



CHAPTER xxiv.

An Act to authorise the Great Eastern Railway Company to make a deviation in the connexion between their railway and the North London Railway, and to abandon certain railways, and to extend the time for making certain other railways, and to acquire additional lands, and to confer further powers upon the said Company with reference to their undertaking and capital; and for other purposes.

A.D. 1872.

[13th May 1872.]

WHEREAS by "The Great Eastern (Metropolitan Station and Railways) Act, 1864," (in this Act called "the Station Act, 1864,") the Great Eastern Railway Company (in this Act called "the Company") were authorised to make a terminal station and several railways in and near the metropolis, including, amongst others, a railway (therein and in this Act called "railway No. 1") from Liverpool Street in the city of London to Commercial Street, near their Bishopsgate station, and a railway (therein and in this Act called "railway No. 3") from their main line at Tap Street to their Enfield and Edmonton line near the Edmonton station, and a railway (therein and in this Act called "railway No. 11") from railway No. 3, in the parish of Hackney, to the North London Railway, near the Navarino Road, and a railway (therein and in this Act called "railway No. 8") from railway No. 3, near the Hackney station on the North London Railway, to Walthamstow:

27 & 28 Vict.
c. cccxiii.

And whereas by or under "The Great Eastern Railway (Metropolitan Railways) Act, 1870," (in this Act called "the Act of 1870,") two several parts of railway No. 3 and part of railway No. 8 were abandoned and new railways authorised to be made in lieu thereof, and alterations in the levels of railway No. 1 throughout its entire length were authorised, and (section 40) the time for the completion of the railways authorised by the Station Act, 1864, and not abandoned under the Act of 1870, was extended until the

33 & 34 Vict.
c. lii.

A.D. 1872. — thirtieth day of June one thousand eight hundred and seventy-two, so far as relates to railway No. 8, and for three years from the passing of the Act, so far as relates to the other railways, and certain powers of passing over and using railway No. 11 were conferred upon the North London Railway Company; and by "The Great Eastern Railway (Finance) Act, 1867," (in this Act called the Act of 1867) the Company were authorised to raise three million pounds by debenture stock, and were required to apply out of revenue a sum equal to ten shillings per centum per annum on that amount in redemption of such debenture stock; and by "The Great Eastern Railway (Additional Powers) Act, 1869," (in this Act called the "Act of 1869") the Company were authorised for a limited period to pay interest as therein mentioned upon money raised by debentures or debenture stock and applied in the completion of their metropolitan railways, and the period so limited was extended by the Act of 1870 (section 12):

28 & 29 Vict.
c. cxviii. And whereas by "The Great Eastern Railway (Additional Powers) Act, 1865," (in this Act called "the Act of 1865") a railway (therein and in this Act called "the Edmonton Junction") from the Company's Enfield and Edmonton line to the Ordnance Factory Railway in the parish of Edmonton (which Ordnance Factory Railway has since been abandoned under the authority of Parliament), and another railway (therein and in this Act called "the Seven Sisters Road Junction") from railway No. 3 to the Tottenham and Hampstead Junction Railway, in the parish of Tottenham, were authorised to be made; and by "The Great Eastern Railway (Additional Powers) Act, 1866," (in this Act called "the Act of 1866") a railway (therein called "railway No. 1," and in this Act called "the Hertford Extension"), being a short extension of the Company's Hertford branch, and a railway in the parish of Enfield in the county of Middlesex (therein called "railway No. 2," and in this Act called "the Enfield Extension"), from the Company's Enfield branch to near the road leading from Enfield to London, were authorised to be made:

And whereas it is expedient that the Company should be authorised to make another railway from railway No. 3 to the North London Railway in lieu of railway No. 11, and that the North London Railway Company should have the same rights of user over the said intended railway as they have over railway No. 11, and that railway No. 11, and also the Edmonton Junction, the Seven Sisters Road Junction, the Hertford Extension, and the Enfield Extension should be abandoned, and that the time limited for the construction of railway No. 1, and of so much of railway No. 8 as was authorised to be made by the Station Act, 1864, and has not been abandoned under the Act of 1870, should be extended, and

that the time limited by the Acts of 1869 and 1870 for payment of the interest therein mentioned as aforesaid should be further extended, but without prejudice to the Company's obligation to apply their revenue to the extent aforesaid in the redemption of the said debenture stock :

A.D. 1872.

And whereas it is expedient that the Company should be authorised to take and use certain lands for stations and other purposes connected with their undertaking in the parish of Saint Botolph Bishopsgate, in the city of London, in the liberty of Norton Folgate, and in the parishes of Christ Church Spitalfields, and Tottenham, in the county of Middlesex, Romford in the county of Essex, and also certain lands in the parishes of Ramsey and Dovercourt in the county of Essex :

And whereas plans and sections of the proposed railway and works, and also plans showing the lands proposed to be purchased under the powers of this Act, and books of reference to such plans, have been deposited with the clerks of the peace for the counties of Middlesex and Essex and the city of London respectively, and the same are in this Act referred to as the deposited plans, sections, and books of reference respectively :

And whereas it is expedient that the Company should be authorised to purchase, by agreement, rights or easements over any lands for the purpose of making or widening platforms and other works attached to and supported solely by the viaduct or arches upon which the railway is carried, instead of purchasing the land, and that incapacitated persons should be empowered to sell such rights or easements :

And whereas it is expedient that the Company should be authorised to purchase more lands by agreement, and that the time limited by "The Great Eastern Railway Act, 1862," (section 107) for the sale of superfluous lands should be extended :

And whereas it is expedient that the Company should be authorised to raise more money, and that in the event of any arrangement under the provisions of the fourteenth section of the Great Eastern Railway Act, 1868, in this Act called the Act of 1868, for the conversion of the Company's East Anglian preference stocks into debenture stock, provision should be made for their consolidation into one stock, and also for giving effect to any reference to arbitration for settlement of any matter arising under such section :

And whereas there remain unissued portions of the guaranteed and preference shares or stocks of the Company, in this Act referred to as the unissued stocks, which amounted in the whole on the first day of July one thousand eight hundred and seventy-one to one hundred and sixty-six thousand and fifty-eight pounds, and it is expedient that the Company should be authorised to cancel the

A.D. 1872. — unissued stocks and to create and issue other shares or stock in lieu thereof:

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 Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title. 1. This Act may be cited for all purposes as "The Great Eastern Railway Act, 1872."

Provisions of general Acts herein named incorporated. 2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," Part I. of "The Railways Clauses Act, 1863," relating to construction of a railway; the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,) the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing 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 the shares into stock, the giving of notices, and the provision to be made for affording access to the special Act; 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, and the Acts and parts of Acts so incorporated are in this Act referred to as the incorporated Acts.

Interpretation of terms.

3. In this Act—

The several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings:

In the incorporated Acts—

The expression "parish clerks" shall, as regards those parishes or extra-parochial places in which, by the standing orders of either House of Parliament, plans, sections, and other documents are required to be deposited with the vestry clerk of the parish, or with the clerk of the district board of works for the district in which the parish or extra-parochial place is included, mean, in the first case the vestry clerks of those parishes, and in the second case the clerks of those district boards;

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In the incorporated Acts and this Act—

The expression “superior courts,” or “court of competent jurisdiction,” or any other like expression, 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:

unless in any of the above-mentioned cases there be something in the subject or context repugnant to such construction.

4. Subject to the provisions of this Act and of the incorporated Acts, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use all or any of the lands and buildings delineated on the deposited plans and described in the deposited books of reference, required for the purposes of the said railway and works:

Power to make railway.

The railway herein referred to is the following:

A railway 2 furlongs 5·40 chains in length, commencing by a junction with railway No. 3 in the parish of Saint John at Hackney in the county of Middlesex, and terminating by a junction with the North London Railway near the Greenwood Road in the same parish.

5. The railway and works by this Act authorised shall, for the purposes of toll and in all other respects, be deemed part of the railway of the Company as authorised by or referred to in “the Station Act, 1864,” the Act of 1869, and the Act of 1870.

Railway to form part of Company's undertaking.

6. 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.

7. The railway and works by this Act authorised shall be completed within five years from the passing of this Act.

Period for completion of works.

8. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

Inclination of roads.

No. on deposited plan.	Parish.	Description of road.	Intended inclination.
15	Saint John at Hackney -	Public highway - -	1 in 20
40	Ditto - - -	Graham Road (private road).	1 in 30

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Height and span of bridges.

9. The Company may make the arches of the bridges for carrying the railway over the roads or streets mentioned in the next following table of any heights and spans not less than the heights and spans herein-after mentioned in connexion with those roads respectively; (that is to say,)

No. on deposited plan.	Parish.	Description of road.	Height.	Span.
40	Saint John at Hackney -	Graham Road (private road).	15	50
42	Ditto - - -	Public highway - -	16	40

but if the Hackney District Board of Works and the Company agree, the height of the bridge over the said public highway No. 42 may be reduced so as not to be less than fifteen feet over the said highway.

Width of bridge carrying Navarino Road over railway.

10. The width of Navarino Road between the parapets of the bridge for carrying the road over the railway may be the same as the width between the parapets of the bridge carrying the same road over the North London Railway.

As to levels of Navarino Road.

11. Unless with the consent of the Hackney Board of Works the Company shall not alter the levels of Navarino Road for the construction of the junction line with the North London Railway by this Act authorised more than one foot, but the Company may alter the point of junction of the said railway with the North London Railway from the Greenwood Road to the Navarino Road, and alter the gradients of the said junction railway from one in forty and one in forty-two, as described on the deposited sections, to one in thirty-eight.

As to fences and rails at street crossings in Hackney.

12. Before the Company complete the railway joining the North London Railway hereby authorised, they shall erect and ever after keep in a thorough state of repair, to the satisfaction of the authority having control over the highways of the parish of St. John at Hackney, proper fences and rails (in character with the existing fences and rails) below the bridges of such railway crossing any of such streets in any open spaces left between the public footways and the piers of the said bridges respectively.

For protection of sewers and bridges of Metropolitan and other Boards.

13. Except as by this Act otherwise enacted, the 26th, the 27th, and the 28th sections of the "Station Act, 1864," relating to sewers and bridges of the Metropolitan and other Boards, shall extend and apply to the works and objects by this Act authorised.

Extending period for payment of

14. The period of two years limited by the 13th section of the Act of 1869 for the payment of the interest therein mentioned, and

extended by the 12th section of the Act of 1870, shall be further extended until the thirty-first day of December one thousand eight hundred and seventy-three, and the said sections shall be read and construed accordingly.

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interest
during con-
struction of
works.

15. If the Company fail within the period limited by this Act to complete the railway authorised to be made by this Act, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works, and the said penalty may be applied for by any landowner or other person claiming to be compensated, in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the 3rd section of "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said 3rd section of "The Railway and Canal Traffic Act, 1854," to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such railway by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Penalty for
non-comple-
tion within
period
limited.

16. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with, or otherwise rendered less valuable, by the commencement, construction, or abandonment of the said railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or

Application
of such
penalty.

A.D. 1872. — sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the Company.

Powers for making railway to cease if same not completed within prescribed period.

17. If the railway by this Act authorised shall not be completed within the period by this Act limited for the completion thereof, then on the expiration of such period the powers by this Act granted for making and completing the railway or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Certain powers given to North London Railway Company by Act of 1870 extended to new railway.

18. The powers given to the North London Railway Company by section 32 of the Act of 1870 of passing over and using railway No. 11 shall extend to the railway by this Act authorised, and may be exercised by that company over and with respect to that railway in like manner and to the same extent as but for the passing of this Act they might have been exercised over and with reference to railway No. 11.

Additional lands may be taken.

19. The Company may also enter upon, take, and use all or any of the additional lands and buildings delineated on the deposited plans and described in the deposited books of reference, in the parish of Saint Botolph Bishopsgate, in the city of London, the liberty of Norton Folgate, and the parishes of Christ Church Spitalfields, and Tottenham, in the county of Middlesex, and Romford in the county of Essex, and the lands in the parishes of Ramsey and Dovercourt in the county of Essex, other than the lands of the United Land Company (Limited).

For protection of devisees of Mr. J. Patrick.

20. The following provisions shall be applicable for the protection of the cement works and premises of the devisees of Mr. John Patrick :

Company not to take certain land of devisees of Mr. Patrick without consent.

1. It shall not be lawful for the Company under the powers of this Act to purchase, use, or take the piece of land now used as a backwater, and numbered 12 in the parish of Dovercourt on the deposited plan, belonging or claimed to belong to the devisees of Mr. John Patrick, containing four acres or thereabouts, without the consent in writing of the said devisees or other the owner for the time being :

Company, if they interfere with navigable access to the devisees cement works, to provide new access without charge.

2. Before the Company shall in any way prejudicially affect the navigable channel which leads to the cement works and premises of the said devisees of John Patrick, they shall, at their own expense, by means of a substituted channel, or of an alteration in the existing channel, or partly by a substituted channel and partly by an alteration of the existing channel, or by some other ways and means, provide a navigable passage to and from the said cement works and premises

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of at least equal capacity and convenience to the present navigable access to the said works and premises, and shall at all times thereafter keep the same from being obstructed, filled up, or of a less capacity and convenience as aforesaid, by or in consequence of any of the operations or works of the Company, and shall not levy or make any toll or charge upon the said devisees or other the owners, lessees, or occupiers for the time being of the said cement works and premises, or upon the vessels passing and repassing to and from such cement works and premises, or upon the cargoes carried or taken in such vessels for or in respect of the said navigable access :

3. Any dispute which may from time to time arise as to whether the present navigable channel has been prejudicially affected by the Company, or as to the sufficiency of the works to provide such new navigable access as aforesaid, or as to any obstruction, filling up, or lessening the capacity and convenience of the new navigable access having been caused, or to what extent caused, by any of the operations or works of the Company, shall from time to time be settled by an engineer to be appointed by the Board of Trade, whose decision shall be conclusive on the parties :

Disputes to be settled by engineer to be appointed by the Board of Trade.

4. Provided always, that nothing herein contained shall prejudice or affect any rights or claim for compensation which the devisees of John Pattrick, or other the owners, lessees, or occupiers of the said cement works and premises, may or shall have under the provisions of the Lands Clauses Consolidation Acts.

Reserving rights of devisees.

21. And whereas the said lands in the parishes of Ramsey and Dovercourt belong to, or are claimed to belong to, Edgar Walter Garland, Esquire, and abut upon his estate, the powers by this Act granted to the Company shall be subject to the following provisions :

As to lands adjoining Harwich Harbour belonging to Edgar Walter Garland, Esq.

1. All the right, interest, and property which the said Edgar Walter Garland now has in the foreshore of the river Stour, between high and low water mark seaward of any works of reclamation which the Company may make, shall remain vested in him, notwithstanding any of the works proposed to be made or done under this Act :

2. Any cut or channel which may be made across the land to be reclaimed for the outfall of Ramsey River shall be so made and always maintained that it shall at the commencement thereof at Ramsey Sluice be of not less depth than it is at present, and that the bottom of the said cut or channel shall have a continuous inclination from the sluice to low-water mark :

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3. The said Edgar Walter Garland and his heirs or assigns shall, upon giving to the Company fourteen days notice in writing of his or their intention, have all reasonable access at any time to the said cut or channel within a distance of one hundred yards from the said sluice for the purpose of putting therein a cofferdam, or executing any other work necessary for the drainage of the estate of the said Edgar Walter Garland through Ramsey River, but all such works shall be done under the reasonable control and to the reasonable satisfaction of the engineer for the time being of the Company, and so as not to injure the works of the Company :
4. Nothing herein contained shall extend or be construed to extend to empower the Company to injure the drainage of the estate of the said Edgar Walter Garland, but on the contrary the Company shall construct and for ever afterwards maintain all such works as may be necessary for preventing any interruption to the said drainage ; and if any difference shall arise between the Company and the said Edgar Walter Garland, his heirs or assigns, with respect to the necessity or nature of such works, the same shall be from time to time settled by arbitration :
5. If any difference shall arise between the Company and the said Edgar Walter Garland, his heirs or assigns, as to the construction or application in any case of the preceding paragraphs of this section, or any of them, or as to the mode of carrying out the works, the matter in difference shall be referred to the decision of an engineer to be appointed on the application of either party by the Board of Trade, and the decision of such engineer shall be accepted by both parties as binding and conclusive :
6. The said Edgar Walter Garland, his heirs and assigns, shall not be in anywise liable to make good any injury, or to give compensation for any injury that may happen to any part of the lands reclaimed under the powers of this Act, unless such injury shall happen through the wilful act or default of the said Edgar Walter Garland, his heirs or assigns.

Company to complete purchase of lands in Tottenham within twelve months from passing of Act.

22. Provided always, that the Company shall complete the purchase within twelve calendar months from the passing of this Act of any of the lands in the parish of Tottenham shown on the deposited plans which are the property of Henry Grace Wilson Sperling, Esquire, and they shall not at any time within such twelve calendar months take any greater quantity of the said lands than thirty-three feet in depth on each side of the said embankment, measured in a straight line from the present base of the same :

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Provided also, that the Company shall not upon any part of the lands numbered 1, 2, 3, 4, and 13 on the deposited plans, maintain any depôt for coal, or any siding, standing, or works for goods, nor any lay-bye for the purposes of goods or mineral traffic, nor shall the Company erect any houses or buildings on such lands.

23. Nothing in this Act contained shall prejudice or alter a certain agreement dated the twenty-third April one thousand eight hundred and sixty-four, entered into between Robert Howard of Bruce Grove in the parish of Tottenham in the county of Middlesex of the one part, and the Company of the other part.

Act not to interfere with agreement.

24. In the exercise of the powers by this Act conferred, the Company shall limit their purchase of land between Bruce Grove and King's Road to what shall be actually required for the railway and embankment: Provided always, that the Company shall not upon any part of the lands numbered 6, 7, 8, 9, 10, 11, and 12 on the deposited plans, maintain any depôt for coal, or any siding, standing, or works for goods, nor any lay-bye for the purposes of goods or mineral traffic, nor shall the Company erect any houses or buildings on such lands.

Limiting quantity of land to be purchased between Bruce Grove and King's Road.

25. Nothing in this Act contained shall enable the Company to enter upon, take, or use any part of Quaker Street in the parish of Christchurch, Spitalfields, without the previous consent in writing of the Board of Works for the Whitechapel district.

Company not to interfere with Quaker Street without consent of the Whitechapel Board of Works.

26. The Company may stop up and cause to be discontinued as a public footway or thoroughfare so much of the footpath which crosses their Enfield Branch on the level as is within the Edmonton Station; but the Company shall, if required by the Local Board of Health for the district of Edmonton, at any time within six months after the stopping up of the said footpath, make a bridge for foot passengers over the said branch in lieu thereof at such place and of such dimensions and description as shall be agreed between the Company and the said local board, or, in case of dispute, as shall be settled by the Board of Trade.

Power to stop up footpath.

27. In cases where the Company are already authorised or empowered to construct any railway or part of a railway or station or work connected therewith on viaduct or arches, they may, if they think fit, by agreement with the owners, lessees, and occupiers of the lands over which they propose to make or widen any platform or other work attached to and supported solely by the viaduct or arches upon which the railway is carried or is intended to be carried, purchase and take a grant of a perpetual right or easement to construct the platform or work over such lands; and all parties entitled under the 7th section of "The Lands Clauses Con-

When railway to be made on viaduct, Company may purchase easement of land for overhanging platforms.

A.D. 1872. — consolidation Act, 1845," to sell and convey lands may, if they think fit, sell and grant any such perpetual right or easement to the Company.

Lands for additional stations.

28. In addition to any lands which the Company are authorised to purchase for extraordinary purposes, the Company may by agreement purchase any quantity of land for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding fifty acres.

Extending time for sale of certain lands.

29. The period limited by the 107th section of "The Great Eastern Railway Act, 1862," for the sale of the lands therein referred to, shall be extended as follows, that is to say; with respect to all such lands as adjoin any station of the Company, or which they may require for any station or station purposes, until the expiration of ten years from the passing of this Act, and with respect to the rest of such lands, until the expiration of three years from the passing of this Act.

Certain railways may be abandoned.

30. The Company shall abandon the construction of the railways called railway No. 11, the Edmonton Junction, the Seven Sisters Road Junction, the Hertford Extension, and the Enfield Extension.

Compensation for damage to land by entry, &c. for purposes of railways abandoned.

31. The abandonment by the Company under the authority of this Act of any portion of any railway or works 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 of 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 last-mentioned Act, or "the Station Act, 1864," the Act of 1865, or the Act of 1866.

Compensation to be made in respect of portions of railways abandoned.

32. 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 railways or works authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised, full compensation shall be made by the Company to the owners and occupiers of 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. A.D. 1872.
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33. In case the Company has contracted to purchase any land for any railway the construction of which has been or is by this Act authorised to be abandoned, the Company may, with the consent of the vendor, notwithstanding such abandonment complete the purchase, but such lands shall be deemed superfluous lands, and shall be resold within ten years from the passing of the Act authorising the abandonment. Company
may complete
certain con-
tracts.

34. The time limited for the completion of railway No. 1, as authorised by the Station Act, 1864, and the Act of 1870, and the time limited for the completion of so much of railway No. 8 as was authorised by the Station Act, 1864, and is not abandoned under or by virtue of the Act of 1870, shall be enlarged and extended for the respective periods herein-after mentioned; that is to say, so far as relates to railway No. 8, until the first day of August one thousand eight hundred and seventy-three, and so far as relates to railway No. 1, for a period of three years from the passing of this Act; and if on the expiration of such extended period the railways shall not be completed, the powers by the said Act or this Act granted for making the same or otherwise in relation thereto shall cease to be exercised, except as to so much thereof respectively as shall then be completed. Extending
time for com-
pletion of
works.

35. If the Company fail within the period limited by this Act to complete the railways the time for making which is by this Act extended, then, in lieu of any other penalty imposed upon the Company for the non-completion of such railways within the time limited by Act of Parliament for the completion thereof, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period limited by this Act for the completion thereof respectively, until the said railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works, and the said penalty may be applied for by any landowner or other person claiming to be compensated, in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of "The Railway and Canal Traffic Act, 1854," and every sum of Penalty for
non-comple-
tion within
period
limited.

A.D. 1872. — money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of "The Railway and Canal Traffic Act, 1854," to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery, in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such railway by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of such
penalty.

36. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railways the time for making which is by this Act extended, or either of them, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company with respect to such railways, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the Company.

Reserving
certain rights
to the owners
of Messrs.
Truman,
Hanbury,
and Com-
pany's
brewery.

37. It shall not be lawful for the Company during the remaining term of the lease of Messieurs Truman, Hanbury, Buxton, and Company of the brewery and premises in their occupation adjoining the Great Eastern Railway, at or near Brick Lane, to sell or dispose of the tramway or siding to be constructed from the said railway to the said brewery and premises, and referred to in "The Eastern Counties Railway Stations Act, 1846," and in Schedule (A.) to "The Great Eastern Railway Act, 1862," and at the expiration of the said lease the person or persons who shall be entitled to the reversion of the said brewery shall for twelve months after such expiration have the option of purchasing the said tramway or siding

at its fair value, to be settled by arbitration in case of difference, or of leasing the same in perpetuity at an annual rent in all respects equal to the average rent which shall have been paid for the use of the same to the Company by Messieurs Truman, Hanbury, Buxton, and Company during their use of the said tramway or siding, such rent in no event to exceed five per centum on the entire cost of the said tramway or siding; and in the event of the person or persons so entitled to the reversion of the said brewery declining such option of purchasing or leasing, then the Company shall be at liberty to sell the said tramway or siding under the provisions of "The Lands Clauses Consolidation Act, 1845," in like manner as is provided regarding the sale of superfluous lands. A.D. 1872.

38. The Company may apply for the purposes of this Act any moneys from time to time belonging to them which they may have raised or may have been authorised to raise under the powers of any Act or Acts relating to their undertaking, and which may not be required for the purposes for which the same were authorised to be raised. Company may apply money for purposes of Act.

39. The Company, by resolution of any general meeting or general meetings of the shareholders convened with special notice of the purpose, may raise, by the creation of new ordinary or preference shares or stock, such sum as they may think fit, not exceeding in the whole three hundred and seventy-five thousand pounds. Power for Company to raise capital by shares or stock.

40. All shares or stock to be created by the Company under the authority of this Act shall, subject to the provisions of this Act, form part of the general capital of the Company. Shares or stock to form part of Company's general capital.

41. 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. One fifth part of the shares to be paid on issue.

42. Twenty per centum on the amount of any share shall be the largest amount of any call which may be made thereon, and there shall be an interval of not less than three months between any two successive calls, and the Company shall not call up more than three fourths of a share in any year. Calls.

43. The Company, in addition to all other sums which they are authorised to borrow on mortgage, may from time to time borrow on mortgage any sums not exceeding in the whole one hundred and twenty-five thousand pounds; but no part thereof shall be borrowed until the whole of the said capital for raising the said sum of three Power to borrow.

A.D. 1872.

hundred and seventy-five thousand pounds is subscribed for, 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 the whole of the said capital has 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 separate share or sum of stock has been paid on account thereof before or at the time of issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and 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.

Priority of existing mortgages.

44. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, and as regards the undertaking comprised in and assigned by such mortgages, have priority over all mortgages to be granted by virtue of this Act.

Debenture stock.

45. The Company may create and issue debenture stock.

Application of money raised under Act.

46. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes authorised by any Act or Acts relating to the Company.

Company may cancel unissued stocks and create new stock.

47. The Company may, if they think fit, by resolution of a general meeting convened with special notice of the purpose, cancel the unissued stocks or any of them or any part thereof, and may in lieu thereof create and issue new ordinary or preference shares or stock, not exceeding the amount of the unissued stocks which may be cancelled, and may, if they think fit, create and issue the new shares or stock so as to form one stock with, and be of the same class as, the additional capital for raising the sum of three hundred and seventy-five thousand pounds by this Act authorised to be raised.

Providing for consolidation of certain stocks.

48. In the event of such agreement as is authorised by the fourteenth section of the Act of 1868 being sanctioned as required by that section, the Company may, at the request and with the approval of the proprietors of East Anglian A, B, C, and No. 1 stock, signified as in that section mentioned, consolidate such preference stocks into one debenture stock of the Company, instead of into four debenture stocks, to be called East Anglian Debenture Stock, and such debenture stock shall be entitled to interest after

the rate of five pounds per centum per annum, and the amount of consolidated East Anglian debenture stock to be so created shall be such whereof the dividend for one year shall be equal to the aggregate amount of dividends for one year upon all the East Anglian preference stocks to be consolidated.

A.D. 1872.

49. The consolidated debenture stock shall be entitled with respect to the payment of interest or dividends to the same preference or priority as the East Anglian stocks thereby consolidated are now entitled to with respect to the payment of preference dividends.

Consolidated debenture stock to have same priorities as East Anglian stocks prior to consolidation.

50. Every person or corporation entitled to any East Anglian stock to be consolidated under the powers of this Act shall, for and in respect of such stock, be entitled to such an amount of the consolidated debenture stock as will yield the same amount of dividends per annum as the East Anglian stock to which such person or corporation shall be so entitled, and that amount of consolidated debenture stock shall vest in such person or corporation accordingly, and be subject to the same trusts, powers, rights, charges, and liabilities as the East Anglian stock in respect of which it is so vested, and so as to give effect to and not revoke any will or testamentary instrument disposing of or affecting such East Anglian stock.

Vesting of consolidated preference stock.

51. Notwithstanding anything in this Act contained, the consolidation herein provided for shall not include the stock of any East Anglian proprietor who shall not agree to such consolidation, nor shall the priority or rights of any such stock be prejudiced by the consolidation; but nevertheless such stock or any part thereof may at any time afterwards become consolidated with the consent of the proprietor thereof for the time being.

Excepting stock of dissenting proprietors.

52. It shall be lawful for any trustees, or for the committee or guardian of the estate of any lunatic or person of unsound mind or infant, entitled to East Anglian stock, to agree to the conversion of East Anglian stock into consolidated East Anglian debenture stock under the powers of the Act of 1868 and this Act.

Power for trustees, &c. to agree to conversion of East Anglian stock.

53. The shareholders of the Company and the East Anglian proprietors may agree in manner provided by the fourteenth section of the Act of 1868 to refer any question to arbitration, and for the appointment of arbitrators, with power to appoint an umpire, or of a single arbitrator, and the award of the arbitrators, or of their umpire, or of the single arbitrator, as the case may be, shall be final and binding upon the Company and the East Anglian proprietors, and shall be carried into effect accordingly.

Arbitration with East Anglian proprietors.

A.D. 1872.

Saving rights of London and Blackwall Railway Company.
Saving rights of Northern and Eastern Railway Company.

54. 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 authorising that lease.

55. Provided always, that this Act or anything herein contained shall not in anywise lessen, prejudice, alter, or otherwise affect any of the rights, interests, powers, authorities, privileges, remedies, claims, and demands whatsoever, whether at law or in equity or otherwise howsoever, which under or by virtue of the several Acts relating either immediately or mediately to the Northern and Eastern Railway Company, that company, or the shareholders of that company or any of them, were immediately before the passing of this Act entitled to, or might lawfully have, exercise, enjoy, or claim against or with respect to or in any way concerning the Company, or the railways, works, or other property of the Company, or any part thereof, or the revenue or profits of the Company, or any part thereof, or the undertaking of the Company, or any part thereof, or against or with respect to or in any way concerning any company, or the shareholders of any company, having or claiming any rights or interests against or with respect to or in any way concerning the Company, or the railways, works, or other property of the Company, or any part thereof, or the revenue or profits of the Company, or any part thereof, or the undertaking of the Company, or any part thereof; but all such rights, interests, powers, authorities, privileges, remedies, claims, and demands whatsoever of the Northern and Eastern Railway Company and the shareholders thereof, and every of them respectively, shall be and remain as of full force, validity, operation, and effect, and may be had, exercised, enjoyed, and enforced, in like manner to all intents and purposes whatsoever, both at law and in equity and otherwise howsoever, as if this Act had not been passed, anything in this Act to the contrary thereof in anywise notwithstanding.

Saving rights of the Harwich Harbour Conservancy Board.

56. Nothing in this Act contained shall extend or be construed to prejudice, diminish, alter, or take away any of the rights, powers, or privileges of the Harwich Harbour Conservancy Board under "The Harwich Harbour Act, 1863," or "The Harwich Harbour Act, 1865."

Saving rights of the Crown.

57. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the Company to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Reve-

nues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); neither shall anything in the said Act or Acts 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. A.D. 1872.

58. The Company shall not, out of any money by this or any other Act authorised to be raised by calls, debenture stock, or borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest or money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845." Interest not to be paid on calls paid up.

59. The Company shall not, out of any money by this or any other Act authorised to be raised, pay or deposit any sum of money 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 railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

60. Nothing in this Act contained shall be deemed or construed to exempt the railways of the Company from the provisions of any general Acts 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 of the Company. Railways not exempt from provisions of present and future general Acts.

61. 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.