CHAPTER cxcix.

An Act to confer further powers on the Eastern and Midlands Railway Company. [20th August 1883.]

A.D. 1883.

WHEREAS by the Lynn and Fakenham Railway Act 1876 the Lynn and Fakenham Railway (Extensions) Act 1880 and the Lynn and Fakenham Railway Acts 1881 and 1882 the Lynn and Fakenham Railway Company were authorized to construct Railways extending eastward from King's Lynn in the county of Norfolk through Melton Constable to Norwich on the south and to Holt Blakeney and Cromer on the north with an extension to join the Yarmouth and North Norfolk Railway at North Walsham and the Company have completed a large part of their undertaking and are completing the remainder: 39 & 40 Vict. c. 146. 43 & 44 Vict. c. 165.

And whereas by the Eastern and Midlands Railway (Amalgamation) Act 1882 the Lynn and Fakenham Railway Company was amalgamated as on and from the thirty-first day of December one thousand eight hundred and eighty-two with other Companies and the Amalgamated Company is in this Act referred to as "the Company:"

And whereas the said last-mentioned Act contains provisions under which the Midland and Eastern and Peterborough Wisbech and Sutton Railway Companies have become amalgamated with the Company:

And whereas the Company have yards and works at their station at Melton Constable and have there erected houses for the accommodation of their workmen and others and gasworks and it is expedient that they should be empowered to continue the same and to supply gas to neighbouring places:

And whereas the Eastern and Midlands Railway (Amalgamation) Act 1882 contained provisions as to the conversion and consolidation of the several classes of stock therein mentioned and it is expedient that the same should be altered and extended:

A.D. 1883.

And whereas it is expedient that provision should be made with regard to the qualification of directors of the Company and otherwise as in this Act set forth:

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 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 Eastern and Midlands Railway Act 1883.

Extending certain provisions of Companies Clauses Acts.

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 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 by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

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 also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the Cancellation and Surrender of Shares to Additional Capital and to Debenture Stock) as amended by the Companies Clauses Act 1869;

shall subject to the provisions of this Act extend and apply to the capital and money hereby authorized to be raised by shares or stock or borrowing and the proprietors thereof.

Interpretation.

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

"The Company" means the Eastern and Midlands Railway Company;

"Superior Court" or "Court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Stopping certain rights of way at King's Lynn.

4. If and when a sufficient foot-bridge shall have been constructed by the Company and the King's Lynn Dock Company or either of them so as to carry over the Railways of the Company and of the King's Lynn Dock Company the footway leading in a northerly direction from Waterworks Lane by the side of the Loke to the Cross Bank which footpath now crosses those Railways on the level then all public rights of way over the level crossing and over so much of the footway leading out of the first-mentioned footway to or near Old Fisher Bridge as lies between the north side of the Railway of the King's Lynn Dock Company and the first-mentioned footway shall be extinguished.

Company may apply their funds towards purposes of Act and may raise additional capital.

5. The Company may apply for the purposes of this Act any money which they are already authorized to raise and which may not be required by them for the purposes for which the same was authorized to be raised and the Company may also from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money so authorized to be raised any additional sum or sums not exceeding in the whole twelve thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company.

Shares or stock not to vest until one-fifth part paid up.

6. No share or stock created under the authority of this Act shall be issued nor shall any such share or stock vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share or stock shall have been paid in respect thereof.

Receipt clause in case of persons not sui juris.

7. If any money is payable under this Act to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge.

As to votes of proprietors of new shares or stock.

8. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall be entitled to such number of

A.D. 1883.

votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Power to borrow.

9. The Company may in respect of the additional capital of twelve thousand pounds which they are by this Act authorized to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole four thousand pounds but no part of the said sum of four thousand pounds shall be borrowed until shares for so much of the capital in respect of which it may be borrowed as is to be raised by means of shares are 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 shares for so much of such capital as is to be raised by shares have 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 such separate share therein has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such capital as is to be raised by means of stock is fully paid up and the Company have proved to such Justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or Corporations to whom the same were issued or their executors administrators or assigns and also if the said capital is raised by shares that such persons or corporations or their executors administrators or assigns are legally liable for the same. 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.

Appointment of a receiver.

10. Section thirty-three of the Lynn and Fakenham Railway Act 1882 and section fifty of the Eastern and Midlands Railway (Amalgamation) Act 1882 relating respectively to the appointment of a receiver are hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings pending at the passing of this Act under either of the said sections. 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 authorize 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.

Debenture stock.

11. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything contained therein the interest of all debenture stock at any time created and issued by the Company under this Act and also the interest of all mortgages (if any) at any time granted by the Company under this Act shall rank pari passu and such interest shall have priority over all principal moneys secured by such mortgages.

Former mortgages to have priority.

12. The principal money secured by all mortgages granted by the Company in pursuance of the powers of any former Act and subsisting at the time of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which the same were respectively granted have priority over the principal money secured by any mortgages granted by virtue of this Act.

Application of moneys.

13. All moneys raised under this Act or any former Act relating to the Company whether by shares stock debenture stock or borrowing may be applied for the purposes of this Act or such other Act or for the general purposes of the Company to which capital is properly applicable and not otherwise.

Amending section fifty-five of Eastern and Midlands Railway (Amalgamation) Act 1882.

14. Subject to the provisions and restrictions contained in section fifty-five of the Eastern and Midlands Railway (Amalgamation) Act 1882 the Company may at any time consolidate into a single stock any two or more classes of preference shares or stock of the Company derived from the Lynn and Fakenham or Yarmouth and North Norfolk (Light) Railway Companies.

Amending section fourteen of same Act.

15. In order to enable the holders of all the existing preference stocks of the Company whether derived from the Lynn and Fakenham Railway Company or the Yarmouth and North Norfolk (Light) Railway Company to convert the same into preference stock of the Company in accordance with section fourteen of the Eastern and Midlands Railway (Amalgamation) Act 1882 that section shall be read and have effect as if the words "and not exceeding in the aggregate three hundred and ten thousand pounds" had not been contained therein.

Further general powers of Company.

16. In addition to the other powers conferred on the Company by this and other Acts relating to them it shall be lawful for the Company from time to time to provide and manage refreshment rooms at and in connection with their Railways and to construct and maintain gasworks and gas-holders and works for the manufacture and storage of gas and the manufacture and storage of the

A.D. 1883.

residual products of gas on land belonging to them situate on the north side of their Railway in their station yard at Melton Constable and to supply gas within the parishes of Melton Constable and Little Burgh and Briston in the county of Norfolk to any person who may desire to have a supply of gas from the Company and be able and willing to enter into an agreement with the Company as to the provision of such supply and the price to be charged by the Company in respect thereof.

Provisions as to licenses for sale of wine &c. on premises of the Company.

17. Notwithstanding anything contained in any Act relating to the granting of licenses for the sale of wine spirits beer or cider any corporation or other body or any Justice or other person being by law authorized to grant licenses for the sale by retail of wine spirits beer or cider may if they or he think fit grant to any person or persons nominated by the Company in that behalf a license or licenses for the sale of wine spirits beer and cider at any refreshment rooms at stations of the Company managed and conducted by the Company although the structure of such premises may not be in conformity with the provisions of any such Act and although the person or persons so nominated is or are not the real resident holder and occupier of any such refreshment room.

Power to sell lease or dispose of land.

18. Whereas the Company in purchasing land for the purposes of their undertaking have found it convenient in some cases to acquire land buildings and premises by agreement and in some cases have so acquired a larger extent than they now require for those purposes Be it therefore enacted that in reference to lands buildings and premises acquired by them by agreement in the city of Norwich or the borough of Great Yarmouth and which they shall under their common seal declare are not required to be used for the purpose of their Railway or works connected therewith the Company may exercise the following powers videlicet:—

(1.) The Company may from time to time sell and demise and otherwise dispose of the said land buildings and premises or any part thereof or any estate or interest therein held or acquired by or in trust for them and may hold and let the same or any part thereof and grant building and repairing leases of the same for any term and with and subject to such covenants and conditions as they may think fit;

(2.) The Company may on any part of the said land build dwelling-houses for any of their officers or servants or persons of the labouring class who may be displaced under the powers of this Act or may demise or lease any part of the premises for the purposes of any such building and may enter into contracts relative thereto;

(3.) The said land buildings and premises shall not be deemed part of the undertaking of the Company charged with the general mortgage debt or debenture stock thereof excepting such mortgages as may be expressly charged upon the premises or upon any specific portion thereof;

(4.) The Company may from time to time borrow on mortgage of the said land buildings and premises any sums of money and the only security of the mortgagee shall be the same land buildings and premises or the part thereof specially comprised in his mortgage;

(5.) The Company may retain and hold such portion of the said land buildings and premises as they believe may hereafter be necessary for the widening of their Railway or for stations and sidings connected therewith or other purposes of their undertaking and the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands shall not apply to the lands buildings and premises mentioned in this section.

Qualification of director.

19. The qualification of a director of the Company shall be the possession in his own right of four hundred pounds in ordinary shares or stock of the Company.

As to release of money deposited by the Company.

20. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of eighteen thousand nine hundred and eleven pounds three per centum consolidated bank annuities was deposited in respect of certain Railways proposed by the Bill for this Act with the Chancery Division of the High Court of Justice in England And whereas no part of the said Railways is authorized by this Act Be it enacted that the Chancery Division of the High Court of Justice may at any time after the passing of this Act order that the said sum of eighteen thousand nine hundred and eleven pounds bank annuities together with any interest or dividends accrued thereon shall be paid or transferred to the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act in respect of the Bill for this Act or to the survivors or survivor of them or as they or he may direct.

Section 29 of the Lynn and Fakenham Railway Act 1881 shall be read and have effect subject to this provision that until the deposit fund therein mentioned has been repaid to the depositors therein mentioned or has become otherwise applicable as in that section mentioned any interest or dividend accrued or accruing

A.D. 1883.

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.

Interest not to be paid on calls paid up.

21. The Company shall not out of any money by this Act authorized to be raised pay interest or dividend 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.

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

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

Provision as to General Railway Acts.

23. 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.

Costs of Act.

24. 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.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1883.