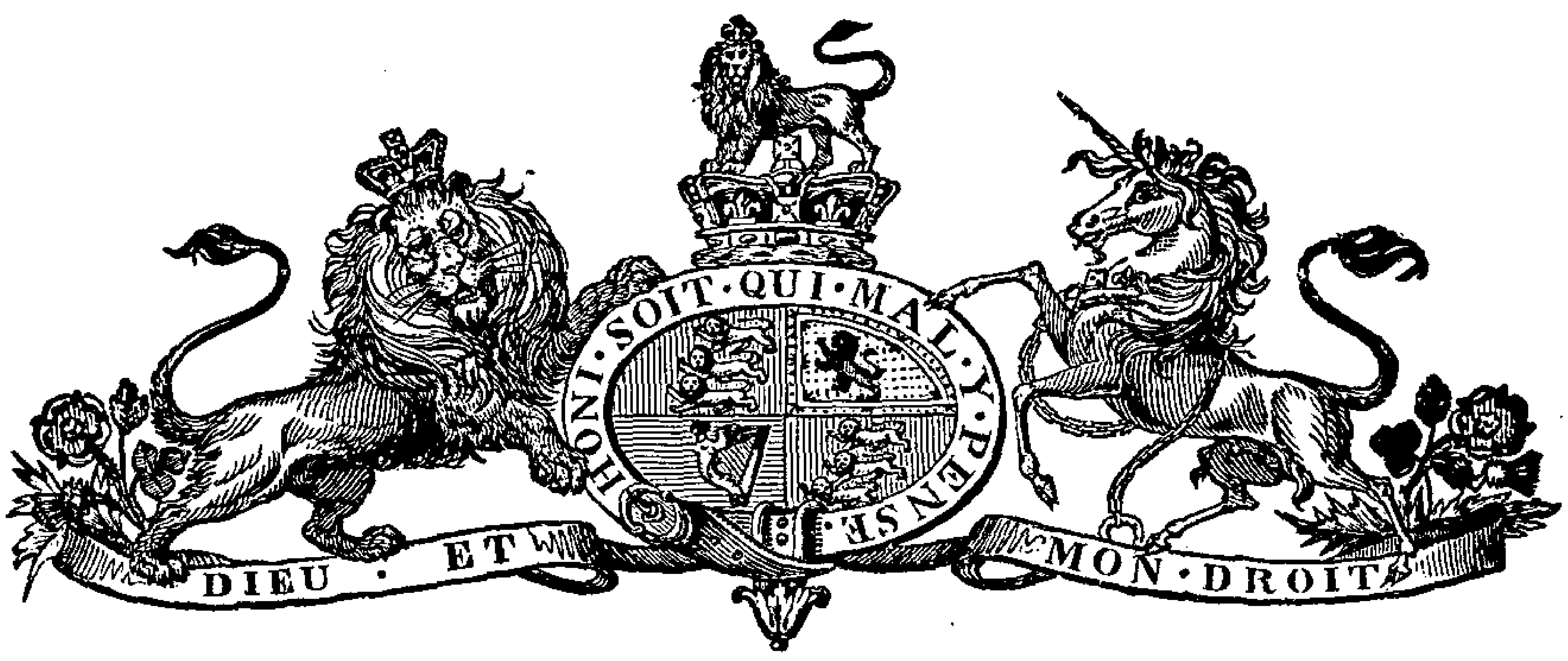


ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

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Cap. cviii.

An Act to enable the *Eastern Counties* Railway Company to use the *East Anglian* Railways, and to empower the *Eastern Counties* Railway Company and the *East Anglian* Railways Company to enter into and carry into effect Agreements for certain Objects therein mentioned; and for other Purposes. [17th *June* 1852.]

WHEREAS the *Eastern Counties* Railway joins the *East Anglian* Railways at *Ely*, and at *Wisbech* and other Places, and forms with such Railways an extensive System of Railway Communication; and it is expedient that Provisions should be made for enabling the *Eastern Counties* Railway Company to use with their Engines and Carriages the Railways which constitute the Undertaking of the *East Anglian* Railways Company, and the Stations, Sidings, Watering Places, and other Conveniences connected with such Railways, and also that the said Companies should be enabled to enter into and carry into effect Agreements for the working of the Traffic upon the Railways of the *East Anglian* Railways Company by the *Eastern Counties* Railway Company, or for the leasing

leasing of such Railways to the last-mentioned Company: And whereas it has been agreed between the *Eastern Counties* Railway Company and the *East Anglian* Railways Company, that the Directors of the last-mentioned Company should have the Right to appoint Two Members of their own Body to act as Directors of the *Eastern Counties* Railway Company in addition to the ordinary Directors of that Company: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Power to Eastern Counties Railway to use the East Anglian Railways.

I. That it shall be lawful for the *Eastern Counties* Railway Company, by Agreement with the *East Anglian* Railways Company, to use with their Engines and Carriages, and to be Carriers upon, the whole or any Portion of the Railways which constitute the Undertaking of the *East Anglian* Railways Company, and to have the Use of the Stations, Watering Places, Sidings, Works, and Conveniences connected with the Railways so used by them for the Purposes of their Traffic.

Companies may enter into Agreements.

II. That it shall be lawful for the said Companies or their Directors from Time to Time to make and enter into such Agreements as they may think proper touching the Payments to be made by the *Eastern Counties* Railway Company for the Use of the *East Anglian* Railways and the Stations and other Works connected therewith; and any such Agreement entered into before the passing of this Act shall be as valid as if the same had been entered into after the passing of this Act, and shall be binding and effectual accordingly.

Companies may enter into working Arrangements.

III. That it shall be lawful for the *East Anglian* Railways Company and for the *Eastern Counties* Railway Company to make Arrangements and Agreements for the working of the *East Anglian* Railways or any Part thereof by the *Eastern Counties* Railway Company, and for the Supply by the last-mentioned Company of Engines, Carriages, Rolling Stock of every Description, and all Things necessary for such Purpose, and for and with respect to the Repair, Maintenance, Management, and Regulation of the *East Anglian* Railways, and the Stations, Works, and Conveniences thereof, and the Expenditure for such Purposes, upon such Terms and Conditions, and for such Period, as the said Companies shall think fit, and from Time to Time to alter or vary such Arrangements and Agreements, or any of them; and all Contracts and Agreements with reference to the Matters aforesaid between the said Companies, sealed with their respective Common Seals, shall be valid and binding upon them to all

Intents

Intents and Purposes; and any such Agreement entered into before the passing of this Act shall be as valid as if the same had been entered into after the passing of this Act, and shall be binding and effectual accordingly.

Agreements to be subject to the Approval of the Board of Trade, so far as the Public may be affected.

IV. That all Agreements entered into between the said Companies for any of the Purposes aforesaid shall, so far as the same may affect the Interests of the Public, be subject to the Approval of the Board of Trade, and no such Agreement shall be operative until a Certificate in Writing, under the Seal of the said Board, shall have been obtained to the effect that the same is not, in the Opinion of the said Board, calculated to affect prejudicially the Interests of the Public.

Power to let the East Anglian Railways to the Eastern Counties Railway Company.

V. That it shall be lawful for the *East Anglian* Railways Company, with the Consent of Four Fifths of the Proprietors present at a General Meeting of that Company specially convened for the Purpose, to let on Lease, and for the *Eastern Counties* Railway Company, by and with the like Authority on the Part of their Shareholders, to rent on Lease, the Railways which constitute the Undertaking of the *East Anglian* Railways Company, or any Part thereof, upon such Terms and Conditions as may be agreed upon; and in the event of any such Lease it shall be lawful for the *Eastern Counties* Railway Company to hold the said *East Anglian* Railways, or so much of the same as may be rented by them, and to use, exercise, and enjoy all Powers, Rights, and Privileges of the *East Anglian* Railways Company, whether for levying and recovering Tolls or otherwise in relation thereto.

Provision as to the Norfolk Railway Company requiring an Amalgamation with the Eastern Counties Company, &c.

VI. Provided always, That if within the Space of One Year from the passing of this Act the *Norfolk* Railway Company shall, by Writing under their Common Seal, directed to the Secretary of the *Eastern Counties* Railway Company, and delivered to or left for him at the principal Place of Business of that Company, require the *Eastern Counties* Railway Company to enter into an Agreement for an Amalgamation with that Company, upon Terms to be decided upon by Arbitration in the Mode prescribed by the "Companies Clauses Consolidation Act, 1845," for the Settlement of Disputes by Arbitration, then and in such Case no Lease to the *Eastern Counties* Railway Company of the *East Anglian* Railways, or any Part thereof, shall be operative until the *Eastern Counties* Railway Company shall have consented in Writing under their Common Seal to an Amalgamation with the *Norfolk* Railway Company upon such Terms as aforesaid; provided also, that until such Demand has been made and Consent given no such Lease as aforesaid shall be operative: Provided nevertheless, that if the *Norfolk* Railway Company shall, for the Space of One Year from the passing of this Act, omit to make such

such Demand as aforesaid, then and in such Case any Lease of the *East Anglian* Railways, or any Part thereof, to the *Eastern Counties* Railway Company shall be as good, valid, and effectual as the same would have been if this Enactment had not formed Part of this Act.

Provision for facilitating Traffic from the Eastern Union Railway over the Norfolk and East Anglian Railways, &c.

VII. That if and so long as the *Eastern Counties* Railway Company shall be in possession of or work the Traffic upon the *East Anglian* Railways or the *Norfolk* Railways, or either of those Railways, and if the *Eastern Union* Railway Company shall so require, it shall be referred to Arbitration in the Manner provided by the "Companies Clauses Consolidation Act, 1845," for the Settlement of Disputes by Arbitration, to determine what Arrangements shall be made by the *Eastern Counties* Railway Company for affording proper Facilities and Convenience for the Conveyance and all other Accommodation of Passengers, Animals, and Goods, to be conveyed to or from the *Eastern Union* Railway, or any Part thereof, upon and along so much and such Portion of the *Norfolk* Railway as lies or is situate between *Norwich*, *Wymondham*, and *East Dereham*, and also upon and along so much of the *East Anglian* Railways as lies or is situate between *East Dereham* aforesaid and *Lynn Regis* or *Wisbech*, and to determine the Terms and Conditions on which such Use, Conveyance, and Accommodation shall be afforded, and generally to determine all Matters incident to the Arrangements herein-before mentioned, or which may be necessary or expedient for giving effect to the same; and such Reference shall be made and conducted in all respects according to the Provisions of the said "Companies Clauses Consolidation Act, 1845;" and the Award or Determination of the Arbitrator or Arbitrators or Umpire, as the Case may be, shall in every such Case be binding on the said Companies and be carried into effect accordingly; and it shall be competent for such Arbitrator or Arbitrators or Umpire, as the Case may be, in and by any such Award, to order and direct the *Eastern Counties* Railway Company to do all such Acts as may be necessary or expedient for carrying the said Arrangements into effect, and also to award and determine that for each and every wilful Default or Evasion thereof the *Eastern Counties* Railway Company shall pay to the *Eastern Union* Railway Company such Sum or Sums of Money as and by way of liquidated Damages as he or they may appoint, and such Damages if under Fifty Pounds may be recovered in a summary Manner before Two Justices of the Peace for the County of *Norfolk*, or in any County Court of the same County, and if above Fifty Pounds may be recovered in any Court of competent Jurisdiction: Provided always, that nothing in this Act contained shall be held to authorize the *Eastern Union* Railway Company to run locomotive Engines upon any Portion of the said *Norfolk* or *East Anglian* Railways.

VIII. Pro-

Limiting Tolls and Charges to be made by the Eastern Counties Company on the East Anglian Railways.

VIII. Provided always, That in the event of the *Eastern Counties* Railway Company becoming possessed of the *East Anglian* Railways, or any Part thereof, by virtue of any Lease, or in the event of their using the same by virtue of any working Agreement, it shall not be lawful for the *Eastern Counties* Railway Company to demand or receive upon such Railways, or any Part thereof, any Tolls or Charges which shall exceed the maximum Tolls and Charges which the *East Anglian* Railways Company are now authorized to levy and make upon the said Railways.

Provision for regulating the Traffic on East Anglian Railways to East Dereham, &c.

IX. And in order to prevent Obstruction to any future Railway Communication between the Town of *East Dereham* and the *Great Northern* Railway by reason of the Powers by this Act conferred on the *Eastern Counties* Railway Company with reference to the *East Anglian* Railways, be it enacted, That if the *Eastern Counties* Railway Company shall at any Time be in possession of or use the *East Anglian* Railways by virtue of any such Agreement as aforesaid, they shall permit any Company now existing or which may hereafter be incorporated, and which is or may be authorized to make a Railway from the *Great Northern* Railway to any Part of the *East Anglian* Railways at *Wisbech* or *King's Lynn*, or between those Places, to use with their Engines and Carriages so much of the said *East Anglian* Railways as may lie between the Point of Junction therewith of any such Railway and the Town of *Dereham*, so as to communicate with the Railways beyond *Dereham*, and also all Stations, Watering Places, Water Approaches, Sidings, Works, and Conveniences appertaining to the said Portion of the said *East Anglian* Railways; and the Use of the said Portion of the *East Anglian* Railways, Stations, Watering Places, Water Approaches, Sidings, Works, and Conveniences shall be on such Terms and Conditions, and on Payment of such reasonable Tolls, Charges, or Considerations, and shall be subject to such Regulations, as shall be from Time to Time prescribed by the Board of Trade, and in case of any Difference at any Time arising with reference to any of the Matters aforesaid, the same shall be determined by the Board of Trade, whose Decision shall be final and conclusive.

Directors of East Anglian Railways Company may appoint Two Persons to act as Directors of the Eastern Counties Railway Company.

X. That it shall be lawful for the Directors of the *East Anglian* Railways Company from Time to Time to appoint as Directors of the *Eastern Counties* Railway Company, in addition to the ordinary Directors thereof, Two Persons, being Directors of the *East Anglian* Railways Company, and being also duly qualified to act as Directors of the *Eastern Counties* Railway Company, and from Time to Time to appoint another Member of their own Body duly qualified as aforesaid in the Stead of any Director who shall die, resign, or become incapable of acting by ceasing to be a Director of the

East Anglian Railways Company, or by ceasing to possess in his own Right a sufficient Amount of Shares or Stock in the *Eastern Counties* Railway Company to qualify him to act as a Director of that Company, and such Directors when so appointed by the Directors of the *East Anglian* Railways Company, shall have the same Powers as other Directors of the *Eastern Counties* Railway Company, and shall continue in Office until they shall respectively die, resign, or become disqualified as aforesaid: Provided always, that if the Directors of the *East Anglian* Railways Company shall at any Time fail or omit to appoint a Director or Directors under the Powers in that Behalf herein contained, or if from any Cause the Place or Places at the Board of Directors of the *Eastern Counties* Railway Company of the Directors hereby authorized to be appointed on behalf of the *East Anglian* Railways Company shall be vacant, then the remaining or ordinary Directors of the *Eastern Counties* Railway Company, and the Director, if any, appointed on behalf of the *East Anglian* Railways Company, shall be competent to act as if such Failure, Omission, or Vacancy had not occurred.

Evidence of such Appointment.

XI. That a Certificate in Writing of the Appointment, Death, Resignation, Incapacity, or Disqualification of any Director appointed on behalf of the *East Anglian* Railways Company under the Common Seal of that Company, or under the Hand of the Chairman for the Time being of the Directors of that Company, shall, as soon as may be after the Event therein certified shall have occurred, be deposited at the principal Office of the *Eastern Counties* Railway Company, and shall (as between the said Companies) be sufficient Evidence of the Facts therein stated.

Directors for East Anglian Railways Company not to vote at Election of other Directors.

XII. That the Directors appointed on behalf of the *East Anglian* Railways Company shall not as such be entitled to vote in the Election of any ordinary Director of the *Eastern Counties* Railway Company: Provided always, that this Enactment shall not deprive any Director appointed on behalf of the *East Anglian* Railways Company of any Right of voting which he may possess as a Shareholder in the *Eastern Counties* Railway Company.

Not to affect the Right of the Northern and Eastern Railway Company to appoint certain Directors of the Company.

XIII. That nothing in this Act shall prejudice or affect the Right of the *Northern and Eastern* Railway Company to appoint a Number of Directors equal to One Half of the other Directors of the *Eastern Counties* Railway Company, but the said *Northern and Eastern* Railway Company shall, after the passing of this Act, be entitled to appoint a Number of Directors equal to One Half of the other Directors of the *Eastern Counties* Railway Company, inclusive of the Directors appointed on behalf of the *East Anglian* Railways Company, and the Fact of the Number of the Directors of the *Eastern Counties* Railway

Railway Company having been reduced by Resolution of the Board of Directors of that Company shall not prevent such an Increase in their Number as may be necessary, after the passing of this Act, to preserve the said Right of the *Northern and Eastern* Railway Company.

Short Title.

XIV. That in citing or referring to this Act in other Acts of Parliament, and in legal Instruments, Pleadings, and other Proceedings, it shall be sufficient to use the Expression "The *Eastern Counties and East Anglian* Railways Act, 1852."

Interest not to be paid on Calls paid up.

XV. That it shall not be lawful for the *Eastern Counties* Railway Company, out of any Money by any Act relating to that Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital of the said Company; provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

XVI. That it shall not be lawful for the *Eastern Counties* Railway Company, out of any Money by any Act relating to that Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purposes of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Companies not exempt from Provisions of future General Acts.

XVII. That nothing in this Act contained shall be deemed or construed to exempt the said Companies, or either of them, from the Provisions of any General Act relating to such Companies, or to this Act, or of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies now in force, or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges now authorized to be taken by such Companies respectively.

Railway to be subject to the Pro-

XVIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Con-*

visions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

Conveyance of Mails by Railway; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the said Companies from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Companies, so far as the same shall be applicable thereto.

Expenses of Act.

XIX. That all the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the *Eastern Counties* Railway Company.

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