



CHAPTER lii.

An Act for conferring further powers upon the Great Eastern Railway Company for extending the periods limited for the compulsory purchase of certain Lands and for the completion of certain Works for confirming an Agreement for the purchase of the undertaking of the Wivenhoe and Brightlingsea Railway Company for authorising Agreements between the London and Blackwall Railway Company the Company and the Midland Railway Company for amendment of Acts and for other purposes. A.D. 1893.

[9th June 1893.]

WHEREAS it is expedient that the Great Eastern Railway Company (in this Act called "the Company") should be authorised—

To construct the railways herein-after mentioned in the counties of Essex and Suffolk ;

To make certain widenings and improvements of and in connexion with their railways in the counties of Norfolk Hertford Suffolk and Essex ;

To complete and maintain an extension of the trawl basin and fish market in the Company's harbour at Lowestoft to widen the entrance from the outer harbour to the inner harbour of the Company at Lowestoft to make a new swing-bridge and remove the existing swing-bridge over that entrance and to divert the road now carried over the existing swing-bridge ;

To divert or alter certain footpaths and to stop up portions of certain other footpaths to maintain foot-bridges constructed by the Company in lieu of certain of those footpaths to remove the foot-bridge herein-after mentioned over the Company's Alexandra Park branch railway and to execute the other works and to exercise the other powers herein-after mentioned ; and

A.D. 1893. To purchase the additional lands herein-after in that behalf mentioned :

And whereas the Company have under the powers of former Acts acquired certain lands which are no longer needed for the purposes for which they were so acquired and it is expedient that the Company be authorised to use those lands for other purposes as herein-after mentioned or for the general purposes of their undertaking :

And whereas the Company have acquired by agreement for purposes of their undertaking certain other lands herein-after described and it is expedient that they be authorised to hold the same :

And whereas by section 30 of the local and personal Act of the seventh year of the reign of Her present Majesty Queen Victoria chapter 35 intituled "An Act to enable the Northern and Eastern Railway Company to make certain deviations in the line of their railway between Bishops Stortford and Newport and to alter and amend the Acts relating to the said railway" (and which Act is herein-after referred to as "the Act of 1844") after repealing certain provisions in a former Act provision was made with reference to the conduct and management of trains at or near the crossing of a certain road by the railway at Amwell End and of the gates across the railway at such crossing :

And whereas when the improvement and works herein-after mentioned to be constructed at Ware have been executed by the Company the herein-before recited provision contained in the Act of 1844 will be no longer necessary for the safety of the public and it is expedient that the said section 30 be repealed :

And whereas it is expedient that the period now limited by the Great Eastern Railway (General Powers) Act 1890 (in this Act called "the Act of 1890") for the completion of the improvement of the railway from Saint Ives to Huntingdon in the county of Huntingdon authorised by section 7 sub-section (c.) of the Great Eastern Railway Act 1877 (in this Act called "the Act of 1877") the powers relating to which improvement were by section 49 of the Great Eastern Railway (General Powers) Act 1887 (in this Act called "the Act of 1887") transferred to and are now vested in the Great Northern and Great Eastern Joint Committee should be further extended :

And whereas it is expedient that the period now limited by the Act of 1890 for the compulsory purchase of lands for and for the completion of the widening and improvement in the parish of Romford in the county of Essex of the Company's Colchester main

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line authorised by section 5 sub-section (b.) (2) of the Great Eastern Railway (General Powers) Act 1883 (in this Act called "the Act of 1883") and the powers in reference to which were revived by the Act of 1890 should be extended:

And whereas by the Wivenhoe and Brightlingsea Railway Act 1861 the Wivenhoe and Brightlingsea Railway Company (in this Act called "the Wivenhoe Company") were incorporated and authorised to make and maintain a railway from Wivenhoe to Brightlingsea both in the county of Essex which railway has been constructed and opened for traffic and is worked by the Company:

And whereas by the Wivenhoe and Brightlingsea Railway (Capital) Act 1866 (in this Act called "the Act of 1866") the Wivenhoe Company and the Company were empowered to enter into and carry into effect agreements for (amongst other things) the sale by the Wivenhoe Company to the Company of the Wivenhoe Company's undertaking and an agreement dated the 23rd day of December 1891 (a copy of which is set out in the Second Schedule to this Act and is herein-after called "the scheduled agreement") has been entered into between the Wivenhoe Company and the Company for the sale of the Wivenhoe Company's undertaking to the Company and it is expedient that that agreement be confirmed and that provision be made for the distribution and application in accordance with the terms of the agreement of the purchase money or consideration for the sale and other assets of the Wivenhoe Company:

And whereas it is expedient to authorise agreements between the Company the London and Blackwall Railway Company and the Midland Railway Company with reference to the appropriation use lease or ownership of certain lands connected with the London and Blackwall Railway for the purposes of the undertakings of any of the said companies jointly or separately:

And whereas it is expedient that further powers be conferred upon the Company with reference to the erection purchasing and letting of cottages or houses for their servants the extension and enlargement of and otherwise in reference to the Company's hotels and refreshment rooms the erection letting lighting and heating of houses shops offices and buildings on land contiguous to or connected with the structure of their Liverpool Street Station and the other purposes and matters in this Act mentioned:

And whereas in pursuance of the powers conferred by the Act of 1890 (section 67) the Company have established a pension fund for the servants of the Company not being members of the superannuation fund and have also under the powers of the same Act (section 68) made provision by the contribution out of their revenue of an

A.D. 1893. annual sum of money to a fund called "the old age relief fund" for the relief and benefit of any servants of the Company who in the judgment of the managing committee are from age or other circumstances unable to become members of the pension fund:

And whereas the managing committee have found it desirable to divide the old age relief fund into two parts namely one for the benefit of servants unable to contribute themselves and the other for servants still in the employ of the Company who are willing and able to contribute out of their wages or savings but on account of their age not to the extent necessary to become members of the pension fund and it is expedient that further provision be made to enable the Company to carry out the purposes of such funds respectively and to establish if they think fit another pension fund or funds for classes of servants on the Company's wages list and therefore not qualified to be members of the superannuation fund but desirous of having a higher pension than they would enjoy under the scheme for the pension fund already established and that such further provision be made with reference to the pension fund as in this Act provided:

And whereas it is expedient to make provision as to the payment of small amounts by the managing committee of the superannuation fund appointed under the powers of the *Great Eastern Railway (General Powers) Act 1878*:

And whereas it is expedient that the time limited for the sale of certain superfluous lands belonging to the Company be extended:

And whereas by the Act of 1887 the Company were authorised to raise 1,250,000*l.* by (amongst other modes) the creation and issue of preferential shares or stock not exceeding in amount that sum and to borrow in respect of such additional capital the sum of 416,600*l.* as follows (that is to say) In respect of each sum of 150,000*l.* of such capital up to 1,200,000*l.* the sum of 50,000*l.* and in respect of the last 50,000*l.* of such capital 16,600*l.* but it was provided that no such borrowing powers should be exercised without the certificate of a justice under the 40th section of the *Companies Clauses Consolidation Act 1845* that shares or stock of such additional capital had been bonâ fide paid up to the extent in money of 150,000*l.* in respect of any sum of 50,000*l.* intended to be borrowed or of 50,000*l.* in respect of the last sum or balance of 16,600*l.* intended to be borrowed and the Company were empowered to create and issue debenture stock to the same nominal amount as they were by that Act authorised from time to time to borrow on mortgage subject to the provisions of Part III. of the *Companies Clauses Act 1863*:

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And whereas the Company under the powers of the Act of 1887 created preference stock (in this Act called "the preference stock 1888") for the whole amount of 1,250,000*l.* and in respect of 1,200,000*l.* thereof have raised by the creation and issue of debenture stock 400,000*l.*:

And whereas by the Great Eastern Hunstanton and West Norfolk Railway Companies Act 1890 the Company were authorised to acquire the undertaking of the Hunstanton and West Norfolk Railway Company and provision was made for the vesting in the proprietors of the preference stocks of that company of preference stock 1888 to the nominal amount of 33,000*l.*:

And whereas by reason of the last-mentioned amount of preference stock 1888 being so vested as aforesaid and no part of it having been paid up in money the Company are unable to obtain the certificate of a justice without which they cannot exercise their borrowing powers in respect of the last 50,000*l.* of the 1,250,000*l.* which they were authorised to raise as aforesaid by the Act of 1887 and it is expedient that the provisions of that Act be amended so as to enable the Company to exercise their last-mentioned borrowing powers as if the preference stock 1888 to the amount of 33,000*l.* vested as aforesaid had been paid up in money:

And whereas it is expedient that the Company be empowered to apply their funds for the purposes of this Act and for those purposes and the general purposes of the Company to raise further money:

And whereas plans and sections describing the lines situations and levels of the works by this Act authorised and plans of the lands which are subject to the compulsory powers of purchase conferred by this Act including the lands and property the fee simple of which is authorised to be acquired compulsorily and books of reference to such plans respectively containing the names of the owners or reputed owners and the lessees or reputed lessees and of the occupiers of such lands were duly deposited as follows (that is to say) In the case of all lands and works in the county of London with the clerk of the peace for that county In the case of all lands and works in the county of Middlesex with the clerk of the peace for that county In the case of all lands and works in the county of Essex with the clerk of the peace for that county In the case of all lands and works in the county of Cambridge with the clerk of the peace for that county In the case of all lands and works in the county of Hertford with the clerk of the peace for that county In the case of all lands and works in the county of Norfolk

A.D. 1893. — with the clerk of the peace for that county In the case of all lands and works in the Isle of Ely in the county of Cambridge with the clerk of the peace for the Isle of Ely and with the clerk of the peace for the county of Cambridge And in the case of all lands and works in the county of Suffolk with the clerk of the peace for that county And the said plans sections and books of reference respectively are in this Act referred to as “the deposited plans sections and books of reference” :

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 as the Great Eastern Railway (General Powers) Act 1893.

Incorporation of general enactments. 2. The following enactments (as far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) are hereby incorporated with and shall be part of this Act (that is to say) :—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following namely :—

- 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 the payment of calls ;
- The forfeiture of shares for non-payment of calls ;
- The remedies of creditors of the Company against the shareholders ;
- The borrowing of money ;
- The conversion of the borrowed money into capital ;
- The consolidation of the shares into stock ;
- The making of dividends ;
- 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 (as amended by subsequent Acts) relating respectively to cancellation and surrender of shares to additional capital and to debenture stock :

The Lands Clauses Acts :

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The Railways Clauses Consolidation Act 1845 and Parts I. II. and V. (except section 49) of the Railways Clauses Act 1863 relating respectively to construction of a railway to extension of time and to amalgamation.

The Harbours Docks and Piers Clauses Act 1847 with the exception of sections 16 to 19 (both inclusive) of that Act unless the Board of Trade shall otherwise require.

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 and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or 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 simple contract debt and not a debt or demand created by statute.

Interpretation.

4. With respect to lands within the metropolis as defined by the Metropolis Management Act 1855 and the Acts amending the same the expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or places in which by the Standing Orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or 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 respectively and as regards those parishes in which there are no parish clerks mean the parish clerk of some adjoining parish.

Interpretation of term "parish clerks &c."

5. Subject to the provisions of this Act the Company from time to time may make execute and maintain in the lines and within the limits of lateral deviation shown on the deposited plans and according to the levels shown (where such levels are shown) on the deposited sections the works described in this section and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as have not already been acquired by the Company and as may be required for those purposes and may for those purposes appropriate and use any of the said lands which have already been acquired by the Company.

Power to execute works shown on plans and sections.

A.D. 1893. The works herein-before referred to and authorised by this Act are the following (that is to say) :—

(A.) A Railway (No. 2) 1 furlong and 9·70 chains or thereabouts in length wholly in the county of Essex commencing in the parish of West Ham at a point 2 chains or thereabouts south-east of the easternmost end of Leyes Road and terminating in the parish of East Ham by a junction with the Beckton Railway of the Gas Light and Coke Company :

And in connexion with the said Railway (No. 2) the Company may enter upon and purchase compulsorily or otherwise certain lands shown upon the deposited plans and described in the deposited books of reference in the said parishes of West Ham and East Ham lying to the north of and adjoining the Beckton Railway of the Gas Light and Coke Company and may use such lands and any adjoining lands of the Company for the purposes of a goods and coal depôt and any other purposes of the Company's undertaking :

Provided that notwithstanding anything in this Act contained the Company shall not enter upon or purchase compulsorily such of the lands shown on the deposited plans and described in the deposited books of reference in the said parish of West Ham belonging to the trustees under the will of the late Spencer Smith (herein-after called "the trustees") as are shown by the colour green on the plan signed on behalf of the trustees by J. T. Newman and Jacques and on behalf of the Company by John Wilson If the Company enter upon or purchase compulsorily the land belonging to the trustees shown by the colour blue on the said plan they shall purchase from the trustees also the land shown by the colour brown on the said plan The Company shall not purchase any portion of the lands shown on the said plan by the colours yellow red and purple Provided that nothing herein contained shall prejudice or interfere with the exercise of the right of way or user granted to the Company by an indenture dated the fourteenth day of July one thousand eight hundred and ninety-one and made between Seymour Spencer Smith the Reverend Spencer Compton Hamilton Spencer Smith and the Reverend Orlando Spencer Smith of the one part and the Company of the other part :

(B.) A Railway (No. 3) 7 furlongs and 0·90 chain or thereabouts in length wholly in the county of Suffolk commencing in the parish of Walton by a junction with the Company's Felixstowe branch railway and terminating in the parish of Felixstowe near the north-easternmost corner of the field numbered 69 on the $\frac{1}{2500}$ ordnance map of the said parish of Felixstowe :

- (c.) A Railway (No. 4) 3 furlongs and 1.50 chains or thereabouts in length wholly in the parish of Walton in the county of Suffolk commencing by a junction with the Company's Felixstowe branch railway and terminating by a junction with the Railway No. 3 by this Act authorised at or near the eastern boundary of the field numbered 118 on the $\frac{1}{2500}$ ordnance map of the said parish of Walton :

And in connexion with the said Railways (No. 3 and No. 4) the Company may divert the footpath in the said parish of Walton now running from Mill Lane to Meeting Lane on the eastern side of the Company's Felixstowe branch railway and may carry the said footpath between the said lanes on the western side of the said railway and upon the completion and opening for public use of the diverted footpath the Company may stop up the existing footpath and all public and other rights over the existing footpath shall thereupon be by this Act extinguished :

- (d.) A Widening and Improvement (No. 1) wholly in the county of Norfolk of the Company's Lynn and Hunstanton branch line commencing in the parish of Gaywood and terminating in the parish of Wolferton :

- (e.) A Widening and Improvement (No. 3) in the county of Hertford of the Company's Hertford branch railway on its north side and of the Ware Station on the said railway commencing in the parish of Great Amwell and terminating in the same parish :

- (f.) A Widening and Improvement (on the deposited plans and sections called Widening and Improvement No. 5) wholly in the parish of Beccles in the county of Suffolk of the Company's Beccles Station and of their East Suffolk line north and south of the said station and of their Beccles and Lowestoft branch railway :

- (g.) A lengthening in the parish of Chelmsford in the county of Essex on both sides thereof of the bridge carrying the Company's Colchester main line over a public carriage road at the Chelmsford Station immediately to the westward of the booking office thereat :

- (h.) The completion and maintenance of an extension in the parish of Lowestoft in the county of Suffolk of the trawl basin and fish market in the Company's harbour at Lowestoft for the distance of about $6\frac{1}{2}$ chains westward of such trawl basin :

And the construction of the works already executed by the Company in or towards such extension and the purchase of lands and property by the Company for the same and the expenditure of money by the Company in respect thereof are hereby sanctioned and confirmed :

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(I.) A widening in the parish of Lowestoft aforesaid of the entrance from the outer harbour to the inner harbour of the Company on the south side of such entrance and the making and maintaining of a new swing-bridge wholly in the parish of Lowestoft aforesaid in substitution for the existing swing-bridge over the said entrance such new swing-bridge to be constructed at the distance of about 40 feet eastward of the existing swing-bridge aforesaid :

And the Company may on the completion and opening for public use of the said new swing-bridge remove the said existing swing-bridge and the Company may also alter and divert in the said parish of Lowestoft the road leading from Lowestoft to Kirkley (now carried over the existing swing-bridge) for the purpose of carrying it over the said new swing-bridge :

(J.) The laying down in the parish of Saint Margaret King's Lynn in the county of Norfolk of an additional line or additional lines of rails upon the Company's railway authorised by the East Anglian Railways Act 1853 between two points respectively about $1\frac{1}{2}$ chains south and 8 chains north of the junction of Saint Margaret's Lane with the South Quay at King's Lynn :

(K.) A widening in the parish of Brundall in the county of Norfolk on its eastern side of the approach road to the Company's Brundall Station :

(L.) The conversion into an open cutting of the tunnel in the parishes of North Barsham and East Barsham or one of them in the county of Norfolk through which the Company's Wells and Fakenham branch railway is carried between two points about 30 chains and 39 chains respectively northward (measuring along the said branch railway) from the bridge at or near East Barsham carrying the said branch railway over the road from West Barsham to East Barsham :

(M.) The conversion into solid embankment of portions of the viaduct in the said parish of East Barsham which carries the Company's railway over a stream at a point about 12 chains northward of the bridge at or near East Barsham above mentioned.

Power to
make
subsidiary
works.

6. The Company may subject to the provisions of this Act from time to time make and maintain all necessary and convenient stations approaches quays wharves landing-places warehouses market houses custom houses mooring buoys lifts machinery and other works and conveniences connected with the works herein-before described or any of them.

7. For the protection and benefit of the mayor aldermen and burgesses of the borough of Lowestoft the following provisions shall (unless otherwise agreed in writing between them and the Company) apply and take effect:—

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For the protection of the Corporation of Lowestoft.

(1.) The new swing-bridge at Lowestoft by this Act authorised to be made shall be constructed of a width including the footways of not less than 33 feet;

(2.) The roadway on the said swing-bridge shall be constructed and repaired by and at the expense of the Company.

8. The Acts with regard to the existing swing-bridge in the parish of Lowestoft and with regard to the powers and duties of the harbour master at Lowestoft so far as they are now in force shall apply to the new swing-bridge by this Act authorised to be constructed in the said parish as if they had been specifically re-enacted and made applicable thereto by this Act and any byelaws with regard to the existing swing-bridge shall apply to the new swing-bridge in the same manner as they apply to the existing swing-bridge. Provided that upon the completion of the said new swing-bridge the roadway and footpaths extending for a distance of one hundred yards from each end thereof shall be repaired by and at the expense of the mayor aldermen and burgesses of the borough of Lowestoft in the same manner as the other roads under their jurisdiction or control are repaired.

Provisions applicable to old to apply to new swing-bridge.

9. Notwithstanding anything in this Act contained the Company shall not for the purposes of the Widening and Improvement (No. 1) by this Act authorised acquire any greater quantity in the aggregate than one acre and three roods of the common or commonable lands known as North Wootton Common or Poor Lands in the parish of North Wootton in the county of Norfolk.

Limiting quantity of common land to be taken for Widening and Improvement No. 1.

10. In executing and maintaining the widenings and improvements of railways by this Act authorised the Company may lay down and maintain an additional line of rails across and on the level of the several roads which any of the existing railways so widened and improved now crosses on the level and shall (except as otherwise provided) construct the bridges and arches for effecting such widenings and improvements of the same height width span and dimensions as the existing bridges and arches:

Level crossings.

Provided always that the Company shall not in executing and maintaining the Widening and Improvement (No. 1) lay down and maintain more than two lines of rails including any siding or line of rails used for shunting purposes across and on the level of any such road as aforesaid.

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For the protection of the Ware Local Board.

11. The Widening and Improvement (No. 3) by this Act authorised shall be subject to the following provisions and restrictions for the protection of the Ware Local Board (in this section called "the Board") :—

- (1.) Before the Company shall commence the construction of any part of the said widening or improvement which will interfere with any existing drain sewer main or pipe belonging to the Board they shall give to the Board or their clerk twenty-one days' previous notice in writing of their intention to commence such work ;
- (2.) Any alteration or substituted works affecting the Board's existing sewers drains mains or pipes rendered necessary by the carrying out of the said widening and improvement shall be executed by the Board unless the Board shall request the Company to carry out such alteration or substituted works in which case the Company shall carry out the same but subject to the reasonable satisfaction in all things of the surveyor of the said Board Provided that in the event of difference arising between the Company and the Board as to the mode of executing any such works as aforesaid the same shall be determined by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers ;
- (3.) The Company shall pay to the Board all such costs and expenses as may reasonably be incurred by the Board in carrying out any such alterations or substituted works as aforesaid by reason of any interference by the Company with the existing works or property of the Board.

Footbridge to be constructed at Ware.

12. The Company shall not use for the purposes of their traffic any additional line of rails which may be laid down across the public footpath on the east side of the Company's station at Ware in the parish of Great Amwell leading from Hoe Lane to Ware Station and on to Ware Bridge until they shall have erected and opened to the public a footbridge of the width of six feet across their railway in substitution for so much of the said footpath as crosses the railway at the point aforesaid and upon the completion and opening for public use of the said footbridge all public and other rights of way across the railway at or near the said footpath shall be by this Act extinguished.

For the protection of the Ware Gas Company.

13. For the protection of the Ware Gas Company (herein-after called "the Gas Company") the following provisions shall have effect (that is to say) :—

- (1.) Before commencing any works by this Act authorised which will in any way interfere with any main belonging to the Gas

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Company the Company shall deliver to the Gas Company plans sections and drawings of the works proposed to be executed in so far as they affect any main belonging to the Gas Company with specifications in writing describing the proposed manner of executing the same and such plans drawings and specifications shall be so delivered at least twenty-one days before the commencement of any such work and if at the expiration of twenty-one days from such delivery the plans sections drawings and specifications shall not be approved by the Gas Company there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled in manner herein-after mentioned ;

(2.) In the event of the plans drawings and specifications being approved by the Gas Company the said works shall be executed in strict accordance therewith and to the reasonable satisfaction of the Gas Company Provided that all works connected with the removal or alteration of any main of the Gas Company or involving any interference therewith shall if the Gas Company elect so to do be executed by the Gas Company with their own workmen with all reasonable speed and at the sole expense in all things of the Company ;

(3.) If any difference shall arise between the Company and the Gas Company concerning the plans sections or specifications or concerning the execution of the said works every such difference shall (unless otherwise agreed) be determined by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers.

14. The traffic carried to and from Railway No. 2 authorised by this Act shall not be preferred to the traffic coming from and to the Beckton Gas Works of the Gas Light and Coke Company.

15. If the Company fail within the period limited by this Act to complete any of the railways by this Act authorised 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 respective railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the respective railway not completed and the said penalty may be applied for by any land-owner or other person claiming to be compensated or interested 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 money recovered by way of such penalty as aforesaid shall be

For the protection of the Gas Light and Coke Company.

Penalty imposed unless railways opened within the time limited

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paid under the warrant or order of such court or judge as is specified in the said section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank specified 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 the 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 penalties.

16. Every sum of money so recovered by way of penalty for the non-completion of either of the railways by this Act authorised 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 respective 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 High Court 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 if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Period for
the com-
pletion of
works.

17. If any railway widening and improvement of railway or other work shown on the deposited plans and sections and by this Act authorised be not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the respective railway widening and improvement or work or otherwise

in relation thereto shall cease except as to so much thereof as is then completed.

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18. The railways and the widenings and improvements of railways and other works (other than the extension of the trawl basin and fish market in the Company's harbour at Lowestoft belonging to the Company) which the Company are by this Act authorised to make execute and maintain shall subject to the provisions of this Act be in respect of tolls rates and in all other respects part of the undertaking of the Company.

Tolls on railways &c.

19. The extension of the trawl basin and fish market in the Company's harbour at Lowestoft by this Act authorised and sanctioned shall as regards tolls rates and duties the powers and duties of the harbour master and as regards byelaws and in all other respects form part of the existing trawl basin and fish market aforesaid and the Acts relating to the said existing trawl basin and fish market so far as they are now in force shall be applicable to and within the said extension as if they had been specifically re-enacted and made applicable thereto by this Act.

Extension of trawl basin &c. at Lowestoft to form part of existing trawl basin &c.

20. Section 30 of the Act of 1844 is hereby repealed but nothing in this Act shall relieve the Company from any penalty or claim which they have incurred or to which they have become liable by reason of any breach by them before the passing of this Act of the provisions of the said section.

Repeal of s. 30 of 7 Vict. c. xxxv.

21. The Company may divert or alter (1) the public footpaths now crossing the Company's railways on the level at the following places (that is to say):—

Diversion of footpaths.

(A.) Over the Company's Ipswich and Yarmouth (South Town) line between Yarmouth and Belton in the parish of Bradwell in the county of Suffolk between the points at which the footpath now crosses the Company's fences;

(B.) Over the Company's Southend line near Wickford Station in the parish of Downham in the county of Essex between the point at which the footpath now crosses the north-eastern fence of the Company's goods yard and a point about 6 chains measured westwardly along the footpath from the point at which it now crosses the south-western fence of the said yard;

(C.) Over the Company's railway at Battlesbridge in the parish of Rettendon in the county of Essex between the points at which the footpath now crosses the southern and northern fences respectively of the Company's goods yard:

A.D. 1893. — And (2) the footpath on the south side of the Company's railway at Chadwell Heath Station in the parish of Dagenham in the county of Essex between the south end of the wing wall on the west side of the road which is carried over the Colchester main line by a bridge at the east end of the said station and the western end of the waiting shed on the up platform at the said station :

And in connexion with the said diversions respectively the Company may enter upon and purchase compulsorily or otherwise certain lands shown on the deposited plans and described in the deposited books of reference in the said parishes of Downham Rettendon and Dagenham.

Stopping up
of footpaths.

22. The Company shall maintain the footbridges already constructed by them for the purpose of carrying the footpaths herein-after mentioned over the railways (except the footpath in the parish of Somersham which shall be maintained by the Great Northern and Great Eastern Joint Committee) and the Company may stop up and discontinue so much as lies between the fences of the railways of those footpaths The footpaths to which this section applies are situate at the following places (that is to say) :—

- (A.) Over the Great Northern and Great Eastern joint line in the parish of Somersham in the county of Huntingdon at or near the southern end of Somersham Station ;
- (B.) Over the western end of the goods yard at the Company's station at Kelvedon in the parish of Kelvedon in the county of Essex ;
- (C.) Over the Company's North Woolwich branch railway in the parish of Woolwich in the county of London at a point about 24 chains west of North Woolwich Station ;
- (D.) Over the Cambridge main line at a point in the parish of Enfield in the county of Middlesex 17 chains or thereabouts measured along the said main line in a southerly direction from the booking office of Enfield Lock Station ;
- (E.) Over the Company's Lowestoft and Yarmouth direct railway at Leathes Ham in the parish of Lowestoft in the county of Suffolk ;
- (F.) Over the Company's Cambridge and Ely main line at Coldham Lane in the parish of Saint Andrew-the-Less otherwise Barnwell in the county of Cambridge.

Removal of
footbridge
over and
substitution
of subway
under

23. The Company may close and remove the footbridge over their Alexandra Park branch railway at or near the southern end of the platform at Palace Gates Station in the parish of Tottenham in the county of Middlesex and the construction by the Company of a subway under the said railway already constructed by them

immediately to the northward of the said footbridge in the said parish in substitution for the said footbridge and the expenditure of money by the Company in reference thereto are by this Act sanctioned and confirmed and the Company may maintain the said subway.

A.D. 1893.

Alexandra
Park branch
railway.

24. All public or private rights of way or other rights (if any) over or affecting any road footpath or way or any portion thereof authorised to be diverted or stopped up under the powers of this Act or over any railway of the Company at the point or points at which it is now crossed by any such road footpath or way or portion thereof so proposed to be diverted or stopped up are by this Act extinguished as from the time of each such diversion or stopping up respectively.

Extinguish-
ing rights
of way.

25. The Company shall make full compensation to all parties interested in respect of all private rights of way or other private rights (if any) which by this Act are extinguished or interfered with and such compensation shall be settled in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and for that purpose any and every right so extinguished or interfered with shall be deemed to be an interest in land.

Compensa-
tion to be
made in
respect of
private
rights ex-
tinguished.

26. The Company shall not stop up and discontinue for public traffic any road footpath or way or portion of road footpath or way which they are by this Act authorised or sanctioned to stop up and discontinue until the work (if any) by this Act authorised or required to be made in substitution therefor has been completed to the satisfaction of two justices and opened to the public.

Roads foot-
paths &c.
not to be
stopped up
until
substitution
completed.

27. The sites and soil of so much as under the powers of this Act the Company shall stop up and discontinue for public traffic of any road footpath or way are by this Act vested (as to so much thereof as is bounded on both sides by land of the Company) in the Company and (as to so much thereof as is bounded on both sides by land of any other person) in such other person and (as to so much thereof as is bounded on opposite sides by lands belonging to different persons) in such owners respectively to the centre of the respective roads footpaths or ways in proportion to the respective frontages of their lands thereto. The provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway shall apply to the lands so vested in the Company as if such lands had been purchased by the Company but the mines had not been expressly purchased.

Vesting sites
of roads foot-
paths &c.
stopped up.

A.D. 1893.

Provision as
to repair of
new roads &c.

28. Subject to the provisions of section 46 of the Railways Clauses Consolidation Act 1845 any new road or footpath to be made under the authority of this Act shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads and footpaths within the parishes or places in which any such new road or footpath will be situate is from time to time liable to be repaired or maintained.

If any question shall arise between the Company and any of such parties as to the due completion of any such altered road or footpath such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days' notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of such altered road or footpath shall be conclusive evidence of the fact so certified.

Confirming
erection of
printing
office at
Stratford.

29. The erection by the Company upon lands of the Company adjoining or near to their Stratford Market Station in the parish of West Ham in the county of Essex of a printing office and other works and conveniences in connexion therewith is hereby sanctioned and confirmed and the Company may maintain and from time to time extend and enlarge such works and apply their funds and revenues for that purpose.

Company
may hold
certain lands
already
acquired.

30. The Company may hold and may use and appropriate for any purposes of their undertaking the following lands which have already been acquired by them (that is to say):—

In the county of Essex—

Certain lands in the parish of West Ham containing about 0 acres 1 rood 5 perches adjoining the east side of the Company's carriage shops at their locomotive works at Stratford and to the southward of Thornham Grove;

Certain lands in the parish of East Ham near Forest Gate Junction containing about 3 acres 0 roods 9 perches lying between the Company's Colchester main line and the Barking branch of the London Tilbury and Southend Railway;

Certain lands in the parish of Walthamstow containing about 1 acre 3 roods 23 perches lying on the southern side of the Company's Chingford branch railway near to and adjoining Wood Street Station;

Certain lands in the parish of Low Leyton otherwise Leyton near to Leyton Station containing 5 acres or thereabouts lying between and adjoining the Company's Loughton and Epping branch and their Stratford and Lea Bridge line;

Certain lands in the parish of Ilford containing about 8 acres 3 roods 12 perches on the north side of and adjoining the high road from Ilford to Romford opposite the Company's Chadwell Heath ballast pit:

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In the county of Suffolk—

Certain lands in the parish of Saint Margaret's Ipswich on the west side of the Company's Felixstowe branch railway containing about 1 acre 2 roods 25 perches and situate 14 chains or thereabouts measured in a northerly direction along the said railway from the bridge carrying the Woodbridge Road over the said railway:

Certain lands in the parish of Gorleston—

(A.) Two several pieces of land containing respectively about 1 acre 1 rood 3 perches and 3 acres 0 roods 20 perches adjoining and on the eastern side of the Company's Yarmouth and Beccles line at and near the engine shed at South Town Station;

(B.) Two several pieces of land with the houses and buildings thereon containing respectively about 0 acres 3 roods 10 perches and 0 acres 2 roods 17 perches abutting towards the east on South Town Road Great Yarmouth towards the north on Plevna Terrace and towards the west on Mr. F. Maddison's sale yard:

In the county of Cambridge—

Certain lands in the parish of Snailwell containing about 1 acre near Snailwell Junction and lying between the Company's Ely and Newmarket Railway and the public road from Newmarket to Snailwell:

In the county of Norfolk—

Certain lands in the parish of Denver containing about 0 acres 2 roods 24 perches adjoining and on the east side of the Company's Ely and Lynn branch at or near the junction therewith of the Downham and Stoke Ferry Railway:

And the expenditure of money by the Company in or about the purchase of the said lands is hereby sanctioned and confirmed.

31. The Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take by compulsion or agreement or otherwise and may appropriate and use for the purposes of stations sidings warehouses engine-sheds workshops offices coal wharves roads mineral goods and cattle depôts and other works and conveniences of and in connexion with their undertaking all or any of the lands houses and buildings following delineated on the deposited plans and described

Power to
Company
to take
additional
lands.

A.D. 1893. — in the deposited books of reference and may purchase by compulsion or agreement any outstanding interests in any such lands and may hold and use for all or any of the above-mentioned purposes such of the said lands houses and buildings as have already been purchased or acquired by them and any buildings or works constructed or in course of construction by them upon the said lands (that is to say) :—

In the county of London—

Lands in the parish of Saint John at Hackney bounded on the north by the North London Railway on the east by the Company's Cambridge main line on the south partly by Graham Road and partly by lands and property of other persons ;

Lands in the parish of Saint John at Hackney near to Clapton Station on the Company's Cambridge main line lying between the River Lea on the north-east and Mount Pleasant Road on the south-west ;

Lands in the parish of Saint John at Hackney adjoining and on both sides of the Company's Enfield branch railway immediately south of the platforms of the Stoke Newington Station ;

Lands in the parish of Woolwich bounded towards the north-east by the Company's North Woolwich Station and line towards the south by a road known as Stanley Road and towards the west and south-west by lands and buildings in the occupation of Messieurs M. B. Foster and Sons Limited :

Provided that any of such last-mentioned lands belonging to the London County Council shall not be acquired by the Company without the consent in writing of the London County Council :

In the county of Middlesex—

Lands in the parish of Enfield on the east side of the Company's Cambridge main line and extending about 20 chains northward from the road crossed on the level by that line at Ponder's End Station ;

Lands in the parish of Enfield on the east side of the Company's railway near to Churchbury Station on the Edmonton and Cheshunt line abutting towards the west on that line and towards the south on Lincoln Road ;

Lands in the parish of Hornsey bounded towards the south by the Tottenham and Hampstead Junction Railway and towards the east by the Great Northern Railway :

Provided always that the Company shall not without the previous consent in writing of the Great Northern Railway Company purchase

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or acquire any portion of the lands described in the last preceding paragraph and numbered 4 on the deposited plans in the said parish of Hornsey and over which the Great Northern Railway Company have acquired any rights or easements from the Tottenham and Hampstead Junction Railway Company :

Lands and houses in the parish of Tottenham bounded towards the north by the Tottenham and Hampstead Junction Railway and towards the west by the Company's Enfield branch ;

Lands and houses in the parish of Tottenham on the east side of and adjoining the Company's White Hart Lane Station and premises on the Enfield branch railway :

In the county of Essex—

Lands in the parish of West Ham on the south side of and adjoining the North Woolwich Road about 20 chains to the westward of Silvertown Station on the Company's North Woolwich line ;

Lands and buildings in the parish of Woodford adjoining and on the east side of the Company's Woodford Station and Loughton and Epping branch ;

Lands in the parish of West Ham adjoining and on the north-west of the Company's Colchester main line and lying between Wharton Road and City Mills River ;

Lands and houses in the parish of Ilford adjoining and on the south side of the Company's goods yard at Ilford Station ;

Lands in the parish of West Ham on the north side of and adjoining lands of the Company on the north side of their Channelsea Junction line ;

Lands in the parish of Low Leyton otherwise Leyton adjoining and to the south-east of the Company's Loughton and Epping branch and partly abutting towards the north on the road leading from Leytonstone to Leytonstone Station ;

Lands in the parish of Walthamstow on the south side of and adjoining the station yard and premises at Hoe Street Station on the Company's Walthamstow branch railway ;

Lands and buildings in the parish of West Ham lying between Leyton Road on the east and Dorset Place and lands and houses lying between Dorset Place and the Company's carriage works at Stratford on the north and on the west and south by the Company's locomotive works there :

And the Company may on the completion of the purchase of such lands buildings and houses stop up the streets or roads known as Angel Place and Harmer Place and the site and soil thereof shall thereupon vest in the Company free of all public and other rights :

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Lands and buildings in the parish of Romford on both sides of the Company's Colchester main line about 36 chains eastward from Romford Station;

Lands in the parish of Henham adjoining and on the east side of the Company's Cambridge main line and adjoining and on the north side of the road leading to Elsenham Cross which is carried over the said main line about 37 chains southward from Elsenham Station;

Lands in the parish of Netteswell adjoining and on the north side of the Company's Cambridge main line and lying immediately to the eastward of Burnt Mill Station;

A piece of land in the parish of Lawford adjoining and on the south side of the Company's Harwich branch and adjoining and on the east side of the road from Lawford to Brantham:

In the Isle of Ely in the county of Cambridge—

Lands in the parishes of Ely Trinity and Ely Saint Mary or one of them:—

(A.) Bounded on the east by the Company's station and premises at Ely Station and on the north-east by Bridge Road; and

(B.) Adjoining and on the west side of the Company's Cambridge and Norwich main line at the distance of about 38 chains south-westward from Ely Station:

In the county of Suffolk—

Lands and buildings in the parish of Tunstall-cum-Dunningworth adjoining and on the southern side of the Company's station and railway at Snape;

Lands and houses at Ipswich in the parish of Saint Mary Stoke adjoining and on the south side of the Ipswich Station yard and on the east side of Ancaster Road and the north side of Gyppeswyk Road:

In the county of Cambridge—

Lands in the parish of Harston adjoining and on the north-west side of the Shepreth branch railway and lands of the Company adjoining the same at Harston Station and adjoining and on the south-west side of the road crossing that railway on the level at that station;

Lands and buildings in the parish of Whittlesford adjoining and on the west side of the Company's Cambridge main line and on the north side of the road crossing that line on the level at Whittlesford:

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In the county of Hertford—

Lands in the parishes of Broxbourne and Hoddesdon adjoining and on both sides of the Company's Cambridge main line at and north of Broxbourne Station ;

Lands in the parish of West Mill on the east side of the Company's Buntingford branch at West Mill Station :

In the county of Norfolk—

Lands in the parish of Redenhall-with-Harleston adjoining and on the south side of the Company's Waveney Valley branch immediately to the west of Harleston Station :

Provided always that the Company shall not in respect of the lands firstly described in this section purchase or acquire under the provisions of this Act any of the property numbered 3 on the deposited plans in the parish of Saint John at Hackney belonging or reputed to belong to the North London Railway Company without the previous consent of that company.

32. Nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land already acquired by them otherwise than under the powers or provisions of some previous Act or Acts in respect of which plans were duly deposited with the clerk of the peace of the county in which such lands are situate and which by either of the two last preceding sections of this Act they are empowered to hold use or appropriate. Company to continue liable in respect of nuisances &c.

33. The Company shall not divert encroach upon or alter the line or level of the public road numbered 4 on the deposited plans in the parish of Harston in the county of Cambridge or the line or level of the public road numbered 7 on the deposited plans in the parish of Whittlesford in the said county of Cambridge without the consent in writing of the county council for the county of Cambridge. For the protection of the Cambridge County Council.

34. For the protection of the Hornsey Local Board (herein-after called "the Local Board") the following provisions shall have effect (that is to say) :— For the protection of the Hornsey Local Board.

(1.) Before commencing any works by this Act authorised which will in any way interfere with any sewers drains or pipes belonging to the Local Board the Company shall deliver to the Local Board plans sections and drawings of the works proposed to be executed in so far as they affect any sewers drains or pipes belonging to the Local Board with specifications in writing describing the proposed manner of executing the same and such plans drawings and specifications shall be so

A.D. 1893.

delivered at least twenty-one days before the commencement of any such works and if at the expiration of twenty-one days from such delivery the plans sections drawings and specifications shall not be approved by the Local Board there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled in manner herein-after mentioned ;

(2.) If any difference shall arise between the Company and the Local Board concerning the plans sections or specifications every such difference shall (unless otherwise agreed) be determined by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers.

For the
protection of
Alfred Ewin.

35. The Company shall not purchase and take land in the parish of Low Leyton otherwise Leyton in the possession or occupation of Alfred Ewin exceeding fifty feet in width measured from the railway in a south-easterly direction. If the Company purchase any of such land they shall fence off the same from the remaining land of the said Alfred Ewin with a fence to be constructed of the same kind of materials as the existing fence and to the same height or if required two feet higher. The Company shall if they purchase and acquire a piece of land fifty feet wide and extending along the whole of the western end of the field No. 2 on the deposited plans in the said parish within the dotted black lines thereon pay the said Alfred Ewin subject to proof of his title the sum of three hundred pounds in respect of his interest as sole lessee for seventeen years unexpired from the twenty-fourth day of June one thousand eight hundred and ninety-two but if they shall purchase and acquire a less quantity of such land they shall pay to the said Alfred Ewin a proportionate part of such sum for the land so acquired.

For the pro-
tection of the
trustees of
Dr. William
Spurstowe's
Charity.

36. For the protection of the real estate of the Reverend Doctor William Spurstowe's Charity in the parish of Hackney in the county of London the following provisions shall take effect:—

The Company shall not without the consent in writing first obtained of the trustees of the charity erect on land already or by this Act authorised to be acquired from the said trustees any lines ways or roads at a greater height than 5 feet above a level measured horizontally from the level of the rail nearest the said land of the existing tramway line in Graham Road nor erect on such land within 50 feet of adjoining lands of the Charity Estate any wall building or structure exceeding 12 feet in height above the level of such lines ways or roads.

For the pro-
tection of the
West Ham
Corporation.

37. For the protection of the mayor aldermen and burgesses of the borough of West Ham (in this section referred to as "the

Corporation") the following provisions shall have effect unless otherwise agreed in writing between the Corporation and the Company (that is to say):— A.D. 1893.

(1.) If the Company purchase and acquire the property which they are by this Act authorised to purchase and acquire fronting Leyton Road they shall before stopping up Angel Place appropriate for the widening of Leyton Road so much of such property as may be necessary for that purpose as lies between the points marked "A" and "B" upon the plan signed in duplicate by Lewis Angell the engineer of the borough and John Wilson the Company's engineer and as may be necessary to make Leyton Road (including the footways thereof) of a width of 40 feet at any place between the said points marked "A" and "B";

(2.) The Company shall not in executing any works authorised by this Act encroach upon the roadway or footpath of Wharton Road Provided that nothing herein contained shall be deemed to prohibit the Company making an entrance from the said roadway or footpath as now or hereafter existing so as to afford communication with the lands or premises acquired or to be acquired by the Company;

(3.) Where any of the works to be done under or by virtue of this Act shall or may pass under over or by the side of so as to interfere with any river sewer drain pipe watercourse river wall defence or work under the jurisdiction or control of the Corporation or shall or may in any way affect the sewerage or drainage of the borough the Company shall not commence such works unless they shall have given to the engineer of the borough at least one month's previous notice in writing of their intention to commence the same by leaving such notice at his office with a plan and section and other necessary particulars of the proposed construction of the said works so far as they interfere with any river sewer drain pipe watercourse river wall defence or work under the jurisdiction or control of the Corporation and until the said engineer shall have signified his approval of the same unless such engineer fail to signify such approval or his disapproval or other directions within fourteen days after delivery or service of the said notice plan section and particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the said engineer in the execution and also the subsequent maintenance of the said works so far as they are on land of the Company and shall provide by new altered or substituted works

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in such manner as the said engineer may reasonably deem necessary for the proper protection of and for preventing injury or impediment (so far as such injury or impediment may have been caused by the acts of the Company) to the rivers sewers drains pipes watercourses river walls defences and other works herein-before referred to and shall save harmless the Corporation against all and every the expense to be occasioned thereby and all such works of the Company so far as they interfere with any river sewer drain pipe watercourse river wall defence or work under the jurisdiction or control of the Corporation shall be done by or under the superintendence and control of the said engineer at the reasonable costs charges and expenses in all respects of the Company and all such costs charges and expenses which the said engineer may properly be put to by reason of the works of the Company whether in the execution of works the examination of plans or designs superintendence or otherwise shall be paid to the Corporation by the Company on demand and when any new altered or substituted works as aforesaid or any work connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter so far as they are on the land of the Company be maintained by the Company to the reasonable satisfaction of the said engineer and the said works shall be as fully and completely under the direction jurisdiction and control of the Corporation as any river sewer drain pipe watercourse river wall defence or work now is or hereafter may be Provided that if any dispute shall arise as to the mode of executing any such works as aforesaid such matters in difference shall be referred to an arbitrator to be appointed by the President for the time being of the Institution of Civil Engineers whose decision shall be final ;

(4.) The Company shall to the reasonable satisfaction of the engineer of the borough restore all sewers drains and pipes in the borough not otherwise by this section dealt with which shall be broken up damaged or disturbed by the Company in the execution of any works by this Act authorised or in the exercise of any of the powers by this Act granted or provide instead other proper and sufficient sewers drains and pipes ;

(5.) The Corporation shall at the request of the Company so far as necessary to enable the Company to carry out any of the provisions of this section exercise any powers enabling them

in that behalf upon being sufficiently indemnified by the Company ;

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(6.) If after the thirty-first day of December one thousand eight hundred and ninety-three as regards any houses in the borough which the Company are by this Act authorised to acquire and if after the Company have acquired any such houses in the borough under the powers of this Act the amount of any borough or general district rate levied in the borough by the Corporation in respect of such houses shall in any year be less than the amount of such rate leviable during the year one thousand eight hundred and ninety-three in respect of such houses by reason of such houses being acquired by the Company for the purposes of this Act the Company shall from time to time make good such deficiency until the works or buildings for the purpose of the construction of which such houses are acquired shall be completed and liable to be assessed to such rate ;

(7.) If and as soon as the Company shall have acquired the houses in Leyton Road on the land by this Act authorised to be purchased and acquired they shall without demanding any purchase-money therefor convey to the Corporation a piece of land of the dimensions and in the position (unless otherwise agreed) shown on the plan signed by Lewis Angell and John Wilson as aforesaid for the purpose of erecting a urinal thereon Provided that such urinal shall be constructed by and at the cost of the Corporation in such a manner and shall be provided with all such appliances and kept in such order and from time to time repaired and renewed in all respects as the engineer for the time being of the Company shall reasonably approve at the cost of the Corporation and the Corporation shall on the land so to be conveyed by the Company erect also at their own cost a good and sufficient wall on three sides of the said urinal to separate the same from the premises of the Company such wall to be of a height and character to be reasonably approved by the said engineer ;

(8) The provisions contained in sub-section (3) of this section shall have effect for the protection of the commissioners of sewers for the levels of Havering Dagenham Ripple Barking East Ham Leyton and Walthamstow in the respective counties of Essex Middlesex and Kent so far as any such works to be executed on the lands of the Company shall or may in any way affect the works on such lands under the control of the said commissioners as if for that purpose the commissioners had

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been named in that sub-section instead of the Corporation For the purpose of this sub-section the expression "engineer of the borough" in sub-section (3) shall mean the engineer of the commissioners.

Buildings not to be brought beyond general line &c.

38. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company in constructing any of the works authorised by this Act to encroach upon any part of the surface of any street or footway within the county of London or without the consent of the London County Council to erect or maintain any building beyond the general line of building in any street.

Buildings to be subject to Metropolitan Building Acts.

39. Any buildings erected on any land within the administrative county of London acquired under this Act (except such buildings or parts of buildings as may be used for the purposes of railway works or stations) shall be subject to the provisions of the Acts relating to buildings in the metropolis.

Exhibition of placards in the county of London.

40. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act or upon any building or hoarding and whether during or after the construction of the works within view of any public street within the county of London any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the council and if any such placard or advertisement be affixed or exhibited without such approval the said council may remove the same but this provision shall not prevent the Company from exhibiting on the outside of any station placards or advertisements relating to the traffic and business of the Company.

Company may acquire fee simple of 166 Brady Street Bethnal Green.

41. Subject to the provisions of this Act the Company may purchase and acquire by compulsion or agreement the fee simple and reversion of and in the house and premises number 166 Brady Street Bethnal Green in the parish of Saint Matthew Bethnal Green in the county of London shown on the deposited plans and described in the deposited books of reference.

Power to take easements &c. by agreement.

42. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

43. And whereas in the construction of the railways widenings and improvements of railways and other works by this Act authorised it may happen that portions only of the houses or other buildings and property shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said buildings and property without material detriment thereto. Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings and property described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such buildings and property without material detriment thereto be required to sell and convey to the Company the portions only of the said buildings and property so required without the Company being obliged or compelled to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

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Owners may be required to sell parts only of certain buildings and property.

44.—(1.) The Company shall not under the powers of this Act or under the powers of any former Act extended by this Act purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or beyond the metropolis in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were or have since been occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions on displacing persons of labouring class.

(A.) They shall have obtained the approval in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the said Secretary of State or the Local Government Board (as the case may be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to

A.D. 1893. — the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) They shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2.) The approval of the said Secretary of State or the Local Government Board (as the case may be) to any scheme under this section may be given either absolutely or conditionally and after the Secretary of State or the Local Government Board (as the case may be) have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Secretary of State or the Local Government Board (as the case may be) may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the said Secretary of State or the Local Government Board (as the case may be) may have approved of any scheme under this section or of any modifications of any such scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the said Secretary of State or the Local Government Board (as the case may be) out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any such house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State or the Local Government Board (as the case may be) by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being

belonging to them or which they have power to acquire, and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands outside the metropolis by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the said Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Act or Acts amending those respective Acts.

(9.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(10.) The said Secretary of State or the Local Government Board (as the case may be) may direct any inquiries to be held

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(11.) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(12.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(13.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Secretary of State or the Local Government Board (as the case may be) under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the said Secretary of State or the Local Government Board (as the case may be) is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Secretary of State or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

(14.) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than

domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them. A.D. 1893.

45. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

46. And whereas the Company require more land for the purpose of obtaining ballast for the maintenance of their railway Therefore the Company may by agreement from time to time purchase land to be used while in the possession of the Company for that purpose not exceeding eight acres in addition to any quantity of lands which the Company are authorised to purchase under their existing Acts but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section. Lands for ballast.

47. The period limited by the Act of 1890 for the completion of the improvement of the railway from Saint Ives to Huntingdon authorised by section 7 sub-section (c.) of the Act of 1877 is hereby extended for a period of three years from the twelfth day of July one thousand eight hundred and ninety-four. Extending time for completion of improvement of Saint Ives and Huntingdon Railway.

48. The powers revived and granted to the Company by the Act of 1890 for the compulsory purchase of lands for the widening and improvement in the parish of Romford and county of Essex of the Company's Colchester main line authorised by section 5 sub-section (B.) (2) of the Act of 1883 may be exercised at any time not later than but shall not be exercised after the twenty-fifth day of July one thousand eight hundred and ninety-five. Extending time for compulsory purchase of lands for widening and improvement of Colchester main line.

49. The period limited by the Act of 1890 for the completion of the last-mentioned widening and improvement in the parish of Romford is hereby extended for a period of three years from the twenty-fifth day of July one thousand eight hundred and ninety-three. Extending time for completion of widening and improvement of Colchester main line.

50. Any person walking along or across any of the railways now or hereafter belonging to or leased to or worked by the Company except across such railways at authorised level crossings is hereby subjected to a penalty not exceeding forty shillings and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of penalties and the Summary Jurisdiction (England) Acts shall extend and apply to and in the case of every such penalty: Trespassing on railway.

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Provided that no person shall be subject to any penalty under this enactment unless the Company shall prove to the satisfaction of the justices before whom complaint is laid that they have painted on boards or printed on paper and pasted on boards or printed painted or enamelled on enamelled or other iron or on any other material the Company may select public warning to persons not to trespass upon those railways and that one or more of such warnings has been affixed at the station on those railways and at the level crossing (if any) nearest to the spot where such trespass is alleged to have been committed and the Company shall renew such warning as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed and provided also that this enactment shall not interfere with but shall be subject to any future general enactment on the subject of trespassing on railways.

Confirming
scheduled
agreement.

51. The scheduled agreement is hereby confirmed and made binding upon the Wivenhoe Company and the Company and for the purposes of the provisions herewith incorporated of the Railways Clauses Act 1863 the Wivenhoe Company and the Company shall be deemed to be hereby amalgamated :

Provided always that the sale and purchase of the undertaking of the Wivenhoe Company shall be evidenced by a duly stamped deed of conveyance which shall within three months from its completion be produced by the Company to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of completion to the date of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Repeal of
certain sections
of Wivenhoe
&c. Act 1866.

52. Sections 32 to 37 (both inclusive) of the Act of 1866 are hereby repealed.

Distribution
of assets of
Wivenhoe
Company.

53. The Wivenhoe Company shall subject to the payment satisfaction or discharge of all their debts liabilities and engagements distribute and apply the net proceeds of the sale of their undertaking to the Company and other net moneys (if any) of the Wivenhoe Company as follows (that is to say) First in payment off at par of the debenture stock of the Wivenhoe Company Secondly in payment to the several holders for the time being of the preferential shares in the capital of the Wivenhoe Company of the amount credited as paid up on their preferential shares and Thirdly in distribution of the ultimate balance of such moneys amongst the several holders for the time being of the ordinary shares in the capital of the Wivenhoe Company in proportion to the amount credited as paid up

on their ordinary shares in which distribution the Company shall be entitled to share in respect of any shares held by or in trust for them in the Wivenhoe Company. A.D. 1893.

54. When all the debts liabilities and engagements of the Wivenhoe Company are paid satisfied or discharged and their net moneys are distributed in accordance with this Act and their affairs are wound up the Wivenhoe Company shall be dissolved and wholly cease to exist. Dissolution of Wivenhoe Company.

55. The London and Blackwall Railway Company as owners and the Company as lessees of the London and Blackwall Railway on the one hand and the Midland Railway Company on the other hand may from time to time enter into and carry into effect agreements for or with reference to the ownership or holding by them in common of any lands in the parish of All Saints Poplar in the county of London belonging to them respectively and upon such terms and conditions as may have been or may be agreed or as may from time to time be determined in manner appointed by them and such terms and conditions may provide for their common or separate use either temporarily or permanently of all or any of such lands or of any parts thereof. Agreement between Company London and Blackwall Railway Company and Midland Railway Company as to lands at Poplar.

56. In addition to the powers conferred upon the Company by section 72 of the Great Eastern Railway Act 1874 and to any other powers conferred upon them with regard to the appropriation of their lands for the erection of cottages and houses for their servants the Company may from time to time erect or purchase and acquire by agreement cottages and houses and retain the same for the purpose of letting and may let the same accordingly to persons in their employment and may from time to time employ their capital for such purpose and such cottages and houses and any cottages and houses hereafter or already erected or purchased and acquired by the Company before the passing of this Act for the same purpose shall be deemed to be acquired for the purposes of the undertaking. The Company are hereby authorised to purchase by agreement from time to time any land necessary for carrying into effect the above purposes. Section 72 of the Great Eastern Railway Act 1874 section 77 of the Great Eastern Railway Act 1876 and section 38 of the Great Eastern Railway Act 1879 so far as they limit the application of the capital of the Company for the purposes therein mentioned shall be and they are hereby repealed. As to cottages and houses for Company's servants.

57. The Company from time to time may extend and enlarge the hotel already erected by them at their Liverpool Street Station including the erection and building of additional rooms and a room for holding public and other meetings or to be used in connexion Enlargement of hotels &c.

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with the hotel upon any land belonging to them and adjoining to and connected with their existing hotel and may also extend and enlarge their hotel ("the Sandringham") at Hunstanton and may furnish stock and equip the said hotels and the provisions contained in section 66 of the Great Eastern Railway Act 1882 shall apply and extend to any extension or enlargement of the said hotels.

The Company may from time to time let on lease or otherwise any hotel or refreshment room provided by or belonging to them but in the case of refreshment rooms for a period not exceeding seven years and may let any such other rooms or room as aforesaid for the purpose of holding meetings or entertainments.

Buildings & c.
at Liverpool
Street.

58. The Company may erect houses shops offices or other buildings on any lands acquired by them for or adjacent to or connected with the structure of their Liverpool Street Station and may hold or let on lease or otherwise any such houses shops offices or buildings for such terms and upon and subject to such covenants and conditions as the directors may think fit and may light and heat the same and may apply their funds and moneys for any of the purposes aforesaid.

Fractions of
ordinary
stock.

59. The directors of the Company may pay to any registered holder of a fraction of a pound of ordinary stock cash for any such fraction of a pound and may issue ordinary stock to a nominal amount equal to the total amount of cash so paid.

As to
pension
and other
funds.

60.—(A.) The directors of the Company may if they think fit establish a fund to be called "the pension supplemental fund" for the payment of pensions of such classes ranging from thirty pounds to fifty-two pounds per annum as may be deemed expedient to such classes of servants in the employ of the Company on the wages list as the directors may determine and as may desire to secure higher pensions than are obtainable under the existing pension fund scheme and are able and willing to make such contributions to the pension supplemental fund as shall be prescribed by the managing committee of the pension fund with the approval of the actuary.

(B.) The pension supplemental fund if and when established shall be managed and administered by the managing committee of the pension fund under and subject to such conditions and rules as they may prescribe and for such purposes the said committee shall have the same powers with reference thereto as are vested in them respectively under sections 67 to 72 (both inclusive) of the Act of 1890 with reference to the said pension fund and the managing committee shall also have the control of and administer the funds already established for the relief of the Company's servants in old

age respectively called "the old age relief fund" and "the supplemental old age relief fund."

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(c.) Any member of the pension fund may become a member of the pension supplemental fund subject to the approval of the actuary and the said managing committee and under and subject to such terms and conditions as the said committee shall from time to time prescribe but no servant of the Company shall be a member of both the said funds. If any member of the pension fund shall join the pension supplemental fund his membership of and interest in the pension fund shall absolutely cease and determine and he shall thereupon be credited with an interest in the pension supplemental fund equivalent to his interest in the pension fund at the date of the change and such sum shall be transferred to the pension supplemental fund with all interest accrued thereon.

61. With regard to the several classes of pensions payable under the pension fund scheme the directors may with the sanction of an ordinary or extraordinary meeting of the Company at any time hereafter if they think fit raise the scale of such pensions so as to allow the members of the first class to receive a pension at the rate of ten shillings per week and so on in proportion for the other classes and in case of the said scale being raised the Company shall make such increased contributions to the said fund either by a sum in gross or half-yearly or otherwise as the directors under the advice of the actuary shall determine.

Scale of
pensions may
be raised.

62. The directors shall out of the revenues of the Company at the end of each half-year contribute to the pension fund and the pension supplemental fund and to the funds established by the directors for the relief of the servants of the Company in old age as aforesaid and respectively called "the old age relief fund" and "the supplemental old age relief fund" such sums as the directors on the recommendation of the said managing committee and with the sanction of a resolution of an ordinary or extraordinary meeting of the Company may think fit and such resolution shall remain in force until altered by a subsequent resolution of an ordinary or extraordinary meeting of the Company. Provided that the sums to be contributed out of the Company's revenues in any half-year to the pension fund and the pension supplemental fund shall be at least equal to the aggregate contributions to such funds respectively made by the members thereof respectively.

Contribution
by Company
to pension
and other
funds.

63. The managing committee of the superannuation fund appointed under the Company's Act of 1878 may at their discretion where there is no legal personal representative of a deceased contributing member pay to his widow and children or either or any

As to pay-
ment of small
amounts on
account of
superannua-
tion fund.

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Provided that the managing committee shall first obtain a declaration to be made by the person or persons to whom it is proposed to pay such sums (or other evidence to the satisfaction of the managing committee) that the total personal estate of the deceased contributing member does not after deduction of debts and funeral expenses exceed the value of one hundred pounds.

Contingent fund.

64. The Company may carry to the credit of their contingent fund any money which they may be entitled to or may receive by way of compensation for the extinguishment or any interference with any of their rights and sources of revenue in connexion with their steamboat service across the River Thames between North and South Woolwich.

Extending period for sale of superfluous lands.

65. Notwithstanding anything to the contrary in the Lands Clauses Acts or in any Act relating to the Company with which those Acts are incorporated the periods for and within which the Company or any other company whose railway is leased by the Company may hold sell and dispose of any superfluous lands connected with their railways or any railway leased to them are hereby extended for the periods following (that is to say) As regards such of the lands as are situate near to or adjoining any railway or station of or leased to the Company for the period of ten years and as regards the other of the said lands for the period of five years from the passing of this Act but nothing in this section shall be construed to shorten the period now allowed in that behalf by any other Act or any deed agreement or other instrument in respect of all or any part of such lands.

Amending section 69 of Act of 1887.

66. For the purposes of section 69 of the Act of 1887 the preference stock 1888 to the amount of thirty-three thousand pounds vested as herein-before recited in the proprietors of the preference stocks of the Hunstanton and West Norfolk Railway Company shall be deemed to have been fully paid up in money and the production to the justice mentioned in that section of a copy of this Act purporting to be printed by the printers to the Queen's most Excellent Majesty shall be accepted by him in lieu of proof that such preference stock has been fully paid up in money.

67. The Company may raise and apply for or towards any of the purposes of this Act or of any of their existing Acts to which capital is properly applicable any money which they are already authorised to raise and which may not be required by them for the special purposes (if any) for which that money was authorised to be raised. Provided always that when by any existing Act relating to the Company the amount which the Company may raise and apply for any specified purpose is limited nothing in this section shall authorise the Company to raise or apply for such purpose any sum beyond the amount so limited.

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Power to
apply
existing
funds.

68. The Company from time to time by resolution of a general meeting convened with special notice of the purpose may for the purposes of this Act and for the general purposes of their undertaking raise by the creation of shares or stock such additional sums of money as they think fit not exceeding in the whole one million pounds and such sums or any part or parts thereof respectively may at one time or at different times as the Company may think proper be raised by the creation and issue of preference shares or stock and if so raised the nominal amount of the preference shares or stock so created shall not exceed one million pounds or by the creation and issue of ordinary shares or stock not exceeding in the whole in nominal amount one million three hundred and fifty thousand pounds or of ordinary shares or stock not exceeding in the whole the last-mentioned nominal amount with dividends wholly or in part deferred or contingent upon the amount of dividend payable on the other ordinary stock sufficient in nominal amount to raise the said sums or so much thereof respectively as shall not be raised by preference shares or stock or in their option the Company may from time to time create and raise proportionate amounts of preference shares or stock or ordinary shares or stock with or without contingent or deferred dividends and any such shares or stock may be made convertible at such time and subject to such conditions as the Company may prescribe at the time of creating the same into ordinary shares or stock provided the total amount of money to be raised under this section shall not exceed one million pounds and the provisions contained in the 78th section of the Great Eastern Railway Act 1876 shall be applicable with respect to any shares or stock which may be created.

Power for
Company to
raise capital
by shares or
stock.

69. All shares or stock created by the Company under 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.

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Shares not to
be issued
until one-
fifth paid.

Calls.

70. The Company shall not issue any share under this Act of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting it unless and until a sum not being less than one-fifth of the amount thereof is paid in respect thereof.

71. 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 the amount of a share in any year.

Power to
borrow on
mortgage.

72. The Company may in respect of the additional capital of one million pounds which they are by this Act authorised to raise by the creation and issue of shares or stock from time to time borrow on mortgage of their undertaking such sums as they think fit not exceeding in the whole three hundred and thirty-three thousand three hundred and thirty-three pounds (that is to say) When one hundred and fifty thousand pounds in respect of such additional capital has been bonâ fide paid up and certified as herein-after mentioned they may borrow on mortgage any sum of money not exceeding fifty thousand pounds and a like additional sum of fifty thousand pounds when every further sum of one hundred and fifty thousand pounds up to nine hundred thousand pounds has been bonâ fide paid up and certified as herein-after mentioned and the balance of thirty-three thousand three hundred and thirty-three pounds when the remaining one hundred thousand pounds of capital has been bonâ fide paid up and certified as herein-after mentioned but no such borrowing powers shall be exercised by the Company until they shall prove to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares or stock for raising such additional capital or some part thereof have been bonâ fide paid up to the extent in money of one hundred and fifty thousand pounds or one hundred thousand pounds as the case may be in respect of every sum of fifty thousand pounds or of the balance of thirty-three thousand three hundred and thirty-three pounds as the case may be intended to be borrowed 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 proofs aforesaid have been given which certificate shall be sufficient evidence thereof.

Existing
mortgages
to have
priority.

73. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and existing at the passing hereof shall during their continuance and subject to the provisions of the Acts under which the same were

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respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

74. The provisions of the Act of 1890 authorising the appointment of a receiver for principal or interest moneys due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of such appointment and in force or pending at the time of the passing of this Act.

Repealing provisions of Act of 1890 for appointment of a receiver.

75. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

For appointment of a receiver.

76. The Company may create and issue debenture stock to the same nominal amount as they are by this Act authorised from time to time to borrow on mortgage subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by subsequent Acts but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

77. All moneys raised under this Act whether by shares stock mortgages or debenture stock shall be applied only for purposes authorised by this Act or by any other Act or Acts relating to the Company passed or to be passed during the present session of Parliament and other purposes of the undertaking of the Company being in all cases purposes to which capital is properly applicable.

Application of loan or share capital under Act.

78. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest not to be paid on calls paid up.

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

79. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

As to trans-
mission of
telegraphic
messages.

80. Nothing in this Act shall be deemed to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster-General and the Company made in pursuance thereof any larger number of telegraphic messages of the Company free of charge than he would have been bound to transmit had this Act not become law.

Provision as
to general
railway Acts.

81. Nothing in this Act contained shall exempt the Company or any other railway company or their undertaking from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares tolls or charges or the rates for small parcels authorised by any Act relating to the Company or to such other railway company.

Expenses of
Act.

82. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.Describing LANDS BUILDINGS and PREMISES whereof portions
only are required to be taken by the Company.

Parish.	No. on deposited Plans.
WIDENING AND IMPROVEMENT NO. 3 WARE	
Great Amwell - - - -	5 6 7 9 10 11 12 14 29 30.
DIVERSION OF FOOTPATH AT CHADWELL HEATH.	
Dagenham - - - -	2 3.
ADDITIONAL LANDS AT STOKE NEWINGTON.	
Saint John at Hackney - -	2 3.
ADDITIONAL LANDS AT NORTH WOOLWICH.	
Woolwich - - - -	2.
ADDITIONAL LANDS AT STRATFORD HIGH MEADS.	
West Ham - - - -	1.
ADDITIONAL LANDS AT LEYTONSTONE STATION.	
Low Leyton otherwise Leyton -	2.

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THE SECOND SCHEDULE.

AN AGREEMENT made this 23rd day of December 1891 between THE WIVENHOE AND BRIGHTLINGSEA RAILWAY COMPANY (herein-after called "the Wivenhoe Company") of the one part and THE GREAT EASTERN RAILWAY COMPANY (herein-after called "the Great Eastern Company") of the other part.

Whereas by the Wivenhoe and Brightlingsea Railway Act 1861 the Wivenhoe Company were incorporated with a capital of 25,000*l.* and power to borrow not exceeding 8,000*l.* and were authorised to make and maintain a railway from Wivenhoe to Brightlingsea both in the county of Essex :

And whereas the said railway was constructed and has up to the date hereof been open for traffic :

And whereas by the Wivenhoe and Brightlingsea Railway (Capital) Act 1866 the Wivenhoe Company were authorised from time to time to raise by the creation and issue of new shares or stock whether ordinary or preferential or both such amount of capital in addition to the capital which they were already authorised to raise as they thought fit not exceeding 15,000*l.* and also from time to time to borrow on mortgage any sum not exceeding in the whole 5,000*l.* and to create and issue debenture stock and it was thereby amongst other things also enacted by section 24 that the Wivenhoe Company and the Great Eastern Company from time to time might make and carry into effect all such agreements and arrangements and all matters incidental or accessory thereto and on such terms and conditions whatsoever as the contracting companies might think fit for the granting or making by the Wivenhoe Company and the accepting by the Great Eastern Company of a lease for any term of years or a sale of all or any part of the railway sidings stations works and conveniences lands and property of the Wivenhoe Company and all or any of their rights powers privileges or authorities connected therewith And by section 25 that the consideration for such lease or sale and conveyance might as the contracting companies should agree be by way of yearly or other payment whether fixed fluctuating terminable contingent or otherwise or by way of immediate or future payment of any fixed contingent or other sum of money or by way of allotment to the Wivenhoe Company or their nominees of any preferential or ordinary shares or stock of the Great Eastern Company which that company were then authorised to create for that purpose or by way of immediate future fixed or contingent adoption or satisfaction by the Great Eastern Company of all or any part of the debenture debt of the Wivenhoe Company or by more than one of those ways or by making and securing any other benefit to the Wivenhoe

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Company or to all or any of the shareholders thereof respectively and either with or without any consideration or compensation in any one or more of those ways And by section 28 that no such agreement should take effect without the sanction of at least three-fifths of the votes of the respective shareholders of each company party thereto present in person or by proxy at a general meeting of the respective company specially convened for the purpose And by section 30 that all the railways works and premises and the rights powers privileges and authorities of the Wivenhoe Company to be in accordance with the said Act now in recital exercised and enjoyed by the Great Eastern Company should from the time at which the companies should agree that the same should take effect and subject to the provisions (if any) of the deed or conveyance executed in accordance with the said Act be transferred to and vested in the Great Eastern Company absolutely as part of their railway property and effects And by section 31 that any such sale to the Great Eastern Company should be by a deed of conveyance duly stamped and wherein the full consideration for the deed was fully and truly set forth :

And whereas the share and loan capital created and issued by the Wivenhoe Company consists of ordinary share capital to the nominal amount of 25,000*l.* of preferential share capital to the nominal amount of 15,000*l.* and debenture stock to the nominal amount of 10,500*l.* making an aggregate of 50,500*l.* :

And whereas the Great Eastern Company hold 8,330*l.* of the said ordinary share capital of the Wivenhoe Company which are in the names of Lieutenant-Colonel William Thomas Makins and Samuel Swarbrick Esquire on the register of shareholders of the Wivenhoe Company :

And whereas the Wivenhoe Company are willing to sell and the Great Eastern Company are willing to become the purchasers of the undertaking of the Wivenhoe Company as from the 1st day of July 1891 upon the terms and subject to the conditions herein-after appearing :

And whereas there are calls on the said shares in arrear as follows namely the sum of 40*l.* on ordinary share capital and the sum of 360*l.* on the preferential shares :

Now these presents witness and it is hereby mutually agreed by and between the said companies parties hereto as follows (that is to say) :—

1. Subject as herein-after appears the Wivenhoe Company shall sell and the Great Eastern Company shall purchase as from the 1st day of July 1891 all and singular the railway and undertaking of the Wivenhoe Company and all other the properties and effects real and personal (including the superfluous lands if any) of the Wivenhoe Company except only as herein-after expressly excepted at and for the price or sum of 31,000*l.* in cash payable as herein-after mentioned.

2. There shall be excepted from the present sale all balances of cash in hand at the date of completion and all moneys which may be due from the Great Eastern Company to the Wivenhoe Company up to the 1st day of July 1891 in respect of traffic and tolls or otherwise under the working arrangement between the two companies and all debts which up to the last-mentioned date may be due from any other person or corporation to the Wivenhoe Company

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and such balances moneys and debts shall notwithstanding the present sale remain and be the property of the Wivenhoe Company.

3. The said intended sale and purchase shall be completed within seven calendar months after the Royal Assent shall have been given to the Act herein-after referred to or such further time as may be agreed upon between the directors of the two companies.

4. If the proposed Act shall be passed the Wivenhoe Company shall within two calendar months after the passing thereof produce to the Great Eastern Company conveyances or other assurances of the lands comprised in the present sale for an estate of inheritance in fee simple and free from incumbrances and the Great Eastern Company shall accept as sufficient evidence of title to the railway lands comprised in the present sale the fact of the uninterrupted possession thereof by the Wivenhoe Company for twelve years and upwards coupled with production of the several assurances whereby the same were conveyed to the Wivenhoe Company and shall not be entitled to call for any abstract of title.

5. On completion of the said sale the undertaking of the Wivenhoe Company and other the premises comprised in this sale shall be conveyed and assigned by the Wivenhoe Company so as to vest in the Great Eastern Company freed and discharged from all mortgages charges and incumbrances whatsoever and the Wivenhoe Company shall out of their own assets pay and discharge all their liabilities and debts and the undertaking of the Wivenhoe Company shall not be or continue in any way subject or liable to any claims or demands whatsoever on the part of any of the creditors of the Wivenhoe Company or of any of the proprietors in that company or of any other person or persons in respect of any debenture stock mortgages or other debts or liabilities of the Wivenhoe Company or any other stock or shares of that company And on the completion of the said sale the Wivenhoe Company shall deliver to the Great Eastern Company all plans deeds books papers and documents whatsoever in the possession of the Wivenhoe Company relating to the premises sold or by which the title thereof may be verified and supported and the common seal of the Wivenhoe Company except such of them as shall be necessary to be temporarily retained by the Wivenhoe Company for the purpose of winding up their affairs which last-mentioned documents and things shall be delivered to the Great Eastern Company as soon as reasonably may be and shall in the meantime be open at all reasonable times to the inspection of the officials of the Great Eastern Company.

6. The Wivenhoe Company shall not as from and after the 1st day of July 1891 without the consent of the Great Eastern Company create or issue any further or other stock or shares than those then existing in that company and shall not borrow any further moneys on mortgage or debentures and shall not without the like consent sell or dispose of any surplus land or other property real or personal comprised in this sale but the Wivenhoe Company will at the request of the Great Eastern Company (testified by writing under the hand of their secretary) sell and dispose of such surplus land or other property or any part thereof and shall pay over the net proceeds of any such sale (if and when

the sale of the undertaking under these presents shall be completed) to the Great Eastern Company as their own proper moneys.

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7. The Great Eastern Company shall subject as herein-after appears and without prejudice to the provisions herein-before contained with respect to title and conveyance be deemed as and from the 1st day of July 1891 to have taken possession of the undertaking of the Wivenhoe Company as the purchasers thereof and shall pay to the Wivenhoe Company interest on the said purchase money of 31,000*l.* at the rate of 5*l.* per centum per annum from that date until completion.

8. The Great Eastern Company shall at their own expense upon their next application to Parliament for general powers and within two years from the date hereof promote a Bill or endeavour to procure the insertion in some Bill promoted by them of a clause confirming this agreement and containing a provision to the following effect (that is to say) That the Wivenhoe Company shall subject to the payment satisfaction or discharge of all their debts liabilities and engagements distribute and apply the net proceeds of the present sale and other net moneys if any of the company as follows (that is to say) First In payment off at par of the debenture stock of the company Secondly In payment to the several holders for the time being of the preferential shares in the capital of the company of the amount credited as paid up on their preferential shares and Thirdly In distribution of the ultimate balance of such moneys amongst the several holders for the time being of the ordinary shares in the capital of the company in proportion to the amount credited as paid up on their ordinary shares in which distribution the Great Eastern Company shall be entitled to share in respect of any shares held by them in the Wivenhoe Company.

9. A receipt under the hands of any three of the directors of the Wivenhoe Company for any payment made to them by the Great Eastern Company under these presents shall be a good and sufficient discharge to that company for the sums so paid and the Great Eastern Company shall not be bound to see to the application of any money so paid or be responsible for its misapplication.

10. The Great Eastern Company shall pay to the Wivenhoe Company all costs expenses and disbursements incidental to and relating to preparation execution and carrying out of this agreement and completion of the said sale and purchase in accordance with Schedule I of the Solicitors' Remuneration Act 1881 and including the solicitor's fee for negotiating the sale of the said undertaking as authorised under the same Act and also all Parliamentary costs and disbursements that may properly be incurred by the Wivenhoe Company of or in connexion with the application to Parliament herein-before referred to.

11. These presents are conditional upon the obtaining by the Great Eastern Company of the aforesaid Parliamentary sanction and also to the confirmation of these presents by the requisite votes of the shareholders of the said two companies as enacted by section 28 of the said Wivenhoe and Brightlingsea Railway (Capital) Act 1866 and these presents are also subject to such alterations as Parliament may think fit to make therein but nevertheless if any material alteration shall be made therein by Parliament either company may

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In witness whereof the Wivenhoe and Brightlingsea Railway Company and the Great Eastern Railway Company have caused their respective common seals to be hereunto affixed the day and year first above written.

The common seal of the said Wivenhoe and Brightlingsea Railway Company has been hereunto affixed the day and year first above written in the presence of

R. T. WORSTENHOLME
Secretary.



RICHARD MOXON
Chairman.

The common seal of the Great Eastern Railway Company was hereunto affixed in the presence of

T. D. GENLLOUD
Secretary.



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