CHAPTER iii.

An Act to confer further Powers on the Eastern and Midlands Railway Company. [28th April 1885.] A.D. 1885.

WHEREAS the Eastern and Midlands Railway Company (herein-after called "the Company") constituted by the Eastern and Midlands Railway Amalgamation Act 1882 (herein-after called "the Amalgamation Act") are empowered to construct certain railways and works in the county of Norfolk and have completed a great part of those railways and are completing the remainder:

And whereas the powers of the Company for the compulsory purchase of lands so far as they have not already been exercised have in part expired and are in part about to expire and it is expedient that the powers of the Company for the compulsory purchase of the lands herein-after specified should be revived or extended:

And whereas it has been found that the construction of Railway No. 3 authorised by section 5 of the Lynn and Fakenham Railway (Extensions) Act 1880 will be inconvenient and (having regard to the other works executed by the Company) unnecessary and it is expedient that the Company should be enabled to abandon the said railway:

And whereas it is expedient that the Company should be enabled to stop up the level crossing over the Midland and Eastern Railway as in this Act provided and to purchase additional lands as herein-after specified:

And whereas it will facilitate the raising of capital for the purpose of the railways numbered 4 5 and 6 authorised by section 5 of the Lynn and Fakenham Railway (Extensions) Act 1880 the railways numbered 3 and 4 authorised by section 6 of the Lynn and Fakenham Railway Act 1881 and the railways numbered 2 and 3 and works connected therewith authorised by section 5 of the Lynn and Fakenham Railway Act 1882 and also the undertaking of the Blakeney Harbour Company which the Company were authorised to

A.D. 1885.

acquire under section 38 of the said Lynn and Fakenham Railway Act 1882 if the Company be empowered to constitute the said railways and harbour undertaking a separate undertaking with separate capital and it is expedient that provision should be made accordingly as in this Act contained and that the Company should be empowered to raise additional capital for the purpose thereof and the general purposes of their undertaking:

And whereas plans showing the lands intended to be taken under the powers of 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 said lands 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 and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Eastern and Midlands Railway Act 1885.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by any subsequent Act and Part II. of the Railways Clauses Act 1863 (relating to extension of time) are hereby incorporated with and shall form part of this Act.

Extending certain provisions of Companies Clauses Acts.

3. 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 authorised to be raised by shares or stock or borrowing and the proprietors thereof.

Interpretation.

4. 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,

Extension of time for compulsory purchase of lands.

5. The time limited by section 16 of the Lynn and Fakenham Railway Act 1882 for the compulsory purchase of land for the purpose of Railways Nos. 2 and 3 described in and authorised by that Act and the wharf and embankment or breakwater and works at or connected with Blakeney Harbour also authorised by the said Act shall be extended for a period of two years from the 10th day of August 1885 and the powers of the Company for the compulsory purchase of the properties referred to in the schedule to this Act are hereby revived and extended and may be exercised at any time not later than two years from the passing of this Act.

Abandonment of Railway No. 3 authorised by Act of 1880.

6. The Company may and shall abandon the making of Railway No. 3 authorised by section 5 of the Lynn and Fakenham Railway (Extensions) Act 1880 and on and after the passing of this Act the Company shall except only as is by this Act otherwise expressly provided be absolutely freed from all obligation with respect to the making and maintaining of the said railway.

Compensation for damage to land by entry.

7. The abandonment of the said Railway No. 3 by the Company under the authority of this Act shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring

A.D. 1885.

to ascertain the nature of the soil or setting out the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Lynn and Fakenham Railway (Extensions) Act 1880.

Compensation for non-completion of purchase.

8. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said Railway No. 3 to be abandoned or any portion thereof the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Stopping up level crossing in the parish of South Lynn otherwise South Lynn All Saints.

9. The Company may stop up the existing crossing over the Midland and Eastern Railway by an occupation road in the parish of South Lynn otherwise South Lynn All Saints at about twenty-four chains to the eastward of the bridge carrying the said railway over the River Ouse and all rights of way over the said crossing shall thereupon be extinguished Provided that they shall not stop up the same until they shall have provided instead thereof a new road of not less than twelve feet in width on the southern side of the said railway to connect the said occupation road with the public road numbered on the deposited plans referred to in the Act of 1882 (as to Railway No. 1) twenty in the parish of South Lynn in the county of Norfolk.

Power to purchase additional lands.

10. Subject to the provisions of this Act the Company may purchase and take for purposes connected with their undertaking the lands in the parishes of Runton Cromer Sheringham and Great Yarmouth in the county of Norfolk which are delineated on the deposited plans and described in the deposited books of reference or any part thereof.

As to the reversion of certain lands

11. So much of paragraph 4 of section 8 of the Lynn and Fakenham Railway Act 1881 as provides that certain lands therein

mentioned shall revert to the persons from whom they were acquired if Railway No. 3 and Railway No. 4 by that Act authorised shall not be completed and opened to the public for passenger traffic within three years from the passing of that Act shall be and is hereby repealed.

to owners of the Bond Cabbell Estate.

12. Whereas under the powers of the Lynn and Fakenham Railway (Extensions) Act 1880 the Company are constructing the Railway No. 4 thereby authorised in the parish of Holt and if the said railway be made in accordance with the provisions of that Act it will be necessary to carry over the said railway by a bridge the road numbered on the deposited plans referred to in the said Act 49 in the said parish and whereas having regard to the character of the district and the comparatively small extent of traffic expected upon the railway it is considered desirable by most of the persons using the said road that the road should not be raised in accordance with the said Act but crossed on the level Therefore 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 said railway carry the same across and on the level of the said road with a single line only whilst the railway shall consist of a single line and afterwards with a double line only.

Power to cross on the level a road in the parish of Holt.

13. The powers of the Company for the compulsory purchase of lands authorised by this Act to be taken shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

14. The Company may apply for the purposes of this Act any money which they are already authorised to raise and which may not be required by them for the purposes for which the same was authorised 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 authorised to be raised any additional sum or sums not exceeding in the whole one hundred and eighty 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.

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

15. 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.

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

A.D. 1885.

Receipt in case of persons not sui juris.

16. 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.

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

18. The Company may in respect of the additional capital of one hundred and eighty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole sixty thousand pounds and of that sum they may borrow thirty thousand pounds in respect of each sum of ninety thousand pounds of such capital but no part of any such sum of thirty thousand pounds shall be borrowed until shares for so much of the portion of 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 portion of 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 portion of 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 to the extent aforesaid 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 respective portion of 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.

Debenture stock.

19. 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.

Capital to be charged on the Lynn Yarmouth and Norwich Section only.

20. All capital raised by the Company under this Act or the Eastern and Midlands Railway Act 1883 shall be deemed to be capital applicable to the Lynn Yarmouth and Norwich Section and the interest and dividend thereon shall be payable out of the moneys standing to the credit of the Lynn Yarmouth and Norwich Revenue Account referred to in the Amalgamation Act of 1882 and not out of the moneys standing to the credit of the Midland and Eastern Revenue Account or the Peterborough Revenue Account.

Appointment of a receiver.

21. Section 10 of the Eastern and Midlands Railway Act 1883 relating to the appointment of a receiver is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings pending at the passing of this Act under the said section The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Formation of separate undertaking.

22. If the directors of the Company at any time pass a resolution or resolutions to the effect that railways numbered 4 5 and 6 authorised by section 5 of the Lynn and Fakenham Railway (Extensions) Act 1880 the railways numbered 3 and 4 authorised by section 6 of the Lynn and Fakenham Railway Act 1881 and the railways numbered 2 and 3 and works connected therewith authorised by section 5 of the Lynn and Fakenham Railway Act 1882 and also the undertaking of the Blakeney Harbour Company which the Company were authorised to acquire under section 38 of the said Lynn and Fakenham Railway Act 1882 or any part of those railways works and undertaking shall constitute a separate undertaking called the "Cromer undertaking" and that the capital to be raised under this Act or any part thereof shall constitute a separate capital entitled to dividend at a rate to be fixed by such resolution or resolutions and such resolution or resolutions be respectively confirmed at an extraordinary general meeting of the Company convened with due notice of the matter and by the votes of proprietors entitled to vote at any such meeting present in person or by proxy holding at least three fourths of the paid up capital represented at such meeting then the Cromer undertaking together with all lands buildings and property to be purchased for the purposes

A.D. 1885.

thereof shall form a separate undertaking distinct and apart from the rest of the undertaking of the Company and the capital to the extent stated in such resolution shall form a separate capital entitled to the fixed dividend specified in such resolution and guaranteed as therein provided.

Providing for management of separate undertaking.

23. The separate undertaking if constituted as aforesaid shall be worked in perpetuity by the Company and the directors of the Company and any committee appointed by them for the purposes of such undertaking shall subject to the provisions of this Act have and exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to the rest of the undertaking of the Company.

Prescribing how terms to be settled.

24. The terms and conditions upon which such separate undertaking shall be worked and managed by the Company and the dividend to be paid upon the shares or stock constituting the separate capital out of the gross receipts arising from the traffic passing over both the separate undertaking and any of the other railways of the Company or any other railways and the tolls to be charged or payments to be made in respect of the use of such separate undertaking for the general traffic of the Company shall be such as shall be defined and settled by the extraordinary general meeting of the Company at which the resolution constituting the separate undertaking shall be confirmed. And the substance of the terms and conditions upon which the shares or stock constituting the separate capital of any such separate undertaking are created and issued shall be indorsed upon the certificates thereof.

Votes of holders of separate capital.

25. In the event of a separate undertaking being constituted under this Act then unless it be otherwise provided by the resolution creating the same the holders of shares or stock in the separate capital shall not be entitled to vote at meetings of the Company except in relation to matters concerning the separate undertaking.

Separate undertaking to be worked in an efficient manner.

26. After the opening of such separate undertaking for public traffic the Company shall work the same and convey traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic over the same In case any difference shall arise between the Company and any of the holders of stock or shares in the separate capital with respect to the working or insufficient working by the Company of the said undertaking or otherwise in relation thereto whereby the holders of such shares or stock deem themselves to be injuriously affected such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of such share or stock holders and such arbitrator shall have full power to settle and determine any such difference and to order the Company

to do or to abstain from doing all such acts matters and things as he shall think fit and to make such order with respect to the costs of such arbitration as he shall think just.

If separate undertaking constituted the capital powers of the Company modified.

27. In the event of a separate undertaking being constituted under this Act the amount of the separate capital in shares or stock may be of such nominal amount as may be fixed by the resolution or resolutions constituting such separate undertaking not exceeding in the aggregate the amount which the Company are by this Act authorised to raise by shares or stock and borrowing and the powers of the Company under the preceding sections of this Act to raise additional capital by shares or stock as part of the general capital of the Company and to borrow on mortgage of their undertaking shall be thereupon extinguished.

Former mortgages to have priority.

28. 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.

Saving rights of Lynn Loop separate capital.

29. Nothing in this Act or in any resolution passed under the powers of this Act shall in any way prejudice or affect the rights of any of the holders of the separate capital of the Lynn Loop Line undertaking constituted under the Eastern and Midlands Railway Act 1884 or of any of the mortgagees of or holders of debenture stock charged upon the revenue attributed to that undertaking.

Application of moneys.

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

As to taking houses of persons of the labouring class.

31. Nothing in this Act shall authorise the Company to purchase or acquire compulsorily or by agreement ten or more houses in any one parish or urban sanitary district occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

A.D. 1885.

Repealing provisions of Amalgamation Act of 1882 as to the different sections of the Company's system.

32. Whereas by the Amalgamation Act the undertaking of the Company was formed by the amalgamation of the Lynn and Fakenham the Yarmouth and North Norfolk (Light) the Yarmouth Union the Midland and Eastern and the Peterborough Wisbech and Sutton Railway Companies and the undertaking consists of three sections the Midland and Eastern Section the Peterborough Section and the Lynn Yarmouth and Norwich Section And it is provided that until the ultimate fusion and amalgamation as provided under the said Act of the capitals of the said three sections separate accounts of the revenue arising on and attributable to the said several sections respectively shall be kept and it is provided that the moneys standing to the credit of the revenue accounts of the said separate sections shall be applied in the manner in the said Act specified:

And whereas it has been found that a larger amount of capital than originally anticipated has been and will be required for the completion of the Lynn Yarmouth and Norwich Section and that the provisions of the said recited sections of the Amalgamation Act will or may operate inequitably as between the holders of the capitals primarily charged in manner aforesaid upon the separate revenues of the said three sections respectively and it is expedient that the same should be altered be it therefore enacted as follows:—

(1) From and after the passing of this Act sections 21 22 23 24 25 26 and 27 of the Amalgamation Act shall be repealed.

(2) Until the ultimate fusion and amalgamation of capital as provided for by the Amalgamation Act the Company shall keep separate accounts of the revenue arising on and attributable to the several sections of the undertaking viz:—

(*a*). Midland and Eastern Revenue Account.

(*b*) Peterborough Revenue Account.

(*c*) Lynn Yarmouth and Norwich Revenue Account.

(3) There shall be paid in each year from the Midland and Eastern Revenue Account two hundred and ten pounds and from the Peterborough Revenue Account two hundred and fifty pounds to the Lynn Yarmouth and Norwich Revenue Account as contributions on the part of the Midland and Eastern and Peterborough sections respectively towards the office and management expenses of the Company which are to be defrayed out of the Lynn Yarmouth and Norwich Revenue Account.

(4) The moneys standing to the credit of the Midland and Eastern Revenue Account after the payments aforesaid shall be applied in payment of interest and dividend upon the share and loan capital of the Midland and Eastern Railway Company

as set forth in the schedule to the Amalgamation Act according to their respective priorities.

(5) The moneys standing to the credit of the Peterborough Revenue Account after the payments aforesaid shall be applied in payment of interest and dividend upon the share and loan capital of the Peterborough Wisbech and Sutton Railway Company as set forth in the schedule to the Amalgamation Act according to their respective priorities.

(6) The net revenue standing to the credit of the Lynn Yarmouth and Norwich Revenue Account shall be applied in payment of dividend and interest according to their respective priorities upon the share and loan capital of the Company other than the share and loan capital of the Midland and Eastern Railway Company and the Peterborough Wisbech and Sutton Railway Company as set forth in the schedule to the Amalgamation Act.

Interest not to be paid on calls paid up.

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

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

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

Provision as to general Railway Acts.

35. 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.

36. 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.

A.D. 1885.

SCHEDULE OF PROPERTIES the powers for purchase of which are revived and extended.

COUNTY OF NORFOLK.

Parish.	No. on deposited Plan and in deposited Book of Reference referred to in Lynn and Fakenham Railway (Extensions) Act 1880.	Description of Property.
Holt - -	36	Lawn and shrubbery.
,, - -	37	Garden.
,, - -	38	Field.
,, - -	39	Paddock.
,, - -	40	Field.
,, - -	41	Field.
,, - -	42	Field.
,, - -	43	Garden and shed.
,, - -	45	Field.
,, - -	46	Field engine sheds and driftway
,, - -	47	Cottage and garden.
,, - -	48	Field bullock sheds and ponds.
,, - -	50	Field.
,, - -	50A	Field.
,, - -	51	Cottage and garden.
,, - -	52	Field barn and farm buildings.
,, - -	53	Field.

Parish.	No. on deposited Plan and in deposited Book of Reference referred to in Lynn and Fakenham Railway Act 1881.	Description of Property.
Sheringham (Railway No. 3)	58	Field and shed.
Runton (Railway No. 4) -	46	Field and rough ground.
,, -	57	Field.
,, -	59	Field.
,, -	60	Field.

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