888.]

**W**HEREAS by the London Tilbury and Southend Railway Act 1883 (herein-after called "the Act of 1883") the London Tilbury and Southend Railway Company (herein-after called "the Company") were authorised among other things to make certain railways described on the deposited plans therein referred to as Railway No. 2 and Railway No. 3 being railways between Romford and Grays Thurrock in the county of Essex:

And whereas by the London Tilbury and Southend Railway Act 1886 (in this Act called "the Act of 1886") the period limited by the Act of 1883 for the compulsory purchase of lands for the purpose of the said railways was extended until the 20th day of August 1888 and the period limited by the Act of 1883 for the completion of the said railways was extended until the 20th day of August 1889:

And by the Act of 1886 the Company were authorised among other things to make a wharf or landing-place at Thames Haven in the Parish of Fobbing in the county of Essex and the period for the compulsory purchase of lands to be taken for the purpose thereof was limited to the 25th day of June 1889 and the period limited by the said Act for the completion of the said works was limited to the 25th day of June 1891 And it is expedient that the Company should have further time for the compulsory purchase of lands for the purpose of the said railways and works and for the completion of the same:

And whereas by the London Tilbury and Southend Railway (Extension and Branches) Act 1856 the construction of bridges for carrying the railway of the Company over the River Lea Navigation and Bow Creek was authorised and it has now become necessary to alter and improve the said bridges:

And whereas provisions are contained in the said Act with respect to the span and headway of the arches for carrying the said railway



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And whereas it is expedient that powers should be conferred on the Company for the execution of the works herein-after specified and the removal of a disused footbridge over their railway herein-after described:

15 & 16 Vict.  
cap. lxxxiv. And whereas by the London Tilbury and Southend Extension Railway Act 1852 section 28 the companies therein mentioned namely: the Eastern Counties Railway Company and the London and Blackwall Railway Company were empowered to purchase build and construct navigate use maintain and work and also to hire steamboats and in and upon such steamboats to convey passengers fish goods wares merchandise carriages and other articles matters and things between the intended pier in the parish of Chadwell therein mentioned and any piers or landing-places in the parishes of Gravesend and Milton-next-Gravesend and Northfleet in the county of Kent and to do all such acts as might be necessary to enable them to carry fully into effect the purposes aforesaid and by section 29 of the said Act the said companies were authorised to include in the railway fare or charge such reasonable rates or sums as they should think proper for the conveyance of passengers animals and goods in the steamboats worked or employed by them not exceeding the maximum rates or sums authorised by that Act for the conveyance of passengers animals and goods on the extension railway therein described for a distance of one mile thereof:

25 & 26 Vict.  
cap. viii. And whereas by virtue of the London Tilbury and Southend Railway Act 1862 the powers conferred by the last-recited Act upon the said two companies are now vested in the Company:

15 & 16 Vict.  
cap. lxxxiv. And whereas it was provided by section 32 of the London Tilbury and Southend Extension Railway Act 1852 that the powers thereby granted for the purchase hire and use of steamboats should not continue for a longer term than fourteen years from the 1st January 1854 unless Parliament should in the meantime extend such term:

38 & 39 Vict.  
cap. xviii. And whereas by the London Tilbury and Southend Railway (Steamboats) Act 1875 the said section 32 was repealed and it was provided that the powers conferred by the said Act of 1852 with respect to steamboats and steam communication might be at any time and from time to time exercised by the Company:

48 & 49 Vict.  
cap. lxxxvi. And whereas by the London Tilbury and Southend Railway Act 1885 the Company were empowered to use any boats navigated and worked by them under the powers of the said Acts of 1852 and 1875



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for the conveyance of passengers animals and goods and for articles matters and things in connexion with their railway undertaking between any pier or landing-place of the Company and any vessel lying in the River Thames in or between the parishes of West Tilbury and Chadwell in the county of Essex and Gravesend and Milton-next-Gravesend in the county of Kent and also between the said pier or landing-places and any pier or landing-place within the estuary of the River Thames But no provision is contained in the said Act as to the charges which the Company may demand and make in respect of the use of their said boats for the purposes aforesaid and it is expedient that provision should be made accordingly :

And whereas it is expedient that the Company should be empowered to establish a fund for providing superannuation allowances for the officers and servants of the Company and to contribute towards the said fund and to take part in the management thereof :

And whereas the existing and authorised capital of the Company is insufficient to provide for the completion of the railways and works now in course of construction and authorised to be constructed and it is expedient that for the completion of those railways and works and for other purposes of the undertaking of the Company the Company should be empowered to raise additional capital by shares stock and borrowing as herein-after provided :

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) :—

1. This Act may be cited as the London Tilbury and Southend Short title.  
Railway Act 1888.

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 in this Act namely :— Incorporation of general Acts.

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

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

The distribution of the capital of the Company into shares ;



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The transfer or transmission of shares ;  
 The payment of subscriptions and the 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.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction "The Company" means the London Tilbury and Southend Railway Company and "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.

Extension of time for certain railways authorised in 1883.

5. The period limited by the Act of 1886 for the compulsory purchase of lands and houses required for the railways between Romford and Grays Thurrock in the county of Essex authorised by the London Tilbury and Southend Railway Act 1883 and therein described as Railways Nos. 2 and 3 is hereby extended until the twenty-fifth day of June one thousand eight hundred and eighty-nine and the period limited by the said Act for the completion of the said



railways is hereby also extended until the twenty-fifth day of June one thousand eight hundred and ninety-one and sections 16 and 17 of the 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. A.D. 1888. —

6. The period limited by the Act of 1886 for the compulsory purchase of lands required for the purposes of the wharf or landing-place at Thames Haven in the parish of Fobbing in the county of Essex described in and authorised by section 5 of the said Act is hereby extended until the twenty-fifth day of June one thousand eight hundred and eighty-nine and the period limited by the said Act for the completion of the said works is hereby also extended until the twenty-fifth day of June one thousand eight hundred and ninety-one and the powers conferred on the Company by the said Act of purchasing lands for the purpose of the said wharf and works 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 wharf at Thames Haven.

7. With reference to the bridges carrying the railway of the Company over the River Lea Navigation and the navigation known as Bow Creek the following provisions shall have effect viz. :— Alteration of bridges over River Lea and Bow Creek.

(i.) So much of section 20 of the London Tilbury and Southend Railway (Extension and Branches) Act 1856 as relates to the spans and openings of the bridges over the River Lea Navigation and Bow Creek shall be repealed ;

(ii.) Provided that in altering the said bridges the Company shall leave over the River Lea Navigation one span or opening of not less than ninety feet in the clear measured as provided in that section and in altering the bridge over Bow Creek they shall leave one span or opening of not less than one hundred and thirty feet in the clear ;

(iii.) And the soffit or underside of the said bridges respectively shall be in no place less than ten feet six inches above high-water mark Trinity standard ;

(iv.) The following provisions of the said London Tilbury and Southend Railway (Extension and Branches) Act 1856 shall be repealed namely :—



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No. of Section.	Marginal Note.
22	Company to alter the fixed bridge over the River Lea into a swing bridge, when required for the River Lea Navigation.
26	Lights to be exhibited during works at Bow Creek &c. Penalty for neglect.
29	Plan of crossing the River Lea &c. to be approved by corporation of London.

Removal of  
footbridge at  
East Ham.

8. The Company may remove the private footbridge over their railway in the parish of East Ham in the county of Essex situate immediately to the eastward of the bridge carrying Plashet Lane in the said parish across their railway.

Saving rights  
of the Crown  
in the fore-  
shore.

9. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Charges for  
use of boats.

10. The Company may demand and take in respect of passengers animals goods and other articles matters and things conveyed by them in any boats between any pier or landing-place of the Company and any vessel lying in the River Thames and also between the said pier or landing-places and any pier or landing-place within the estuary of the River Thames such reasonable charges as they may think fit in addition to any other tolls and charges which the Company are authorised to demand and make in respect of the conveyance of such traffic upon their railway or undertaking or for station terminal pier or wharf accommodation or otherwise Provided that any person liable to the payment of such charges may if he think the same unreasonable apply to the Board of Trade to revise the same and the Board of Trade shall have power to revise the same accordingly But this section shall not apply to traffic conveyed in such boats between the piers or landing-places mentioned in



section 28 of the London Tilbury and Southend Railway Act 1852      A.D. 1888.  
the charges for which are limited by that Act.

11. The provisions contained in section 13 of the London Tilbury and Southend Railway Act 1885 for the protection of the Conservators of the River Thames shall apply and have effect as if the same had been re-enacted in this Act.      Applying section 13 of Act of 1885.

12. A fund may be established by the Company for the payment of superannuation and other retiring allowances to the officers and servants of the Company to be called "the superannuation fund" and for the purposes of such fund five directors of the Company for the time being or persons to be appointed by the board of directors and the following officers of the Company namely the general manager the secretary and the engineer-in-chief with the advice of a competent actuary shall constitute a committee for the purpose of preparing and shall prepare a scheme for the establishment of a fund for the payment of superannuation and other retiring allowances to the salaried officers and servants of the Company being contributors to such fund and such committee may by a majority of its members determine in and by such scheme the following matters and things (that is to say) :—      Superannuation fund.

What class of officers and servants of the Company shall be entitled to contribute to and participate in the benefit of the fund and to what extent such contribution shall be obligatory upon the officers and servants of the Company entering the service of the Company after the passing of this Act;

The division of the persons to be benefited by the fund into two or more classes according to the amount of salary or according to such other conditions as the managing committee herein-after mentioned shall determine power being reserved by the scheme to remove any contributor from the one class to the other Provided that no such removal shall place the contributor in a worse position in respect of his past contributions than he would have occupied if the removal had not been made;

What (if anything) shall disqualify any officer or servant of the Company from becoming a contributor to the fund and participating in the benefits thereof;

Under what circumstances any person having been a contributor to the fund shall cease to be entitled to participate in the benefits thereof;

What proportion (if any) of his own contribution to the fund any person having been but ceasing to be a contributor thereto shall be entitled to receive;



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What proportion (if any) of the sums contributed by any person to the fund and by the Company to the fund shall be payable to his representatives in the event of his dying before he becomes entitled to a superannuation allowance;

The age at which or other circumstances under which any person shall become entitled to a superannuation allowance;

The payment of a gross sum to any person entitled to a superannuation allowance in substitution for a superannuation allowance;

The scale upon which superannuation allowances shall be calculated and under what (if any) circumstances such scale may from time to time be revised;

The per-centage of their salaries which the officers and servants of the Company shall contribute to the fund not exceeding the rate of two pounds and ten shillings for each one hundred pounds of their respective salaries;

The future management and direction of the fund and the number qualification and mode of appointment or election of the committee (herein-after called "the managing committee") in whom such management and direction shall be vested and the remuneration of the members and officers of the committee;

The mode in which the persons by whom and the times at which the accounts of the managing committee or of their treasurer or other officer shall be audited and the manner in which contributors to the fund and others shall have access to the accounts;

The securities upon which the moneys received on account of the fund shall from time to time be invested;

And generally all such other matters and things in relation to the fund as the committee appointed by this Act shall deem fit and proper to form part of and to be included in such scheme.

Scheme to contain certain provisions.

**13.** Any scheme for the establishment of a superannuation fund under this Act shall contain the following provisions:—

Any contributing member leaving the service of the Company in consequence of reductions or alterations in the establishment or from his services being discontinued by the Company from any cause other than fraud dishonesty or misconduct shall be entitled to receive back from the fund the whole amount of his own contributions with simple interest at the rate of two and a half per centum per annum from the date of such contributions respectively and shall have no further claim upon the fund But in case of dismissal for misconduct not being fraudulent or dishonest or involving pecuniary loss to the Company the member shall also be entitled to receive such interest (if any)



not exceeding the said rate of two and a half per centum as the directors upon appeal to them may think fit to allow having regard to all the circumstances of the case ;

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Any contributing member retiring from the service of the Company before superannuation bonâ fide of his own accord and not in order to escape dismissal for fraud dishonesty or misconduct shall be entitled to receive back from the fund the amount of his own contributions thereto but without interest and shall have no further claim on the fund ;

Any contributing member dismissed the service of the Company for fraud or dishonesty or retiring in order to escape dismissal for fraud or dishonesty shall at the discretion of the committee with the approval of the directors forfeit all or any part of his contributions and lose all benefit from the fund except such return (if any) as may at such discretion and with such approval as aforesaid be made to him out of his own contributions.

The Company shall supply a copy of any scheme for the time being in force under this Act at a price not exceeding sixpence to any officer or servant of the Company or the representatives of any such officer or servant in case of death and to any shareholder of the Company and shall supply gratuitously to every officer or servant or other person having an interest in the superannuation fund a copy of the last annual balance sheet of the same for the time being And the Company shall keep a copy of the last annual balance sheet of the superannuation fund for the time being with the report of the auditors thereon for the time being and a copy of the last quinquennial valuation for the time being of the said fund always exhibited in a conspicuous place at the principal office of the Company.

14. The managing committee may from time to time regulate their own procedure and may appoint such officers and at such salaries payable out of the said fund as they may think fit.

Managing committee may regulate their own procedure.

15. The managing committee may from time to time upon the advice of the actuary to the said fund and with the consent of the directors modify the rules and regulations of the fund and the conditions upon which persons may after such modification contribute thereto.

Modification of rules and regulations of fund.

16. The directors shall at the end of each and every half year after the establishment of the superannuation fund contribute out of the revenues of the Company a sum equal in amount to the sum which during the same half year has been contributed thereto by the officers and servants of the Company Provided that the establish-

Company may contribute to fund.



A.D. 1888. — ment of such superannuation fund shall be consented to at a general meeting of the proprietors convened with notice of the matter And provided also that the contribution by the Company to the superannuation fund shall not affect or take away any right or power of the Company to grant out of their own proper funds superannuation or other allowances to any of their officers or servants.

Actuarial investigation of fund.

17. After the expiration of five years from the establishment of the fund and thenceforward once in every five years its condition shall be fully investigated and reported on by a competent actuary who shall from time to time propose any such re-arrangement of the scheme as may seem to him desirable for its better and more efficient working and shall also exhibit any deficiency which may be apparent in the fund which deficiency shall be provided against by an equitable reduction of the benefits assured and such actuary shall also suggest the equitable appropriation or distribution of any surplus which may in like manner be apparent in the fund.

Company may contribute towards funds of provident society.

18. The Company with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company duly convened with express notice of the special object may authorise the directors from time to time and at such times and in such mode and proportions and upon and subject to such rules regulations and conditions and to such an amount as the directors think fit to contribute towards the funds of any registered society established or to be established under the Friendly Societies Acts for the benefit of persons in the service or employment of the Company.

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

19. The Company may apply towards the purposes of this Act and (subject to any conditions or restrictions contained in any other Act of Parliament) for the general purposes of their undertaking 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 from time to time for the same purposes 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 subject to the provisions of this Act form part of the general capital of the Company.

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

20. 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. A.D. 1888.

**21.** 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.

**22.** 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. As to votes of proprietors of new shares or stock.

**23.** 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 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 40th 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 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. Power to borrow.

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.

**24.** Section 27 of the Act of 1886 with respect to the appointment of a receiver by 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 Appointment of receiver.



A.D. 1888. the passing of this Act under that section 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.

**25.** 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.

Former  
mortgages to  
have priority.

**26.** 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.

Application  
of moneys.

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

Interest not  
to be paid on  
calls paid up.

**28.** 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.

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

**29.** 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.



**30.** 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.

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Provision as  
to general  
Railway Acts.

**31.** 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.

Costs of Act.

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London : Printed for HER MAJESTY'S STATIONERY OFFICE,  
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

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