CHAPTER clxxxviii.

An Act for authorising the construction of a Railway from the Ely and Lynn Branch of the Great Eastern Railway to Stoke Ferry; and for other purposes. [24th July 1879.] A.D. 1879.

WHEREAS the construction of the railway herein-after described from the Ely and Lynn Branch of the Great Eastern Railway to Stoke Ferry, in the county of Norfolk, would be of public and local advantage:

And whereas the persons herein-after in that behalf named, with others, are willing to execute the undertaking, and it is expedient that they be incorporated into a company for that purpose:

And whereas it is expedient that the company so to be incorporated (in this Act called "the Company") be authorised to run over, work, and use the portion herein-after in that behalf mentioned of the railway and certain stations of the Great Eastern Railway Company:

And whereas it is expedient that the agreement (a copy of which is set forth in the Schedule to this Act) be confirmed, and that the Company and the Great Eastern Railway Company be empowered to enter into and carry into effect working and other agreements as herein-after provided:

And whereas plans and sections showing the line and levels of the railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Norfolk, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with

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the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Downham and Stoke Ferry Railway Act, 1879.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith 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.

Company incorporated.

4. Charles Henry Parkes, Sir Henry George Paston Bedingfeld, Baronet, Hugh Aylmer, Lord Claud John Hamilton, M.P., Major Michael Stocks, Edward Roger Murray Pratt, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Downham and Stoke Ferry Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway.

5. Subject to the provisions of this Act the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all necessary and convenient stations, approaches, bridges, roads,

communications, and other works connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act will be wholly situate in the county of Norfolk, and is—

A railway, 7 miles 1 furlong and 4 chains in length, commencing by a junction with the Ely and Lynn Branch of the Great Eastern Railway near Denver station, and terminating in or near the western side of the public road from Stock Ferry to Brandon near the bridge by which that road is carried over the River Wissey.

Capital.

6. The capital of the Company shall be sixty thousand pounds in six thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

10. Subject to the provisions of this Act the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall

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be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred half shares to be paid only out of year's profits.

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share shall be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred half shares.

15. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for non-payment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the

declaration of forfeiture thereof and of the arrears of calls for the time being due thereon, with interest. A.D. 1879.

Preferred half shares not to be cancelled, &c.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

17. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty thousand pounds, but no part thereof shall be borrowed until the whole capital of sixty thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to appointment of receiver.

19. 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 two thousand pounds in the whole.

Debenture stock.

20. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company

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shall rank pari passu with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

21. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

23. The number of directors shall be six, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum of directors.

25. The quorum of a meeting of directors shall be three, but if the number of directors be less than six the quorum shall be two.

First directors.

26. Charles Henry Parkes, Sir Henry George Paston Bedingfeld, Baronet, Hugh Aylmer, Lord Claud John Hamilton, M.P., Major Michael Stocks, and Edward Roger Murray Pratt shall be the first directors of the Company, and shall continue in office until the first

Election of directors.

ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed by this Act being (if qualified) eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extra-ordinary purposes.

27. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed two acres.

Period for compulsory purchase of lands.

28. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to cross certain roads on the level.

29. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on a level, the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next hereinafter mentioned; (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.
9	Fordham	Public carriage roads.
15	Fordham	
10	West Dereham	
4	Wereham	
7	Wretton	
16	Wretton	
17	Stoke Ferry	

Power to take easements, &c. by agreement.

30. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, 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.

Deposit money not to be repaid except so far as railway opened for public traffic.

31. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty, chapter twenty, the sum of two thousand and twenty-two pounds five shillings and sixpence three per centum Consolidated Bank Annuities, the same being equal to five per centum upon the amount of the estimate in respect of the railway authorised by this Act, has been transferred into the name and with the privity of Her Majesty's Paymaster General in respect of the application to Parliament for this Act (which sum is in this Act referred to as "the deposit fund"): Be it enacted, that, notwithstanding anything

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contained in the said recited Act, the deposit fund shall not be transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, (which persons, survivors or survivor, are or is in this Act referred to as "the depositors") unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway hereby authorised to be made, open the said railway for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the said railway for the public conveyance of passengers, then on production of a certificate of the Board of Trade specifying the length of the portion of the said railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the said railway so opened bears to the entire length of the said railway hereby authorised, the court shall on the application of the depositors order the said portion of the deposit fund so specified in such certificate as aforesaid to be transferred to them or as they shall direct, and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of the said Board, be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the recited Act to the contrary notwithstanding.

Application of deposit.

32. If the Company do not, previously to the expiration of the period limited by this Act for the completion of the railway hereby authorised to be made, complete the said railway and open it for the public conveyance of passengers, then in every such case the deposit fund, or so much thereof as shall not have been transferred to the depositors, shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the court may seem fit; and if no such compensation shall be payable, or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation, then the

deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and shall accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order, on the application of the Solicitor to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors. A.D. 1879.

Period for completion of railway.

33. If the railway 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 railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

34. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers conveyed in carriages upon the railway—

For every person conveyed in or upon any carriage, for the use of the railway per mile not exceeding twopence; and if conveyed in or upon any carriage provided by the Company, an additional sum per mile not exceeding one penny:

In respect of goods, minerals, and things, carriages, and animals, as follows:

Class 1. For all coal, cannel, culm, coke, slack, and cinders, one penny per ton per mile; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one halfpenny;

Class 2. For all dung, compost, bones loaded in bulk, and all other sorts of manure except as herein-after mentioned, coprolites, salt for agricultural purposes or for curing fish,

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lime, limestone, and all undressed materials for the repair of public roads, charcoal, stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone, iron ore, and iron not damageable, the sum of one penny per ton per mile; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one halfpenny;

Class 3. For damageable iron, sheet, rod, and hoop iron, and all other similar descriptions of wrought iron, salt for domestic purposes, pitch, tar, asphaltum, ground bones, ground coprolites, guano, timber, staves, and deals, one penny farthing per ton per mile; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding three farthings;

Class 4. For sugar, grain, corn, flour, malt, seeds, soda, oil cake, oil in casks, saltpetre, ale and beer in casks, hoofs, horns, bones, rice, tallow, cheese, butter in casks, potatoes, bacon, flax, hops, jute, junk, lead, molasses, rags, turpentine in casks, vinegar in casks, leather, wines and spirits in casks, hides, dyewoods, paper, Manchester packs, earthenware, metals, hardware in packages or cases, nails, anvils, vices, chains, cotton and other wools and manufactured goods, the sum of twopence per ton per mile; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one penny;

Class 5. For hay, straw, tea, fish, feathers, canes, cochineal, furniture, hats, shoes, silk, glass, music, toys, and all other articles, matters, and things, threepence per ton per mile; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one penny;

And for every carriage of whatever description not being a carriage adapted and used for travelling on a railway carried and conveyed on a truck or platform, for the use of the railway per mile not exceeding, if such carriage has more than two wheels and weighs not more than one ton and a half, sixpence, if such carriage has but two wheels and weighs not more than one ton, fourpence, and a further sum not exceeding one penny per mile for every additional quarter of a ton or fractional part of a quarter of a ton up to four tons which any such carriage may weigh:

In respect of animals conveyed in carriages upon the railway:

For every horse, mule, ass, or other beast of draught or burthen conveyed in or upon any carriage, for the use of the railway per mile not exceeding fourpence; and if conveyed in or upon any carriage provided by the Company, an additional sum per mile not exceeding one penny;

For every ox, cow, bull, or head of neat cattle conveyed in or upon any carriage, for the use of the railway per mile not exceeding one penny halfpenny; and if conveyed in or upon any carriage provided by the Company, an additional sum per mile not exceeding one halfpenny;

For every calf or pig, sheep, lamb, or other small animal conveyed in or upon any carriage, for the use of the railway per mile not exceeding one halfpenny; and if conveyed in or upon any carriage provided by the Company, an additional sum per mile not exceeding one farthing.

Tolls for propelling power.

35. The toll which the Company may demand for the use of engines for drawing or propelling carriages on the railway shall not exceed three farthings per mile for each passenger or animal or for each ton of goods or other articles in addition to the several other tolls by this Act authorised to be taken.

Regulations as to tolls.

36. The following provisions and regulations apply to the fixing of all the tolls; (that is to say,)

For persons, animals, or things conveyed on the railway for a less distance than four miles, the Company may demand and take tolls as for four miles:

For a fraction of a mile the Company may demand and take tolls for passengers as for one mile, and for animals and goods as for a quarter of a mile:

For a fraction of a ton the Company may demand and take tolls according to the number of quarters of a ton in the fraction, and if there be a fraction of a quarter of a ton the fraction shall be deemed a quarter of a ton:

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber shall be deemed one ton weight, and so in proportion for any smaller quantity.

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Tolls for small parcels and single articles of great weight.

37. With respect to small packages by passenger trains not exceeding five hundred pounds in weight and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For any parcel not exceeding seven pounds in weight, threepence;

For any parcel exceeding seven pounds in weight and not exceeding fourteen pounds in weight, fivepence;

For any parcel exceeding fourteen pounds in weight and not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds in weight and not exceeding fifty-six pounds in weight, ninepence;

And for any parcel exceeding fifty-six pounds in weight and not exceeding five hundred pounds in weight, the Company may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as packages of fish, bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single articles in separate packages:

For the carriage of single articles of great weight—

For the carriage of any single article the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, the Company may demand any sum not exceeding sixpence a ton a mile, and an additional sum not exceeding one penny a ton per mile for the carriage conveying the same if belonging to the Company and for the propelling power:

For the carriage of any single article the weight of which, including the carriage, exceeds eight tons, the Company may demand and take any sum they think fit.

Maximum rates for passengers.

38. The maximum rates of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway and of carriages and for locomotive power and every other expense incidental to the conveyance, shall not exceed the following sums; (that is to say,)

For every passenger conveyed in a first-class carriage, threepence per mile:

For every passenger conveyed in a second-class carriage, twopence per mile:

For every passenger conveyed in a third-class carriage, one penny halfpenny per mile.

Maximum rates for goods, &c.

39. And with respect to the conveyance of goods, minerals, and things, carriages, and animals, the Company may lawfully demand and receive as a maximum rate of carriage for the conveyance thereof along the railway, including the tolls for the use of the railway, and waggons or trucks, and locomotive power, and every expense incidental to such conveyance, except a reasonable sum for loading, covering, and unloading of goods at any terminal station of such railway, and for delivery and collection, and any other services incidental to the business or duty of a carrier where such services or any of them are or is performed by the Company, any rates or sums not exceeding the rates or sums following; (that is to say,)

For coal, one penny and one eighth of a penny a ton a mile:
For all other goods in Class 1, one penny farthing a ton a mile:
For goods in Class 2, one penny halfpenny a ton a mile:
For goods in Class 3, twopence a ton a mile:
For goods in Class 4, twopence halfpenny a ton a mile:
For goods in Class 5, fourpence a ton a mile:
For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, carried and conveyed on a truck or platform, for the use of the railway per mile not exceeding, if such carriage weighs not more than one ton, sixpence, and a further sum not exceeding one penny per mile for every additional quarter of a ton or fractional part of a quarter of a ton up to four tons which any such carriage may weigh:
For every horse, mule, ass, or other beast of draught or burthen, per mile not exceeding fourpence:
For every ox, cow, bull, or head of neat cattle, per mile not exceeding twopence:
For every calf or pig, per mile not exceeding one penny:
For every sheep, lamb, or other small animal, per mile not exceeding one halfpenny.

Tolls for separate waggons.

40. Provided also, that when a separate waggon or truck shall be retained by one person for the conveyance only of cattle or sheep belonging to him or under his charge, the aggregate of the tolls to be paid for such waggon or truck capable of containing six oxen or twenty-five sheep and not containing more than that number shall not exceed ninepence per mile.

Passengers luggage.

41. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

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Terminal station.

42. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Restrictions not to apply to special trains.

43. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

44. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to use certain portion of Great Eastern Railway.

45. The Company and any company or persons for the time being working or using the railway of the Company, or any part thereof, either by agreement or otherwise, may run over, work, and use with their engines, carriages, and waggons, officers and servants, whether in charge of engines and trains or for any other purpose whatsoever, and for the purposes of their traffic of every description, so much of the Ely and Lynn Branch of the Great Eastern Railway as lies between the junction therewith of the railway and the Denver and Downham Stations on the said branch railway, together with those stations, and all roads, platforms, points, signals, water, water engines, engine sheds, standing room for engines, booking and other offices, warehouses, sidings, junctions, machinery, works, and conveniences of or connected with the said portion of railway and stations, and as regards traffic conveyed by them the Company or such other company or persons as aforesaid may demand the same tolls and charges upon and in respect of the said portion of railway and stations as they would be entitled to take if such portion of railway and stations were part of the railway by this Act authorised.

Terms, &c. of such user.

46. The terms, conditions, and regulations to be observed and fulfilled, and the tolls, charges, rent, or other consideration to be paid by the Company or such other company or persons as aforesaid, for and in respect of the use of the portions of railway, stations, works, and conveniences shall be such as are from time to time agreed upon between them and the Great Eastern Railway Company,

or, failing such agreement, as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any or either of the companies or persons interested, and the cost of the arbitration shall be in his discretion, and the decisions of the arbitrator shall be final and binding on all parties.

Confirming scheduled agreement.

47. The agreement, a copy whereof is set forth in the Schedule to this Act, is hereby confirmed and made binding on the Company and the Great Eastern Railway Company as if the Company were parties thereto in the place of Charles Henry Parkes, Sir Henry George Paston Bedingfeld, Hugh Aylmer, Michael Stocks, Lord Claud John Hamilton, and Edward Roger Murray Pratt.

Power to enter into traffic arrangements. 36 & 37 Vict. c. 73.

48. The Company and the Great Eastern Railway Company may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into and carry into effect agreements with respect to the following purposes, or any of them; (that is to say,)

The working, use, management, and maintenance by the two Companies, or either of them, of their respective railways and works or any part or parts thereof respectively:

The management, regulation, interchange, collection, transmission, and delivery of traffic upon or coming from or destined for the railways of the two Companies or either of them:

The supply and maintenance, under any agreement for the railway being worked and used by the Great Eastern Railway Company, of engines, stock, and plant necessary for the purposes of such agreement and the employment of officers and servants for the conduct of traffic:

The fixing, collection, payment, appropriation, apportionment, and distribution of the tolls, rates, charges, income, and profits arising from the respective railways and works of the two Companies, or either of them, or any part thereof.

Tolls on traffic conveyed partly on Company's railway and partly on the Great Eastern Railway.

49. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway or any part thereof by the Great Eastern Railway Company, the railway of the Company and of the Great Eastern Railway Company shall, for the purposes of short-distance tolls and charges, be considered as one railway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railways of the Great Eastern Railway Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of

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passengers for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway of the Company and partly on the railways of the Great Eastern Railway Company.

Interest not to be paid on calls paid up.

50. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of 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.

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

51. 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 purposes of obtaining any Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Company not exempt from provisions of present or future general railway Acts.

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

Expenses of Act.

53. All costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

AN AGREEMENT made the eighth day of July one thousand eight hundred and seventy-nine between the Great Eastern Railway Company (herein-after called "the Great Eastern Company") of the one part, and Charles Henry Parkes, of Netherfield, Weybridge, in the county of Surrey, Esquire, Sir Henry George Paston Bedingfield, of Oxboro Hall, in the county of Norfolk, Baronet, Hugh Aylmer, of West Dereham Abbey, in the county of Norfolk, Esquire, Major Michael Stocks, of Woodhall, in the county of Norfolk, Lord Claud John Hamilton, of Hertford Street, May Fair, in the county of Middlesex, and Edward Roger Murray Pratt, of Ryston Hall, in the county of Norfolk, Esquire, being the promoters of a Bill now pending in Parliament, and intituled "A Bill for authorising the construction "of a railway from the Ely and Lynn Branch of the Great "Eastern Railway to Stoke Ferry; and for other purposes," (herein-after called "the promoters,") of the other part.

It is mutually agreed between the Company and the Promoters as follows; that is to say,

1. In the event of the said Bill (herein-after referred to as "the Bill") passing into a law the Company to be incorporated by the Bill (herein-after referred to as "the Stoke Ferry Company") shall, at their own expense, construct and complete the railway proposed to be authorised by the Bill, as the same may pass into law, including all necessary and proper junctions, signals, interlocking apparatus, and other works and conveniences at the intended junction of that railway with the railway of the Great Eastern Company, and including also stations, and with all necessary and proper works and conveniences, so that the same may form a complete and convenient single line of railway for local purposes between the railway of the Great Eastern Company near Downham Market and Stoke Ferry, as provided by the Bill, land being purchased throughout for a double line of railway, and the Promoters or the Stoke Ferry Company shall obtain the certificate of the Board of Trade for the opening of the same for public traffic.

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2. The Great Eastern Company shall be consulted by the Promoters or the Stoke Ferry Company upon all matters relating to the construction of the proposed railway, and such railway shall be constructed in accordance with plans, drawings, specifications, and prices to be approved from time to time by the engineer of the Great Eastern Company for the time being, and any contract made or to be made with any contractor for the execution of the works shall provide for the due execution of the works to the satisfaction of the Great Eastern Company within a time to be limited, and shall be subject in all respects to the approval of the Great Eastern Company in writing.

3. The Great Eastern Company shall from the date of such opening work, and from and after the period of twelve months from such date maintain in a full and efficient manner and regulate and manage the railway, and shall provide the engines, carriages, trucks, and other rolling stock and plant necessary for such working, and shall appoint and employ the officers and servants, and shall do all other acts and things needful for working and maintaining as aforesaid, and regulating, and shall so work, maintain, and manage the railway as fairly and efficiently to develop the traffic thereof, and the Great Eastern Company shall at all times keep and maintain the railway, stations, buildings, and works in an efficient and proper state of repair to the reasonable satisfaction of the Stoke Ferry Company. The maintenance of the railway for twelve calendar months from the date of the same being opened for public traffic shall be undertaken by the Stoke Ferry Company.

4. The number of trains, fares and rates, and all other matters affecting the working, shall be regulated and fixed by the Great Eastern Company, but if the Stoke Ferry Company be at any time dissatisfied with the local train arrangement of the Stoke Ferry Line, or the amount of the local fares or rates on the same, they may require that these local questions be settled by arbitration, but no such reference shall extend to any questions affecting the through service trains or rates of the Great Eastern Railway.

5. Out of the gross receipts to be derived from the traffic on the railway, or any part thereof, after deducting Government duty and other deductions specified in article 8 of this agreement, the Great Eastern Company shall retain fifty per centum of such gross receipts, which said fifty per centum shall be in full satisfaction and remuneration for the working, managing, and maintaining the railway, and for the performance by the Great Eastern Company of every other obligation undertaken by them under this agreement with reference to the railway.

6. The residue of such gross receipts, (that is to say,) fifty per centum, shall belong to the Stoke Ferry Company, and shall be paid over to that Company by the Great Eastern Company half-yearly, within six weeks after the expiration of the half year in which the money shall have been earned.

7. The "gross receipts" shall include all fares, rates, and sums received or earned from passengers, including annual and season tickets, parcels, horses, carriages, and dogs, mails, goods, and merchandise, live stocks, tolls (if any) received or due from any other companies, minerals, advertisements, and placards, rents of wharves and other property belonging to the Stoke Ferry Company,

not being surplus lands, and the apportionment and distribution of the traffic receipts shall be made through the Clearing-house in the usual way.

8. The following deductions and allowances shall be made to the respective Companies:

(A.) In the division of the gross receipts the total length of the Stoke Ferry Railway from the point of junction thereof with the Great Eastern Company's Ely and Lynn Railway to its termination at Stoke Ferry shall be deemed to be eight miles, and a fair proportionate part shall be added to each of the intermediate stations:

(B.) In the division of the receipts for traffic carried over the portion of the Ely and Lynn Line of the Great Eastern Company between the junction therewith of the Railway of the Stoke Ferry Company and the Downham Station of the Great Eastern Company, the distance traversed on the Ely and Lynn Line shall be deemed as one mile:

(C.) For compensation for accidents to passengers and losses in respect of goods occurring on "the railway" between the junction with the Great Eastern Railway at Denver Station and the Stoke Ferry Terminus, the Great Eastern Company shall also be entitled to deduct before division such proportion of the aggregate amount paid for such compensation by the Great Eastern Company in any half year as the gross receipts from traffic of the railway bears to the gross receipts from traffic on all the railways worked by the Great Eastern Company in the same half year:

(D.) The Great Eastern Company shall pay to the Stoke Ferry Company, out of the Great Eastern Company's proportion of the gross receipts, in addition to the Stoke Ferry Company's proportion thereof, such an amount as shall be equal to five per centum per annum upon such further sum (if any) as the Promoters or the Stoke Ferry Company may have expended in constructing any extra works over and above the sum of thirty-four thousand two hundred and thirty-six pounds mentioned in the deposited estimate of the Stoke Ferry Company (or over and above such further sum as may have been expended in order to meet the requirements of the Board of Trade) which the Great Eastern Company may have required them to construct, and which, but for such requirement, the Promoters or the Stoke Ferry Company would not have constructed for the purpose of obtaining the certificate of the Board of Trade to the opening of the railway as a local line.

9. The Great Eastern Company shall bear and pay the following charges; (that is to say,) locomotive, carriage, and waggon charges incurred by the Great Eastern Company in working the traffic, law charges, Railway Clearing-house expenses, advertising, and printing, so far as relates to maintenance and working of the line and electric telegraph (the maintenance of the electric telegraph to have reference exclusively to the use of the same for railway purposes), and all

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rates, taxes, tithe, and other tenants charges, maintenance and renewals of way and works, and the salaries and wages of all officers, servants, and workmen employed on the railway.

10. The Stoke Ferry Company shall pay out of their proportion of the gross receipts any rentcharges (other than tithe rentcharges), land tax, and landlord's property tax, and also all expenses of their own direction, secretary, and other officers and agents incidental to their existence as a separate company, including all their capital, parliamentary, and legal charges and expenses other than those to be borne by the Great Eastern Company.

11. Within six weeks after the thirtieth day of June and the thirty-first day of December in every year the Great Eastern Company shall deliver to the Stoke Ferry Company true and perfect detailed accounts in writing of the gross receipts and credits of the Great Eastern Company in respect of the railway to the preceding half year, and shall, if required by the said Stoke Ferry Company, concur and assist in ascertaining the accuracy thereof and rectify any error which may be discovered, and if any dispute shall arise between the Companies with reference to the accuracy of the accounts the same shall be settled by arbitration, but the Great Eastern Company shall, notwithstanding any such dispute, pay over within the said period of six weeks the amount appearing by such accounts to be payable to the Stoke Ferry Company.

12. If at any time after the opening of the line, in consequence of increase of traffic, the Great Eastern Company shall find it necessary that further sidings or other accommodation or works should be provided on the Stoke Ferry Railway they may provide the same upon such terms and conditions as to payment of the cost thereof by either the Great Eastern Company or the Stoke Ferry Company or in part by each Company as may be agreed, or, in case of dispute, as shall be settled by arbitration; and in case the Stoke Ferry Company fail to pay to the Great Eastern Company any sum or sums of money that may be so agreed or settled by arbitration to be paid by them, the Great Eastern Company may deduct interest from the Stoke Ferry Company's proportion of the gross receipts, at the rate of five pounds per centum per annum on such sum or sums of money.

13. This agreement is subject to such alterations as Parliament may see fit to make, and shall be unconditionally determinable by the Stoke Ferry Company at the end of ten years from the passing of the Act by which this agreement shall be confirmed, and unless so determined by the Stoke Ferry Company this agreement shall be in perpetuity.

14. Upon the passing of the Act authorising the construction of the railway and upon the seal of the Company being affixed to a copy of this agreement all personal liability on the part of the Promoters under this agreement shall be at an end.

15. If any dispute shall arise upon the construction or the true intent and meaning of this agreement, or the proper carrying out of any stipulation thereof by either Company or party, the same shall be settled by arbitration, and every

reference to arbitration under this agreement shall be proceeded with under and in conformity with the Common Law Procedure Act, 1854. A.D. 1879.

In witness whereof the Great Eastern Railway Company have hereunto caused their common seal to be affixed and the said parties to these presents of the second part have hereunto set their hands and seals the day and year first above written.

Chas. H. Parkes.	(L.S.)	M. Stocks.	(L.S.)
Henry G. P. Bedingfeld.	(L.S.)	Claud J. Hamilton.	(L.S.)
Hugh Aylmer.	(L.S.)	Edward Roger M. Pratt.	(L.S.)

The Common Seal of the Great Eastern Railway Company.

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

J. Hadfield,
Secretary.

Witness to the signature of the said Charles Henry Parkes,
W. Jno. Smith,
Clerk to C. A. Curwood,
Solicitor,
Liverpool Street Station.

Witness to the signature of the said Sir Henry George Paston Bedingfeld,
Edwd. S. Copeman,
Solicitor,
Downham Market.

Witness to the signature of the said Hugh Aylmer,
Edwd. S. Copeman,
Solicitor,
Downham Market.

Witness to the signature of Major Michael Stocks,
W. Jno. Smith,
Clerk to C. A. Curwood,
Solicitor,
Liverpool Street Station.

Witness to the signature of the said Lord Claud John Hamilton,
W. Jno. Smith,
Clerk to C. A. Curwood,
Solicitor,
Liverpool Street Station.

Witness to the signature of the said Edward Roger Murray Pratt,
W. Jno. Smith,
Clerk to C. A. Curwood,
Solicitor,
Liverpool Street Station.

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