CHAPTER cxxxiv.

An Act to authorise the Great Eastern Railway Company to widen several of their railways to make new railways tramways and works and to exercise various powers in relation to their own undertaking and capital and the undertakings of other companies and for amending their Acts and for other purposes. [18th July 1881.] A.D. 1881.

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 widen and improve certain of the Company's railways in the several counties of Norfolk and Middlesex;

To divert the road known as the Abbey Road or Abbey Lane leading from Bow to West Ham in the county of Essex where the same crosses on the level the Company's North Woolwich Branch Railway and to carry the same road by a bridge over such railway and to extinguish all rights of way over the level crossing;

To divert the road leading from Norwich to Trowse Newton where the same crosses the Company's Ely and Norwich main line on the level and to carry the same by a bridge over the railway and to extinguish all rights of way over the level crossing;

To make certain railways from the Cambridge and Ely main line near Cambridge to the Ely and Newmarket Railway and thence to Mildenhall;

To make and work tramways in and between the town of Wisbech and the villages of Outwell and Upwell in the Isle of Ely in the county of Cambridge and in the county of Norfolk to acquire lands for purposes in connexion with and to have other powers in relation to the tramways;

To purchase lands in various counties for station and other purposes and to provide for the redemption of rentcharges or

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other like interests upon or affecting lands of the Company in the parish of St. Botolph Bishopsgate.

And whereas it is expedient that provision should be made for a contribution by the mayor aldermen and citizens of the city of Norwich (in this Act called "the Norwich Corporation") towards the expenses of the diversion of the road leading from Norwich to Trowse Newton.

And whereas it is expedient that the respective times limited by Parliament for the compulsory purchase of certain lands in the counties of Middlesex Hertford Huntingdon Essex and the county of the city of Norwich and for the completion of certain railways and works in the counties of Norfolk Essex and Middlesex and for the sale of superfluous lands should be extended and that the construction of the Cambridge Curve Railway and parts of the Bethnal Green and Bow improvement and the improvement of the main line near Devonshire Street which will be rendered unnecessary by the widening of the Company's main line by this Act authorised should be abandoned.

39 & 40 Vict. c. vi.

And whereas by the Ely Haddenham and Sutton Railway Extension Act 1876 the Ely and St. Ives Railway Company (in this Act called "the St. Ives Company") were authorised to make an extension of their railway from Sutton in the Isle of Ely to the Company's St. Ives and March Railway in the parish of Holywell-cum-Needingworth in the county of Huntingdon and to raise sixty thousand pounds by shares and twenty thousand pounds by mortgage and an agreement between that company and the Company with respect to the construction of the said proposed extension and the working of the whole undertaking by the Company was confirmed;

And whereas the said extension railway is completed and being worked by the Company under the said agreement;

38 & 39 Vict. c. ccv.

And whereas by the Ely and Newmarket Railway Act 1875 the Ely and Newmarket Railway Company (in this Act called "the Newmarket Company") were incorporated and authorised to make the Ely and Newmarket Railway and to raise a share capital of one hundred thousand pounds and to borrow on mortgage thirty-three thousand three hundred and thirty-three pounds and an agreement between the Company and the promoters of the undertaking with respect to the construction of the proposed railway and the working thereof by the Company was confirmed;

And whereas the said railway is completed and being worked by the Company under the last-mentioned agreement;

And whereas the St. Ives Company and the Newmarket Company have respectively incurred debts in the construction of the said extension and railway beyond the amount of their capital and bor-

rowing powers and it is expedient that provision should be made for the discharge of those debts respectively;

And whereas a bridge in the parish of Whittlesea in the Isle of Ely in the county of Cambridge known as Whittome's Bridge carrying Burnt House Drove over Whittlesea Dyke has been constructed by permission of the authorities having control over such dyke and tolls are taken by the proprietor of such bridge for the use thereof but inasmuch as the same forms one of the principal means of access to a new goods station in the said parish which the Company are forming for the accommodation of the district it is expedient that the Company should be authorised to purchase and maintain the said bridge subject to the same conditions as the proprietor of such bridge is now subject to;

And whereas by the Downham and Stoke Ferry Railway Act 1879 the Downham and Stoke Ferry Railway Company (in this Act called "the Stoke Ferry Company") were incorporated and authorised to make the Downham and Stoke Ferry Railway from the Ely and Lynn Branch of the Company near Denver Station to the road from Stoke Ferry to Brandon near the River Wissey and to raise a capital in shares of sixty thousand pounds and to borrow on mortgage twenty thousand pounds and an agreement between the Company and the promoters of the said undertaking with respect to the construction and working of the said railway was confirmed; 42 & 43 Vict. c. clxxxviii.

And whereas it is expedient that the Company should be authorised to subscribe towards and hold shares in the capital of the Stoke Ferry Company and out of the receipts from traffic carried on both railways to provide an additional amount of money for the purpose of securing a fixed dividend upon the share capital of that company;

And whereas the Company are the owners of the harbour of Lowestoft and in respect thereof are or claim to be the owners of certain lands adjoining the harbour which are required for the purposes of their undertaking but will not be used at present for those purposes and application has been made to the Company to allow the construction of public baths upon such lands and the Company are willing to do so subject to the power of re-entry by the Company when they require the lands for the purposes of the harbour and port;

And whereas it is expedient that the Company should be authorised to aid by subscription the establishment of those public baths and to make agreements with any company or persons with respect to such baths and the use of the land belonging to the Company for the construction of such baths;

And whereas by the 71st section of the Great Eastern Railway Act 1874 (in this Act called "the Act of 1874") the Company 37 & 38 Vict. c. cxxviii.

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were authorised to raise any sum by means of stock or shares not exceeding three fourths of the value of the Company's surplus or reserved lands upon their metropolitan extensions subject to certain provisions as to redemption and the Company accordingly raised a stock called the Lands Security Stock which is repayable on the 1st January 1882 and by section 64 of the Great Eastern Railway (General Powers) Act 1878 the Company were authorised to raise a further sum on the land not comprised amongst the lands forming the security for the said Lands Security Stock and it is expedient that further provisions be made with reference to such redemption and additional stock as herein-after mentioned;

41 & 42 Vict. c. clv.

And whereas the Lands Security Stock amounted on the first of December one thousand eight hundred and eighty to one hundred and sixty thousand three hundred and five pounds and the reserve fund in hand for the redemption of such stock on the same day amounted to fifty-three thousand two hundred and thirty-five pounds leaving the sum of one hundred and seven thousand and seventy pounds to be raised by the issue of new stock for such redemption;

And whereas a Bill is now pending in Parliament under the short title of the Great Eastern and East Norfolk Railway Companies for authorising the transfer of the undertaking of the last-mentioned company to the Company and it is expedient if such Bill pass into a law that portions of the capital to be issued for the purposes of that intended Act should be of the same class as the stock to be issued for the redemption of the Lands Security Stock and other purposes herein-after mentioned connected therewith and that provision should be made in this Act accordingly;

And whereas it is expedient that the Company should be authorised to raise more money for the purposes of their undertaking and of this Act and to establish a guarantee fund by way of security for the good behaviour of their salaried officers and servants;

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 books 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 as follows (that is to say) with respect to the works and lands in the county of Middlesex with the clerk of the peace for that county with respect to any works and lands in the county of Essex with the clerk of the peace for that county with respect to the railway and any works and lands wholly in the

county of Norfolk with the clerk of the peace for that county with respect to the railways from the Cambridge and Ely main line to Mildenhall which are partly in the county of Cambridge and partly in the county of Suffolk with the respective clerks of the peace for those counties with respect to the tramways which are partly in the Isle of Ely and partly in the county of Norfolk with the respective clerks of the peace for the counties of Cambridge and Norfolk and the Isle of Ely with respect to any other works and lands in the Isle of Ely with the respective clerks of the peace for the Isle of Ely and the county of Cambridge and with respect to any works and lands in the county of the city of Norwich with the clerk of the peace for that county (which respectively are 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 1881.

Incorporation of general Acts.

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):—

8 & 9 Vict. c. 16.

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following namely: The distribution of the capital of the Company into shares the transfer and transmission of shares the payment of subscriptions and the means of enforcing the 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 the conversion of the borrowed money into capital the consolidation of 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 relating respectively to cancellation and surrender of shares to additional capital and to debenture stock;

26 & 27 Vict. c. 118.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

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

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8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92. 33 & 34 Vict. c. 78.

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

Section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 relating respectively to construction of tramways and general provisions;

Interpretation of terms.

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

The expressions "the tramways" and "tramway undertaking" shall mean the tramways by this Act authorised and the passing-places sidings and other works buildings and land forming part of or used in connexion therewith and for the purposes thereof:

The word "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the tramways being sold to the local authority under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company;

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Interpretation of term "parish clerk."

18 & 19 Vict. c. 120.

4. With respect to lands within the metropolis as defined by the Metropolis Management Act, 1855, and the Acts amending the same the expressions parish clerks and clerks of the several parishes in sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or extra-parochial places in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or extra-parochial place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

Power to make railways &c.

5. Subject to the provisions of this Act the Company may from time to time make execute and maintain in the lines and within the limits of lateral deviation shown on the deposited plans and according to the levels shown on the deposited sections the railways improvements of railways and diversions of roads described in this

Act with all proper stations sidings approaches works and conveniences in connexion therewith respectively.

Power to take lands referenced.

6. 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 railways and works by this Act authorised and to lands in the parishes specified in this Act as parishes within which lands may be taken.

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):

(1) Of the Company's Wymondham and Dereham Branch Railway wholly in the county of Norfolk commencing in the parish of Wymondham near the Wymondham Station and terminating in the parish of East Dereham in the same county near the Dereham Station;

(2) Of the Company's main line commencing in the hamlet of Mile End Old Town in the county of Middlesex at or near the bridge carrying the said main line over James Street and terminating in the same hamlet about seven chains east of the bridge carrying the said main line over Devonshire Street;

New railways.

8. The railways authorised by this Act are the following (that is to say):

1. A railway (in this Act called Railway No. 2) 6 miles 4 furlongs and 5 chains in length commencing by a junction with the Cambridge and Ely main line in the parish of St. Andrew-the-Less otherwise Barnwell in the county of Cambridge and terminating in the parish of Swaffham Prior in the same county near the White Droveway.
2. A railway (in this Act called Railway No. 3) 5 miles 2 furlongs and 3·80 chains in length commencing by a junction with Railway No. 2 at or near its termination and terminating in the parish of Fordham in the county of Cambridge by a junction with the Ely and Newmarket Railway.
3. A railway (in this Act called Railway No. 4) 7 miles 1 furlong and 8 chains in length commencing by a junction with the Ely and Newmarket Railway in the said parish of Fordham and terminating in the parish of Barton Mills in the county of Suffolk in a field called Twelve Acre Piece.

Diversions of roads.

9. Other works by this Act authorised are the following (that is to say):—

1. A diversion (in this Act called "the Abbey Road Diversion")

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in the parish of West Ham in the county of Essex of the public road known as the Abbey Road or Abbey Lane leading from Bow to West Ham at and near the spot where the said road crosses the North Woolwich Branch Railway on the level and the bridge with the approach road on each side for carrying such diversion over the said railway shall have a clear width of 30 feet with gradients not steeper than 1 in 25 feet and with properly curbed footpaths on either side such approach road to be a properly macadamized granite road.

2. A diversion (in this Act called "the Trowse Road Diversion") in the hamlets of Trowse Carrow and Bracondale in the county of the city of Norwich of the public road leading from Norwich to Trowse Newton at and near the spot where the said road crosses the Ely and Norwich main line on the level.

Existing level crossings.

10. In executing and maintaining the improvements of railways by this Act authorised the Company may lay down and maintain an additional line of railway across and on the level of the several roads which any existing railway so improved crosses on the level and may except as otherwise provided construct the bridges and arches for effecting such improvements of the same height width span and dimensions as the existing bridges and arches but except as in this Act is otherwise 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 cross certain roads on the level.

11. Subject to the provisions of the Railways Clauses Consolidation Act 1845 and in Part I (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railways carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next hereinafter mentioned (that is to say):

No. on deposited Plan.	Parish.	Description of Road.
	Railway No. 2.	
35	Fen Ditton - - -	Public road.
4	Quy Cum Stow - - -	Do.
12	Bottisham - - -	Do.
	Railway No. 3.	
31 8	Burwell - - - Exning - - -	Public road.

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Widths of certain roadways.

12. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
		RAILWAY NO. 2.	
31	Fen Ditton - -	Public road - -	20 feet.
		RAILWAY NO. 3.	
29	Swaffham Prior -	Public road - -	20 feet.
27	Burwell - - -	Do. - -	20 feet.
		RAILWAY NO. 4.	
7	Fordham - -	Public road - -	15 feet.
16	Fordham - -	Do. - -	20 feet.
25	Fordham - -	Do. - -	15 feet.
9	Isleham - - -	Do. - -	20 feet.
12	Isleham - - -	Do. - -	15 feet.
5 & 8	Freckenham - -	Do. - -	20 feet.

Works in the hamlet of Mile End Old Town.

13. With respect to works in the hamlet of Mile End Old Town the following provisions shall apply:—

1. If within four months after receiving notice from the Company of their intention to proceed with the improvement or works over the road at the junction of Morpeth Street and Devonshire Street the vestry of the hamlet of Mile End Old Town shall by resolution require the Company to pull down the old bridge carrying the existing railway over the said road at the junction last aforesaid and to construct a new bridge over the said road and shall by such resolution further agree to contribute one equal moiety or half part of the extra cost occasioned by such pulling down and rebuilding as certified by the engineer to the Company for the time being (such moiety or half part not to exceed the sum of one thousand pounds in any event) and shall serve a copy of such resolutions upon the Company by sending the same by registered letter addressed to the Secretary of the Company for the time being at Liverpool Street Station in the City of London then the Company shall pull down the said old bridge carrying the railway over the road at the junction of Morpeth Street and Devonshire Street and shall build a new bridge for carrying both the existing railway and the improvement over the said road and the underpart or opening of such

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bridge shall have a headway for the full width thereof of 15 feet and a clear span of 34 feet throughout its entire length and the vestry of Mile End Old Town shall pay or cause to be paid to the Company a moiety of such cost (not to exceed one thousand pounds in any event) within three months after the completion of the work.

2. The Company shall construct the widened portion of the existing bridge carrying the improvement over Globe Road with a square span of 44 feet the abutments being built in line with the abutments of the existing bridge and with a clear headway of 15 feet and for effecting this the Company may alter the gradients of the road on each side of the bridge and such alteration of gradient shall be done under the direction and to the satisfaction of the surveyor to the vestry.

3. The Company shall also construct each of the said bridges with a parapet or inclosure of at least eight feet in height above the level of the rails and with such proper provision for the drainage as to prevent the water dropping therefrom on to the roads and footways.

4. The Company shall erect under the arches and bridges belonging to the Company in the hamlet of Mile End Old Town such number of gas lamps and in such position as having reference to the public convenience in regard to light may be agreed upon between the vestry surveyor and the engineer of the Company for the time being or as in case of difference shall be determined by an engineer to be nominated by the Board of Trade and shall thereafter cause all such lamps to be kept in good order and repair and lighted during the same hours and in the same manner as the public lamps in the same hamlet.

5. The Company shall not permanently stop up the street in the deposited plans and sections called Prospect Row and in the event of the Company diverting the said street called Prospect Row as shown by the deposited plans and sections the Company shall make the roadway and footpaths so substituted of a clear width of 40 feet and shall properly pave the carriageway and footpaths thereof and in order to enable the same to be well and sufficiently lighted shall set up fix and fit in a proper manner in such part of such street one lamp-post and lamp at least in every fifty yards such lamp-posts and lamps to be of a size and description to be approved of by the vestry and to be fixed in such places as the vestry shall direct.

6. The Company shall not in the execution of the works by this Act authorised cause to be stopped up or rendered impassable to the ordinary traffic any of the streets roads or footpaths in the said hamlet with the exception of the street called Prospect Place which they may stop up and cause to be discontinued as a public thoroughfare and appropriate the site thereof for the purposes of the said works and before the Company shall break up or open the soil of any street or pavement of any street or any part thereof or commence any work the execution of which shall or may affect the traffic along any street they shall give to the vestry or to the clerk or surveyor to the vestry for the time being notice in writing of their intention to open or break up the same not less than fourteen clear days before beginning such work and all and every such works shall be subject to the superintendence and control of the said vestry or their surveyor for the time being and the Company shall attend to the reasonable directions of the vestry or their surveyor with a view to secure the free passage of traffic in the said street and to prevent any needless injury or inconvenience to or in the street or the inhabitants householders or shopkeepers residing or carrying on business therein and if any difference shall arise between the Company and the vestry or their surveyor touching the directions so given the matter in difference shall be referred to the decision of some person to be appointed by the Board of Trade and the Board of Trade shall determine the remuneration of such referee and such remuneration shall be paid by the Company Provided always that if the vestry or their officer fail to attend at the time fixed for the opening of such street after having had the notice of the intention of the Company as aforesaid or shall refuse or neglect to superintend the operation the Company may perform the work specified in such notice without the superintendence of the vestry or their surveyor.

7. When the Company shall open or break up the soil or pavement of any street or any part thereof for any purpose whatever they shall with all convenient speed complete the work for which they have broken up the same and shall fill in the ground and reinstate and make good the soil or pavement so opened or broken up by them and carry away the rubbish occasioned thereby and shall at all times whilst such soil or pavement shall be so opened or broken up by them cause the same to be fenced and guarded and in every such case and also in every case where the execution of any

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works shall only affect the traffic along such street shall cause lights sufficient for the warning of passengers to be kept there every night during which such soil or pavement shall continue to be open or broken up or such works executed and the whole of the works shall be executed under the direction and to the satisfaction of the vestry or their recognised officers.

8. If the Company open or break up any street or commence any work which shall or may affect the traffic in any street without giving such notice as aforesaid or shall refuse or neglect to obey such reasonable direction as aforesaid or shall make any unnecessary delay in completing any such work or in filling in the ground or in reinstating or making good the soil or pavement so opened or broken up by them or in carrying away the rubbish occasioned thereby or if they neglect to cause the place where such soil or pavement has been broken up by them to be fenced guarded and lighted or if they neglect to cause sufficient lights for the warning of passengers to be kept where the works only affect the traffic along any street they shall forfeit to the vestry the sum of twenty pounds for every such offence and an additional sum of ten pounds per day for every day during which any such default as aforesaid shall continue after they shall have received notice thereof.

9. If any delay or omission as aforesaid shall take place the vestry may cause to be executed the work so delayed or omitted and the expense of executing the same shall be repaid to the vestry by the Company and such expenses may be recovered by action in the High Court of Justice Provided always that any such street shall not be considered to have been reinstated in a proper and substantial manner unless the same shall have been reinstated with the same or similar materials of the like quality and thickness and cemented and bound together in the same or an equally substantial manner as those of which it was composed in such manner as shall be satisfactory to the vestry or their surveyor.

10. After such streets have been reinstated or diverted as aforesaid the same or the parts substituted therefor as the case may be shall thereafter be as fully and completely under the direction jurisdiction and control of the vestry as they or the parts for which the same are substituted now are or hereafter may be.

11. All costs charges and expenses to which the vestry may be put or incur 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 shall be paid to the vestry by the Company on demand.

12. If by reason of the Company for the purposes of the said works and improvement giving notice to the owners or occupiers of any land houses hereditaments and premises in the hamlet of Mile End Old Town the same become unoccupied or untenanted or if the Company take down any such houses hereditaments or premises for the like purposes up to the period when the said works and improvement hereby authorised shall be assessed to the rates of the said hamlet the Company shall stand assessed to the said rate and be rated for and pay the rate of the premises respectively in the same sum and sums of money as the same were assessed and rated previously to the passing of this Act and the Company shall pay or make good (as the case may be) to the rate of the said hamlet out of the moneys of the said Company all such rates as aforesaid and in default of payment thereof the same shall be levied and recovered from the said Company or their treasurer or secretary in the same way or manner as the same could or might have been recovered from the owners or occupiers of the same premises in case this Act had not been passed.

13. Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights powers privileges or authorities vested in the said vestry but all such rights powers privileges and authorities shall remain as completely unimpaired and unaffected as if this Act had not been passed anything herein contained to the contrary notwithstanding.

Protection of North Metropolitan Tramways Company.

39 & 40 Vict. c. lxviii.

14. The Company in constructing the Bethnal Green and Bow improvement authorised by the Great Eastern Railway Act 1876 and described in section 6 subsection J thereof shall not enter upon take or use the land and premises belonging or reputed to belong to the North Metropolitan Tramways Company numbered on the deposited plans referred to in the said Act 99 in the parish of St. Matthew Bethnal Green and 85 and 86 in the hamlet of Mile End Old Town.

Works in St. Matthew Bethnal Green parish.

15. With respect to works in the parish of St. Matthew Bethnal Green the following provisions shall apply:—

1. The Company shall before stopping up or interfering with Prospect Row complete the proposed diversion of Prospect Row The Company shall construct a 4-foot by 2-foot 6-inch brick sewer under the centre of the said diversion

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from the sewer in Warley Street to the sewer in Devonshire Street with proper and sufficient gullies side entrances and ventilating shafts The Company shall connect the pipe sewer in Morpeth Street with the intended new sewer The carriageway of the proposed diversion shall be paved with 9-inch by 3-inch granite cubes on a bed of concrete 12 inches thick with proper channels the footpaths shall be curbed with Aberdeen or Guernsey granite and paved with York or patent Victoria stone The Company shall fix in the said diversions three lamp columns complete with lamps and connect the same with the mains of the gas company The position and pattern of the columns and lamps to be approved by the vestry The foregoing works specified or referred to in this clause to be executed by and at the cost of the Company and to the satisfaction of the vestry.

(2.) The Company shall not stop up Morpeth Street or Warley Street but the same streets shall be kept open as at present.

(3.) The Company shall erect under the arches and bridges belonging to the Company in the parish of St. Matthew Bethnal Green such number of gas lamps and in such position as having reference to the public convenience in regard to light may be agreed upon between the vestry surveyor and the engineer of the Company for the time being or as in case of difference shall be determined by an engineer to be nominated by the Board of Trade and shall thereafter cause all such lamps to be kept in good order and repair and lighted during the same hours and in the same manner as the public lamps in the same parish.

(4.) And whereas by reason of the execution of the works by this Act authorised and the taking down of houses buildings and other premises and conveniences and the taking of land in pursuance of this Act deficiencies may arise in the assessment of the poor and other rates in the parish of St. Matthew Bethnal Green therefore the Company shall from and after the period when any lands houses buildings hereditaments or premises shall be taken or become unoccupied or untenanted by reason of the same being required for the purposes of the works authorised by this Act by notice from the Company up to the period when the said works shall be assessed to such rates as aforesaid be assessed and rated for the same premises respectively in such sum and sums of money as the same were assessed and rated at the time of the passing of this Act and the Company shall pay and make good to and in aid of such parish out of the moneys of the Company

all such rates as aforesaid and in default of payment thereof the same shall and may be levied and recovered from the Company in the same way or manner as the same could or might have been recovered from the owners or occupiers of the same premises in case this Act had not been passed.

(5.) Except as expressly enacted in this Act nothing in this Act contained shall extend or be deemed or construed to extend to prejudice diminish alter or take away any of the rights powers authorities or privileges vested in the vestry of the parish of St. Matthew Bethnal Green in the county of Middlesex but all such rights powers authorities and privileges vested in them respectively shall be as good valid and effectual as if this Act had not been passed anything herein contained to the contrary notwithstanding.

Construction of works within the metropolis.

16. In the improvements of railways and works and with reference to any lands to be purchased under the authority of this Act within the metropolis as defined by the Metropolis Management Act 1855 the following provisions shall have full force and effect.

(1) The bridge for carrying the improvement of the railway over Devonshire Street in the hamlet of Mile End Old Town shall be a girder bridge with one clear span of not less than forty feet throughout measured on the square and with a clear headway of not less than fifteen feet for the entire width of such bridge and the said bridge shall be formed of a reasonably ornamental character to the reasonable satisfaction of the engineer of the Metropolitan Board of Works.

(2) All bridges to be constructed by the Company over streets or roads shall be watertight or as nearly so as practicable and so constructed as to deaden so far as is practicable the sound of engines carriages and traffic passing over them and shall be constructed of a reasonably ornamental character.

(3) The Company shall not commence the erection of any such bridge until they shall have given to the Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the said board with plans elevations sections and other necessary particulars of the construction of the said bridges nor until the said board shall have signified their approval of the same unless the board shall fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid in which event the Company may proceed forthwith with the works according to the said plans elevations and sections.

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(4) The Company shall comply with and conform to all reasonable directions and regulations of the said board in the erection and subsequent maintenance of the bridges and works connected therewith and shall save harmless the said Metropolitan Board of Works and also the vestry of any parish and the board of works for any district within which the works may be situate against all and every expense to be occasioned thereby and all such works shall subject to the provisions of this Act be done to the reasonable satisfaction of the engineer or other officer or officers of the said Metropolitan Board of Works at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said metropolitan board or any such vestry or district board 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 shall be paid to the said board by the Company on demand.

Protection of sewers in the metropolis.

17. 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 sewer drain watercourse defence or work under the jurisdiction of the Metropolitan Board of Works or of any vestry or district board of works constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any sewers or works to be made or executed by the said boards or vestries or either of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Company shall not commence such works until they shall have given to the said metropolitan board and to the district board or vestry as the case may be twenty-one days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such boards and vestries shall have signified their approval of the same unless either of the said boards or vestry do not signify their approval disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said boards or board and vestry in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards or vestry respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and

works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said boards and vestry respectively 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 engineer or other officer or officers of the said boards or board and vestry as the case may be at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said boards or board and vestry may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such boards or board and vestry respectively by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said boards or vestry respectively as the case may be 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 boards or vestries 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. Where any sewer drain watercourse defence or work under the jurisdiction or control of the metropolitan board or of any vestry or district board of works constituted under the Metropolis Management Act 1855 shall be situated on or within any land acquired by the Company under the powers of this Act the Company shall not cover over affect or interfere with the access to any such sewer drain watercourse defence or work until they shall have given notice of their intention so to do to the metropolitan board or to the vestry or district board under their jurisdiction or control as the case may be and until they shall have obtained the consent in writing of the said metropolitan board vestry or district board as the case may be and until they have made provision for securing access thereto or for providing for substituted works to the satisfaction of the said metropolitan board vestry or district board. A.D. 1881.

Prohibition of placards and advertisements.

18. The Company shall not exhibit or permit to be exhibited upon any part of the works by this Act authorised and within view of any public street within the metropolis any placards or advertisements except such as relate to the undertaking or business of the Company and except such as shall have been approved in writing by the clerk or other officer of the Metropolitan Board of Works.

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When road diversions open for use level crossings to cease.

19. When the Abbey Road diversion is completed and open for public use all rights of the public to cross the North Woolwich Branch Railway on the level where the same is now crossed by the said road shall cease and when the Trowse Road diversion is completed and open for public use all rights of the public to cross the Ely and Norwich main line on the level where the same is now crossed by the said road shall cease and section 101 of the Great Eastern Railway Act 1862 restricting the speed of trains in crossing the existing highway and section 102 of the same Act making further provisions as to the crossing of such highway shall be and are hereby repealed.

25 & 26 Vict. c. ccxxiii.

Trowse Road diversion.

20. The Trowse Road diversion by this Act authorised shall be constructed and maintained subject and according to the provisions of this section and in this section "the new road" means the Trowse Road diversion.

(1.) The Company shall within the limits of deviation shown upon the deposited plans and within two years from the passing of this Act construct the new road in the line shown on the plan signed by Alfred Andrew Langley the engineer of the Company and Peter Paul Marshall the engineer of the Norwich Corporation and to the reasonable satisfaction of the last-mentioned engineer.

(2.) The new road shall be of the full width of 35 feet throughout the whole length thereof except at the termination thereof on the County Bridge where it shall be of the full width of that bridge and the Company shall construct on each side of the new road a sufficient fence not less than four feet in height and on each side of the bridge carrying the new road over the Company's railway substantial parapets not less than five feet in height.

(3.) The gradient of the new road from the centre of the bridge carrying the new road over the Company's railway to the point of commencement on the city side shall not be steeper than 1 in 32 and the gradient of the new road from the centre of the same bridge to the point of termination on the county side shall not be steeper than 1 in 20.

(4.) The Company shall construct on each side of the new road a footpath six feet in width and shall form drain level channel macadamise with broken granite and make good the road and footpaths to the reasonable satisfaction of the engineer of the Norwich Corporation and shall repair and maintain the same to the like satisfaction for a period of three years from the completion of the new road.

(5.) From and after the expiration of three years from the completion of the new road the same (except the bridges and arches carrying the new road over the Company's railway) shall be repaired and maintained by and at the expense of the Norwich Corporation and the said bridges and arches shall be repaired and maintained by and at the expense of the Company.

(6.) The Norwich Corporation shall within six months after the completion of the new road to the satisfaction of the city engineer pay to the Company the sum of two thousand one hundred pounds as a contribution to the expense of constructing the same.

(7.) The Company shall if and when required by the Norwich Corporation and at the Company's expense make and construct a siding from their railway into the adjoining yard and premises forming the pumping station of the sewerage works belonging to the Norwich Corporation for the purpose of conveying coals on railway trucks from the railway to such pumping station and the Norwich Corporation shall not make any claim upon the Company for payment in respect of the use of land forming any part of the site of the said yard and premises required for the purposes of such siding, provided that the Norwich Corporation shall pay to the Company sevenpence per ton for each ton of twenty-one hundredweight of coals conveyed by them from the yard of the Trowse Station along the said siding to the termination thereof in the yard of the said pumping station.

(8.) The Norwich Corporation and the Company may enter into and carry into effect agreements for any deviation or variation in the works to be executed under this section and in the line or direction thereof or in the mode of executing the same or as to the amount or mode of payment of the contribution to be made by the Norwich Corporation.

(9.) If any difference arise between the Company and the Norwich Corporation in relation to this section such difference shall from time to time be determined by arbitration in the manner (unless otherwise agreed) provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Power to Corporation of Norwich to borrow.

21. The Norwich Corporation may borrow on mortgage of any of the rates funds or property of the Corporation the amount which under the provisions of this Act they may be authorised or required to contribute towards defraying the cost of the Trowse Road diversion and the provisions of the Commissioners Clauses Act 1847 with respect to the borrowing of money on mortgage or bond shall be

10 & 11 Vict. c. 16.

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incorporated with this Act and in construing such provisions the expression "commissioners" shall mean the corporation and the expression "clerk to the commissioners" shall mean the town clerk.

Protection of Norfolk county justices.

22. The following provisions for the protection and benefit of the justices of the peace for the county of Norfolk (in this section called the justices) shall have effect.

(1.) All works executed by the Company under the provisions of this Act on or affecting the bridge or approaches belonging to the justices situate at or near the termination of the Trowse Road diversion shall be done under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the justices and shall be made only according to plans and sections to be submitted by the Company to such surveyor and be reasonably approved of by him in writing under his hand before any of the works are begun provided that the said surveyor shall not make any objection to the said plans and sections involving any alteration in the line or levels of the Trowse Road diversion.

(2.) If by reason of the execution of any of the works by this Act authorised or the failure of any such works the said bridge or approaches shall be injured or damaged such injury or damage may be made good by the justices at the expense of the Company and the Company shall repay to the justices and indemnify them against the sums and expenses which they may pay or be put to in making good such injury or damage and the justices may recover the same with full costs in any court of competent jurisdiction.

(3.) The justices shall not be bound to pay for or to contribute to the cost of maintaining or repairing the Trowse Road diversion or any part thereof.

(4.) Any difference which may arise between the justices and the Company with reference to anything in this section contained shall be determined by arbitration in manner provided by the Railways Clauses Consolidation Act 1845.

Protection of Messrs. Colman.

23. For the protection of Jeremiah James Colman Jeremiah Colman and Frederick Edward Colman their successors and assigns (in this section referred to as "the owners") the following provisions shall be observed and have effect:—

1. The Company shall not enter upon use take or interfere with any lands or property belonging or reputed to belong to the owners except such as shall be absolutely necessary for "the Trowse Road Diversion" and the works connected therewith but they may enter upon and use temporarily such

adjoining lands and property as may be reasonably necessary for the purposes of the construction of the said diversion and the works connected therewith.

2. The Company shall at the time of the construction of the Trowse Road diversion at their own expense in all things make provide and maintain and keep maintained proper and convenient communications with and access to the property of the owners on each side of the Trowse Road when diverted under the powers of this Act especially to the mills called the Trowse Mills the staithe or landing-stage fronting the River Yare and the public and other houses on the sides of the Trowse Road.

3. Any difference which may arise between the owners and the Company with reference to anything in this section contained shall be determined by arbitration in manner provided by the Railways Clauses Consolidation Act 1845.

Power to make tramways.

24. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as are required for the purposes of this Act with respect to tramways but may not take or purchase any public road The tramways herein-before referred to and authorised by this Act are the following that is to say :—

1. Tramway in this Act called Tramway No. 1 4 miles 1 furlong and 4 chains in length commencing in the parish of Wisbech St. Peter in the Isle of Ely in the county of Cambridge at a point upon the west side of the Wisbech and Lynn Branch of the Company distant about thirty yards from the booking office of the Wisbech Station thereon and proceeding thence along and by the side of the said railway into and along the road leading from Wisbech to Elm Outwell and Upwell and terminating in the parish of Emneth in the county of Norfolk upon the towing-path on the east side of the Wisbech Canal at a point thereon forty-six-and-a-half chains or thereabouts measured in a southerly direction along the said towing-path from the mile post on the said road indicating four miles from Wisbech.

2. Tramway in this Act called Tramway No. 2 6 furlongs and 3·50 chains in length commencing by a junction with Tram-

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way No. 1 at the termination thereof herein-before described and terminating in the parish of Outwell in the Isle of Ely in the county of Cambridge at a point upon the west bank of the Old Welney river about one hundred yards measured in a south-westerly direction from the footbridge over the Outwell Sluice.

3. Tramway in this Act called Tramway No. 3 six furlongs and nine chains in length commencing by a junction with the Tramway No. 2 at the termination thereof herein-before described and terminating in the parish of Upwell in the county of Norfolk in a field known as the Five Acre Piece belonging or reputed to belong to Charles Chapman and occupied by John Bowers at a point on the western boundary thereof distant about sixteen yards from the point where the said boundary joins the northern boundary thereof.

4. Tramway in this Act called Tramway No. 4 7·50 chains in length wholly situate in the parish of Elm in the Isle of Ely in the county of Cambridge commencing by a junction with Tramway No. 1 at a point upon the said road from Wisbech to Elm Outwell and Upwell distant about seventy-three yards measured in a westerly direction from the milestone thereon indicating two miles from Wisbech and terminating by a junction with Tramway No. 1 at a point upon the said road distant about one hundred and thirteen yards measured in a southerly direction from the said milestone.

5. Tramway in this Act called Tramway No. 5 7·60 chains in length wholly situate in the said parish of Elm commencing by a junction with Tramway No. 1 at a point upon the last-mentioned road about thirty-one chains measured along the centre of the said road in a northerly and north-westerly direction from the milestone indicating four miles from Wisbech and terminating at a point upon the said road about twenty-three chains measured along the centre of the said road in a northerly direction from the said milestone.

Mode of formation of tramways.

25. Every tramway and passing-place by this Act authorised to be laid upon a road or public highway shall be laid and maintained in such manner as to be on a level with the existing surface of the road or the surface of the road as proposed to be altered as shown on the deposited plans and sections as the case may be and shall be constructed on a gauge of four feet eight-and-a-half inches and (except as herein-after mentioned) shall consist of a single pair of rails.

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Certain portions of tramways to be double.

26. Between the following points on the road from Wisbech to Elm Outwell and Upwell the tramways shall consist of a double pair of rails that is to say:

Tramway No. 1 in the parish of Emneth between a point opposite the milestone indicating one mile from Wisbech and a point about one hundred and ten yards to the south of the said milestone.

Tramway No. 1 in the parish of Elm between a point opposite the northern end of the Duke of Wellington public-house and a point about one hundred and ten yards measured in a northerly direction from the end of the said public-house.

Tramway No. 1 in the parish of Emneth between a point about thirty-one-and-a-half chains measured in a southerly direction from the milestone indicating two miles from Wisbech, and a point about thirty-six-and-a-half chains measured in the same direction from the said milestone.

Tramway No. 1 in the parish of Elm between a point about five chains measured in a south-easterly direction from the milestone indicating three miles from Wisbech and a point about ten chains measured in the same direction from the said milestone.

Tramway No. 1 in the parish of Elm between a point about three chains measured in a north-westerly direction fr o mthe milestone indicating four miles from Wisbech and a point about two chains measured in a south-westerly direction from the said milestone.

Tramway No. 2 in the parish of Outwell in the Isle of Ely between a point about one chain to the north-west of the footbridge over Outwell Sluice and a point about four chains to the south-west of the said footbridge.

Tramways in certain places to be less than ten feet six inches from the footpath.

27. The tramways shall be so laid in the following places that for a distance of thirty feet and upwards a less space than ten feet six inches will intervene between the outside of the footpath along the side of the road along the line of tramway and the nearest rail of such tramway.

Tramway No. 2 in the parish of Outwell in the Isle of Ely on the western side of the road running along the western side of the canal in Outwell between a point about twenty-four chains north of the footbridge at Outwell Sluice and a point on the said road opposite the said footbridge.

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Tramway No. 1 in the parish of Elm.

28. The following provisions with reference to Tramway No. 1 in the parish of Elm shall have effect (that is to say)—

1. The Company shall before commencing the construction of Tramway No. 1 in the parish of Elm give the road authority one month's notice in writing under the hand of the Secretary of the Company of their intention to commence the construction of the said tramway.
2. The Company shall if so required by the road authority within one month after receipt of such notice as aforesaid construct the said tramway from the boundary of the said parish northward of the Duke of Wellington public-house to the boundary of the said parish southward of the said public-house along the western instead of the eastern side of the road.
3. If the road authority shall at any time within one month after receipt of such notice as aforesaid object to the making of a double line of rails between any of the points in the said parish in this Act mentioned in that behalf the Company shall not make the double line of rails so objected to but instead thereof the Company may make the said tramway with a double line of rails between such other points and at such number of places within the said parish as may be agreed upon between them and the said road authority or failing agreement as may on the application of either party be settled by an arbitrator to be named by the Board of Trade and the costs of such reference shall be paid by each such party or parties or in such proportions as the arbitrator shall direct.

Protection of Wisbech Canal Company.

29. The following provisions for the protection of the Wisbech Canal Company (herein called "the canal company") shall have effect (that is to say)—

1. The Company shall construct a new bridge with increased width for the accommodation of the road and tramway traffic and a towing-path under the same on the east side thereof in substitution for the present bridge called New Common Bridge across the Wisbech Canal (herein-after called the canal) at or near to the point where Tramway No. 1 crosses the canal.
2. The Company shall construct a bridge with a towing-path under the same on each side thereof at or near to the point where Tramway No. 2 crosses the canal.
3. Each of the bridges to be constructed as aforesaid shall be constructed to the reasonable satisfaction of the engineer of the canal company and according to working drawings and

specifications to be previously submitted to such engineer and approved of by him in writing and each bridge shall be constructed so as to occasion no impediment to the navigation along the canal and in conformity with the following regulations (that is to say) there shall be a clear waterway eighteen feet wide under each bridge and the underside of each bridge shall be seven feet six inches above the ordinary level of the water in the canal and seven feet above each towing-path under the bridge.

4. Each of the bridges to be constructed as aforesaid shall at all times be maintained by the Company.

5. The Company shall in addition to compensation for land taken forfeit and pay to the canal company the sum of three pounds for every day during which or any part of which (except for some reasonable cause to be agreed upon between the Company and the canal company or their engineers) the traffic of the canal shall be stopped delayed or interrupted in consequence of the works in progress for the removal of the present bridge and the construction of each new bridge across the canal.

6. Every such penalty as aforesaid shall be recoverable by the canal company in the manner provided by the Lands Clauses Consolidation Act 1845 for the recovery of forfeitures penalties and costs imposed by that Act.

7. Any difference between the Company and the canal company or between their engineers respecting the foregoing provisions may on the application of either company be referred to an arbitrator to be named by the Board of Trade and the costs of each such reference shall be paid by such party or parties or in such proportions as the arbitrator shall direct.

8. Except only as by this Act expressly provided nothing in this Act contained shall take away lessen prejudice or alter any of the rights powers privileges jurisdictions or authorities of the Wisbech Canal Company.

Protection of drainage and navigation of Middle Level.

30. Inasmuch as Tramways Nos. 2 and 3 are or one of them is intended to pass over certain parts of the Middle Level of the Fens and certain works of the Middle Level Commissioners therefore in constructing and maintaining the tramways or either of them or any of the bridges or works connected therewith it shall not be lawful (without the consent in writing of the Middle Level Commissioners as to any works maintained by or belonging to them or as to any works maintained by or belonging to any other drainage commissioners or public bodies in the Middle Level without the consent in writing of such commissioners or public bodies

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respectively subject to the provisions herein-after contained) to contract or diminish the breadth depth or capacity of the waterway of or interfere with any drain river watercourse or work of drainage or navigation or to do any act whereby the free passage of water or ice through and along any such river drain or watercourse shall during floods or at any other time be in any manner impeded and it shall not be lawful for the Company without the consent in writing as aforesaid to lower or vary the line or dimensions or to injure or weaken the security of any bank maintained by the Middle Level Commissioners or other commissioners or public bodies as aforesaid for protecting any lands from inundation and every bridge to be erected for carrying the tramways over any navigable river drain or watercourse whether the navigation thereof be public or private shall unless with such consent in writing as aforesaid be so constructed as not to obstruct or impede the navigation or the use and enjoyment of the towing-paths thereof.

Mode of executing works across banks.

31. In the formation of such part or parts of the Tramways No. 2 and No. 3 as is or are intended to pass over across or along any bank of any river drain or watercourse within the Middle Level it shall not be lawful (without the respective consents in writing of the owners or commissioners or other public bodies liable to maintain the said bank) for the Company or their officers or contractors at any time or times to cut or interfere with or place or drive down any piles or to erect any pier or building into or upon or within the water side of any such bank or to cut or to carry away earth or soil or open any hole or trench within twenty yards from the land side of any such bank except only so far as may be necessary to construct the bridges or other works by this Act authorised.

Works not to unite drainage of districts.

32. It shall not be lawful for the Company to execute any works within the Middle Level in such manner as will unite the drainage of any district or fen in the Middle Level with the drainage of any other district or fen or as will extend any public or private drainage in the Middle Level to any land not previously drained thereby.

Land taken to be subject to drainage taxes.

33. Any lands within the Middle Level which may be required to be taken or used by the Company and 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 shall remain and be subject to all such drainage taxes as now are or hereafter shall be imposed on the said lands under or by virtue of such Act.

Saving rights &c. to alter or divert works of drainage.

34. Nothing herein contained shall tend to lessen or control any powers rights or authorities now vested in or enjoyed by the Middle Level Commissioners or by any other commissioners of drainage body or person for altering or diverting any existing bridge river

drain or watercourse used for the drainage of any lands within the Middle Level or to prevent the making of any new river drain or watercourse for improving the drainage thereof or of altering or enlarging any existing bridge or of altering enlarging or deepening any existing river drain or watercourse or of altering or strengthening any bank of the said commissioners body or person but all such rights powers and authorities shall remain in as full force as if this Act had not been passed and the said commissioners of drainage or other body or person shall not be liable to make any compensation for any damage or injury occasioned by altering enlarging or diverting any existing bridge or by altering enlarging deepening or diverting any existing river drain or watercourse or of altering or strengthening any bank of the said commissioners body or person or making any new bridge drain or watercourse or bank to any greater extent or amount than they would have been liable to if the tramways had not been made or this Act had not been passed.

Crossing River Nene.

35. In crossing the River Nene in the parish of Outwell the following provisions shall have effect (that is to say):

(*a.*) The Tramway No. 3 shall be carried over the said River Nene by a good and substantial bridge such bridge having one span or opening not less than 25 feet wide square with the line of direction of the river and the soffit or underside of the arch or girder of such bridge shall be of not less than 18 feet clear height above the Middle Level datum line.

(*b.*) A safe and sufficient platform properly fenced 6 feet wide at the least and 11 feet 6 inches in height above the Middle Level datum line shall be constructed on the same side of the river as the present towing-path now is so as to give a clear height of 6 feet 6 inches at the least between the towing-path and the soffit or underside of the arch or girder of the bridge and afford a free passage for horses hauling along such towing-path and to prevent the necessity of detaching the horses from the hauling lines.

Company to uphold works.

36. The Company shall at all times hereafter substantially maintain and support all bridges and other works made or constructed by the Company and which in any way protect or affect the drainage or navigation or other works intended for the security of the Middle Level or any district therein.

Company to make good unforeseen injury to drainage and navigation.

37. If at any time after the Tramways No. 2 and No. 3 or either of them shall have been completed any injury shall arise to any river cut drain or watercourse within the Middle Level or to the navigation thereof or to any bank or towing-path or any land building crops produce or goods within the Middle Level from the

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formation of any bridge embankment ditch culvert or other work by the Company or by or in consequence of any works of the Company which may not have been foreseen or provided for by this Act the Company shall at their own costs make good and repair and take all proper steps to prevent the recurrence of any such injury immediately after the discovery thereof.

Mode of constructing works in Middle Level

38. The mode of constructing the several works herein directed to be executed for protecting or affecting the interests of the Middle Level Commissioners and of any other commissioners of drainage or bodies or persons within the Middle Level with all necessary and contingent works whether temporary or permanent and as well those which are as those which are not specifically mentioned but which are necessarily consequent on or fairly implied by the several stipulations and conditions herein provided for shall be executed in a proper and efficient manner to the reasonable satisfaction of an engineer to be appointed by the Middle Level Commissioners and the cost of or incident to such superintendence shall be borne by the Company.

Penalty in default of Company as to works for protection of Middle Level.

39. If the Company shall by any act or default offend against any provision of this Act touching or concerning the drainage or protection of lands within the Middle Level or the navigation of any navigable river drain or watercourse as aforesaid and shall for the space of ten days after due notice thereof from the Middle Level Commissioners or other commissioners or body aggrieved fail to repair any injury which shall be occasioned thereby or to prevent further or continuing injury or on the reasonable apprehension of injury to adopt due precautionary remedies against the occurrence of actual injury the Company shall for every such offence forfeit to the commissioners or other body injured the sum of one hundred pounds for every day during which such offence shall continue which said sum may be recovered with full costs of suit in Her Majesty's High Court of Justice Provided that nothing in this Act contained shall prevent any bodies or persons recovering from the Company special damages for any injury that may be done or occasioned to the drainage of any of the lands within the Middle Level or the works for protecting or preserving the same or to the navigation of the said rivers drains or watercourses by or through the act or neglect or default of the Company or by reason of the effect or operation of any works to be executed by the Company under the authority of this Act.

Saving rights &c. of Middle Level and other commissioners.

40. Nothing herein contained shall in any manner diminish alter affect or take away any of the rights privileges powers and authorities now exercised or capable of being exercised by or vested

in the Middle Level commissioners or in any other Commissioners of drainage or body acting in execution of any Act of Parliament affecting any fen lands or low grounds within the Middle Level or any part thereof save and except so far as the same rights privileges or authorities are expressly altered or interfered with by this Act.

Company to adopt improvements if required by the Board of Trade.

41. The Board of Trade may from time to time upon the application of the local authority or road authority of any district require the Company to adopt and apply such improvements in the tramways within such district including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Rails of tramways.

42. The rails of the tramways shall be such as the Board of Trade may approve.

Further provisions as to construction of tramways.

43. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act Provided always that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act 1870 or this Act.

Inspection by Board of Trade.

44. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways to be kept level with surface of road.

45. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of the tramways is laid the Company may and shall from time

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to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Penalty for not maintaining rails and roads.

46. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure on which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act.

Power to Board of Trade to inquire as to maintenance of rails and roads.

47. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramway or any portion thereof is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in the preceding section contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inquiry by an officer to be appointed by the said board such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act 1870 and if the Board of Trade shall certify under the hand of a secretary or assistant secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board the Company shall make good such default in the manner and within the time specified in such certificate and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Sewer authorities to have access to sewers.

48. Every sewer authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Power to make additional crossings &c.

49. The Company may subject to the provisions of this Act and with the consent of the local and road authority from time to time make maintain alter and remove such crossings curves passing-places sidings loops junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for pro-

viding access to any premises of the Company or to or into any buildings yards or other premises near to or abutting on any street or road in which any of the tramways may be laid provided that in the construction of any such works no rail shall be so laid that a less space than ten feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under his or their hand addressed to the Company express his or their objection thereto.

Temporary tramways may be made where necessary.

50. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramways or any part thereof the Company may with the consent of the road authority subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramways or part of the tramways so removed or discontinued If any difference arises between the Company and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

51. Any paving metalling or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person or persons named

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by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Power to purchase lands by agreement.

52. The Company may in addition to any lands which they may purchase compulsorily under the powers of this Act for the purposes of the tramways from time to time purchase by agreement any lands which they may require for any of the purposes of their tramway undertaking including among such purposes the widening or improving of any street or road in which any of the tramways may be laid not exceeding in the whole two acres and the Company may erect on any such lands such suitable buildings as they think necessary for the purposes of their tramway undertaking.

Agreements for use of tramways.

53. The Company may subject to the approval of the Board of Trade from time to time enter into and carry into effect contracts agreements and arrangements with any person persons or corporation for or with respect to the use by such person persons or corporation of the tramways or any of them or any part or parts thereof respectively and the tolls rates and charges to be paid for such use and the terms and conditions of such use and all incidental matters.

Power to use locomotive engines &c.

54. The Company may subject to the provisions of this Act work and use the tramways for passengers and goods by locomotive engines or other mechanical power or horse power and may run thereon carriages and trucks adapted for use upon railways.

Power to use steam or other mechanical power.

55. The carriages used on the tramways may subject to the provisions of this Act be moved by steam power or other mechanical power during a period of seven years after the opening of the tramways for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time by order specify Provided that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in Schedule A. to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of these powers.

Penalty for using steam or mechanical power contrary to order or regulations.

56. If the Company use steam or any mechanical power on any of the said tramways contrary to the provisions of this Act or to any regulation made by the Board of Trade as aforesaid they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any person using steam or any mechanical power on the tramways of the Company under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in Schedule A. to this Act or with any regulation which may have been made as aforesaid may by order direct the Company or such person to cease to exercise the powers aforesaid and thereupon the Company or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws for regulating user of steam, &c.

57. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to all or any of the tramways of the Company upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine;

For regulating the emission of smoke or steam from engines used on the tramways of the Company;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways of the Company and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways of the companies by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

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Recovery of penalties.

58. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act with respect to tramways and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

59. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders &c. by Board of Trade to be signed.

60. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Act.

Contracts with road authorities where steam or mechanical power is to be used.

61. Before the Company or any person use steam or any mechanical power under the authority of this Act on the tramways or any part thereof they or he shall give two months previous notice of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend to use such power are or is situated Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such person by such notice or for such road authority by notice to be served upon the Company or such person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof be determined and of no effect:

Before using steam or any mechanical power on the tramways or any part thereof and thereafter from time to time the Company or such person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is used or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve:

In case any difference arises between any such road authority and the Company or such person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Company or such person or the Company or such person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure of the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the promoters and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force in relation to the tramways or such portion of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by

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them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramways are laid.

Where steam or mechanical power is used contract with road authority not to be for longer than two years at a time.

62. Where steam or any mechanical power is used by the Company or any person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Company or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid or the making of such contract agreement or arrangement Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

Tolls for passengers.

63. The Company may demand and take for any passenger travelling upon the tramways or any part thereof including tolls for the use of the tramways and of carriages and for motive power and for every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile and in computing the said tolls or charges the fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than two pence and if the Company provide a compartment in any tram carriage for first-class passengers the Company may charge an additional sum per mile not exceeding one halfpenny for each passenger travelling in such compartment.

Passengers luggage.

64. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage be carried by hand and at the responsibility of the passenger and shall not occupy any part of the seat nor be of a form or description to annoy or inconvenience other passengers.

Tolls for animals and goods.

65. The Company may demand and take for animals and goods conveyed upon any of the tramways any tolls not exceeding the tolls which the Company are authorised to take upon the railways of the Company under the provisions of the Great Eastern Railway

Act 1862 and the provision and regulations of that Act with reference to tolls and charges and the maximum and terminal charges or otherwise shall extend and apply to the tramways in all respects as if they were railways belonging to the Company.

Tolls for small parcels.

66. The Company may demand and take for small parcels carried by them on the tramways not exceeding one hundred and twelve pounds in weight any tolls not exceeding the following :—

For any parcel not exceeding two pounds in weight two pence;

For any parcel not exceeding seven pounds in weight three pence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight four pence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight six pence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight eight pence;

For any parcel exceeding fifty-six pounds any sum which the Company think fit:

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

Periodical revision of tolls.

67. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways authorised by this Act or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided

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always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges authorised by this Act.

Byelaws as to tolls.

68. The Company may subject to the provisions of section 46 of the Tramways Act 1870 from time to time make byelaws as to the persons times and places to whom and at and in which the tolls and charges authorised by this Act shall be paid.

Notice to be given of taking houses of labouring classes.

69. The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards hand bills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of labouring classes to be displaced.

70. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of a house which the Company are by this Act authorised to acquire the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring class dwellings and may let or otherwise dispose of such lands.

Power to take easements &c. by agreement.

71. 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 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.

Extension of time for compulsory purchase of lands. 42 & 43 Vict. c. cl.

72. The period limited by the Great Eastern Railway Act 1879 for the compulsory purchase and taking of lands shall so far as relates to the Bethnal Green and Bow improvement authorised by section 7 subsection J of the Great Eastern Railway Act 1876 and so far as relates to the works in the parishes of Tottenham in the

county of Middlesex and Bishop Stortford in the county of Hertford authorised by section 7 subsections Q and R of the last-mentioned Act be extended and the said powers shall continue in force until the expiration of two years from the twenty-seventh day of June one thousand eight hundred and eighty-one and the period limited by the Great Eastern Railway Act 1877 for the compulsory purchase and taking of lands shall so far as relates to the railway widening from St. Ives to Huntingdon in the county of Huntingdon authorised by section 7 subsection C of the last-mentioned Act be extended and the said powers shall continue in force until the expiration of two years from the twelfth day of July one thousand eight hundred and eighty and the period limited by the Great Eastern Railway (General Powers) Act 1878 for the compulsory purchase and taking of lands shall so far as relates to the railway in the parish of Lawford in the county of Essex and the improvement of the North Woolwich Branch Railway in the same county respectively authorised by section 7 subsection A and section 8 subsection B of that Act and so far as relates to land in the hamlet of Thorpe in the county of the city of Norwich authorised to be taken by section 29 of that Act be extended and the said powers shall continue in force until the expiration of two years from the fourth day of July one thousand eight hundred and eighty-one.

40 & 41 Vict. c. lxxxiii.

Extension of time for completion of works.

73. The time limited by the Great Eastern Railway Act 1876 for the completion of the said Bethnal Green and Bow improvement and works in the parishes of Tottenham and Bishop Stortford respectively and the time limited by the Great Eastern Railway Act 1877 for the completion of the said widening of the railway from St. Ives to Huntingdon and the time limited by the Great Eastern Railway (General Powers) Act 1878 for the completion of the said railway in the parish of Lawford and of the improvement of the North Woolwich Branch Railway and the time limited by the Great Eastern Railway Act 1876 for the completion of the Bishopsgate Station improvement authorised by section 7 subsection H of that Act and of the Forncett and Wymondham Junction Railway in the county of Norfolk authorised by section 6 subsection A of that Act and of the railway in the parish of East Dereham in the county of Norfolk authorised by section 6 subsection D of the last-mentioned Act and of the West Ham Railways Nos. 1 2 and 3 authorised by section 6 subsections E F and G respectively of the said last-mentioned Act and the time limited by the Great Eastern Railway Act 1874 for the completion and opening of the works and operations in the parishes of Ramsey and Dovercourt in the county of Essex authorised by section 8 subsections M N O P and Q respectively of that Act and the time limited by

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the Great Eastern Railway Act 1875 for the completion of the improvement of the railway from Manningtree to Harwich in the county of Essex authorised by section 7 subsection C of that Act shall be enlarged and extended for a period of three years to be computed from the respective periods herein-after mentioned that is to say as regards the said railways works and operations the time for completing which was limited by the Great Eastern Railway Act 1876 from the 27th day of June 1881 by the Great Eastern Railway Act 1877 from the 12th day of July 1882 by the Great Eastern Railway (General Powers) Act 1878 from the 4th day of July 1883 by the Great Eastern Railway Act 1874 from the 16th day of July 1881 by the Great Eastern Railway Act 1875 from the 19th day of July 1880 and if on the expiration of the extended period the said railways works and operations shall not be completed the powers by the said Acts or this Act granted for making the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as shall then be completed.

Penalty imposed unless the railways and tramways are opened within the time limited.

74. If the Company fail within the period limited by this Act to complete the railways or tramways by this Act authorised or the railways the time for completing which is by this Act extended they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway or tramway is 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 the railways or tramways or railway or tramway not completed 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 3 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 the railway or tramway 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.

17 & 18 Vict. c. 31.

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Application of penalty.

75. Every sum of money so recovered by way of penalty for the non-completion of the railways or tramways by this Act authorised or the railways 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 such railways or tramways or any portion thereof or who may have been subjected to 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 to 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.

76. If the railways tramways and works by this Act authorised and described on the deposited plans are not completed as regards the tramways within three years and as regards the railways and works (other than the Trowse diversion) within five years from the passing of this Act then on the expiration of those periods respectively the powers by this Act granted to the Company for making and completing the said railways tramways and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls &c.

77. The railways and tramways 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.

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Power to stop up level crossings.

78. The Company may stop up and cause to be discontinued as a public thoroughfare so much of the said Abbey Road or Abbey Lane as crosses the North Woolwich Branch Railway on the level at or near the Abbey Road diversion at any time after the completion and opening for public use of the said diversion and may also stop up and cause to be discontinued as a public thoroughfare so much of the said Trowse Road as crosses the Ely and Norwich main line on the level at or near the Trowse Road diversion at any time after the completion and opening for public traffic of the last-mentioned diversion.

Sale of superfluous lands.

79. The period for the sale of lands at the passing of this Act vested in the Company but not required by them for the purposes of their undertaking shall (but not so as to shorten the period allowed in that behalf by any other Act in respect of any part of those lands) be as follows (that is to say):

With respect to lands adjoining any station of the Company or required by them for any station or station purposes or for the erection of cottages for signalmen or other servants of the Company the period shall be ten years from the passing of this Act.

With respect to other lands the period shall be two years from the passing of this Act.

Company may retain certain lands for gardens.

80. The Company may retain and hold any lands adjoining the railway or in the immediate vicinity of the railway for the purpose of letting the same in garden allotments of not exceeding one quarter of an acre each to persons in the employment of the Company and such lands shall be deemed to be required for the purposes of the undertaking.

Abandonment of certain railways.

81. The Company shall abandon the construction of the Cambridge Curve Railway authorised by section 6 subsection C of the Great Eastern Railway Act 1874 and of so much of the said Bethnal Green and Bow improvement and of the improvement of the Company's main line near Devonshire Street authorised by section 8 subsection C of the Great Eastern Railway (General Powers) Act 1878 as lies between the points of commencement and termination of the improvement in the hamlet of Mile End Old Town and the parish of St. Matthew Bethnal Green by this Act authorised of the Company's main line.

Compensation for damage to land by entry &c. for purposes of railways abandoned.

82. The abandonment by the Company under the authority of this Act of any portion of any railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing

or boring to ascertain the nature of the soil or setting out of the line of the railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 the Great Eastern Railway Act 1874 the Great Eastern Railway Act 1876 and the Great Eastern Railway (General Powers) Act 1878 or any of them.

Compensation to be made in respect of railways abandoned.

83. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to acquire additional lands.

84. 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 railways improvements and other works by this Act authorised the lands shown on the deposited plans and described in the deposited books of reference and situate in the parishes of Tottenham St. Matthew Bethnal Green and St. John at Hackney and the hamlet of Mile End Old Town in the county of Middlesex and in the parishes of East Winch and Forncett St. Peter in the county of Norfolk Wenden Ambo in the county of Essex and Whittlesea in the Isle of Ely in the county of Cambridge and the Company may apply any of their funds or moneys in the construction of stations sidings buildings and other works and conveniences on those lands.

Power to purchase Whittome's bridge.

85. The Company may purchase the bridge and approaches thereto in the parish of Whittlesea in the Isle of Ely in the county of Cambridge known as Whittome's Bridge at such price or sum as may have been or may be agreed upon with the proprietor thereof and may hold and maintain the same subject to the same conditions as the proprietor thereof held the same and may permit the use of the bridge and approaches toll free or partly toll free or may take

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such reasonable tolls for the use thereof as the proprietor could have taken if such bridge had not been purchased by the Company.

Period for compulsory purchase of lands.

86. 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.

Power to redeem rent charges &c. in Saint Botolph's Bishopsgate.

87. The Company may redeem any rent charges or other like interests upon or affecting any lands belonging to them in the parish of St. Botolph Bishopsgate and the persons entitled to any such rent charge or other interest shall if and when required release the same to the Company upon such terms and conditions as may be agreed upon between them and the Company or in case of difference as may be determined as in cases of disputed compensation under the provisions of the Land Clauses Consolidation Act 1845 and the provisions of that Act with respect to lands charged with any rent service rent charge or chief or other rent or other payment or incumbrance not therein-before provided for shall be in force and applicable with respect to every such redemption and release.

Power to subscribe to Stoke Ferry Company.

88. The Company with the consent of the Stoke Ferry Company may contribute to the undertaking of that company such part of the share capital of the Stoke Ferry Company as the Company with the consent of three fourths of the votes of the shareholders present in person or by proxy at a meeting convened with special notice of the purpose think fit not exceeding thirty-five thousand pounds and may take and hold shares in the capital of that Company for the amount of their contribution but shall not have power to transfer any of the shares so taken and the Company may if so agreed with the Stoke Ferry Company out of the receipts arising from the traffic on the railway of the Stoke Ferry Company and out of the receipts arising from traffic in connexion with that railway passing over the railways of the Company provide and annually pay to the Stoke Ferry Company in lieu of the payments by the Company provided to be made under the agreement dated the 8th day of July 1879 confirmed by the Downham and Stoke Ferry Railway Act 1879 a sum which shall be equal in amount to but not exceed interest at the rate of four pounds per centum per annum on the capital expenditure of the Stoke Ferry Company incurred in the construction of their railway.

Power to advance money on mortgage to Stoke Ferry Company.

89. The Company may from time to time advance to the Stoke Ferry Company for any period not exceeding three years from the date of the advance any moneys which they think fit upon the security of any mortgages which the Stoke Ferry Company have granted or created or are authorised to grant or create.

Guarantee fund.

90. The Company may establish and maintain a guarantee fund for insuring the good conduct of their officers and servants as the Company think fit and the rules and regulations of the fund may be such as the Company and the contributors thereto or any committee or persons nominated or approved by the contributors to act on their behalf from time to time think fit.

Company may accept guarantee fund as sufficient security for officers and servants.

91. The Company from time to time if and when they think fit may accept the security of the guarantee fund established under this Act as a sufficient security for the good conduct of all or any of the officers and servants of the Company for whose good conduct the Company from time to time are required or authorised to take any security.

Rules &c. for guarantee fund.

92. The rules and regulations from time to time made with respect to the guarantee fund may include rules and regulations for determining the contributions whether yearly or otherwise to be made to the fund partly by the Company and partly by officers and servants of the Company and the benefits to be derived from the fund and the management and disposal of the fund and other matters relating thereto.

Company may receive at interest money on account of guarantee fund.

93. The Company may receive and hold at interest any moneys from time to time paid in respect of the guarantee fund and in accordance with the rules and regulations from time to time in force of the fund may pay or allow in account half-yearly or otherwise the interest at the rate from time to time determined by the rules and regulations.

Company may apply corporate funds to purposes of Act.

94. The Company may raise and apply for or towards any of the purposes of this Act or any of the purposes authorised by their existing Acts any money which they are already authorised to raise and which may not be required by them for the special purposes for which that money was authorised to be raised.

Power to raise additional capital.

95. 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 such additional sum of money as they think fit not exceeding in the whole seven hundred thousand pounds for the railways and works by this Act authorised and for the general purposes of the Company and such sum of seven hundred thousand pounds may be raised by the creation and issue of preference shares or stock and if so raised the nominal amount of the preference shares or stock so created shall not exceed seven hundred thousand pounds or by the creation and issue of ordinary shares or stock or of ordinary shares or stock with dividends wholly or in part deferred or contingent upon the amount of dividend payable on the ordinary stock sufficient in nominal amount to raise

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the said sum of seven hundred thousand pounds but the nominal amount of ordinary stock to be issued for raising the said sum of seven hundred thousand pounds shall not exceed one million one hundred and twenty-five thousand pounds or in their option the Company may raise proportionate amounts of preference shares or stock or ordinary shares or stock with or without contingent or deferred dividends and any such shares or stock may be made convertible at such time and subject to such conditions as the Company may prescribe at the time of creating the same into ordinary shares or stock provided the total amount of money to be raised under this section shall not exceed seven 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 &c. to form part of general capital.

96. All shares or stock created by the Company under the 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.

97. 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.

98. 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.

Power to borrow.

99. The Company may in respect of the additional capital of seven 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 two hundred and thirty thousand three hundred pounds (that is to say) when one hundred and fifty thousand pounds in respect of such additional capital has been bonâ fide paid up and certified as herein-after mentioned they may borrow on mortgage any sum of money not exceeding fifty thousand pounds and a like additional sum of fifty thousand pounds when every further sum of one hundred and fifty thousand pounds has been bonâ fide paid up and certified as herein-after mentioned up to six hundred thousand pounds and when the last one hundred thousand pounds has been bonâ fide paid up and certified as herein-after mentioned they may borrow on mortgage the further sum of thirty-three thousand three hundred 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 or stock for raising such additional capital or some part thereof have been bonâ fide paid up to the extent in money of one hundred and fifty thousand pounds in respect of every sum of fifty thousand pounds intended to be borrowed or of one hundred thousand pounds in respect of the last sum or balance of thirty-three thousand three hundred pounds intended to be borrowed 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. A.D. 1881.

Power to create a preference stock for certain purposes.

100. For the purposes of redeeming the lands security stock and of raising additional money for completing the buildings connected with the Liverpool Street Station of the Company and other purposes of their metropolitan extensions and for the purpose if the Bill for the Act before mentioned pass into a law of the transfer of the undertaking of the East Norfolk Railway Company to the Company the Company shall create a stock of an amount not exceeding seven hundred thousand pounds bearing a preferential dividend of four pounds per centum per annum and ranking next after the northern extension preference stock created under the powers of the Great Eastern Railway (Northern Extension) Act 1878 (being the last created preference stock of the Company) and such stock shall be allotted or appropriated as follows :— 41 & 42 Vict. c. xc.

As to one hundred and seven thousand and seventy pounds towards the redemption of the existing lands security stock or so much thereof as may not be provided for by the redemption fund.

As to three hundred and thirty-six thousand two hundred and fifty pounds for the purposes of the amalgamation of the East Norfolk Railway Company and for their authorised subscription of one hundred and five thousand pounds towards the western extensions railways authorised by the East Norfolk Railway Act 1880 or such other amount as may be requisite under the intended Act before referred to. 43 & 44 Vict. c. cxxxvi.

And any residue of such sum may be applied towards the completion of the buildings at the Liverpool Street Station of the Company or other purposes connected with the metropolitan undertaking of the Company and the new Bishopsgate Goods Station or the subscription to the Stoke Ferry Company and the Lowestoft Baths or in discharge of any debts or liabilities of the East Norfolk Railway Company and the Saint Ives and Newmarket Companies or any of them not exceeding six

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thousand pounds in the case of the St. Ives Company and thirty-five thousand pounds in the case of the Newmarket Company.

The powers given by this section for creating the said stock shall be in substitution of the powers of creating stock charged upon the surplus or reserved funds of the Company and when and so soon as the existing lands security stock shall have been paid off and discharged section 71 of the Act of 1874 and section 64 of the Act of the General Powers Act 1878 shall be repealed five hundred and seventy-five thousand pounds of such seven hundred thousand pounds shall be issued in the first instance and the remaining one hundred and twenty-five thousand pounds shall be issued only under the provisions of some future Act or the certificate of the Board of Trade.

Power to borrow in respect of part of preference stock authorised by this Act.

101. The Company may in respect of two hundred and one thousand seven hundred and fifty pounds part of the additional capital of five hundred and seventy-five thousand pounds four per centum per annum preference stock authorised to be created and issued by this Act (being the residue of such stock after providing for the stock to be allotted in respect of the East Norfolk Railway Company if the Bill before referred to shall pass into a law and after deducting the subscriptions by this Act authorised to the capital of the Stoke Ferry Company and to the baths at Lowestoft) and the money required for the discharge of the liabilities of the St. Ives and Newmarket Companies borrow on mortgage as hereinafter mentioned in addition to any other sums authorised to be borrowed by this Act any sum not exceeding fifty-nine thousand six hundred pounds but no such borrowing power 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 the whole of the residue of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and 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 proof aforesaid has been given which shall be sufficient evidence thereof.

Application of part of money arising from sale of tramways.

102. In the event of the tramways being purchased by the local authority under section 43 of the Tramways Act 1870 the Company shall apply one fourth of the purchase money arising from such sale in reduction of the mortgage debt of the Company but no money raised by mortgage under the authority of this Act shall prevent such purchase or sale anything herein contained to the contrary notwithstanding.

Existing mortgages to have priority.

103. 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 the section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repealing provisions of 41 & 42 Vict. c. clv. and 41 & 42 Vict. c. xc. for appointment of a receiver.

104. The provisions of the Great Eastern Railway (General Powers) Act 1878 and of the Great Eastern Railway (Northern Extension) Act 1878 authorising the appointment of a receiver for principal or interest moneys due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of such appointment and in force or pending at the time of the passing of this Act.

Appointment of a receiver.

105. The mortgagees of the Company may enforce payment of arrears of interest 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.

106. 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 to the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

107. 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.

St. Ives and Newmarket Companies.

108. The Company may pay and discharge any debts and liabilities of the St. Ives Company and the Newmarket Company

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for expenditure incurred with the consent of the Company in connexion with the construction of the railways of those companies respectively not exceeding six thousand pounds in the case of the St. Ives Company and thirty-five thousand pounds in the case of the Newmarket Company but nothing in this Act shall alter or affect the agreements subsisting between the companies and now in force.

Baths at Lowestoft.

109. The Company may enter into arrangements with any Company formed for the establishment of public baths at Lowestoft for the use of the lands of the Company for the erection of such baths and for the resumption of such lands when required for works for improving the harbour and port and other purposes relating to the undertaking of the Company on such terms and conditions as may be agreed and the Company may subscribe such sum of money not exceeding two thousand pounds towards the capital for erecting such public baths as the Company may determine.

Saving rights of London and Blackwall Company.

110. 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 the London and Blackwall Railway to the Company or the Act authorising that lease.

Saving rights of the Crown under 29 & 30 Vict. c. 62.

111. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty her heirs or successors.

Saving rights of the Crown.

112. Except as provided in the Articles of Agreement made the twenty-eighth day of June 1881 between the Queen's most Excellent Majesty of the first part the Honourable Charles Alexander Gore a Commissioner of Her Majesty's woods forests and land revenues of the second part and the Company of the third part and contained in Schedule B. to this Act 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 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 in the foreshore.

113. 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 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.

Interest not to be paid on calls paid up.

114. 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.

115. 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 tramway or to execute any other work or undertaking.

Provision as to general Railway Acts.

116. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to railways or tramways 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 tolls or charges or of the rates for small parcels authorised by any Act relating to the Company.

Expenses of Act.

117. 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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The SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

Break power of engines.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fittings of engines &c.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to carriages.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and the protection of passengers from the machinery of any engine used for drawing or propelling such carriage.

Inspection of engines and carriages.

The Board of Trade shall on the application of the local authority and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

SCHEDULE B.

ARTICLES OF AGREEMENT made the twenty-eighth day of June 1881 between the Queen's most Excellent Majesty of the first part the Honorable Charles Alexander Gore a Commissioner of Her Majesty's Woods Forests and Land Revenues of the second part and the Great Eastern Railway Company a Company incorporated by Act of Parliament and herein-after called "the Company" of the third part.

WHEREAS the Company have applied to Parliament for an Act under the short title of the Great Eastern Railway Act 1881 to enable them (amongst other things) to make and maintain certain railways and works in the county of Cambridge with all proper stations sidings approaches works and conveniences in connexion therewith and to enter upon take and use the lands delineated on the plans and described in the books of reference respectively deposited with the clerk of the peace for (inter alia) the county of Cambridge And whereas part of the lands which the Company seek power or desire to enter upon take and use for and in connexion with one of the said railways (herein-after referred to as "the said Railway") consists of certain farm lands in the parish of Burwell in the said county of Cambridge belonging to Her Majesty in right of her Crown delineated and coloured red on the plan drawn in the margin of these presents (which plan is herein-after referred to as "the said plan") And whereas the said Charles Alexander Gore as such commissioner as aforesaid on behalf of Her Majesty and the Company have agreed to enter into this present agreement with reference to the said lands so as aforesaid belonging to Her Majesty in right of her Crown Now these presents witness that the said Charles Alexander Gore doth hereby on behalf of the Queen's Majesty covenant with the said Company and the said Company do hereby for themselves their successors and assigns covenant with the Queen's Majesty in manner following (that is to say)

1. This agreement shall not (except as to the eleventh clause hereof) have any force or validity unless the said Act for which the Company have applied with such alterations as may be sanctioned by Parliament become an Act of Parliament in the present session in which case this agreement (subject to the provision contained in the fourteenth clause hereof) is to be binding.

2. In the event of such Act as aforesaid being passed the Company shall before entering upon taking possession of or interfering with any land belonging to Her Majesty pay to the said commissioner or commissioners for the interest of Her Majesty in the said lands coloured red on the said plan the sum of eight hundred and sixty-eight pounds fifteen shillings and the Company shall not enter upon take or interfere with any other land belonging to Her Majesty.

3. The Company shall not in any manner damage or obstruct the drains or watercourses in or through the lands belonging to Her Majesty on the west side of the said railway and in case any of the works of the Company shall in any manner affect such drains or watercourses or the general drainage of the Crown lands in the vicinity the Company shall forthwith construct proper and sufficient culverts drains and other works of such sizes at such depths and generally of such a nature as the said commissioner or commissioners may deem

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necessary for the maintenance of the proper drainage of the Crown lands and as he or they may by notice in writing under his or their hand or hands require the Company to construct which notice shall be left at the office of the Secretary of the Company and the Crown shall have full power to make any communication with and shall have the free use of and right of drainage into any ditches formed by the Company on the said lands coloured in the said plan.

4. The Company shall fence in the said railway so far as the same shall adjoin any lands of Her Majesty with a good and substantial fence to the satisfaction of the said commissioner or commissioners.

5. Instead of the gate now existing at or about the point marked A on the said plan which will be interfered with by the said railway and works the Company shall provide and fix a new gate as a means of access to the lands of Her Majesty on the west side of the said railway such gate to have proper wing railings and culvert and to be placed in such situation as the said commissioner or commissioners may require.

6. All the works which are to be executed by the Company in pursuance of this agreement shall be so executed and (except the gate to be provided in pursuance of the last preceding provision) for ever maintained by them in good and substantial repair with good sound and substantial materials according to such plans and drawings as shall have been previously approved of in writing by the said commissioner or commissioners and in all things to his or their satisfaction.

7. The Company shall make fair and reasonable compensation to the Crown tenant or tenants for the time being of the said land coloured red and of the adjoining lands of Her Majesty for all injury loss or damage he or they may sustain by reason of the works of the Company and an abatement of rent shall be made by the Crown in respect of the lands coloured red on the said plan the amount of which abatement shall be fixed by the Crown receiver for the county of Cambridge.

8. Upon completion of the said railway and of the several works to be executed by the Company pursuant to these presents and upon payment of all moneys to be paid by the Company to the Crown a conveyance shall be made to the Company by the said commissioner or commissioners of the said land coloured red on the said plan (except the strip of frontage land lying to the west of the said railway which although paid for under the provision hereinbefore contained shall remain vested in and under the control of Her Majesty) subject to the existing lease or tenancy thereof such conveyance to be prepared in duplicate at the office of the said commissioners and shall contain covenants by the Company for the performance of such of the stipulations herein-before contained as may then remain to be performed and such other clauses as are usually inserted in conveyances of a similar nature made by the Crown Provided that the Company shall have the right to construct and maintain upon the said strip of frontage land a bridge and the necessary approaches thereto for the purpose of carrying the road numbered 27 on the said plan and which immediately adjoins the said strip of frontage land over the railway.

9. The Company shall in respect of the lands to be conveyed to them bear and pay a fair proportion of any unapportioned tithe rentcharge to which such lands may in common with other lands of Her Majesty be subject and shall forthwith after the completion of the conveyance at their own expense

procure such rentcharge to be legally apportioned between the lands so conveyed and the other lands subject thereto then belonging to Her Majesty.

10. The Company shall not require any title or evidence of title to be shown to the land to be taken or used by them as aforesaid.

11. All costs charges and expenses which have been or which may be incurred by Her Majesty or the said commissioner or commissioners (including the charges of any engineer or surveyor employed by the commissioner or commissioners) in relation to any of the matters herein-before mentioned or in any matter relating to the works of the Company or consequent upon the application for and the passing of the said Act and also the official charges for this agreement and the said conveyance shall be paid by the Company.

12. The said commissioner or commissioners may continue to exercise their leasing powers over the said land coloured red on the said plan until the same shall have been actually taken and paid for by the Company for any term or interest not exceeding from the creation thereof a tenancy from year to year or such greater term or interest as shall be subsisting in the same land at the time of the passing of the said Act.

13. The Company shall have no power to take the said land coloured red on the said plan after the expiration of the period prescribed in the said Act for the completion of the said railway.

14. This agreement shall be subject so far as regards the engagement entered into by the said Charles Alexander Gore to the approval of the Lords Commissioners of Her Majesty's Treasury And the said Charles Alexander Gore doth hereby direct that this deed shall be deemed to be fully and sufficiently enrolled by the deposit of a duplicate thereof in the Office of Land Revenue Records and Inrolments and the filing or making an entry of such deposit by the keeper of the said records and inrolments In witness whereof the said Charles Alexander Gore has hereunto set his hand and seal and the Company have caused their Common Seal to be hereunto affixed the day and year first above written.

The Common Seal of the within-named Company was affixed in the presence of

J. HADFIELD,
Secretary.

The Common Seal of the Great Eastern Railway Company.

CHAS. A. GORE. L.S.

Signed sealed and delivered by the within-named Charles Alexander Gore in the presence of

J. F. REDGRAVE,
Office of Woods &c. London.

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