CHAPTER lxxxiii.

An Act for authorising the Great Eastern Railway Company to make a Railway and other Works, and for conferring on them further Powers in relation to their Undertaking, and to vest in them the Undertaking of the Saffron Walden Railway Company; and for other purposes. A.D. 1877.

[12th July 1877.]

WHEREAS it is expedient that the Great Eastern Railway Company (in this Act called the Company) should be authorised to make and do the following works and things; (that is to say,)

To make a railway in the Isle of Ely in the county of Cambridge, in connexion with the Ely and Peterborough and Ely and Norwich main lines of the Company:

To widen and improve the Company's railways from Saint Ives to Huntingdon in the county of Huntingdon, from Newmarket to Bury Saint Edmunds in the counties of Cambridge and Suffolk, and from Haddiscoe to Reedham in the county of Norfolk:

To make an extension of the north pier at the entrance of Lowestoft Harbour:

To extend the time limited by Parliament for the compulsory purchase of land, and completion of the Company's Chingford branch and works authorised by the Great Eastern Railway Act, 1874, (in this Act called the Act of 1874):

To purchase and take lands in the parish of West Ham in the county of Essex, adjoining or near to the Tidal Basin Station, and to appropriate and use the same for stations, sidings, and other purposes connected with their undertaking:

And whereas by the Act of 1874 the Company are authorised to embank and make a quay, and various works in connexion there-

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with, on the River Stour in the port of Harwich (such quay being referred to in that Act and this Act as the Stour Quay), and to levy tonnage and other rates and duties in respect of the use thereof, and the same quay and the works connected therewith may by the expenditure of a larger sum of money than was originally intended be made available for the accommodation not only of the Company's steam vessels but also for the vessels of other parties; and it is expedient that the Company should be enabled to make such provision for raising the money required for constructing such quay and works as is herein-after expressed:

And whereas by the Saffron Walden Railway Act, 1861, the Saffron Walden Railway Company were incorporated and authorised to make the railway therein described, in the county of Essex, from the Eastern Counties (now Great Eastern) Railway in the parish of Wenden to the parish of Saffron Walden, and to raise twenty-five thousand pounds in ten pound shares, and to borrow eight thousand pounds on mortgage, and the Eastern Counties (now Great Eastern) Railway Company were authorised to subscribe five thousand pounds towards the capital of the said Company, and by agreement with the said Company to work and maintain the railway thereby authorised:

And whereas by the Saffron Walden Railway Extension Act, 1863, the Saffron Walden Railway Company were authorised to make the railways therein described in extension of their railway from Saffron Walden to the Great Eastern authorised line from Clare to Shelford, in the parish of Ashdon in the county of Cambridge, and to raise an additional capital of seventy thousand pounds in shares, and to borrow twenty-three thousand pounds on mortgage, in addition to the eight thousand pounds authorised to be so borrowed by the Saffron Walden Railway Act, 1861, and the Company were authorised to subscribe twenty-three thousand pounds towards the new capital, and by agreement with the Saffron Walden Railway Company to work and maintain the said Extension Railway:

And whereas by the Saffron Walden Railway (Additional Capital) Certificate, 1867, the Saffron Walden Railway Company were authorised to raise an additional capital of twenty-five thousand pounds in shares, and to borrow eight thousand pounds on mortgage:

And whereas the capital of the Saffron Walden Railway Company is one hundred and twenty thousand pounds, of which the Company have subscribed and hold shares for the sum of twenty-eight thousand pounds, and consists of eighty-two thousand four hundred and seventy pounds in ordinary shares, and twelve

thousand five hundred and thirty pounds of ordinary stock, and twenty-five thousand pounds of preference stock, and the railways authorised by the said Acts are completed and worked by the Company:

And whereas the Saffron Walden Railway Company have exercised their borrowing powers to the extent of thirty-one thousand pounds:

And whereas it has been agreed between the two Companies that the Saffron Walden Railway Company should be vested in the Company upon the terms set forth in this Act, and it is expedient that provision should be made for effecting such amalgamation upon those terms:

And whereas it is expedient that the Company should be authorised to raise further capital for the railway and works by this Act authorised, and for additional rolling stock, and other purposes of their undertaking:

And whereas plans and sections describing the lines, situations, and levels of the intended works, and plans describing the additional lands which the Company are by this Act authorised to take for stations, sidings, and other purposes, and a book of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands which may be taken for the purposes aforesaid, and describing those lands, have been deposited with the respective clerks of the peace for the Isle of Ely and the counties of Cambridge, Norfolk, Huntingdon, Essex, and Suffolk (which are respectively in this Act referred to as the deposited plans, sections, and books of reference):

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 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 Great Eastern Railway Act, 1877.

Certain provisions of general Acts herein named incorporated.

2. The following enactments (as far as they are applicable for the purposes of, and are not expressly varied by this Act) are hereby incorporated with and shall be part of this Act; (that is to say,)

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the several matters following; (that is to say,) the distribution of the capital of the Company into shares; the

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transfer or transmission of shares; the payment of subscriptions, and the means of enforcing payment of calls; the forfeiture of shares for nonpayment of calls; the remedies of creditors of the Company against the shareholders; the borrowing of money by the Company on mortgage or bond; the conversion of the borrowed money into capital; the consolidation of the shares into stock; the making of dividends; the giving of notices, and the provision to be made for affording access to the special Act; and Parts I., II., and III. of the Companies Clauses Act, 1863, as amended by subsequent Acts, relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock;

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Act);

The Harbours, Docks, and Piers Clauses Act, 1847, with the exception of sections sixteen to nineteen, both inclusive, of that Act, unless and until the Board of Trade shall require a lifeboat to be kept;

The Railways Clauses Consolidation Act, 1845, and Parts I., II., and V. of the Railways Clauses Act, 1863, relating respectively to construction of a railway, extension of time, and amalgamation;

and the provisions of Part I. of the Railways Clauses Act, 1863, shall extend to the extension of the north pier of Lowestoft Harbour, authorised by this Act.

Interpretation of terms.

3. In this Act, and (for the purposes of this Act) in enactments incorporated with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute; and the term "superior courts" shall include any court of competent jurisdiction.

Power to execute works according to deposited plans.

4. Subject to the provisions of this Act, the Company may from time to time make, execute, and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railway, improvements of railways, and extension of pier described in this Act, with all proper stations, sidings, approaches, works, and conveniences in connexion therewith.

Power to take lands referenced.

5. Subject to the provisions and for the purposes of this Act, the Company may from time to time enter on, take, and use the lands delineated on and described in the deposited plans and books of reference, so far as the same plans and books of reference relate to the railway and works by this Act authorised, and to lands in the

parishes specified in this Act as parishes within which lands may be taken. A.D. 1877.

Description of new railway.

6. The railway authorised by this Act is the following; (that is to say,)

(A.) A railway in the parishes of Ely Trinity and Ely Saint Mary, or one of them, in the Isle of Ely in the county of Cambridge, (in this Act called Railway No. 7,) commencing by a junction with the Company's Ely and Peterborough main line, and terminating by a junction with the Company's Ely and Norwich main line, and being six furlongs five chains and seventy links in length.

Description of improvements of railways.

7. The improvements of railways, which the Company are by this Act authorised to make, execute, and maintain, comprise the improvement of the following railways respectively, by the widening thereof and the laying down thereon of an additional line or additional lines of rails; (that is to say,)

(C.) Of the Company's railway from Saint Ives to Huntingdon in the county of Huntingdon, from a point in the parish of Saint Ives to a point in the parish of Saint Mary, Huntingdon:

(D.) Of the Company's railway from Newmarket to Bury Saint Edmunds, from a point in the parish of Exning in the county of Suffolk to a point in the parish of Saint James, Bury Saint Edmunds, in the same county:

(E.) Of the Company's railway from Haddiscoe to Reedham in the county of Norfolk.

The other work by this Act authorised comprises the following; (that is to say,)

(F.) An extension seawards of the north pier at the entrance of Lowestoft Harbour.

Existing level crossings and diversions of bridges may be maintained.

8. In executing and maintaining the improvements of railways by this Act authorised, the Company may lay down and maintain an additional line of railways across and on the level of the several roads which any existing railway so improved crosses on the level, and may construct the bridges for effecting such improvements of the same height, span, and dimensions as the existing bridges; but, except as in this Act is specially authorised, no such additional line shall be laid down where a road is already crossed on the level by two or more lines of railway.

Power to take easements, &c. by agreement.

9. Persons empowered by The Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of The Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the

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Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

As to crossing by Railway No. 7 the river called Sandy's Cut.

10. For carrying the railway across the navigable river called Sandy's Cut, in the parishes of Ely Trinity and Ely Saint Mary, or in one of the said parishes, in the Isle of Ely, and across the banks and forelands on the east and west sides of the said river, the Company shall make and maintain a bridge with three openings only, of which the centre or principal opening shall have a clear width or span of not less than one hundred feet, measured at right angles across the present waterway of the river, and the two outer or lesser openings shall be of sufficient width to extend over and leave clear as well the banks of the river on either side as the roadways hereafter mentioned, and which centre opening shall be divided from the said outer openings by one pier only on each side of the centre opening, such pier to have a width not exceeding five feet three inches, measured at right angles as aforesaid, and to be formed with wedge-shaped cutwaters fronting respectively up stream and down stream, and extending from the foundation of the pier upwards to a line level with the top surface of the said banks, and the soffits of such bridge shall be of not less height above the surface of the river than the soffits of the bridge of the said Company erected and now standing across the said river near a place called Queen Adelaide in the said parishes of Ely Trinity and Ely Saint Mary, or one of them, and shall be so made and placed as to give a clear headway for the purposes of navigation of the same height as the headway of the said last-mentioned bridge.

The Company shall also on the east side of the river make and maintain and keep open for the purposes of public navigation a proper towing-path, eight feet wide, to be constructed under the said intended bridge and within the said centre opening, and to be continued for a length of forty feet on each side of the bridge so as to communicate with the existing towing-path on the east bank of the river.

The Company shall also make and maintain within each of the outer openings of the bridge, and on the inner or landward side of the river bank comprised therein, a roadway through such opening for the accommodation of the owners and occupiers of the neighbouring lands, the surface of such roadway to be not more than one foot below the level of the existing roadway there, and such roadway to have a width of twelve feet at the least clear of the foot of

the bank (continued at its present rate of slope down to the level of the new surface of the road), and to have a headway of not less than thirteen feet between the surface of the road and the soffit of the bridge above.

For protecting the drainage and navigation of the Bedford Level.

11. Inasmuch as the railway is intended to pass over certain parts of the Great Level of the Fens called "the South Level part of the Bedford Level," therefore in constructing and maintaining the railway, or any of the works connected therewith, it shall not be lawful for the Company, without the consent in writing of the Bedford Level Corporation by order of the board, signed by the registrar under the common seal, as to any works maintained by or belonging to other bodies, without the consent in writing of such bodies respectively, subject to the construction of the bridge over the River Ouse as herein provided, to contract or diminish the breadth, depth, or capacity of the channel or waterway of any river, canal, cut, drain, watercourse, or work of drainage within the said Great Level, or to do any act whereby the free passage of the water or ice through and along any such river, canal, cut, drain, or watercourse shall during the floods or at any other time be in any manner impeded or obstructed, or whereby any water shall be prevented from passing through or along any drain, watercourse, sluice, or other works of drainage within or without the said Great Level, as freely as before the passing of this Act, or whereby the use and enjoyment of any existing public or private right of navigation in any rivers, canals, cuts, drains, or watercourses of the said districts, fens, or wash-lands may be prevented or interrupted; and it shall not be lawful for the Company without such consent in writing as aforesaid permanently to lower or vary the line or dimensions or to injure or weaken the security of any barrier or other bank maintained for protecting any of the lands within the said Great Level from inundation; and if the Company shall by any act or default offend against any provision of this Act touching or concerning the drainage of the lands within the said Great Level, or the navigation of any of the said rivers, canals, cuts, drains, or watercourses, and shall for the space of ten days after due notice thereof from the said corporation of the Bedford Level or other bodies aggrieved fail to repair any injury which shall be occasioned thereby, the Company shall for every such offence forfeit the sum of one hundred pounds for every day during which such offence shall continue, which said sum may be recovered by any bodies or parties interested in such drainage or navigation, together with full costs of suit against the said Company, in an action of debt or on the case in any of the superior courts: Provided also, that nothing in this Act contained shall prevent any bodies or parties aggrieved by any act

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or default of the Company touching the said drainage or navigation from recovering from the Company special damages for any injuries that may be done or occasioned to the drainage of any of the lands within the said Bedford Level, or the works for protecting or preserving the same, or to the navigation of the said rivers, canals, cuts, drains, and watercourses as aforesaid, by or through the act, neglect, or default of the Company or the effect or operation of the works executed by the Company.

Lands taken by the Company to be subject to drainage taxes.

12. Any land belonging to the Company within or without the said Great Level which at the time of the passing of this Act shall under or by virtue of any Act of Parliament be subject to any drainage taxes or drainage charges, shall remain and be subject to all such drainage taxes or drainage charges as now are or hereafter shall be imposed on the said lands under or by virtue of such Act, or any Act which may hereafter be passed for amending such Act, in the same manner but not to any greater extent than if this Act had not passed, or if such lands had not been taken or used by the Company, and such taxes and charges, and any penalties that may be incurred for nonpayment thereof, shall be recoverable not only by distress and sale of any goods and chattels belonging to the Company, but also by and under the powers and provisions of any Act of Parliament under which the same lands have been or shall be assessed, rated, taxed, or charged.

Preserving rights of drainage over the Great Level of the Fens called Bedford Level.

13. Nothing herein contained shall tend to lessen or control any rights, powers, or authorities now vested in or enjoyed by any bodies or persons for varying, altering, or diverting any existing bridges, rivers, cuts, drains, or watercourses used for the drainage of any lands within the said Great Level or any of them, or to prevent or restrain the making of any new bridges, rivers, cuts, drains, or watercourses for improving the drainage thereof, or of altering or enlarging any existing bridges, rivers, cuts, drains, or watercourses, but all such rights, powers, and authorities shall remain in as full force as if this Act had not passed, and the said bodies or persons shall not be liable to make any compensation for any damage or injury occasioned by varying, enlarging, or diverting any existing bridges, rivers, cuts, drains, or watercourses, or making any new bridges, rivers, cuts, drains, or watercourses, to any greater extent or amount than they would have been liable to if the railway had not been made: Provided always, that in so varying, altering, enlarging, or diverting the existing bridges, rivers, cuts, drains, or watercourses as aforesaid nothing shall be done to impede or interfere with the use of the railway or the traffic thereupon for any greater length of time or in any other manner than shall be necessary for the execution of the said works and providing tem-

porary accommodation for the traffic; and the railway, so far as the same shall have been interfered with, shall be restored in due working order so soon as the works are completed.

Company to provide means to remove ice during floods.

14. The Company shall at all times when the occasion may arise take all necessary measures for removing, and shall remove and cause to pass down with the stream so as not to obstruct the flow of water, any ice that may be formed against any of the works of the Company in any of the navigable or other rivers, water-courses or washes within or without the said Great Level, so as effectually to prevent any ice accumulating or remaining at or against any of the said railway works or bridges or in the said washes; and if the Company shall not so break and effectually remove the ice, or if from any cause whatever any ice shall so accumulate against any of the said works of the Company, the superintendent general, or any of the agents or workmen of the Bedford Level Corporation, or of any other public body interested in the said navigable or other rivers and washes, and having control over the same, may proceed to take measures for removing such ice, and may recover the amount of any costs or charges so incurred by neglect of the Company, in such and the like manner as is directed for the summary recovery of penalties and costs in "The Railways Clauses Consolidation Act, 1845."

For protection of works of Havering, Dagenham, &c. Commissioners of Sewers.

15. Where any of the intended works to be done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as to interfere with, any river, sewer, drain, watercourse, river wall, defence, or work under the jurisdiction or control of the Commissioners of Sewers for the Levels of Havering, Dagenham, Ripple, Barking, East Ham, West Ham, Leyton, and Walthamstow, in the respective counties of Essex, Middlesex, and Kent, herein-after called "the Commissioners," or may in any way affect the drainage of the districts under their control, the Company shall not commence such works until they shall have given to the said Commissioners fourteen days notice in writing of their intention to commence the same, by leaving such notice at the office of the clerk of the said Commissioners, with plans, elevations, sections, and other necessary particulars of the construction of the said works, and until the said Commissioners shall have signified their approval of the same, unless the said Commissioners fail to signify such approval, or their disapproval, or other directions, within fourteen days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid, and the Company shall comply with and conform to all reasonable directions and regulations of the said Commissioners in the execution and

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subsequent maintenance of the said works, and shall provide by new, altered, or substituted works in such manner as the Commissioners may deem necessary for the proper protection of, and for preventing injury or impediment to, the rivers, sewers, drains, river walls, and other works herebefore referred to, or by reason of the said intended works or any part thereof, and shall save harmless the said Commissioners against all and every the expense to be occasioned thereby; and all such works shall be done by or under the direction, superintendence, and control of the surveyor, engineer, or other officer or officers of the said Commissioners, as the case may be, at the costs, charges, and expenses in all respects of the Company, and all costs, charges, and expenses which the said Commissioners may be put to by reason of the works of the Company, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, by the Commissioners officers, shall be paid to the Commissioners by the Company on demand; and when any new, altered, or substituted work as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expense of the Company under the provisions of this Act, the same shall ever thereafter be maintained by the Company to the reasonable satisfaction of the surveyor or engineer to the Commissioners for the time being, and the said works shall be as fully and completely under the direction, jurisdiction, and control of the said Commissioners as any sewers or works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the rights, powers, or authorities vested or to be vested in the said Commissioners, or any or either of them, or of their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

Provided that if any dispute shall arise as to the mode of executing any of such works as aforesaid, such matter or difference shall be referred to an arbitrator to be appointed by the Board of Trade whose decision shall be final.

Saving rights of London and Blackwall Railway Company.

16. Nothing in this Act contained shall prejudice, affect, or alter the rights, powers, or remedies of the London and Blackwall Railway Company under the lease of that railway to the Company, or the Act authorising that lease.

Extending time for purchase of land for Chingford Branch.

17. The period limited by the Act of 1874 for the compulsory purchase and taking of lands shall, so far as relates to the railway thereby authorised, and therein called the Chingford Branch, be extended, and the said powers shall continue in force until the expiration of two years from the sixteenth day of July one thousand eight hundred and seventy-seven.

Extending time for completion of Chingford Branch.

18. The powers granted by the Act of 1874 for making the Chingford Branch shall be enlarged and extended for a period of three years from the sixteenth day of July one thousand eight hundred and seventy-seven; and if on the expiration of the extended period the said railway shall not be completed, the powers by the said Act or this Act granted for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Penalty imposed unless the railways are opened within the time by this Act limited.

19. If the Company fail within the period limited by this Act to complete the railway by this Act authorised, or to complete the railway the time for making which is by this Act extended, then in lieu of any penalty imposed by any other Act, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the respective railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of those railways; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General, on behalf of the Chancery Division of the High Court of Justice, in the bank specified in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

20. Every sum of money so recovered by way of penalty for the non-completion of the railway by this Act authorised, or the time for completing which is by this Act extended, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of any such railway or any portion thereof, or who may have been subjected to

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injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division of the High Court of Justice thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division of the said Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for completion of works.

21. If the railway and works by this Act authorised and described on the deposited plans are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railway and works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls on railways.

22. The railway authorised by this Act shall, subject to the provisions of this Act, be, in respect of tolls and in all other respects, part of the undertaking of the Company.

For protection of Post Office telegraphs.

23. If in the execution of the works by this Act authorised the Company desire to alter, remove, or otherwise interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, and not situate upon the Company's railway, or works connected therewith, the following provisions for the protection of Post Office telegraphs shall apply; (that is to say,)

(Notice to be given before interfering with telegraphs.)

Before the Company alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus the Company shall give to the Postmaster General one calendar month's

previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto; and if the Postmaster General shall before the expiration of one calendar month after the service upon him of the said notice from the Company give the Company notice of his intention so to do, he may execute at the cost of the Company, and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due despatch in the execution thereof, and not interfering with or obstructing the use of the railway; if at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster General, along substituted wires to be provided by the Company at their own expense to the satisfaction in all respects of the Postmaster General.

(Compensation by Company to Postmaster General, and penalty.)

Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster General, causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues. The amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company.

(Saving for Telegraph Act and agreements.)

Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General, or of the Company, under or by virtue of "The Telegraph Act, 1868," or any agreement between the Company and the Postmaster General.

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Lands to be taken.

24. The lands which the Company may take under the powers of this Act for stations, sidings, and other purposes, in addition to the lands authorised by this Act to be taken for the railway improvements and other works by this Act authorised, are situate in the parish of West Ham in the county of Essex.

Powers for compulsory purchases limited.

25. 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.

Company to exhibit lights at Lowestoft Pier.

26. The Company shall, at the outer extremity of the pier hereby authorised, exhibit and keep burning from sunset to sunrise such lights (if any) as the corporation of Trinity House of Deptford Strond shall from time to time direct.

Power to raise capital for Stour Quay separately.

27. The Company may, if they think fit, instead of applying their general capital for the purposes of the Stour Quay, raise the money or any part of the money required for those purposes by any of the following means; (that is to say,)

By resolution of a general meeting they may create and issue a separate capital charged upon the rates, dues, and revenue arising in respect of the quay and works under the provisions of the Act of 1874, or upon so much thereof as they deem it expedient to charge for such purpose:

They may fix the amount of dividend payable in respect of such separate capital, and provide for its ultimate redemption:

They may, if they think fit, at the time of creating such separate capital fix the annual or other sums payable by the Company in respect of the user of the quay and works by the steamboats and other vessels belonging to the Company, or hired by them for the purposes of their continental trade:

Money borrowed on the general undertaking shall not be a charge on the separate undertaking of the Stour Quay, for which such separate capital is raised:

They may, if they think fit, provide for the management of the Stour Quay by a committee on which the holders of the separate capital may be represented:

They may make any of the before-mentioned arrangements before or after the commencement of the works, and any money already expended for the purposes of the quay out of the general capital may be replaced out of the separate capital:

Provided always, that the amount to be raised by all or any of such means aforesaid shall be in addition to any other money which the Company are by this or any other Act authorised to raise, and shall not exceed in the whole two hundred and fifty thousand pounds, and the terms and conditions on which such capital shall be created

or money raised shall be defined on the resolutions creating the capital, and the same shall be indorsed in the certificates of the shares or stock in such capital.

Stour Quay to be worked in an efficient manner.

28. After the opening of the Stour Quay for public use, the Company shall work the same in a proper manner, and so as fairly to accommodate and develope the traffic thereat; and in case any difference shall arise between the Company and the proprietors of stock or shares in the separate capital, holding in the aggregate not less than twenty thousand pounds in such capital, with respect to the working by the Company of the said quay or in relation to the rates charged thereat, whereby the holders of such stock or shares 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 either party.

Saffron Walden Company to sell their undertaking to the Company.

29. The Saffron Walden Railway Company (herein-after called "the selling Company") shall by deed of conveyance, duly stamped, and wherein the consideration shall be fully and truly set forth, sell and convey to the Company the undertaking, works, lands, and buildings of the selling Company upon the terms and conditions set forth in this Act, and such sale shall be deemed to have taken effect on the first day of January one thousand eight hundred and seventy-seven.

Consideration for purchase.

30. The consideration for the purchase shall be seventy thousand seven hundred and fifty pounds, payable as follows; (that is to say,) twelve thousand five hundred pounds in preference stock of the Company, entitled to preferential dividends at the rate of five pounds per centum per annum; twenty-six thousand eight hundred pounds in ordinary stock of the Company; thirty-one thousand pounds in debenture stock of the Company, entitled to interest at the rate of four pounds per centum per annum; and four hundred and fifty pounds in cash; and the Company shall create stock in their undertaking of the said several descriptions and amounts, and pay over the said cash accordingly.

Certificates to be delivered to selling Company, and receipt of three directors to discharge the Company.

31. The Company shall deliver to the selling Company certificates for the said several descriptions and amounts of stock, and a receipt or acknowledgment under the hands of any three directors of the selling Company for such certificates and sum in cash of four hundred and fifty pounds shall be a good and sufficient discharge for the same respectively; and the Company shall not be bound to see to the application or be answerable or accountable for the non-application or misapplication of the said stocks, or of the said sum of four hundred and fifty pounds, or any part thereof

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respectively, but shall be kept harmless and indemnified by the selling Company from all claims of the shareholders, mortgagees, or other creditors of the selling Company, in respect of any shares or stock, mortgages, or other debts or liabilities of the selling Company.

Selling Company to divide their assets, subject to payment of debts amongst their shareholders.

32. And whereas the holders of twenty-four thousand two hundred and thirty pounds of the preference stock of the selling Company have agreed to receive preference stock of the Company in lieu of their said stock, at the rate of fifty pounds preference stock of the Company for one hundred pounds preference stock of the selling Company; be it enacted that the selling Company shall forthwith, after the completion of the sale and transfer of their undertaking, distribute the said debenture stock of the Company amongst the debenture holders of the selling Company, and the said preference stock to be received from the Company amongst the preference shareholders of the selling Company, in discharge and extinguishment of all their rights and claims in respect of their said debenture and preference shares respectively; and the selling Company shall proceed to wind up their affairs, and in order thereto shall sell and convey or otherwise dispose of all such parts, if any, of their lands, property, and effects as shall not have been transferred to and vested in the Company, and shall, subject to the payment, satisfaction, or discharge of all their debts, liabilities, and engagements, distribute and pay the ordinary stock to be received as aforesaid from the Company, or the residue thereof, and the net moneys to be received from the sales and transfers herein-before mentioned, together with all other moneys which may have been received from the Company as income under the terms of the working agreement of 1869, or of these presents, after payment of all interest to which holders of stock of the selling Company may then be entitled out of income under the terms on which such stock was issued, to and among the several persons who at the date of the completion of such sale and transfer are the respective registered ordinary shareholders in the capital of the selling Company, other than the Company or their nominees, executors, administrators, or assigns.

Part IV. of the Companies Act, 1862, as to winding up to apply.

33. Subject to the provisions of this Act, the several powers and provisions of Part IV. (with respect to the winding up of companies) and Part VIII. of the Companies Act, 1862, shall (as amended by the Companies Act, 1867,) apply to the selling Company and to the winding up of the selling Company by the Chancery Division of the High Court of Justice, and the Chancery Division of the High Court of Justice shall accordingly have full jurisdiction and authority with respect to the winding up of the

selling Company. The ordinary shareholders of the selling Company may, by a special resolution to be passed in accordance with the provisions of the Companies Act, 1862, resolve upon the voluntary winding up of that Company, and every mortgagee or other creditor of the Company may immediately upon the passing of this Act petition the Court for the winding up of the selling Company by the Court, and the Court may thereupon make an order for such winding up by the Court or under the supervision of the Court, and all such proceedings in the winding up may be had and taken as if the selling Company were a company formed and registered under The Companies Acts, 1862 and 1867, with a registered office in London.

When parties entitled to money cannot be found amount due to them may be paid into Court.

34. Where the selling Company are for twelve months after the period for the distribution of their assets unable, after diligent inquiry, to ascertain the person to whom any money forming part of such assets ought to be paid, or who can give an effectual receipt for the same, the selling Company may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees, and every such payment into Court shall exclusively discharge the selling Company from all further liability with respect to the moneys so paid, and for the purposes of this Act shall be deemed payment thereof to a person absolutely entitled thereto, and any person afterwards showing to the satisfaction of the Court that he is entitled thereto may obtain payment thereof out of Court accordingly.

When debts discharged and assets distributed selling Company to cease to exist.

35. When all the debts, liabilities, and engagements of the selling Company are paid or discharged, and their assets are distributed, in accordance with this Act, they shall be by this Act dissolved and shall wholly cease to exist.

Saving rights of mortgagees.

36. Provided always, that nothing in this Act contained shall prejudice or affect the security of the mortgagees of the selling Company, or the powers or rights of such mortgagees to enforce payment of the principal or interest due to them in respect of such mortgages.

Company may borrow amount not borrowed by selling Company.

37. The Company may borrow on mortgage of their undertaking all or any part of the eight thousand pounds which the selling Company had power to borrow at the time of the passing of this Act.

Tolls on traffic conveyed partly on Saffron Walden Railway and

38. The tolls and charges which the Company may demand and take for traffic conveyed upon the railway of the selling Company shall not exceed the tolls and charges authorised to be taken upon that railway under the Acts relating thereto; but for a fraction of a mile beyond four miles, or beyond any greater number of miles, the

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partly on the railways of the Company.

Company may demand tolls on animals and merchandise for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile; and in estimating the amount of tolls and charges in respect of traffic conveyed partly over the railway of the selling Company and partly over any railway of the Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway of the selling Company and partly on any railway of the Company.

Provisions as to right of voting on consolidation of stocks.

39. And whereas under the powers of "The Great Eastern Railway Act, 1876," herein-after referred to as the Act of 1876, and other Acts relating to the Company, schemes have been prepared for the consolidation of certain guaranteed and preference stocks and other stocks of the Company, which schemes cannot under the provisions of the said Acts be carried into effect without the approval of certain majorities of the shareholders in the Company and of the holders of the stocks affected thereby: And whereas it is proposed in some of the said schemes to consolidate into one stock various existing stocks which are entitled to interest or dividends at different rates, whereby the nominal amount of various classes of stocks will be altered, and in some cases the several holders of existing stocks will be entitled to a larger nominal amount of the consolidated stock than they have of the existing stocks, and in other cases they will be entitled to a smaller nominal amount of the consolidated stock, but each of the said holders will be entitled to the same amount of interest or dividend as heretofore (except in the case of stocks which are authorised and are intended to be redeemed): And whereas the holders of the existing stocks of the Company to which the said powers of consolidation extend are entitled to vote at meetings of the Company according to a scale which is regulated by the provisions of the Acts relating to the Company, and which scale is subject to alteration in certain contingencies which have not yet happened: And whereas by the Act of 1876 it is, amongst other things, provided that the powers and provisions of that Act, with reference to the consolidation of guaranteed and preference stocks, shall be subject to (amongst other conditions) a condition

that the holders of rentcharge, guaranteed or preference stocks shall have the same rights of voting and all other qualifications and powers as, under the provisions of "The Great Eastern Railway Finance Act, 1867," or any other Act, they have at the time of consolidation: And whereas it is impracticable fully to carry out the last-mentioned provision in cases in which stocks carrying different rates of interest or dividends are to be consolidated into one stock, and it is expedient to authorise the Company so to regulate the rights of voting in respect of the consolidated stocks as that each consolidated stock shall confer on the holders thereof in the aggregate, as nearly as conveniently may be, the same rights of voting as they were entitled to previously to the consolidation: Therefore, notwithstanding the provision aforesaid contained in "The Great Eastern Railway Act, 1867," or any other provision contained in any other Act, the directors of the Company may insert in any scheme, whether already prepared or hereafter to be prepared, for any consolidation of stocks to be made under any of the powers aforesaid, such provisions as shall be deemed expedient as to the rights of voting to be exercised by the holders of the consolidated stocks, but so that the number of votes which each consolidated stock shall confer upon the holders thereof in the aggregate shall be, as nearly as conveniently may be, the same as the number of votes which at the time of the passing of this Act they were in the aggregate entitled to in respect of the stocks for which such consolidated stock shall be substituted, and may also insert in any such scheme as aforesaid such provisions (if any) as may be deemed expedient for making any alteration in the rights of voting in respect of such consolidated stock on the happening of any of the contingencies herein-before referred to; and the provisions to be inserted under the powers herein-before contained in any scheme prepared or to be prepared under the Act of 1876, or under any other Act, shall be deemed to be a part of such scheme in the same manner as if the power to insert such provisions had been conferred by the Act of 1876, or other the Act under which such scheme shall be prepared, and shall take effect accordingly if approved of by the requisite majorities of the shareholders in the Company, and of the holders of the stocks affected thereby (but not otherwise): Provided always, that it shall not be necessary to attach any right of voting in respect of stocks which shall become or be debenture stocks.

40. And whereas by "The Great Eastern Railway (Capital, &c.) Act, 1865," it is recited that part of the Company's capital consists of the several classes of preference stocks specified in Schedule (A.) to that Act, and power was given to the Company to consolidate

The Lowestoft 4 per cent. and 6 per cent. stocks to be

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deemed stocks of the Company, and may be included in any scheme for consolidation under the Act of 1876, 9 & 10 Vict. c. 132.

the several preference stocks set forth in the said schedule, and the said schedule includes two stocks by the description of "Lowestoft 4 per cent. £120,000" and "Lowestoft 6 per cent. £120,000;" and whereas it may be questioned whether the powers of consolidation conferred by the Act of 1876 extend to the two last-mentioned stocks, and it is expedient that the Company should have power to consolidate the said two stocks under the provisions of that Act: Therefore the said two stocks of £120,000 and £120,000 each shall for all purposes be deemed to be preference stocks of the Company, and may be included in any scheme for consolidation under the powers of the Act of 1876.

Power for Company to raise capital by shares or stock.

41. The Company from time to time, by resolution of a general meeting convened with special notice of the purpose, may raise, by the creation of shares or stock, whether preference or ordinary, or partly preference and partly ordinary, such additional capital as they think fit, not exceeding in the whole three hundred thousand pounds, and the provisions contained in the seventy-eighth section of the Great Eastern Railway Act, 1876, shall be applicable with respect to any shares or stock which may be so created.

Shares or stock to form part of Company's general capital.

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

Shares not to be issued until one fifth paid.

43. The Company shall not issue any share under this Act of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting it, unless and until a sum not being less than one fifth of the amount thereof is paid in respect thereof.

Calls.

44. Twenty per centum on the amount of any share shall be the largest amount of any call which may be made thereon, and there shall be an interval of not less than three months between any two successive calls, and the Company shall not call up more than three fourths of the amount of a share in any year.

Receipt for persons not sui juris.

45. If any money is payable to a shareholder in the Company, being an infant or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

46. The Company may, in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise by the creation and issue of shares or stock, from time to time borrow on mortgage, as herein-after mentioned, such sums as they think fit, not exceeding in the whole one hundred thousand pounds; (that is to say,) when one hundred thousand pounds of such additional capital is issued and accepted,

and one half thereof is paid up and certified as herein-after mentioned, they may borrow on mortgage any sum of money not exceeding thirty-three thousand three hundred pounds, and a like additional sum of thirty-three thousand three hundred pounds when a further sum of one hundred thousand pounds, making with the first-mentioned one hundred thousand pounds the sum of two hundred thousand pounds of such additional capital, is issued and accepted, and one half thereof is paid up and certified as herein-after mentioned; and when the whole of such additional capital of three hundred thousand pounds is issued and accepted, and one half thereof is paid up and certified as herein-after mentioned, they may borrow the remaining thirty-three thousand four hundred pounds of the said sum of one hundred thousand pounds; but no such borrowing powers shall be exercised by the Company until they shall prove 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 the whole amount of additional capital to be raised by shares in respect of which the borrowing power is to be exercised have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital 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 the said additional 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 accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also if the said capital is raised by shares that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proofs aforesaid have been given, which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

47. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall during their continuance, and subject to the provisions of the Acts under which the same were respectively granted, have priority over any mortgages granted by virtue of this Act; but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

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For appointment of a receiver.

48. 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.

Debenture stock.

49. The Company may create and issue debenture stock, subject to the provisions of Part III. of The Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of share or loan capital under Act.

50. All money raised under this Act, whether by shares, stock, mortgage, or debenture stock, shall be applied for purposes authorised by this Act or some other Act relating to the Company.

Interest not to be paid on calls paid up.

51. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with The Companies Clauses Consolidation Act, 1845.

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

52. 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.

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

53. Nothing in this Act contained shall exempt the Company or their undertaking 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 authorised by any Act relating to the Company.

Saving rights of the Crown in the foreshore.

54. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the

shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown.

55. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give), neither shall anything in the said Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

56. The costs, charges, and expenses preliminary to, and of and incidental to the preparing of and applying for, and the obtaining and passing of this Act, shall be paid by the Company.

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