ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

****

Cap. ccclvii.

An Act for making a Railway from the *Northern and Eastern Counties* Railway at *Edmonton* to the Town of *Enfield* in the County of *Middlesex*.

[7th *August* 1846.]

WHEREAS the making a Railway from the *Northern and Eastern Counties* Railway at or near to the *Edmonton* Station thereof, in the Parish of *Edmonton* in the County of *Middlesex*, to the Town of *Enfield* in the same County, would be of great public Advantage: And whereas the Persons herein-after named, with others, are willing, at their own Expence, to carry such Undertaking into execution; but the same 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, That the several Acts of Parliament following, "The Companies Clauses Consolidation

8 & 9 Vict. cc. 16. 18. and 20. incorporated with this Act.

Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, except as to any of the Provisions thereof respectively which are herein-after varied or repealed, or which may be inconsistent with the express Provisions of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in other Instruments or Proceedings, or for any other Purpose, it shall be sufficient to use the Expression "The *Enfield and Edmonton* Railway Act, 1846."

Subscribers incorporated.

III. And be it enacted, That *John Fulford Owen*, *George Antoine Ramsay*, *Daniel Harrison*, *Edward Beckett*, and *William Hainworth*, and all other Persons and Corporations who have subscribed or shall subscribe to the Undertaking hereby authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be and are hereby united into a Company for the Purpose of making and maintaining the Railway herein-after more particularly mentioned and defined, with proper Works and Conveniences for or belonging to the same Railway, according to the Provisions of the said Acts and of this Act; and such Company shall be and are hereby incorporated by the Name of "The *Enfield and Edmonton* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, and within the Restrictions of this and the recited Acts.

Construction of the Words "the Railway."

IV. And be it enacted, That every Reference in this Act to "the Railway," in relation to the Undertaking hereby authorized, shall be construed to include as well the said Railway as the other Works hereby authorized, except there be something in the Subject or Context repugnant to such Construction.

Capital, and Number and Amount of Shares.

V. And be it enacted, That the Capital of the Company shall be Thirty-six thousand Pounds divided into One thousand eight hundred Shares of Twenty Pounds each.

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any single Call, and that not more than Four Calls shall be made in any One Year, and Three Months at least shall be the Interval between successive Calls.

Power to allow Interest to be paid on Calls until Railway completed.

VII. And be it enacted, That it shall be lawful for the Directors of the Company, in their Discretion, and until the Railway shall be completed and opened to the Public, to pay Interest, at any Rate not exceeding Four Pounds *per Centum per Annum*, in respect of the Deposits and Calls which shall have been paid on every Share, from the Time or respective Times of the Payment thereof, or any subsequent Time or Times, such Interest to accrue and be paid at

such Times and in such Manner as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share, during the Time whilst any such Call shall be in arrear, in respect of such Share, or any other Share holden by the said Proprietor.

Empowering the Eastern Counties Railway Company to subscribe to the Undertaking;

VIII. And whereas the Eastern Counties Railway Company, who are Lessees of the *Northern and Eastern* Railway Company, with which the Railway hereby authorized will form a Junction, are willing to subscribe towards the Undertaking; be it therefore enacted, That it shall be lawful for the said *Eastern Counties* Railway Company to subscribe towards and become Shareholders in the Undertaking, in their own Names, to the Extent of Five hundred and twenty-five Shares in the Capital thereof.

and to raise the requisite Funds.

IX. And be it enacted, That it shall be lawful for the said *Eastern Counties* Railway Company to raise all or any Part of the Money to be subscribed by them as aforesaid by the Creation of new Shares in their Undertaking, of such Amount, and under such Conditions, and particularly as to the Dividends thereon, whether the same shall be fixed or rateable, and as to the Rights of voting, and other Privileges and Obligations to be respectively conferred and imposed on the Holders of such Shares, as such Company, at any Extraordinary Meeting thereof, shall determine; and, subject to any Resolution or Determination of such Meeting, the Shares so to be created shall be subject to the Provisions of the said Companies Clauses Consolidation Act with respect to the Transfer or Transmission of Shares, the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, and to Forfeiture of Shares for Nonpayment of Calls: Provided nevertheless, that it shall be lawful for the said *Eastern Counties* Railway Company, instead of raising by the Issue of new Shares the whole or any Part of the Money required for the Purposes last aforesaid to be subscribed by them, to raise the same, or any Portion thereof, by Mortgage of their Undertaking, or by Bond, pursuant to the Provisions in that Behalf of the said Companies Clauses Consolidation Act: Provided always, that the same Company shall not by such Means increase the Amount which may be owing at any one Time on Mortgage of their Undertaking beyond the Proportion of One Third of their then existing Capital (including as Part of such Capital the Amount for the Time being paid on their Shares in the said Undertaking hereby authorized): Provided also, that all Mortgages or Bonds already made or hereafter to be made by the said *Eastern Counties* Railway Company under the respective Powers in that Behalf heretofore conferred on them by the Acts relating to the same Company shall have Priority over the Mortgages and Bonds to be respectively made by them under this Act.

Restricting the Transfer of Shares by the Eastern Counties

X. And be it enacted, That it shall not be lawful for the said *Eastern Counties* Railway Company to transfer, sell, or otherwise dispose of their Shares in the Undertaking hereby authorized, or any

of

Railway Company.

of them, to or in favour of any Company or Person, without the express Authority of Parliament for that Purpose first obtained, or otherwise without the previous Consent of an Extraordinary Meeting of the Company hereby incorporated, and at which Meeting the said *Eastern Counties* Railway Company shall not vote upon the Question whether such Consent shall be given.

Power to borrow Money on Mortgage.

XI. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Twelve thousand Pounds due at any one Time, but no Part of such Sum shall be borrowed until the whole of the said Capital of Thirty-six thousand Pounds shall have been subscribed, and One Half thereof shall have been actually paid.

Mortgages and Transfers, &c. to be stamped.

XII. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein contained to the contrary notwithstanding.

Mortgagees may enforce Payment of Arrears by Appointment of Receiver.

XIII. And be it enacted, That it shall be lawful for any Mortgagee or Mortgagees of the Company, the Amount or aggregate Amount due to whom by virtue of his or their Mortgage or Mortgages shall not be less than the Sum of Six thousand Pounds, to enforce the Payment of the Arrears of Interest, or the Arrears of Principal and Interest, due on any such Mortgage or Mortgages, by the Appointment of a Receiver in the Manner and with the Powers respectively prescribed and given in that Behalf by the said Companies Clauses Consolidation Act.

First and other Meetings of Shareholders.

XIV. And be it enacted, That the First Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *January* and *July* in each Year.

Quorum at General Meetings.

XV. And be it enacted, That the Quorum for every General Meeting of the Company, whether ordinary or extraordinary, shall be Ten or more Shareholders holding in the aggregate not less than Four thousand Pounds in the Capital.

Number of Shareholders to convene Extraordinary Meetings.

XVI. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Ten Shareholders holding in the aggregate not less than Six thousand Pounds in the Capital of the Company: Provided nevertheless, that the said *Eastern Counties* Railway Company may, from Time to Time, by Writing under their Common Seal, or under the Hand or respective Hands of the Chairman or of any Three of the Members of the Board of Directors of the same Company, require an Extraordinary Meeting, or may call such Meeting in

in the like Manner as the prescribed Number of individual Shareholders.

Eastern Counties Railway Company may appoint some Person to vote in their Behalf.

XVII. And be it enacted, That it shall be lawful for the said *Eastern Counties* Railway Company, from Time to Time, by Writing, either under their Common Seal, or under the Hand of the Chairman for the Time being of the Directors of the same Company, or under the Hands of any Three of such Directors, to nominate some Person to vote on their Behalf, and otherwise represent them, at any Meeting of the Company hereby incorporated; and it shall not be requisite that such Person should be a Shareholder in the last-mentioned Company; and such Nominee shall accordingly have and exercise the Right of voting at such Meeting as the said *Eastern Counties* Railway Company, and to the Extent in which such Right of voting is hereby conferred on them; and every such Appointment (unless specially restricted to any particular Meeting or Meetings) shall continue in force with reference to the Meetings from Time to Time of the Company hereby incorporated, until such Appointment shall have been expressly revoked by a like Writing, or by a subsequent Appointment of some other Person to vote on behalf of and represent the said *Eastern Counties* Railway Company.

Appointment of Nominee to be transmitted to the Secretary.

XVIII. And be it enacted, That every such Instrument of Appointment of a Nominee of the *Eastern Counties* Railway Company shall be delivered or transmitted to the Secretary of the Company hereby incorporated Three clear Days before the Time appointed for holding the Meeting or the first Meeting at which the Right of voting thereby delegated is to be exercised.

First Directors of the Company.

XIX. And be it enacted, That *John Fulford Owen*, *George Antoine Ramsay*, *Daniel Harrison*, *Edward Beckett*, and *William Hainworth*, shall be and are hereby appointed the First Directors of the Company.

Number of Directors, and their Qualification.

XX. And be it enacted, That the Number of Directors for the Time being of the Company shall be Seven, of whom, at and after the First Ordinary Meeting of the Company, Two shall be from Time to Time nominated by the *Eastern Counties* Railway Company, and Five shall be elected by the Shareholders of the Company hereby incorporated, other than and except the *Eastern Counties* Railway Company; and the Qualification of Directors, except the Directors to be from Time to Time nominated by the *Eastern Counties* Railway Company, shall be the Possession in their own Right respectively of Twenty Shares in the Undertaking, but the Directors to be from Time to Time nominated by the *Eastern Counties* Railway Company shall not respectively be required to hold any Shares in the Undertaking hereby authorized.

Directors to continue in Office until

XXI. And be it enacted, That the Directors appointed by this Act, or such of them as shall not previously die or resign, or become disqualified,

the first Ordinary Meeting.

disqualified, or be removed, shall continue in Office until the first Ordinary Meeting of the Company.

Eastern Counties Railway Company may nominate Two Directors.

XXII. And be it enacted, That it shall be lawful for the said *Eastern Counties* Railway Company, after they shall have subscribed to the Capital of the Company hereby incorporated to the Extent hereinbefore specified, to nominate, at or before the First Ordinary Meeting of the Company hereby incorporated, and by or pursuant to a Resolution of a Board of Directors of the said *Eastern Counties* Railway Company (and from amongst the Directors for the Time being of the same Company), Two Directors of the Company hereby incorporated; and every Director so nominated shall accordingly become a Director of the Company hereby incorporated from and after the said First Ordinary Meeting; and every Person so nominated, or who shall be nominated in his Place, under the Provisions of this Act, shall continue in Office until he shall die or resign, or become disqualified by ceasing to be a Director of the *Eastern Counties* Railway Company, or by any other Means, or shall by a like Resolution (which the Directors of the same Company are hereby empowered to make, as well before as after the said First Ordinary Meeting,) be removed from being a Director of the Company hereby incorporated; and when and as often as any such Vacancy shall occur the same may be in like Manner supplied by the said *Eastern Counties* Railway Company.

Certain Clauses in 8 & 9 Vict. c. 16. not to apply to Directors nominated by Eastern Counties Railway Company.

XXIII. And be it enacted, That the several Provisions of the said Companies Clauses Consolidation Act which concern the Election, Qualification, Retirement from Office, and Rotation of Directors shall not apply to the Directors to be from Time to Time nominated by the said *Eastern Counties* Railway Company, or such of the Directors hereby appointed as are herein mentioned to have been nominated by the same Company.

Provisions as to the Election of the other Directors by the Shareholders, other than the Eastern Counties Railway Company.

XXIV. And be it enacted, That at the first Ordinary Meeting to be held next after the passing of this Act Five Directors shall be elected by the Shareholders present, either personally or by Proxy, at such Meeting, (except the *Eastern Counties* Railway Company, or their Nominee,) and at such Meeting any Directors hereby appointed, and being duly qualified, shall be eligible; and the Continuance in and Retirement from Office, Rotation, and Election or Re-election, and the Supply of occasional Vacancies in the Number of the Five Directors so to be elected, and of the Directors to be from Time to Time elected in their Place, shall be regulated by the Provisions in that Behalf of the said Companies Clauses Consolidation Act, in like Manner (including the filling up of any such occasional Vacancies) as if the Five Directors so to be elected were the whole Number of the Directors of the Company hereby incorporated: Provided nevertheless, that the *Eastern Counties* Railway Company, or their Nominee, shall have no Right to vote in or otherwise influence the Election of the Directors to be from Time to Time elected as aforesaid, any or either of them: Provided also, that the Ordinary Meeting for the

Election of Directors shall be the first Ordinary Meeting in each Year.

Evidence of Nomination and Removal of Directors by the Eastern Counties Railway Company.

XXV. And be it enacted, That the Nomination or Removal, or any Instrument purporting to be the Nomination or Removal, of any Directors or Director hereby authorized to be nominated by the *Eastern Counties* Railway Company, authenticated by the Seal of the said Company, or the Signature of the Chairman, or any Three of the Members of the Board of Directors thereof, for the Time being, and deposited with the Secretary of the Company hereby incorporated, shall be sufficient Evidence of such Nomination or Removal respectively.

Directors nominated by Eastern Counties Railway Company to have the same Powers as the other elected Directors.

XXVI. And be it enacted, That, in all Particulars not herein otherwise provided for, such of the Directors of the Company hereby incorporated as are hereby authorized to be, and shall from Time to Time be, nominated by the said *Eastern Counties* Railway Company, shall have the same Powers and be subject to the same Provisions and Regulations as if they respectively had been duly elected under the Provisions in that Behalf of this Act and the said Companies Clauses Consolidation Act: Provided also, that all Acts of the Directors of the Company hereby incorporated, acting under or in pursuance of the Provisions of this Act and the said Acts, shall be valid, notwithstanding the said *Eastern Counties* Railway Company shall not for the Time being have made a complete or any Nomination of Directors to the Extent and in the Manner herein-before expressed, and although at any Time, and from any Cause, the full Number of Directors shall not be complete.

In certain Cases the Number of Directors to be nominated by the Eastern Counties Railway Company to be reduced.

XXVII. Provided always, and be it enacted, That if the said *Eastern Counties* Railway Company shall at any Time hold any Number of Shares less than Five hundred and twenty-five Shares but exceeding Two hundred and fifty Shares in the Undertaking, then and thenceforth such Company shall only be entitled to nominate One Director, and if at any Time such Company shall hold any Number of Shares less than Two hundred and twenty-five Shares the Right of the same Company to nominate any Director shall wholly cease; and in any of the aforesaid Cases One of the Directors, to be determined by Lot, or both of them, or the single remaining Director, (as the Case may be,) shall cease to be a Director, and at the next General Meeting of the Company hereby incorporated the Place of the Director or Directors so become vacant shall be supplied by the Election of One or more Directors (as the Case may be) by the Shareholders in the Company hereby incorporated; and the Election of such Director or Directors shall thenceforth be and remain with the Shareholders in the Company hereby incorporated, and shall be regulated, in manner herein provided for the Election of Directors, by and on behalf of such Shareholders, and as if the Election of the Director or Directors the Right of nominating whom shall be so lost by the said *Eastern Counties* Railway Company had originally been authorized to be made by such Shareholders in addition to the Directors

hereby

hereby authorized to be elected by them; and the Order of Rotation in which any such additional Director or Directors shall go out of Office shall be regulated by the Provisions of the said Companies Clauses Consolidation Act with respect to the Rotation of an increased Number of Directors: Provided also, that in case such Right of Nomination as aforesaid by the said *Eastern Counties* Railway Company shall have wholly ceased by reason of their holding less than Two hundred and fifty Shares, the same Company shall, in respect of any Shares which shall still be retained by them, have the Right of voting in the Election of any Director or Directors as any other Proprietor of the said Company shall have in respect of the same Number of Shares.

Power to vary the Number of Directors.

XXVIII. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors, provided that the Numbers of Directors, when so increased, do not exceed Ten, and if reduced be not less than Five Directors: Provided always, that whilst the said *Eastern Counties* Railway Company shall, under the Provisions of this Act, retain any Right of nominating Two Directors or a single Director, no such Increase of the Number of Directors shall be made without the express Consent of the same Company under their Common Seal.

Quorum of Directors.

XXIX. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Remuneration of Directors and Auditors.

XXX. And be it enacted, That the Remuneration of the Directors and also of the Auditors to be appointed under the Provisions of the said Companies Clauses Consolidation Act shall from Time to Time be fixed by a General Meeting of the Company, and be paid out of the Funds of such Company.

Committee of Directors.

XXXI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Five, and the Quorum of such Committees shall be Three; but such Committees shall not be empowered to make Calls for Money upon the Shareholders.

Period for Balance of Books, and for Inspection.

XXXII. And be it enacted, That the Period to which the Books of the Company shall be brought to a Balance shall be the First Day of *January* and the First Day of *July* in each Year; and the Periods at which the Shareholders and Bond Creditors of the Company shall be entitled to the Inspection of such Books, and also the Balance Sheet to be made up as provided by the Companies Clauses Consolidation Act, shall be Seven Days before and Seven Days after such Ordinary Meeting.

Newspaper for Insertion of Advertisements.

XXXIII. And be it enacted, That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be a Newspaper for the Time being usually circulated in the County of *Middlesex*.

XXXIV. And

Power to make Railway according to deposited Plans.

XXXIV. And whereas a Plan and Section of the Railway showing the Line and Level thereof, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees and Occupiers, or reputed Lessees and Occupiers, of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Middlesex*; be it enacted, That, subject to the Provisions in this and the said Acts contained, it shall be lawful for the said Company hereby incorporated to make and maintain the said Railway and Works in the Line and upon the Lands delineated in the said Plan, and described in the said Book of Reference, and to enter upon and take and use such of the said Lands as shall be necessary for the Purpose.

Line of Railway

XXXV. And be it enacted, That the Line of Railway hereby authorized shall commence by a Junction or Junctions with the *Northern and Eastern Counties* Railway at or near to the *Edmonton* Station thereof, in the Parish of *Edmonton* in the County of *Middlesex*, and terminate at or near to the Town of *Enfield* in the Parish of *Enfield* in the same County, between a certain High Road or Lane there called *Nag's Head Lane* and a certain Turnpike Road or Lane there called *London Lane*, and shall be made and pass in, through, and into the Parishes of *Edmonton* and *Enfield* in the said County of *Middlesex*.

Power to cross certain Roads on a Level.

XXXVI. And whereas the said Railway is proposed to be carried across the *London and Ware* Turnpike Road, being N° 63. in the Parish of *Edmonton* in the Plan so deposited as aforesaid, and across a public Highway called *Bury Street*, being N° 40. in the same Parish; be it enacted, That the Company may make the Railway across the same Turnpike Road and Highway respectively upon a Level at the respective Points marked on the said Plan, or within the Limits of Deviation hereby and by the recited Acts authorized.

In diverting the Metropolis Turnpike Road at Lower Edmonton, Company not to raise the Level of new Road above Sixteen Feet, &c.

XXXVII. And whereas it is intended to divert the present *London and Ware* Turnpike Road at *Lower Edmonton*, and to carry the said Railway under the proposed new Road, according to a Plan signed by *Sir James M'Adam* on behalf of the Metropolis Roads Commissioners, and by *Michael Andrews Borthwick* on behalf of the said Company, and deposited at the Metropolis Roads Office; be it enacted, That it shall not be lawful for the said Company to raise the Level of the said proposed new Road in any Part more than Sixteen Feet from either of its Points of Junction with the said present Road, and that the Ascent to such raised Level on the Northern Side shall not be more than One Foot in Forty Feet, and the Ascent to such raised Level on the Southern Side shall not be more than One Foot in Thirty-five Feet; and that the Bridge by which the said proposed new Road shall be carried over the said Railway shall have Parapet Walls on each Side thereof not less than Eight Feet in Height from the Middle of the Road lying between such Walls respectively, and that the said Company shall erect close boarded Fences in each Direction and on both Sides of the Ascents to such raised Level for a Distance

a Distance of not less than Fifty Feet from the Four Ends of such Parapet Walls, and shall make the said close boarded Fences not less than Eight Feet in Height from the Middle of the Road lying between such Fences respectively; and shall also make such other Fences from the Ends of the said boarded Fences to the said Points of Junction with the said present Road as shall be required by the General Surveyor of the said Commissioners for the Time being; and that the said Bridge and the whole of the said proposed new Road shall have a clear Width of not less than Forty Feet between the Walls or Fences thereof respectively; and that the Soffit of the Arch of the said Bridge shall not be less than Eighteen Inches below the Surface of the Road over the said Bridge and every Part thereof, and that of the Forty Feet between the Walls of the said Bridge and Fences of the said proposed new Road, so much shall be formed into a Carriageway as shall be required by the General Surveyor of the said Commissioners for the Time being; and that the said Company shall, according as they may be so required as aforesaid, form a raised Footpath on One Side, or raised Footpaths on each Side of the said Carriageway, and shall form the said Road, Footpaths, and paved Channels of such Materials, and of such Quantity and Quality of each Material, and in such Manner in all respects as shall be from Time to Time directed or required in Writing by the said General Surveyor for the Time being, and shall lay down Curbstones at the Edge of the Footpath or Footpaths over the said Bridge, and shall form paved Water Channels between such Curbstones and the said Carriageway, and shall make and lay proper Drains for the said proposed new Road; and that all such Works shall be done, and the said Bridge and the Walls thereof shall be for ever hereafter maintained, by and at the Expence of the said Company.

Site of new Road to be conveyed to the Metropolis Roads Commissioners.

XXXVIII. And be it enacted, That the said Company shall at their own Expence procure the Land over which the said new Road and Works shall be made to be conveyed to the said Metropolis Roads Commissioners by the Parties entitled to convey the same, to the Satisfaction of the Solicitor for the Time being of the said Commissioners.

The present Road not to be interfered with until the new one is made.

XXXIX. And be it enacted, That the said Company shall not have Power to cross the said present Turnpike Road, nor shall the same or any Part thereof be in any way interfered with, until such Time as it is certified in Writing by the said General Surveyor for the Time being that the said proposed new Road, and the said Bridge, Walls, Fences, Drains, and all other Works before mentioned, have been well and properly made, and are in a good and proper State for the Safety and Convenience of the Public, and also by the Solicitor for the Time being of the said Commissioners that the said Land on which the said new Road and Works are made has been duly conveyed to the said Commissioners as aforesaid.

Alterations may be made in the Works with the

XL. Provided always, and be it enacted, That it shall be lawful for the said Commissioners and Company to agree with each other for the carrying of the said Railway under the said proposed new Road in

any other Manner than is herein-before mentioned or provided for, and for the making, doing, and maintaining by the said Company of all such Works, Matters, and Things as may be necessary or expedient for the Purposes aforesaid; and in case of any such Agreement it shall not be binding on the said Company to do such of the Works, Matters, and Things herein-before or in the said recited Acts required to be done by them as shall be by the said Agreement expressly dispensed with by the said Commissioners.

Consent of the Commissioners of the Metropolis Roads.

XLI. Provided always, and be it enacted, That the said proposed new Road, Bridge, Walls, Fences, Drains, and all other the Works aforesaid, and also all Repairs and Renewals of the said Bridge and Walls which shall hereafter be made by the said Company, shall be constructed and made and formed under the Direction and Superintendence from Time to Time of the said General Surveyor for the Time being; and that the Plans and Designs for the said Bridge and the Works connected therewith, which shall respectively be as ornamental as shall be consistent with the Nature and Situation of the Work, and the Materials whereof the same shall be constructed, shall be such as shall be approved of by the said General Surveyor for the Time being.

All Works connected with the Metropolis Roads to be constructed under the Superintendence of the General Surveyor of the Commissioners.

XLII. Provided also, and be it further enacted, That if and so often as the said Company shall fail to maintain and keep in good and complete Repair, to the Satisfaction of the said General Surveyor for the Time being, the said Bridge, Walls, and other Works connected with carrying the said proposed new Road over the said Railway, and if, after Notice thereof given to the said Company by or on behalf of the said Commissioners of the Metropolis Turnpike Roads North of the *Thames*, the said Company shall not for the Space of Three Days commence such Works or Repairs as may from Time to Time be necessary, and proceed therein with all reasonable Expedition until the same shall be completed, it shall be lawful for the said Commissioners to proceed to do such Repairs and Works, causing as little Obstruction to the said Railway in the Progress of such Repairs and Works as may be; and all the Costs, Charges, and Expences incurred by the said Commissioners shall be paid, on demand, by the said Company, or on Failure of Payment for Twenty-one Days after such Demand the same may be recovered from the said Company, with full Costs of Suit, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

If the Company fail to keep Works in repair, the Metropolis Roads Commissioners may repair the same.

XLIII. And be it enacted, That the Junction of the said Railway hereby authorized with the said *Northern and Eastern Counties* Railway, and all such Openings in the Ledges or Flanches of the same Railway as may be necessary or convenient for effecting such Junction, shall be made by and at the Expence of the Company, but under the Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the said *Eastern Counties* Railway Company.

Junction with the Northern and Eastern Counties Railway to be made under Superintendence.

XLIV. And

Land for extraordinary Purposes.

XLIV. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Twenty Acres.

Periodwithin which Lands are to be purchased.

XLV. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XLVI. And be it enacted, That the Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the said recited Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Tolls.

XLVII. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

In respect of the Tonnage of all Articles conveyed upon the Railway, or any Part thereof, as follows:

1st Class.—For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile One Penny: and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny;

2nd Class.—For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Slabs, Billets, and rolled Iron, and other similar Descriptions of Wrought Iron and Iron Castings, Salt, Slag, and Stone, *per* Ton *per* Mile, Two-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Mile not exceeding Three Farthings:

3rd Class.—For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Two-pence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

4th Class.—For all Cotton and other Wools, Drugs, manufactured Goods, Fish, and other Wares, Merchandize, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Three-pence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, if carried or conveyed on a Truck or Platform not belonging to the Company, *per* Mile One Shilling; but if on a Truck or Platform belonging to the Company, then *per* Mile One Shilling and Two-pence:

And

And a Sum of Two-pence *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh.

Tolls for Passengers and Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny Halfpenny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Bull, Cow, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Three-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Calf or Pig, Sheep or Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny.

Regulation as to the Tolls.

XLVIII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than the whole Length thereof the Company may demand Tolls and Charges as for the whole Length thereof:

For the Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight;

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XLIX. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels or separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed

Four Tons, but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Eight-pence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers Luggage.

L. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Maximum Rate of Charges for Passengers.

LI. And be it enacted, That the maximum Rate of Charges to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of Three-pence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Two-pence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

Maximum Rate of Charges for Cattle, Goods, &c.

LII. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, be it enacted, That the maximum Rates of Charge to be made by the Company, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every Expence incidental to such Conveyance, (except the loading and unloading of Goods, where such Service is performed by the Company,) shall not exceed the following Sums:

For every Horse, or other Beast of Draught or Burthen before classed with Horses, the Sum of Five-pence *per* Mile:

For Cattle, the Sum of Two-pence *per* Head *per* Mile:

For Calves and Pigs, One Penny each *per* Mile:

For Sheep and small Animals, Three Farthings each *per* Mile:

For every Carriage, the Sum of Seven-pence *per* Mile:

For Manure, or other Articles comprised in the aforesaid First Class, the Sum of One Penny Halfpenny *per* Ton *per* Mile:

For Coals, and other Articles comprised in the aforesaid Second Class, the Sum of Two-pence *per* Ton *per* Mile:

For Sugar, and other Articles comprised in the aforesaid Third Class, the Sum of Three-pence *per* Ton *per* Mile:

For Cotton, and other Articles comprised in the aforesaid Fourth Class, the Sum of Three-pence Halfpenny *per* Ton *per* Mile.

Restriction as to Charges not to apply

LIII. Provided always, and be it enacted, That the aforesaid Restriction as to the Charges to be made for Passengers shall not extend

to

to any Special Train that may be required to be run upon the said Railway. to Special Trains.

LIV. Provided further, and be it enacted, That nothing herein contained shall prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto. Company may take increased Charges by Agreement.

LV. And be it enacted, That, in addition to the before-mentioned Tolls and Charges, the Company may demand such reasonable Sum as they may think fit for the Wharfage and Warehousing of any Articles or Things in respect of which such Accommodation shall be afforded by them. Charge for Wharfage and Warehousing.

LVI. And be it enacted, That it shall be lawful for the Company hereby incorporated, with the Approbation of a Majority of not less than Three Fifths of the Votes of the respective Proprietors who shall be present, and vote, either personally or by Proxy, at an Extraordinary Meeting of the Company hereby incorporated, (other than the *Eastern Counties* Railway Company, or the Nominee thereof, who shall not vote upon any Question to be discussed with reference to the Exercise of this present Power,) to demise or lease, in consideration of such Sum or Sums, or annual Rent or Reservation, or such other Consideration as they shall think proper, the Undertaking by this Act authorized to be made, and the Tolls, Charges, and other Profits to arise therefrom, or any such Portion thereof as may be deemed advisable, unto the said *Eastern Counties* Railway Company, for any Term of Years, whether absolute or determinable, and on such Conditions, and subject to such Stipulations, Provisions, and Agreements, in all respects, as may be agreed upon; and the same Company is hereby authorized, with the like Approbation of a Majority of not less than Three Fifths of the Votes of the Shareholders of the same Company who shall be present, either personally or by Proxy, at an Extraordinary Meeting convened for the Purpose, such Meeting to be called by Advertisement inserted for Four consecutive Weeks in some Newspaper published in the County of *Middlesex*, and also in some Newspaper published in each of the Counties through which the *Eastern Counties* Railway passes, and which Meeting shall not be held earlier than Seven Days after the last Insertion of such Advertisement, to enter into and accept such Lease; and such Lease shall take effect in such Manner, and shall (subject to any special Powers, Provisions, and Restrictions to be therein contained) confer such Powers and Privileges, and impose such Obligations, as in the said Railways Clauses Consolidation Act are expressed with respect to Leases of the Railway. Power to lease the Railway.

LVII. And be it enacted, That it shall be lawful for the said *Eastern Counties* Railway Company and the Company hereby incorporated, Power for the Companies to enter into

special Arrangements.

rated, either as Part of the Terms of or in connexion with any such Lease to be granted under the said last preceding Clause, or as or by way of distinct and independent Contract, but in the last-mentioned Case with the like Approbation respectively as is herein-before required for the granting and accepting respectively of any such Lease, to enter into Contracts or Agreements for or in relation to the working and using the Railway or any Portion thereof, or for the Maintenance and Repair thereof or any Portion thereof, or of the Works connected therewith, or for or in relation to any Guarantee or Security by the *Eastern Counties* Railway Company to the Company hereby incorporated, or the Shareholders therein, or any particular Class or Description of such Shareholders, of any particular Amount of Profits or Returns from the Undertaking hereby authorized, as the said Companies respectively may deem advisable; and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions in relation to the Subject Matter thereof as the said Companies may mutually agree.

Power to sell Railway and Works.

LVIII. And be it enacted, That it shall be lawful for the Company hereby incorporated, by and with the Consent of Three Fifths of the Votes of the Proprietors in the said Company who may be present, either personally or by Proxy, at some Meeting of the said Company specially convened for the Purpose, to sell to the *Eastern Counties* Railway Company, and for the last-mentioned Company, by and with the like Consent of Three Fifths of the Votes of their Proprietors present, personally or by Proxy, at some Meeting of such last-mentioned Company specially convened for the Purpose, in the Manner herein-before particularly specified, to purchase and take the said Railway hereby authorized to be constructed, and all and every or any Lands, Stations, Houses, or other Buildings, Wharfs, and other Works and Conveniences, Easements, Rights and Appurtenances, Engines, Machines, and Utensils whatsoever the Property of the said Company hereby incorporated, and all Powers, Rights, Privileges, and Authorities of the said Railway Company hereby incorporated in relation thereto, at or for such Price or Sum, and upon and subject to such Terms and Conditions as may be mutually agreed upon between the said Two Companies.

Lands of J. J. Austin, Esq. not to be taken by the Company without Consent.

LIX. And be it enacted, That nothing herein or in the said Three herein incorporated Acts contained shall authorize the said Company to take or occupy, either permanently or for a temporary Occupation, any Part of the Lands or Hereditaments now belonging to *John Joseph Austin* Esquire, or in or to which he is interested, and which adjoins or is near to the Line of Railway hereby authorized, without the Consent in Writing of the said *John Joseph Austin*, or other the Person or Persons for the Time being interested therein or entitled thereto.

Company not to take the Park of Lewis Raphael, Esq.

LX. And be it enacted, That nothing herein or in the said Three herein incorporated Acts contained shall authorize the said Company to take or occupy, either permanently or for a temporary Occupation, any

any Part of the Park or the Fences thereof now belonging to or occupied by *Lewis Raphael* Esquire, and which adjoins or is near to the Line of Railway hereby authorized, without the Consent in Writing of the said *Lewis Raphael*, or other the Person or Persons for the Time being interested in or entitled to the said Park. without Consent.

Nothing to authorize the Company to make Railway so near to the Property of H. Bowles, Esq. as to affect Insurance of the same.

LXI. And be it enacted, That nothing in this Act or in the said Three herein incorporated Acts contained shall authorize the said Company to make the said Line of Railway so near to the Houses, Farm and Buildings, and Stack-yard of *Humphrey Bowles* Esquire, or his Tenant or Tenants, and which adjoin or are near to the Line of Railway hereby authorized, as to render the Houses, Farm and other Buildings now thereon, or on any Part thereof, or hereafter to be erected or placed on the same Site as at present, or any Stacks of Corn, or Hay, Straw, or other Agricultural Produce now being on any Part of the said Lands, or which may hereafter be placed on the same Site as at present, uninsurable at the present Rate of Insurance for similar Property from Loss by Fire in consequence of the Proximity of the said Railway; and if any Question or Dispute shall arise between the said Company and the said *Humphrey Bowles*, or his Tenant or Tenants, or other the Person or Persons for the Time being interested in the said Lands of the said *Humphrey Bowles*, or his Tenant or Tenants, as to what shall be considered the proper Distance at which under the aforesaid Provision the said Railway should pass, so as not to increase the common Rate of Insurance from Fire as aforesaid, the same shall be determined by Arbitration in the same Manner as in the Lands Clauses Consolidation Act, 1845, is provided with respect to Cases of disputed Compensation: Provided always, that the said Arbitrators or Umpire shall not have Power to direct that the Line of Railway shall be constructed beyond or out of the Parliamentary Limits of Deviation.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

LXII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the 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;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway hereby authorized, or the Company hereby incorporated, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway to be subject to Provision of any future general Act.

LXIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any general Act relating to such Bills, or of any general Act relating to Railways, which may hereafter pass during this 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 authorized by this Act.

Public Act.

LXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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