CHAPTER liv.

An Act to authorise the Extension to Cromer of the East Norfolk Railway, and an alteration of that railway, and to give further time for the compulsory purchase of lands for that railway, and for its completion; and for other purposes affecting the East Norfolk Railway Company and the Great Eastern Railway Company. [27th June 1872.] A.D. 1872.

WHEREAS by "The East Norfolk Railway Act, 1864," (in this Act called the original Act) the East Norfolk Railway Company (in this Act called "the Company") was incorporated, with a capital of eighty-eight thousand pounds in shares of ten pounds each, and with power to borrow on mortgage any sum not exceeding twenty-nine thousand three hundred pounds, and was authorised to make and maintain a railway from the Norwich and Yarmouth line of the Great Eastern Railway in the parish of Thorpe next Norwich to North Walsham, and (section 4) their undertaking was directed to be called "The East Norfolk Railway:" 27 & 28 Vict. c. cxxii.

And whereas by the original Act (section 11) it was enacted that the number of the directors should be nine:

And whereas by the original Act (section 19) the time allowed for the exercise of the powers by that Act conferred for the compulsory purchase of lands was limited to three years, and (section 20) the time allowed for the completion of the railway was limited to five years from the passing of that Act, but by "The East Norfolk Railway Act, 1869," (which received the royal assent on the twelfth day of July one thousand eight hundred and sixty-nine), (section 4) the time allowed for the completion of the railway was extended to three years after the passing of the last-named Act; but the time allowed for the compulsory purchase of lands was not extended: 32 & 33 Vict. c. xcii.

And whereas by the original Act (section 32) the Company and the Great Eastern Railway Company were authorised to enter into

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agreements with respect to the maintenance and management of the railway by that Act authorised, or any part thereof, and of the works or any of them connected therewith, the use and working of the said railway or any part thereof, and other matters, and (section 34) the Great Eastern Railway Company were authorised to subscribe for, take, and hold shares or stock in the capital of the Company to any extent not exceeding twenty-nine thousand three hundred pounds:

And whereas by the original Act (section 36) it was enacted, that the Great Eastern Railway Company, on becoming and while continuing under the powers of that Act shareholders in the undertaking, might from time to time appoint one of the directors nominated by the Great Eastern Railway Company as therein-after provided (whether such director should hold shares in the Company or not) to vote on their behalf at meetings of the Company, and that the Great Eastern Railway Company might from time to time revoke any such appointment and appoint any other of such directors on their behalf:

And whereas there is no provision in the original Act for the nomination of directors by the Great Eastern Railway Company:

And whereas the Great Eastern Railway Company have subscribed for and taken and now hold shares in the capital of the Company to the amount of twenty-nine thousand three hundred pounds, and have paid up all the calls made in respect thereof, and the capital subscribed for by other parties is twenty-four thousand seven hundred and eighty pounds, making the aggregate subscribed capital of the Company fifty-four thousand and eighty pounds (upon which thirty-three thousand seven hundred and eighty-four pounds ten shillings and fourpence has been paid up), leaving a balance of thirty-three thousand nine hundred and twenty pounds represented by shares remaining in the hands of the Company:

And whereas the Company have acquired part of the lands required for the railway authorised by the original Act, and the railway has been partly constructed, and the Company have expended a considerable sum thereon out of their share capital:

And whereas the Company have not borrowed any money on mortgage:

And whereas an alteration of the line and levels of the railway authorised by the original Act and the consequent abandonment of part of that authorised line are expedient:

And whereas it is expedient that as regards the part of the said railway not so abandoned the powers of the Company for the

compulsory purchase of land for the purposes thereof be revived, and that further time be given for the exercise of those powers, and for the completion of the part of the said railway not so abandoned:

And whereas it is expedient that the Company be authorised to work over and use the station at Thorpe of the Great Eastern Railway Company, and the railway of that Company from that station to the junction with the East Norfolk Railway:

And whereas a railway to Cromer, in extension of the East Norfolk Railway, would be of great public and local advantage, and it is expedient that the Company be authorised to construct such railway:

And whereas it is expedient to sanction agreements between the Company and the Great Eastern Railway Company with respect to the use of the extension railway authorised by this Act, or any part thereof:

And whereas it is expedient that the section (36) of the original Act relating to the appointment of persons to vote on behalf of the Great Eastern Railway Company be amended:

And whereas it is expedient that the Great Eastern Railway Company be authorised to appoint some of the directors of the Company:

And whereas it is expedient that the Company be authorised in manner in this Act mentioned to raise additional sums of money, and to attach to any shares forming part of thirty-three thousand nine hundred and twenty pounds, the said balance of their original capital, the same preference or advantages as may be attached to the additional capital:

And whereas it is expedient that "The East Norfolk Railway Act, 1864," and "The East Norfolk Railway Act, 1869," be in some respects amended:

And whereas plans and sections of the extension railway, alteration, and works by this Act authorised, showing the lines and levels thereof respectively, and a book of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerk of the peace for the county of Norfolk, and those plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects of this Act cannot be attained 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,

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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 for all purposes be cited as "East Norfolk Railway Act, 1872."

Provisions of general Acts herein named incorporated.

2. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to—

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 the nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway), and Part II. (relating to extension of time), and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and are part of this Act.

Interpretation of terms.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be something in the subject or context repugnant to the construction; and in construing the said incorporated Acts for the purposes of this Act, the expression "the Company" means the East Norfolk Railway Company; the word "share" includes stock other than debenture stock; the term "the special Act" means this Act; and the expression "court of competent jurisdiction," or any other like expression in this Act or any Act in whole or in part incorporated with this Act, shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the expression "superior courts"

shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Power to make railways and works shown on deposited plans and to take lands therefor.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and in accordance with the levels shown on the deposited plans and sections, the extension railway and alteration described in this Act, with all proper sidings, stations, approaches, works, and conveniences connected therewith, and all incidental works and conveniences, and may enter upon, take, and use such of the lands shown on the deposited plans and specified in the deposited book of reference as may be required for the purpose. The extension railway and alteration referred to in this section and authorised by this Act are:

An extension railway (seven miles seven furlongs and four chains and a half or thereabouts in length), to commence in the parish of North Walsham in the county of Norfolk by a junction with the railway authorised by "The East Norfolk Railway Act, 1864," at or near the authorised termination of that railway, and to terminate in the parish of Cromer in the same county:

An alteration (two miles and two furlongs or thereabouts in length) of the line and levels of the railway authorised by "The East Norfolk Railway Act, 1864," such alteration to commence in the parish of Salhouse in the county of Norfolk, and to terminate in the parish of Hoveton Saint John in the same county.

Power to cross certain roads on the level.

5. 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 the level, the Company may in the construction of the extension railway and alteration of authorised 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 herein-after mentioned; (that is to say,)

No. on deposited Plans.	Parish or Place.	Description of Road.
	Extension Railway.	
14a	Antingham - -	Public carriage road.
30	Antingham - -	Public carriage road.

Inclination of road 3 in Cromer.

6. As regards the road next herein-after mentioned, the Company may make that road when altered for the purposes of this

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Act of any inclination not steeper than the inclination herein-after mentioned in connexion with that road; (that is to say,)

Number of Road on deposited Plans.	Parish in which the Road is shown on those Plans.	Description of Road.	Intended Inclination of Road.
3	Cromer - -	Public carriage road	1 in 14.

Dimension of bridge.

7. The Company may make the arch of the bridge for carrying the railway over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned in connexion with that road; (that is to say,)

Number of Road on deposited Plans.	Parish in which Road is shown on those Plans.	Description of Road.	Height.	Span.
3	Cromer - -	Public carriage road	13 feet	16 feet.

Mode of constructing bridge over river Bure.

8. The bridge for carrying the railway over the river Bure shall have a clear and uninterrupted navigable waterway for vessels of forty feet clear span, and the height or headway or distance between the surface of the said river at ordinary high water and the under part of the said bridge shall not in any place be less than fifteen feet.

As to houses occupied by persons belonging to labouring classes.

9. Not less than eight weeks before taking under the powers of this Act in any town or parish fifteen houses or more occupied either wholly or partially as tenants or lodgers by persons belonging to the labouring classes, the Company shall make known their intention to take such houses by placards, handbills, or other general notice placed in public view, upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner required by this section.

Lands for extra-ordinary purposes.

10. The quantity of land to be taken by the Company under the authority of this Act for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed one acre, in addition to the quantity authorised to be taken for the like purposes by the original Act.

Powers for compulsory purchase of lands for

11. The powers of the Company for the compulsory purchase of lands for the purposes of the extension railway shall not be exercised after the expiration of three years, and for the purposes

of the alteration of the railway authorised by the original Act shall not be exercised after two years from the passing of this Act.

extension railway limited.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

12. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty (chapter 20), a sum of three thousand five hundred pounds, being five per centum upon the amount of the estimate in respect of the extension railway authorised by this Act, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum of three thousand five hundred pounds so deposited as aforesaid in respect of the application for this Act shall not be paid or 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, unless the Company shall previously to the expiration of the period limited by this Act for the completion of the extension railway hereby authorised to be made, either open the said railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the said railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application of deposit.

13. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said extension 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

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compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money or such portion thereof as may not be required as aforesaid shall be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them; provided that until the said sum of money 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 person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of extension railway.

14. The extension railway by this Act authorised shall be completed within five years, and the said alteration shall be completed within three years from the passing of this Act, and if either of those works be not completed within the period by this Act limited for the completion thereof, then on the expiration of that period the powers by this Act granted to the Company for executing that work, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

New and altered line to be part of original undertaking.

15. The extension railway and alteration of authorised railway shall, for the purposes of tolls and charges, and (except as regards matters expressly provided for in this Act) for all other purposes, be part of the undertaking of the Company, as if the same had been part of the railway authorised by "The East Norfolk Railway Act, 1864."

Tolls on line run over.

16. The Company may demand and take, on and in respect of the portion of the Great Eastern Railway Company's railway which the Company are by this Act authorised to run and work over, tolls, rates, and charges not exceeding those which the Great Eastern Railway Company are authorised to take thereon: Provided also, that in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the Great Eastern Railway for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of 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 Great Eastern Railway.

Certain works to be abandoned.

17. The Company shall abandon the construction of so much of the railway by the original Act authorised as was intended to have been made between the commencement and termination of the alteration herein-before described of that railway.

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

18. The abandonment by the Company under the authority of this Act of any work shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on the land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of the work, and shall not prejudice or affect the right of the owner or occupier of any land temporarily occupied by the Company to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for the temporary occupation, or for any loss, damage, or injury sustained by the owner or occupier by reason thereof, or of the exercise with respect to such land of any of the powers contained in the last-mentioned Act or the Act authorising the work.

Company to make compensation for lands taken for works abandoned.

19. Where before the passing of this Act any contract was entered into or notice given by the Company for purchasing any lands which they were authorised to purchase for making any work by this Act directed to be abandoned, full compensation shall be made by the Company to the owners or occupiers or other persons interested in those lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner by "The Lands Clauses Consolidation Act, 1845," provided for determining the amount and application of compensation for lands taken under the provisions thereof.

Reviving powers for purchase of lands for rest of railway;

20. The powers by "The East Norfolk Railway Act, 1864," given for the compulsory purchase of lands are, for the purposes of so much of the railway by that Act authorised as is not by this Act directed to be abandoned, hereby revived, and may be exercised by the Company within two years from the passing of this Act, but not after the expiration of the said period of two years.

and for completion thereof.

21. The powers by "The East Norfolk Railway Act, 1864," given for the construction and completion of the railway by that

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Act authorised may, for the purposes of so much of that railway as is not by this Act directed to be abandoned, be exercised by the Company within three years from the passing of this Act, but not after the expiration of that period of three years.

Power to Company to raise capital.

22. For the purposes which they are by this Act authorised to execute, and in addition to their powers under the original Act, the Company may from time to time raise additional capital, not exceeding in the whole seventy-two thousand pounds.

Mode of raising capital.

23. The Company may raise all capital which they are by this Act authorised to raise by the creation and issue of new ordinary or new preference shares or stock, or partly by ordinary and partly by preference shares or stock, and may at any time before the issue thereof attach to all or any of such new shares or stock such fixed, fluctuating, contingent, preferential, perpetual, terminable, deferred, or other dividend, rights and privileges, as the Company may think fit, provided that any such preferential dividend shall not exceed the rate of six per centum per annum; but the Company may, if they so think fit, attach to the shares or stock created by them bearing such preferential dividend the right to participate with their ordinary shares or stock in any balances remaining applicable to dividend whenever a dividend at the rate of six per centum per annum on such ordinary shares or stock shall have been paid or provided for.

Power to cancel unissued capital and create preference shares instead.

24. The Company may by a resolution of an ordinary or extraordinary meeting cancel any shares forming the balance of their original capital, and now remaining unissued in the hands of the Company, and may in lieu thereof create shares representing the same amount of capital, and attach to such shares the same preferential dividend, privileges, and advantages as to the shares for raising the additional capital, and may at the time of first creating any preference capital under the powers of this Act resolve that all preference shares shall be of the same class.

Shares not to issue until one fifth paid up.

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

Calls.

26. One fourth 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.

New shares part of general capital.

27. All new shares or stock created under the powers of this Act shall, subject to the provisions of this Act, form part of the general capital of the Company.

Borrowing power of Company.

28. In addition to their powers of borrowing under the existing Act, the Company, when the whole of the additional capital of seventy-two thousand pounds which they are by this Act authorised to raise is subscribed for, issued, and accepted, and one half thereof is paid up, may from time to time borrow on mortgage in respect of that additional capital any sum not exceeding in the whole twenty-four thousand pounds: Provided always, that, if the Company think fit, instead of borrowing under the powers herein-before contained and under the powers of the original Act, they may, when the whole of their aggregate capital under the original Act and this Act (namely, one hundred and sixty thousand pounds) is subscribed for, issued, and accepted, and one half thereof is paid up, from time to time borrow on mortgage in respect of that aggregate capital any sums not exceeding in the whole fifty-three thousand three hundred pounds.

Restrictions on borrowing.

29. Provided that the Company shall not borrow any money under the authority of this Act until the whole of the said additional capital of seventy-two thousand pounds, or, as the case may be, of the said aggregate capital of one hundred and sixty thousand pounds, is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under section 40 of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of that additional capital, or, as the case may be, aggregate 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 that additional capital, or, as the case may be, aggregate capital, has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the additional capital, or, as the case may be, aggregate capital, was issued bonâ fide, and is held by the subscribers or their assigns, and that the subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Provisions of Company's Act as to appointment of receiver repealed.

30. The section 8 of the original Act, by which the mortgagees of the Company are empowered to enforce payment of principal and interest due on their mortgages by the appointment of a receiver, is hereby repealed.

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For appointment of a receiver.

31. The Company's mortgagees 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 of principal owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than five thousand pounds.

Debenture stock.

32. The Company may create and issue debenture stock.

Interest on mortgages and debenture stock to rank equally.

33. Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," contained, the interest of all debenture stock to be at any time created and issued by the Company shall rank pari passu with the interest of all mortgages to be at any time hereafter granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Defining Company's financial half years.

34. With reference to the section (116) of "The Companies Clauses Consolidation Act, 1845," relating to the balancing of the Company's books, and the making up of balance sheets, the half years shall be deemed to end with the thirtieth day of June and the thirty-first day of December: Provided that the first balance sheet to be made up after the passing of this Act shall comprise the transactions of the Company during the interval between the date to which the last balance sheet under the original Act is made up and the first day of July one thousand eight hundred and seventy-two.

Repealing present power to appoint persons to vote.

35. The section (36) of the original Act relating to the appointment by the Great Eastern Railway Company of persons to vote on their behalf at meetings of the Company is hereby repealed.

Further power for that purpose.

36. The Great Eastern Railway Company, while continuing holders of shares in the undertaking of the Company, may from time to time appoint some person (whether a shareholder in the Company or not) to vote on their behalf at any meetings of the Company on all matters (except the election by the proprietors of the Company of such directors as those proprietors are authorised to elect), and (except as before excepted) the nominee from time to time of the Great Eastern Railway Company, although not a shareholder of the Company, shall have the like right of being present and taking part in discussions, and voting at the meetings, as if he held in his own right the shares in respect of which he is the nominee, and (if he be a shareholder of the Company) without prejudice to any right of voting in respect of any shares held by him in his own right.

Power to appoint directors.

37. The Great Eastern Railway Company, while continuing holders of shares representing not less than twenty-nine thousand three hundred pounds of the capital of the Company, shall be entitled to appoint four of their own directors to be four of the nine directors of the Company.

Their qualification.

38. The qualification of a director so appointed shall be his being a director of the Great Eastern Railway Company, and it shall not be necessary for him to be a holder of any share of the Company.

Revocation of appointment.

39. The Great Eastern Railway Company may from time to time revoke any appointment by them under this Act of a person to vote at meetings, or of a director.

Evidence of appointment, &c.

40. Every appointment and revocation by the Great Eastern Railway Company under this Act shall be evidenced by an instrument in writing under the hand of the chairman from time to time of the directors of the Great Eastern Railway Company, which shall be delivered to the Company, and kept with their records, and be at all reasonable times open to the inspection and transcription of all persons interested.

Extending section 37 of original Act.

41. The section (37) of the original Act relating to appointments and revocations, and the instruments thereof, shall extend and apply to all appointments and revocations by the Great Eastern Railway Company under this Act, and the instruments of or evidencing the same, and shall include appointments and revocations of appointments of directors, as well as of persons to vote.

Running powers to the Company.

42. The Company may from time to time and at all times run over, work over, and use with their engines, carriages, trucks, officers, and servants, and for the purposes of traffic of every description, the Norwich and Yarmouth line of the Great Eastern Railway Company from its junction with the Company's railway up to and into the Thorpe station of the Great Eastern Railway Company, and all platforms, buildings, approaches, sidings, water-engines, water supply, signals and signalling apparatus, switches, turn-tables, telegraphs, and other works and conveniences belonging to the said station and portion of railway, and the Great Eastern Railway Company, their officers and servants, shall render all services and afford all facilities requisite for the full and efficient exercise and enjoyment of the powers by this section given to the Company.

Terms of user.

43. The terms and conditions on which the powers by this Act given to the Company of running and working over and using the said portion of railway and station of the Great Eastern Railway

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Company, and the tolls or other moneys to be paid in respect thereof, shall be such as shall from time to time be agreed upon between the two Companies, or failing agreement shall be settled by arbitration in accordance with "The Railway Companies Arbitration Act, 1859."

Byelaws to be observed.

44. The Company, in using and traversing the said portion of railway and station of the Great Eastern Railway Company in accordance with the provisions of this Act, shall at all times observe the regulations and byelaws for the time being in force on that portion of railway and station.

Company and Great Eastern Railway Company may agree for certain purposes.

45. The Company and the Great Eastern Railway Company may from time to time enter into and carry into effect all such agreements as they from time to time think fit with respect to—

The use of the extension railway by this Act authorised or any part thereof:

The arrangements for the conduct of the traffic of the said extension railway:

The payments to be made and the conditions to be performed with respect to such use, and with respect to the transmission, forwarding, and delivery of traffic upon the said extension railway and the railways of the Great Eastern Railway Company:

The tolls and charges or other payments for or in respect of such traffic:

The apportionment between and amongst the contracting Companies of tolls and charges received in respect of such traffic.

Saving right of the Crown in the foreshore.

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

Interest not to be paid on calls paid up.

47. The Company shall not, out of any money by this Act authorised to be raised by calls, debenture stock, or borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided that this Act shall not prevent the Company from paying to any shareholder such

interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

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

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

49. Nothing in this Act contained shall exempt the railways by this Act authorised from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now or hereafter in force, 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.

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

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