



CHAP. lxxxix.

An Act to authorize the Great Eastern Railway Company to abandon the construction of certain railways, and to purchase lands for station purposes; also to enact certain provisions with respect to the Great Eastern Metropolitan undertaking; and for other purposes. [12th July 1869.] A.D. 1869.

WHEREAS by "The Great Eastern Railway (Junctions) Act 1864," the Great Eastern Railway Company (in this Act called "the company") were authorized to make certain railways, including the railway therein secondly described, being a railway in the parish of March or Doddington in the Isle of Ely to connect the Peterborough Branch with the March and Wisbech Line of the company, and the railway therein thirdly described, being a railway in the parish of East Dereham in the county of Norfolk to connect the Lynn and Dereham Line with the Dereham Branch of the company:

And whereas by "The Great Eastern Railway (Additional Powers) Act, 1865," the company were authorized to construct various other railways, including a railway, therein called the Stratford Branch, to connect the Colchester Line with the Northern and Eastern Railway, a railway therein called the Ordnance Factory Branch, from the Tap Street Branch of the company to the Northern and Eastern Railway, and a railway, therein called the Winchmore Hill Railway, from the same Tap Street Branch to near Winchmore Hill in the parish of Edmonton in the county of Middlesex:

And whereas by "The Great Eastern Railway (Highbeeche Branch) Act, 1864," the company were authorized to make the railway therein described from their Loughton Line near its junction with the Northern and Eastern Railway into the Epping Forest near Highbeeche Green, which intended railway is herein-after referred to as the Highbeeche Branch:

And whereas by "The Great Eastern Railway (Alexandra Park

A.D. 1869. Branch) Act, 1866," the company were authorized to make the railway therein described (and herein-after referred to as the Alexandra Park Branch) to connect their system with the Alexandra Palace in the parish of Tottenham in the county of Middlesex :

And whereas it is expedient that the said railways, (that is to say,) the railways authorized by "The Great Eastern Railway (Junctions) Act, 1864," and therein secondly and thirdly described, "the Stratford Branch," "the Ordnance Factory Railway," "the Winchmore Hill Railway," "the Highbeech Branch" (except part thereof between the junction therewith of one of the metropolitan extensions of the company and Wood Street), and the Alexandra Park Branch, should be abandoned :

29 & 30 Vict.
c. cclv.

And whereas by "The Great Eastern Railway (Additional Powers) Act, 1866," the company were authorized to borrow on mortgage the sum of one million eighty-four thousand nine hundred and sixty pounds, and it was enacted that they should only apply four hundred and fifty thousand pounds of that sum to general purposes, and the remainder in the completion of the purchase of lands required for the purposes of their metropolitan extensions and other lines :

30 & 31 Vict.
c. cix.

And whereas by "The Great Eastern Railway (Additional Powers) Act, 1867," the company were authorized to constitute certain of their metropolitan railways into a separate undertaking, to be called "The Great Eastern Metropolitan Undertaking," in manner therein mentioned :

And whereas the company have not exercised the power of constituting the said railways into a separate undertaking :

30 & 31 Vict.
c. ccviii.

And whereas by "The Great Eastern Railway (Finance) Act, 1867," reciting that the company had not been able to pay its debentures falling due, and a receiver of their income had been appointed by the Court of Chancery, the company were authorized to raise three million pounds by debenture stock, and such debenture stock, and all money raised by such debenture stock, was to be applied in repayment of the dividend on the preference stock of the company which had been applied to capital purposes, and in payment of such of the existing debts and obligations of the company as might be ascertained and certified by the Court of Chancery, including the debts and obligations incurred in respect of the Metropolitan Undertaking; and the powers of raising capital by the creation of shares or stock under the Acts relating to the Metropolitan Undertaking were reduced to eight hundred and sixty-seven thousand pounds, whereof six hundred and fifty thousand pounds has not been raised; and such sum, together with the other

unexercised powers of the company, makes a total of eight hundred and sixteen thousand seven hundred and fifty-seven pounds of share capital which the company may now create and issue, whereof six hundred and fifty thousand pounds is applicable to the metropolitan railways of the company; and the company have unexercised powers of issuing debentures and debenture stock to the amount of one million six hundred and eighty-nine thousand five hundred and eight pounds nineteen shillings and ninepence, making a total of share and loan capital of two million five hundred and six thousand two hundred and sixty-five pounds nineteen shillings and ninepence yet to be raised :

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And whereas the company have raised and expended one million five hundred thousand pounds upon the railways and works whereof the Great Eastern Metropolitan Undertaking is to consist, and a further sum of one million five hundred thousand pounds and upwards will be required in order to complete the same; and it is expedient that the company should be authorized to raise such capital by the creation of preference stock without increasing the amount of the present authorized share and loan capital of the company, and that "The Great Eastern Railway (Additional Powers) Act, 1867," should be altered and modified by this Act :

And whereas it is expedient further to amend the powers of the company in reference to the Great Eastern Metropolitan Undertaking, or the railways which may be comprised therein :

And whereas it is expedient that the company should be authorized to purchase certain lands for station purposes and sidings in the several parishes and places of West Ham in the county of Essex, Saint Peter and Saint Mary Stoke, Ipswich, in the county of Suffolk, Trowse Millgate in the county of the city of Norwich, Saint Margaret Lynn in the county of Norfolk, and Ely Trinity in the Isle of Ely, and to divert or stop up a footpath, and remove the bridge carrying the same over the company's station or the railway near the station at King's Lynn :

And whereas plans describing the lands so to be purchased, and books of reference thereto, have been deposited with the clerks of the peace of the counties of Essex, Suffolk, and Norfolk, of the county of the city of Norwich, and of the Isle of Ely respectively, which plans and books of reference are herein-after referred to as the deposited plans and books of reference respectively :

And whereas the capital of the company in shares and stock at the time of the passing of "The Great Eastern Railway Act, 1862" (in this Act called "the Act of 1862") consisted of the several classes of shares and stock set forth and specified in the twenty-fifth

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(*Additional Powers*) Act, 1869.

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And whereas the East Anglian stock mentioned in the Act of 1862, and therein stated to be one million thirty-three thousand six hundred and six pounds ten shillings, has since, under powers conferred by "The Great Eastern Railway (Additional Powers) Act, 1863," been divided into preference stock, called "East Anglian No. 1. Stock," amounting to the sum of two hundred and six thousand seven hundred and twenty-one pounds six shillings, and ordinary stock, called "East Anglian No. 2. Stock," amounting to eight hundred and twenty-six thousand eight hundred and eighty-five pounds four shillings :

And whereas, under powers conferred by the thirty-fourth section of the Act of 1862 for commuting Great Eastern A. Stock into ordinary stock, the Great Eastern A. Stock in the twenty-fifth section of the Act of 1862 stated to be one million two hundred and five thousand pounds, has been reduced to twenty-seven thousand four hundred and forty-nine pounds, and under the same powers, and also under the powers conferred by the thirty-seventh section of the Act of 1862, the ordinary stock has been increased to eight millions three hundred and twenty-three thousand one hundred and eighty-seven pounds ten shillings :

And whereas under the sixty-sixth section of the Act of 1862 the company have created and issued three hundred and thirty-five thousand pounds preference stock therein mentioned, and the same is called "East Suffolk Stock," and under the two hundred and eighty-fourth section of the said Act, and the agreement therein referred to, the company have created and issued twenty-two thousand one hundred and twenty-seven pounds preference stock, and the same is called "Wells and Fakenham Railway Stock" :

And whereas the company have created the six hundred thousand pounds preference stock authorized by "The Eastern Counties Railway Act, 1861," and referred to in the forty-first section of the Act of 1862, and in the thirteenth section of "The Great Eastern Railway Act, 1868" :

And whereas, by and under the powers of "The Great Eastern Railway (Additional Powers) Act, 1863," the company have created forty-eight thousand pounds preference stock, called "Waveney Valley Stock" :

And whereas by Acts relating to the company passed in the years 1861, 1862, and 1863, the company were authorized to raise

by the creation of preference shares or stock sums amounting to one million two hundred and four thousand pounds, and they have created preference shares and stock for that amount : A.D. 1869.

And whereas, by Acts relating to the company, passed in the years 1864, 1865, and 1866, the company were authorized to raise by the creation of preference shares or stock sums amounting in the whole to two millions one hundred and eleven thousand six hundred and thirty pounds, and stock has been created for one hundred and sixty thousand six hundred and thirty pounds and for eighty-four thousand pounds of that amount; and the balance, amounting to one million eight hundred and sixty-seven thousand pounds, was reduced by "The Great Eastern Railway (Finance) Act, 1867," to eight hundred and sixty-seven thousand pounds, as herein-before mentioned :

And whereas it is expedient that the capital of the company, consisting of the several classes of guaranteed, preference, and ordinary stocks in this Act set forth and specified, should be fixed and defined :

And whereas it is expedient that the company's powers of making byelaws should be extended to all railways worked by them, and that certain alterations should be made in the Acts relating to the company with respect to directors and committees of directors, and that the company should be authorized to establish and maintain provident institutions or savings banks, and guarantee interest on deposits by their employés in savings banks, and should have and exercise other powers in reference thereto :

And whereas it is expedient that the agreement with the Great Northern Railway Company and the Midland Railway Company, set forth in the schedule to this Act, should be confirmed :

And whereas the objects 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 of the Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Great Eastern Railway (Additional Powers) Act, 1869." Short title.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,) the distribution of

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the capital of the company into shares, the transfer or transmission of shares, the payment of subscriptions, and the means of enforcing the payment of calls; the forfeiture of shares for nonpayment 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; and sections eighty-nine, ninety-five, ninety-six, ninety-seven, and ninety-eight of the same Act relating to the supply of occasional vacancies amongst the directors, and to committees of directors, and Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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

The expression "the company" shall mean the Great Eastern Railway Company:

The expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute:

The expression "the metropolitan railways" shall mean the station, railways, and works which by "The Great Eastern Railway (Additional Powers) Act, 1867," are authorized to be constituted a separate undertaking under the name of "The Great Eastern Metropolitan Undertaking," other than the works by this or any other Act authorized to be abandoned.

Certain railways and works to be abandoned.

4. The company shall abandon the construction of the following railways or parts of railways and works; (that is to say),

1. The railways authorized by "The Great Eastern Railway (Junctions) Act, 1864," and therein secondly and thirdly described:
2. The railways authorized by "The Great Eastern Railway (Additional Powers) Act, 1865," and therein respectively called "The Stratford Branch," "The Ordnance Factory Branch," and "The Winchmore Hill Railway:"
3. The railway authorized by "The Great Eastern Railway (Highbeeche Branch) Act, 1864," except so much thereof as lies

between the junction therewith of the railway authorized by "The Great Eastern Railway (Metropolitan Station and Railways) Act, 1864," and therein called "Railway No. 8," and Wood Street: A.D. 1869.

4. The railway authorized by "The Great Eastern Railway (Alexandra Park Branch) Act, 1866."

5. The abandonment by the company, under the authority of this Act, of any portion of any railway or work shall not prejudice or affect the right of the owner or occupier of any land to receive compensation, in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the company to receive compensation, in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise, as regards such land, of any of the powers contained in "The Railways Clauses Consolidation Act, 1845," or in the Act authorizing the railway which is to be abandoned. Compensation for damage to land by entry, &c. for purposes of railways abandoned.

6. Where before the passing of this Act any contract may have been entered into or notice given by the company for the purchasing of any land for the purposes of or in relation to any portions of the railway authorized to be abandoned by this Act, and which shall not be required for any of the purposes of the company, full compensation shall be made by the company to the owners and occupiers or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed, pursuant to the contract or notice; and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof. Compensation to be made in respect of portions of railways abandoned.

7. The powers of the company for raising money by the creation of shares or stock, other than by mortgage or debenture stock, under the several Acts relating to the metropolitan railways, and the twentieth section of "The Great Eastern Railway (Finance) Act, 1867," except so far as they have been already exercised, are hereby repealed. Certain powers of Company to raise money repealed.

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Power to
raise capital
by shares or
stock.

8. The company, with the consent of three fifths of the votes of the shareholders present in person or by proxy at any general meeting or general meetings convened with special notice of the purpose, may raise, by the creation of new ordinary or preference shares or stock, to be called "Great Eastern Metropolitan Stock," or partly by ordinary and partly by preference shares or stock, such additional capital as they may think fit, not exceeding in the whole one million five hundred thousand pounds, and may attach to such new shares or stock such fixed, fluctuating, contingent, preferential, perpetual, terminable, deferred, or other dividend, as the company may think fit, not exceeding the rate of six pounds per centum per annum.

Shares not
to issue until
one fifth to
to be paid
up.

9. It shall not be lawful for the company to issue any share or stock to be created under the powers of this Act, 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 up in respect thereof.

New capital
to be Great
Eastern
Metropolitan
Stock.

10. In the event of the company passing a resolution to constitute the metropolitan railways into the Great Eastern Metropolitan Undertaking, the said sum of one million five hundred thousand pounds by this Act authorized to be raised by ordinary or preference shares or stock, or so much thereof as shall be so raised, shall be Great Eastern Metropolitan Stock within the meaning of "The Great Eastern Railway (Additional Powers) Act, 1867;" and the power conferred by the ninth section of that Act shall extend to authorize the constitution of the Great Eastern Metropolitan Undertaking as the separate undertaking of the holders of such new, ordinary, or preference shares or stock, and of such (if any) of the holders of the existing preference shares or stock of the company in respect of which the option conferred by the twenty-second section of the last-mentioned Act is made exercisable, as shall exercise that option, and with or without the addition of any other capital which may have been expended thereon by the company, as shall be determined by the meeting by which such resolution shall be passed, and to authorize such meeting to provide that after all the holders of such metropolitan capital shall have received a prescribed dividend on their shares the whole or a proportion of the surplus of the receipts of such separate undertaking shall be paid over to the company as part of their revenue, and to authorize such other arrangements, either for the ultimate amalgamation of the stocks or otherwise, as the company think fit: Provided that the metropolitan stock to be

given to any holders of existing preference shares or stock, on the exercise of the option conferred by the twenty-second section of "The Great Eastern Railway (Additional Powers) Act, 1867," shall be stock of a similar character, and possessing the same rights and privileges, as the stock authorized to be raised by this Act, and shall be in addition to and not in diminution of the sum authorized to be raised by this Act.

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11. If the company shall raise, by the creation of shares or stock under the powers of this Act, more than six hundred and fifty thousand pounds, the powers of the company conferred by "The Great Eastern Railway (Finance) Act, 1867," to raise three million pounds by debenture stock, shall be reduced in proportion to the amount so raised in excess of the said sum of six hundred and fifty thousand pounds.

Sum authorized by 30 & 31 Vict. c. ccviii. to be reduced in a certain event.

12. On the application of the company, and upon production to any justice of the books of the company, and of such other evidence as he shall think sufficient, such justice shall certify from time to time the amount raised under the powers of this Act, and the amount (if any) applied to the railways and works of which the Great Eastern Metropolitan Undertaking is to consist, out of the monies to be raised by the company from the issue of debenture or debenture stock, and such certificates shall be sufficient evidence of such facts respectively at the date of each such certificate; and the company shall, upon every creation and issue of capital under this Act other than the first, and upon each creation and issue of debenture stock after the passing of this Act, procure such certificate.

Evidence of amount raised under Act, and of amount applied to Great Eastern Metropolitan Undertaking.

13. The company may, in respect of any monies hereafter applied from funds arising from debentures or debenture stock to the completion of the railways and works whereof the Great Eastern Metropolitan Undertaking is to consist, apply such part thereof as shall be necessary to pay interest thereon at such rate as shall be fixed by the company, not exceeding five per centum per annum, for a period not exceeding two years from the passing of this Act.

Debenture interest during construction of works.

14. The company may appropriate to all or any of the purposes of the company, including the metropolitan railways, so much as may be requisite of the money authorized to be raised by debenture stock by "The Great Eastern Railway (Finance) Act, 1867," and "The Additional Powers Act, 1866," and the application of such money shall cease to be subject to the provisions and restrictions of those Acts respectively; and if the company shall, under the powers of this Act, apply for the construction of the metropolitan railways

Application of debenture stock.

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any part of the money which they are authorized to raise by such debenture stock, then the power of raising share capital under this Act shall be reduced by the amount so applied, but not to a greater extent than eight hundred and fifty thousand pounds.

Future debts need not be certified by the Court of Chancery.

15. And whereas the company have paid all their debentures falling due, and all the debts and obligations which are ripe for payment, and the Court of Chancery have discharged the receiver, and the company are prepared to meet all further obligations as they fall due, and the objects contemplated by the Finance Act of 1867, in requiring the debts and liabilities of the company to be submitted to the Court of Chancery, have been fulfilled: Therefore it shall not be necessary for the company, after the passing of this Act, before payment of any debts or obligations of the company, to have the same ascertained and certified by the Court of Chancery.

Power of the directors to appoint persons not being directors or shareholders members of committee.

16. The directors of the company may from time to time appoint such persons as they think fit to be members of any committee appointed under the provisions of "The Great Eastern Railway (Additional Powers) Act, 1867," for the purposes of the Great Eastern Metropolitan Undertaking, or with respect to the management of the affairs thereof, whether such persons are shareholders or directors of the company or not.

Power to make an additional charge on passengers in respect of metropolitan station.

17. And whereas the cost of the new metropolitan station of the company will probably amount to one million pounds or thereabouts: The company may, in respect of passengers conveyed to or from the said metropolitan station over the new lines of one mile and a quarter in length between the company's existing line and such station, charge for two miles for the use of such mile and a quarter and station.

Company empowered to underpin or otherwise strengthen houses near railway.

18. And whereas, in order to avoid injury to the houses and buildings within one hundred feet of the railways authorized by the company's Acts or some of them, it may be necessary to underpin or otherwise strengthen the same: Therefore it shall be lawful for the company, at their own costs and charges, to underpin or otherwise strengthen any such house or building: Provided that at least ten days notice shall (unless in case of emergency) be given to the owner, lessee, and occupier of the house or building intended to be underpinned or otherwise strengthened (each such notice to be left on the premises), and that the company shall be liable to compensate the owner, lessee, and occupier of every such house or building for any inconvenience, loss, or damage which may result to them by reason of the exercise of the powers granted by this enact-

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ment: Provided also, that if the owner, lessee, or occupier of any such house or building shall give, within seven days after that notice, counter notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be referred to an engineer to be agreed upon, or, in case of difference, to a civil engineer, to be appointed, at the instance of either party, by the president of the Board of Trade for the time being; and such referee shall forthwith, upon the application of either party, proceed to inspect such house or building, and determine the matter referred to him, and in the event of his deciding that such underpinning or strengthening is necessary, he may, in his discretion, prescribe the mode in which the same shall be executed, and the company may and shall proceed forthwith so to underpin or strengthen the said house or building; and the costs of such referee shall be paid by the company, and the costs of the reference (other than the cost of the referee) shall be in the discretion of the referee: Provided that nothing in this enactment contained, nor any dealing with the property in pursuance of this enactment, shall relieve the company from the liability to compensation, under the sixty-eighth section of "The Lands Consolidation Act, 1845," or under any other Act; Provided also, that every case of compensation to be ascertained under this Act shall be ascertained according to the provisions contained in "The Lands Clauses Consolidation Act, 1845:" Provided also, that nothing in this section contained shall repeal or affect the ninety-second section of "The Lands Clauses Consolidation Act 1845."

19. And whereas by "The Great Eastern Railway (Metropolitan Station and Railways) Act, 1864," the company are required to run upon certain of the railways constructed under that Act one train each way daily at fares of one penny for the accommodation of the labouring classes, and it is expedient that the liability of the company under any claim to compensation for any accident, injury, or damage occurring or caused to any passenger travelling by any such train, or any other trains at similar fares, should be limited to a sum not exceeding one hundred pounds for each passenger so carried: Therefore the liability of the company under any claim for compensation for injury or otherwise in respect of each passenger travelling by such trains, or by any trains in connection therewith, or otherwise from time to time running over any part of the railways of the company by which passengers shall be carried at a rate not exceeding one penny for the single journey, or two pence for the double journey, shall be limited to a sum not exceeding one hundred pounds for each passenger so carried; and the amount of compensation so

Limiting compensation for injury to passengers carried at workmen's fares.

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payable in respect of any such claim shall be determined by an arbitrator to be appointed by the Board of Trade, and not otherwise, and the decision of the arbitrator to be so appointed shall be final; and the arbitrator may call for the production of any document in the possession or power of either party which he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose; and the manner of holding every such arbitration, and the costs (to be determined by the arbitrator) of and attending the same, shall be in the discretion of the arbitrator.

Company may agree with the parish authorities of Saint Mary Walthamstow with respect to recreation ground.

20. In the event of the company coming to an agreement with the churchwardens and overseers of the parish of Saint Mary, Walthamstow, for the giving of other lands in exchange for the recreation ground numbered 129 in that parish on the deposited plans referred to in "The Great Eastern Railway (Metropolitan Station and Railways) Act, 1864," and for appropriating part of such ground as a playground for or otherwise for the benefit of the Walthamstow National School, to be held by the churchwardens and overseers for that purpose, and in the event of such agreement being approved by the Enclosure Commissioners for England and Wales, the company shall be at liberty to construct their works through the said recreation ground in such manner as they shall think best, not being inconsistent with such agreement, anything in the seventy-fourth section of the last-cited Act contained to the contrary notwithstanding; and the company may, by agreement, purchase any lands for the purposes of such exchange.

Company to apply to Parliament next session for an extension of their railway from Walthamstow to Chingford.

21. The company shall apply to Parliament during the session next following the passing of this Act for an extension of their railway authorized by "The Great Eastern Railway (Metropolitan Station and Railways) Act, 1864," and therein called "Railway No. 8," now in course of construction, from the parish of Walthamstow to a point in a road situate in the parish of Chingford, and numbered 41 on the plans deposited in respect of the said Act of 1864, and shall bonâ fide proceed with the Bill for such extension, and shall engage in such Bill to construct such extension within three years from the passing of the said intended Bill; and if the company do not apply for and bonâ fide promote such Bill, the company shall be subject to the same penalties as they would have been subject to in respect of their said Highbeeck Branch if this present Act had not been passed: Provided that the Board of Trade shall determine, in case of dispute, whether or not the company have incurred the penalties imposed herein: Provided also,

that in case the said extension, having been authorized by Parliament, shall not be constructed and ready for traffic by the first day of August one thousand eight hundred and seventy-three, the said penalties shall commence and be recoverable from such last-mentioned day. A.D. 1869.

22. Subject to the provisions of this Act and of the Acts wholly or partially incorporated herewith, the company may enter upon, purchase, take, and use the lands in the parishes of West Ham in the county of Essex, Saint Peter and Saint Mary Stoke, Ipswich, in the county of Suffolk, Saint Margaret, Lynn, in the county of Norfolk, Ely Trinity in the Isle of Ely, and in the hamlet of Trowse Millgate in the county of the city of Norwich, delineated on the deposited plans and described in the deposited books of reference. Power to purchase lands.

23. 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. Powers for compulsory purchases limited.

24. The company shall permit the West Ham local board of health to erect and maintain a foot bridge of a not greater width than eight feet, and a span not exceeding one hundred feet, over the Colchester Line of the company upon the outside of the eastern parapet of the present carriage bridge called Angel Lane Bridge, and the same shall be erected under the supervision and to the satisfaction of the engineer for the time being of the company, but the said foot bridge shall always remain the property of the local board. The company shall not be entitled to require the removal of the said foot bridge, except upon the erection by them of a new bridge, of the width between the inside of the parapets of thirty-two feet at least, in the place of the present Angel Lane Bridge. For the purpose of making the necessary approaches to the said bridge, the said local board shall, upon the land to be purchased by the company, be authorized to widen the footpath at both ends of the same, so as to form one continuous line of footpath of a width not exceeding eight feet, and for that purpose to remove and set back the fences immediately adjoining such bridge at either end thereof for the necessary distance. As to foot bridge over Angel Lane.

25. Subject to the provisions of this Act, the company may divert or stop up the footway which is carried by means of a wooden bridge over their station or the railway immediately adjoining their station at King's Lynn, and may remove the said bridge. Power to stop up footway over Lynn station.

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For protec-
tion of cor-
poration of
King's Lynn.

26. Provided always, that the powers by this Act conferred upon the company within the parish of Saint Margaret, King's Lynn, shall be exercised only subject to and in accordance with the provisions, conditions, and restrictions herein-after contained; (that is to say,)

1. The company shall not enter upon, purchase, take, or use, otherwise than by agreement, any part of the lands in the said parish numbered respectively 2 and 4 upon the deposited plans, save and except so much of those lands as is coloured red upon a copy of the deposited plans signed by Samuel Swarbrick on behalf of the company and by Thomas Goodwyn Archer on behalf of the mayor, aldermen, and burgesses of the borough of King's Lynn (herein referred to as the corporation), nor shall such powers as aforesaid extend to any part of the public walks or land adjoining, now belonging to the corporation, situate to the north of the foot of the existing bridge over the railway:
2. The company shall not acquire any right to the soil in the Walks Rivulet, but the company may arch over the said rivulet where it adjoins land of the company on both sides; provided that in so doing they do not interfere with the flow of the water of the said rivulet:
3. The corporation may stop up such parts of the public walks as will be rendered unnecessary by the discontinuance of the footway over the railway:
4. If the company shall acquire the said portion of the land coloured red on the said plan they shall construct in the said parish a new passenger station, such new station to be arranged so that the passenger department shall be upon the south, and the goods and coal department upon the north; and the said new station shall be completed and opened to the public not later than the thirty-first day of August one thousand eight hundred and seventy-one, or such further time as shall be agreed to by the corporation; and if such station shall not be so completed and opened, then all the land which the company shall have acquired of the corporation under the powers of this Act shall, with any erections in the meantime made thereon, revert to and revest in the corporation, without any payment or compensation being made by the corporation in respect thereof:
5. If the company shall not construct a new passenger station in the manner and within the time aforesaid, the present right of footway over the railway shall revive.

27. No part of the lands in the hamlet of Trowse Millgate shown on the deposited plans and books of reference, which Fanny Anne Martineau is entitled to or interested in, shall be used otherwise than for station purposes and sidings in connection with the railway of the company, and no house or building of any description shall at any time be erected by the company on any such lands distinguished on the deposited plans by the numbers two, three, four, five, and six respectively, without in every case or otherwise than in accordance with the previous consent in writing of Fanny Anne Martineau, her assigns or successors in estate.

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 ———
 Certain lands of Miss Martineau to be used only for station purposes.

28. The company shall for ever hereafter maintain in good and sufficient repair the carriage road shown on the deposited plans, and distinguished by the number 10 in the hamlet of Trowse Millgate, or a carriage road in substitution thereof, through the lands proposed to be purchased, of the same width as the same exists at present, so as at all times to afford a carriage communication from Trowse Street to the lands of Fanny Anne Martineau; and the said Fanny Anne Martineau, and other the owner or owners for the time being of such lands, and all others having her and their permission, shall at all times have full, free, and uninterrupted right of way and access, with or without horses, cattle, carts, and carriages, for all purposes, over the same, to and from such lands respectively.

As to road through land of Miss Martineau.

29. So much of the one hundred and twenty-eighth section of "The Lands Clauses Consolidation Act, 1845," as exempts lands situate within a town, or lands built upon or used for building purposes, from the operation of the said section, shall not extend or apply to any lands which Fanny Anne Martineau is entitled to or interested in, and which the company may acquire under the provisions of this Act; but before the company dispose of any of those lands as superfluous lands to any other person, they shall offer to sell the same to Fanny Anne Martineau or her assigns or successors in estate; and the one hundred and twenty-ninth, one hundred and thirtieth, and one hundred and thirty-first sections of "The Lands Clauses Consolidation Act, 1845," shall apply to such offer of sale, in the same manner as if the same had been an offer of sale made in pursuance of that Act.

Reserving right of pre-emption to Miss Fanny Anne Martineau with respect to land to be purchased from her.

30. Every railway worked by the company shall be deemed part of the company's undertaking for the purposes of making byelaws; and all byelaws to be made by the company for any such railway shall have the same force and effect as if they had been made by the company to whom the railway belongs, and all penalties incurred by the breach of any such byelaws may be enforced in the

Byelaws upon railways worked by the company.

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(*Additional Powers*) Act, 1869.

A.D. 1869. same way as penalties for the breach of any byelaw of the company upon any railway belonging to the company.

Defining capital of company.

31. The following guaranteed preference and ordinary stocks constitute the authorized capital of the company at the time of the passing of this Act; (that is to say,)

GUARANTEED AND PREFERENCE STOCKS.

	£	s.	£	s.
Newmarket and Bury - - - - -	-	-	142,425	0
East Anglian - - - - -	287,293	10		
East Anglian No. 1 - - - - -	206,721	6		
			494,014	16
Eastern Union (including £1,595 not created) -	1,030,666	0		
Norfolk - - - - -	441,980	0		
Ditto, New Preference - - - - -	14,690	0		
Eastern Counties - - - - -	2,561,817	0		
			4,049,153	0
Ditto, York Extension - - - - -	-	-	2,793	10
Eastern Counties - - 1861 - - - - -	-	-	600,000	0
Great Eastern Preference - 1862 - - - - -	1,122,600	0		
East Suffolk - - - 1862 - - - - -	335,000	0		
Wells and Fakenham - 1862 - - - - -	22,127	0		
			1,479,727	0
			6,768,113	6
Waveney Valley - 1863 - - - - -	-	-	48,000	0
Great Eastern Stock- 1863 - - - - -	-	-	1,204,000	0
1864 - £1,483,000 0 and			160,630	0
1865 - 196,000 0 and			84,000	0
1866 - 188,000 0				
			1,867,000	0
Repealed by Finance Act, 1867	1,000,000	0		
			867,000	0
			9,131,743	6
ORDINARY STOCK.				
Great Eastern - - - - -	8,323,187	10		
East Anglian No. 2. - - - - -	826,885	4		
Great Eastern (A.) - - - - -	27,449	0		
			9,177,521	14
			£18,309,265	0

Saving priorities of stocks inter se.

32. Nothing in this Act contained shall alter or affect the priorities inter se of the several classes of stock above defined as existing at the time of the passing of this Act.

A.D. 1869.

33. The eighty-eighth section of "The Great Eastern Railway Act, 1862," relating to the appointment of directors in cases of occasional vacancies, and the ninety-seventh section of the same Act relating to committees of directors, are hereby repealed.

As to ap-
pointment of
directors
in case of
occasional
vacancies.

34. The company may, if they think fit, establish provident institutions and savings banks, with power to receive by way of deposit from any of the officers, servants, workmen, or apprentices of the company, or any members of their families, any money at interest; and every such deposit, with the interest thereon, shall be a charge on the net profits of the company's undertaking next after any money which the company may be liable to pay at the passing of this Act, under any Acts then in force, and after any debt of the company then existing, and after money for the time being borrowed or authorized to be borrowed by them; and the company may from time to time make such regulations as they think fit for the management of those institutions and savings banks, and respecting the liability and discharge of trustees, the rate of interest, withdrawal and payment of deposits, payments to minors, married women, and personal representatives of deceased depositors, and other matters: Provided that all regulations so made shall before they are acted on be submitted to the registrar of friendly societies in England for the time being, and be approved of by him, such approval to be certified under his hand; and all regulations so for the time being certified shall be binding on the company, and the depositors and their representatives; and the same, or a copy thereof, certified under the hand of the said registrar, or of the secretary for the time being of any such institution or savings bank, shall be evidence thereof; and no writ of certiorari shall be brought or allowed to remove any such regulations into any of Her Majesty's courts of record; and the provisions of sections nine, thirty-one, and forty-three to forty-nine (both inclusive) of the Act of the twenty-sixth and twenty-seventh years of Her Majesty's reign (chapter eighty-seven), "to consolidate and amend the laws relating "to savings banks," shall extend and apply to every institution or savings bank established under this section.

Power to
establish
savings
banks, &c.

35. The agreement with the Great Northern Railway Company and the Midland Railway Company, set forth in the schedule to this Act, with respect to the station at King's Lynn, and the use and occupation thereof by the said companies, is hereby confirmed.

Power for
company to
enter into
agreements
with respect
to station at
King's Lynn.

36. Provided that nothing in this Act shall invalidate or in any way affect the agreement dated the eighteenth day of April one thousand eight hundred and sixty-six, and made between Alfred

For pro-
tection of
Alfred Jones.

A.D. 1869. Jones of the one part, and the company by their agent of the other part, or the decree pronounced by the High Court of Chancery on or about the sixth day of June one thousand eight hundred and sixty-eight, in a suit wherein the said Alfred Jones was and is plaintiff and the company are defendants, or any further proceedings in the said suit, or any rights, remedies, claims, or demands whatsoever of the said Alfred Jones in respect of the said suit or against the company, of or in any way incident to the said agreement.

Saving rights of London and Blackwall Railway Company.

Interest not to be paid on calls paid up.

37. Nothing in this Act contained shall prejudice, affect, or alter the rights, powers, or remedies of the London and Blackwall Railway Company under the lease of that railway to the company, or the Act authorizing that lease.

38. It shall not be lawful for the company, out of any money by this Act or any other Acts relating to the company authorized to be raised by calls in respect of shares, or by the exercise of any power of borrowing, to pay to any shareholder any interest or dividend on the amount of the calls made in respect of the shares held by him in the capital by this Act authorized to be raised: Provided that nothing herein contained shall be deemed to prevent the company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as shall be in conformity with the provisions in "The Companies Clauses Consolidation Act, 1845," in that behalf contained.

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

39. The company shall not, out of any money by this or any other Act authorized 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 authorizing the company to construct any other railway, or to execute any other work or undertaking.

Railways not exempt from provisions of present and future general Acts.

40. Nothing herein contained shall be deemed or construed to exempt the railways of the company 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, authorized by any Act relating to the company.

Expenses of Act.

41. 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.

A.D. 1869.

SCHEDULE to which the foregoing Act refers.

HEADS OF AGREEMENT entered into this 6th day of April 1869 between the Midland Railway Company of the first part, the Great Northern Company of the second part, and the Great Eastern Company of the third part.

1. The Great Eastern Company, being the owners of the present station at Lynn and certain land adjoining, shall, if deemed necessary, purchase from the corporation of Lynn so much of their adjoining land near St. John's Church as they may be willing to dispose of, and the three companies shall jointly use a station, to be constructed on the following terms:

2. The cost of the new piece of land, the value of the present station site, with the value of the works thereon as a going concern (excepting only the passenger buildings and appurtenances, which are to be taken down and valued simply as materials), with the cost of the new station and works, (which shall be carried out on a plan to be approved by the three companies, who shall concur in the construction of a good working station at the least outlay that will fairly meet the case, and in the event of difference of opinion between the three companies, or any two of them, it shall be referred to Mr. Edward Wilson, whom failing, to Mr. Thomas Elliott Harrison, or to an arbitrator to be named by the Board of Trade, whose decision shall be binding,) being ascertained, interest thereon at 5 per cent. per annum shall be reckoned, it being understood that the Midland and Great Northern companies shall jointly pay as their proportion of the rent of such station in the ratio that the number of passengers and tons of goods of the two companies bear to similar traffic of the Great Eastern Company booked to and from Lynn; provided that in no year shall the two companies pay less than one third of such rent.

3. The cost of maintenance, rates, and taxes, wages, and other usual charges applicable to the station, shall be divided between the three companies in proportion to the use they make of the station in the ratio that the number of passengers and tons of goods of the Great Northern and Midland companies bear to similar traffic of the Great Eastern Company booked to and from Lynn.

4. The companies may elect to have one general staff to do the work both for goods and passengers, or either of them, or they may elect each to have a separate staff in the goods and passenger departments, and in the latter event the companies doing their own work shall be allowed in respect of such services a portion of the cost under clause 3 in the ratio of the cost incurred by the Great Eastern Company for similar services.

5. The Great Eastern Company to allow the Midland and Great Northern companies to run between the point of junction of the Lynn and Sutton Line with the Great Eastern Line and the Lynn station, the two companies so using the lines paying to the Great Eastern Company in respect of the distance from

A.D. 1869. the said junction to the station as for two miles of the receipts, less 30 per cent. for working expenses.

6. The Midland and Great Northern companies to have access to and the use of the Great Eastern Harbour Branch, upon the payment of a mileage proportion of the receipts arising from such user, less 30 per cent. for working expenses, the Great Eastern Company to be credited with the usual clearing house terminals; and if the two companies (Great Northern and Midland) do their own work at the harbour, which they are to be at liberty to do, they shall be allowed in respect of such services the ratio of the cost incurred by the Great Eastern Company for similar services.

7. That, with a view of securing to the Midland, Great Northern, and Great Eastern companies respectively, access to the new dock at Lynn, including a short railway, for which a Bill is now pending in Parliament, it is hereby agreed that it shall be lawful for the three companies to enter into agreements for that purpose with the King's Lynn Dock Company; but no such agreement shall be entered into by either of the three companies without the consent in writing of the two other companies respectively: Provided always, that if either of the companies refuse their consent, it shall be referred to Thomas Elliott Harrison, Esquire, whom failing, to an arbitrator to be named by the Board of Trade, who shall settle all points of difference between them.

8. The admission of the Midland and Great Northern companies to work over the line or occupy the station hereby agreed for shall not be used by those companies, or either of them, as a ground for the claim of any powers which they do not already possess with reference to the railways and stations of the Great Eastern Company.

9. Any point of difference that may arise between the Great Eastern, Midland, and Great Northern companies, or any two of them, with regard to the station, shall be referred to arbitration under "The Railways Arbitration Act, 1859."

(Signed) S. S.
J. A.
S. C.