ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cclxxxii.

An Act to authorize the *Great Eastern* Railway Company to make several short Junction Railways for connecting different Railways in their System at various Points; and for other Purposes. [29th *July* 1864.]

WHEREAS by "The *Great Eastern* Railway Act, 1862," the *Great Eastern* Railway Company (in this Act called "the Company") was formed by the Amalgamation of several Companies, and the several Acts relating to those Companies were consolidated and amended, and other Acts have since been passed conferring Powers upon the Company: And whereas short Junction Railways to connect respectively the *Cambridge* and *Newmarket* Lines of the Company at *Cambridge*, the *March and Wisbech* Line and *Peterborough* Branch of the Company at *March*, the *Lynn and Dereham* Line and *Dereham* Branch of the Company at *East Dereham*, and the *Yarmouth and Norwich* and *Brandon* Lines of the Company at *Thorpe next Norwich*, would be of public Advantage, and the Company are willing, if authorized by Parliament, to make such Railways: And whereas it is expedient that the Company should be authorized to make a Railway or Siding from their *Colchester* Line into certain Land of the Company adjoining or near thereto 25 & 26 Vict. c. ccxxiii.

thereto in the Parishes of *Saint Matthew*, *Bethnal Green*, and *Mile End Old Town*, or One of them, and to acquire certain Lands in the Neighbourhood thereof for the Purposes of their Undertaking, and should also be authorized to carry their *Clare and Shelford* Line over a certain Highway in the Parish of *Sturmer* in the County of *Essex* on the Level thereof: And whereas by "The *Wivenhoe and Brightlingsea* Railway Act, 1861," the *Wivenhoe and Brightlingsea* Railway Company were incorporated, with a Capital of Twenty-five thousand Pounds, and authorized to make the *Wivenhoe and Brightlingsea* Railway, and it is expedient that the Company should be authorized to subscribe towards the said Undertaking and hold Shares in the said Capital, and to appoint Directors of the *Wivenhoe and Brightlingsea* Railway Company in respect of such Subscription: 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,)

24 & 25 Vict. c. cxix.

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

I. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several Matters following, that is to say, the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Non-payment of Calls, the Remedies of Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, 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, are hereby incorporated with this Act.

Interpretation of Terms.

2. In construing the incorporated Acts for the Purposes of this Act, and in construing this Act, the Words and Expressions herein mentioned or referred to shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act

The Expressions "the Company" or "the Promoters of the Undertaking" shall mean the *Great Eastern* Railway Company:

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The Expressions "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute:

Other Expressions and Words to which in the incorporated Acts Meanings are assigned shall respectively have the same Meanings in this Act.

Power to make Railways.

3. It shall be lawful for the Company to make and maintain the following Railways and Siding, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively; (that is to say,)

1. A Railway in the Parish of *Saint Andrew the Less* in the County of *Cambridge*, commencing by a Junction with the *Newmarket* Line, and terminating by a Junction with the *Cambridge* Line:
2. A Railway in the Parish of *March* or *Doddington* in the *Isle of Ely*, commencing by a Junction with the *Peterborough* Branch, and terminating by a Junction with the *March and Wisbech* Line:
3. A Railway in the Parish of *East Dereham* in the County of *Norfolk*, commencing by a Junction with the *Lynn and Dereham* Line, and terminating by a Junction with the *Dereham* Branch:
4. A Railway in the Parish of *Thorpe next Norwich* in the County of the City of *Norwich*, commencing by a Junction with the *Yarmouth* Line, and ending by a Junction with the *Norwich and Brandon* Line:
5. A Railway or Siding in the Parish of *Saint Matthew, Bethnal Green*, and *Mile End Old Town*, or One of them, in the County of *Middlesex*, from the *Colchester* Line at or near *Carlisle Street* into certain Land of the Company on the South Side of the said Line between *Arundel Street* and *North Street*.

Railways and Works to form Part of Undertaking.

4. The Railways and Works by this Act authorized shall form Part of the Undertaking of the Company.

Railways to be made according to deposited Plans.

5. And whereas Plans and Sections of the proposed Railways showing the Lines and Levels thereof respectively, and the Lands required for the Purposes of the Undertaking, and also Books of Reference to such Plans, have been deposited with the Clerks of the Peace for the Counties of *Middlesex*, *Cambridge*, *Norfolk*, the *Isle of Ely*, and the County of the City of *Norwich* respectively: Therefore, subject

subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, the Railways shall be made in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and it shall be lawful for the Company to enter upon, take, and use all or any of the said Lands which they may require for the Purposes of the Undertaking.

As to Junction at March.

6. Notwithstanding anything contained in this Act, or in the Plans deposited as aforesaid with relation thereto, the Railway at *March* herein-before secondly described, and intended to form a Junction between the *Peterborough* Branch and the *March and Wisbech* Line, shall be constructed in the Line shown upon a Plan signed by Mr. *John Blackman Owen*, the Secretary of the Company, and Mr. *Seymour Clarke*, the General Manager of the *Great Northern* Railway Company; but nothing herein contained shall authorize the Company to construct any Works beyond the Limits of Deviation shown on the said deposited Plans.

Providing for Use thereof by Great Northern Railway Company.

7. When the said Junction Railway at *March* is completed according to the Plans signed as aforesaid, the Company shall permit the *Great Northern* Railway Company to pass over and use the same, with their Engines, Carriages, and Servants, for the Purposes of Traffic of all Sorts between *Peterborough* and *Wisbech*, upon the same Terms and Conditions as those upon which the same Company are entitled to use the *Great Eastern* Railway between *Peterborough* and *March*, and as though the said Junction Railway were a Part of the original *Peterborough* Branch and *March and Wisbech* Line, and shall also permit the *Great Northern* Railway Company to use, without Payment of any Tolls or Charges, so much of the *March and Wisbech* Line as lies between the Point of Junction therewith of the *Spalding and March* Line of the *Great Northern* Railway marked A. and the authorized Termination of the said *Spalding and March* Line on the Plan mentioned in the next preceding Section; and the Company shall at their own Expense erect and maintain such Signals and Conveniences incident to the Junction, and employ such Persons with relation thereto, as may be necessary for the Prevention of Danger to or Interference with the Traffic of the *Great Northern* Railway using the said Junction Railway.

Power to cross certain Roads an the Level.

8. The Company, in constructing the *Clare and Shelford* Line and the Railways by this Act authorized, may carry the same with not more than One Line of Railway so long as the Railway is a single Line, and with not more than Two Lines of Railway when the Railway is a double Line, across the Roads numbered respectively

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on the deposited Plans as follows, on the Level thereof; (that is to say,)

Railway.	Description of Road.	No. on Plans.	Name of Parish.	Plans referred to.
Clare and Shelford Line.	Public -	36	Sturmer - -	Deposited for Eastern Counties Railway (New Lines Act), 1861.
No. 3.	Public -	8a	East Dereham	Deposited for this Act.

Powers for compulsory Purchases limited.

9. 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.

Lands for extraordinary Purposes.

10. The Company may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," in connexion with the Railways and Works by this Act authorized, not exceeding in the whole One Acre.

Period for Completion of Works.

11. The Railways hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railways not completed, &c. within a limited Period, the Company to be liable to a Penalty.

12. If the Railways by this Act authorized to be constructed, other than the said Railway or Siding, shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day thereafter until the Railways shall be completed and opened for public Traffic; 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 were prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Railway Tolls.

13. The Company may demand and take in respect of the Railways by this Act authorized (other than the said Railway or Siding in respect of which no Tolls shall be taken) such Tolls and Charges as they think fit, not exceeding the Rates of Toll and Charge authorized to be taken on the *Great Eastern* Railway; and in estimating

the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Railways by this Act authorized, and partly on any other Railway or Railways of the Company, the Railway by this Act authorized and such other Railway or Railways shall be deemed One Railway, as if authorized by "The *Great Eastern* Railway Act, 1862."

Power for Company to raise Capital by Shares or Stock.

14. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in person or by proxy, at any General Meeting or General Meetings convened with special Notice of the Purpose, may raise, by the Creation of new Ordinary or Preference Shares or Stock, such additional Capital, beyond the Amount which they may be authorized to raise by other Acts of Parliament, as they think fit, not exceeding in the whole Twenty-four thousand Pounds.

Shares or Stock to form Part of Company's general Capital.

15. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company.

Shares not to issue until One Fifth paid up.

16. It shall not be lawful for the Company to issue any Share to be created under the Powers of this Act, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Capital under several Acts may be raised by Shares or Stock of One Class.

17. If by any other Act or Acts passed in the present Session of Parliament, and whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the Company, if they think fit, may raise, by the Creation and Issue of Shares or Stock of one and the same Class, all or any Part of the aggregate Capital which they are by the other Act or Acts and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

Power to borrow on Mortgage.

18. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage such Sums as they think fit, not exceeding in the whole Eight thousand Pounds; but no Part of that Money shall be borrowed until the whole of the said additional Capital of Twenty-four thousand Pounds shall have been subscribed for *bonâ fide* and issued, and One Half of that Amount shall have been actually paid up, nor until the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that

that all the said additional Capital of Twenty-four thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share was paid on Issue of the same, and that all such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence).

Priority of existing Mortgages.

19. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall as regards the Undertaking comprised in and assigned by such Mortgages have Priority over all Mortgages granted by virtue of this Act.

Application of Money raised under Act.

20. All Money raised under the Powers of this Act by the Creation of new Shares or Stock or on Mortgage shall be applied only to the Purposes by this Act authorized.

Interest not to be paid on Calls paid up.

21. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder any Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Capital.

22. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament in force for the Time being, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or execute any other Work or Undertaking.

Power to Company to subscribe towards the Wivenhoe and Brightlingsea Railway.

23. The Company, with the Consent of Three Fifths of the Votes of the Proprietors of Stock or Shares of the Company present, in person or by proxy, at a Meeting convened with special Notice of the Purpose, and also with the Consent of the *Wivenhoe and Brightlingsea* Railway Company, may subscribe towards the Undertaking of the *Wivenhoe and Brightlingsea* Railway Company such Sum or Sums of Money as the Company may think fit, not exceeding in the whole Eight thousand three hundred and thirty Pounds, and may take and hold, but not sell or transfer, Shares or Stock in the Capital of the *Wivenhoe*

Wivenhoe and Brightlingsea Railway Company to the Extent of the Amount of such Subscription.

Power to Company to appoint Directors.

24. If the Company subscribe Eight thousand three hundred and thirty Pounds towards the Undertaking of the *Wivenhoe and Brightlingsea* Railway Company they may appoint Two Directors of that Company, and after such Appointment Two of the Directors appointed by the other Shareholders of the *Wivenhoe and Brightlingsea* Railway, to be selected by Agreement amongst such Directors, or, if they cannot agree, by Lot, shall go out of Office, and the Company may from Time to Time revoke any Appointment of a Director made by them, and supply any Vacancy occasioned by such Revocation, or by the Death or Retirement of any Director appointed by them, by the Appointment of another Director in the Place of the Director whose Appointment shall have been so revoked, or who shall have died or retired.

Appointment and Revocation to be by Writing under Seal deposited with the Secretary.

25. Every Appointment and Revocation of an Appointment by the Company shall be made in Writing under the Seal of the Company, and shall be deposited with the Secretary of the *Wivenhoe and Brightlingsea* Railway Company; and every Director so appointed shall enter upon Office immediately on his Appointment, and need not be a Shareholder of the *Wivenhoe and Brightlingsea* Railway Company, or go out of Office by Rotation; but the Neglect of the Company to appoint Directors shall not invalidate the Acts of the Directors of the *Wivenhoe and Brightlingsea* Railway Company.

Railways not exempt from Provisions of present and future General Acts.

26. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the recited Acts authorized to be made from the Provisions of any General Act relating to Railways now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, and of the Rates for small Parcels, authorized by the recited Acts or this Act.

Expenses of Act.

27. The Costs and Charges of applying for and obtaining this Act and incidental thereto shall be paid by the Company.

Short Title.

28. This Act may be cited for any Purpose as "The *Great Eastern* Railway Junctions Act, 1864."

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