ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. ccxxi.

An Act for authorizing the *Tottenham and Hampstead Junction* Railway Company to make a Railway to join the *Midland* Railway; and for other Purposes. [25th *July* 1864.]

WHEREAS it is expedient that the *Tottenham and Hampstead Junction* Railway Company (in this Act called "the Company") should be empowered to construct the Railway herein-after mentioned, and to raise Capital for the Purpose: And whereas Plans and Sections showing the Line and Levels of the Railway and Works by this Act authorized, together with Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in which the same are to be made and maintained, have been deposited with the Clerk of the Peace for the County of *Middlesex*, and those Plans, Sections, and Books of Reference are in this Act referred to as "the deposited Plans, Sections, and Books of Reference:" And whereas the said Railway is proposed to join the Railway first described in and authorized by "The *Midland* Railway (Extension to *London*) Act, 1863," in the Parish of *Saint Pancras* in the County of *Middlesex*, and One of the Railways authorized to be constructed by "The *Tottenham and Hampstead Junction* Railway Act, 1862," will join the *Great Eastern* Railway in the Parish of *Allhallows, Tottenham,*

ham, in the County of *Middlesex*, and it is expedient that the *Midland* Railway Company and the *Great Eastern* Railway Company respectively should be empowered to subscribe to and take and hold Shares in the Undertaking of the Company, and to raise Capital for the Purpose, and also to appoint Directors thereof: And whereas it is expedient that the Company and the *Great Eastern* Railway Company be authorized to enter into and carry into effect Working and Traffic Arrangements as in this Act provided: And whereas the Objects of this Act cannot be attained 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 for all Purposes be cited as "The *Tottenham and Hampstead Junction* Railway Act, 1864."

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

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," so far as the same respectively are applicable thereto (and save so far as the same respectively are by this Act expressly varied or excepted), are respectively incorporated with this Act.

Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

3. The following Provisions of "The Companies Clauses Consolidation Act, 1845," and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," are respectively incorporated with this Act, and for the Purposes of this Act, with respect to the Company, apply to the Company; (that is to say,)

With respect to the Distribution of the Capital of the Company into Shares:

With respect to the Transfer or Transmission of Shares:

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls:

With respect to the Forfeiture of Shares for Nonpayment of Calls:

With respect to the Remedies of Creditors of the Company against the Shareholders:

With respect to the borrowing of Money by the Company on Mortgage or Bond:

With respect to the Conversion of the borrowed Money into Capital:

With respect to the Consolidation of the Shares into Stock:

With respect to the Provision to be made for affording Access to the Special Act.

4. The

Same Meanings to Words, &c. in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Definition of Term "Parish Clerks."

5. In construing in connexion with this Act "The Railways Clauses Consolidation Act, 1845," the Term "Parish Clerks" in the last-mentioned Act shall, 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 now required to be deposited with the Vestry Clerk of the Parish, or with the Clerk of the District Board of Works 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 place, the Clerks of those District Boards.

Power to take and use Lands.

6. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use for the Purposes of this Act such of the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, as may be necessary for the Purposes of the Railway by this Act authorized.

Powers for compulsory Purchases limited.

7. The Powers of the Company under this Act for the compulsory Purchase of Lands for the Purposes of the Railway by this Act authorized shall not be exercised after the Expiration of Three Years after the passing of this Act.

Lands for extraordinary Purposes.

8. The Company from Time to Time may purchase by Agreement, in addition to the Lands by this Act authorized to be taken compulsorily, any Quantity of Land for the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," not exceeding in the whole Two Acres.

Power to make Railway.

9. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections, and in the Lands shown on the deposited Plans and specified in the deposited Books of Reference, and within the Limits of Deviation shown on the deposited Plans, the Railway following, with all proper Stations, Approaches, Works, and Conveniences connected therewith; (that is to say,)

A Railway commencing on the South-west Side of the *Holloway Road* near *Saint John's* Church in the Parish of *Saint Mary, Islington*, in the County of *Middlesex*, and terminating in the Parish of *Saint Pancras* in the County of *Middlesex* by a Junction with the Railway first described in and authorized by "The *Midland*

Midland Railway (Extension to *London*) Act, 1863," such Junction being near to the Junction of *Islip Street* with *Hammond Street* in the said Parish.

Sec. 59. of 25 & 26 Vict. c. cc. to apply to this Act.

10. The Fifty-ninth Section of "The *Tottenham and Hampstead Junction* Railway Act, 1862," so far as the same relates to the Protection of Sewers vested in the Metropolitan Board of Works, or to Sewers vested in the Vestry of *Saint Mary, Islington*, shall extend and apply to the Works and Purposes authorized by this Act as fully and effectually as if such Section were re-enacted in this Act with reference to such Works and Purposes, and such Section shall be construed as if "The Metropolis Management Amendment Act, 1862," had been referred to therein as well as "The Metropolis Management Act, 1855."

As to Width of Bridges for carrying Roads in St. Pancras over Railway.

11. Every Bridge for carrying any public Road in the Parish of *Saint Pancras* over the said Railway shall be throughout of the Width of the Space between the Houses in such Road, and shall in no Case be of less than Fifty Feet Width in the Clear, and the Company shall cover in the Railway on each Side of every such Bridge for a Distance of not less than Twenty-five Feet.

Bond to be entered into for Performance of Conditions as to Saint Pancras Parish.

12. The Company shall, before breaking up any Road, Street, Carriage or Foot Way, or opening any Sewer, Drain, or Gully, under the Control of the Vestry of the Parish of *Saint Pancras*, give to the Vestry of the said Parish (if so required by them) a Bond, under the Common Seal of the Company, in a penal Sum of Two thousand Pounds, conditioned for the Payment by the Company of any Costs, Charges, and Expenses to which the said Vestry may be subjected by the Non-observance and Non-performance by the Company of all and singular the Clauses, Conditions, and Agreements, Matters, and Things herein contained concerning the said Parish.

Plan of Works to be deposited with the Chief Surveyor of Saint Pancras.

13. Before the Company shall break up any Road, Street, Carriage or Foot Way, or open any Drain, Sewer, or Gully, within the said Parish of *Saint Pancras*, they shall deposit with the Chief Surveyor of the said Parish Plans, Drawings, and Sections of the proposed Works, and the Works shall be constructed according to such Plans and Sections, unless within Twenty-one Days after the Delivery thereof to the said Surveyor he shall object thereto, and then only according to such Alterations and Modifications (within the Powers of the Company under this Act) as may be required by the said Chief Surveyor, or as, in the Case of Difference between him and the Engineer of the Company, shall be determined in manner herein-after mentioned for the Settlement of any Differences which may

may arise between the Company or their Engineer on the one hand, and the said Vestry or their Chief Surveyor on the other hand.

District Sewers to be made good before Streets interfered with.

14. No Works shall be commenced by the Company which will interfere with any Sewer, Drain, or Gully under the Control of the Vestry of the Parish of *Saint Pancras* in front of, across, or abutting upon any Road or Street within the said Parish until Sewers have been made in and under every such Road or Street; and before the Company shall open or otherwise interfere with any existing Sewer, such Sewer shall be diverted in such Manner and such other Works shall be constructed as shall be necessary for preventing any Danger or Inconvenience arising from the Works of the Company; and after the said Sewers are completed or altered they shall be as fully under the Direction, Jurisdiction, and Control of the said Vestry as any other Sewers or Works in the said Parish now are or hereafter may be: Provided that all such Sewers shall be made or diverted, and such Works shall be constructed, in such Manner and at such Cost as shall be mutually agreed upon between the said Chief Surveyor and the Company, or, failing Agreement, as shall be settled by an Engineer appointed as in this Act provided, and shall be made and constructed by the Vestry at the Expense of the Company; provided that the Restriction imposed upon the Company by this Enactment shall not be in force if within Fourteen Days after Notice in Writing by the Company the Vestry shall not commence every such Sewer, or if they shall not proceed with due Diligence in the Execution thereof; provided that the Company shall not be required to construct any Sewer in any Street or Road which shall be laid out or made within the said Parish after the passing of this Act.

Estimate of Repairs to be made by Chief Surveyor and paid by Company.

15. Within Ten Days after the Plans of the last-mentioned proposed Works of the Company shall have been determined upon, the said Chief Surveyor shall make out an Estimate of the Expenses which shall be incurred by the Vestry, by reason of the Works of the Company, in altering or making good and maintaining for Two Years any Sewers, and in making good and repairing and maintaining for Two Years any Street or Road, or the Footpaths thereof; and the Company shall from Time to Time, within Fourteen Days of the Delivery of the Certificate to them specifying the Amount of the Work done, including therein the Cost of Superintendence, pay and discharge the said Amount.

Company to complete Works in Saint Pancras within Four Months.

16. When and so often as the Company shall under the Powers and Provisions of this Act break up or disturb, or cause to be broken up or disturbed, the Soil or Surface of any Road or Street or of any Footway in the said Parish of *Saint Pancras* for any of the Purposes of

of this Act, the Company shall, within Four Months after any such Street, Road, or Footway shall have been respectively broken up as aforesaid, complete and finish the Works of the Company, and sufficiently restore, make good, and repair every such Street, Road, or Footway, and in default thereof the Vestry shall restore, make good, and repair the same, and the Expense thereof or occasioned thereby shall be paid by the Company to the said Vestry within One Month after the same shall be demanded by them or their Chief Surveyor; and it shall be lawful for the said Vestry or their Chief Surveyor at all Times during the Construction or Repair of the said Works, or any Part or Parts thereof, over, through, upon, along, or under any such Street, Road, or Footway, to have Access to any such Works; and the Company shall cause every Part of such Streets, Roads, or Footways to be sufficiently enclosed, watched, and lighted, and in default thereof the said Vestry shall cause such Part to be sufficiently enclosed, watched, and lighted, and every Expense occasioned thereby or incidental thereto, including the Costs of any Superintendence, shall be paid by the Company on Demand to the said Vestry.

Deposit of Subsoil.

17. The Company may, at their own Expense, temporarily deposit the Subsoil excavated, and the Materials of every Road, Street, Carriage or Foot Way, Sewer, Drain, or Gully, broken up or opened within the said Parish of *Saint Pancras*, at such Place or Places and in such Manner as will occasion as little Inconvenience as may be to the Inhabitants of the said Parish.

In the event of the Company requiring to open the Road, a Portion only to be interfered with at once.

18. In the event of the Company requiring to open or in any Manner to interfere with the Surface of any Street or Road, or of any Footpath, within the Parish of *Saint Pancras*, then a sufficient Portion of the Carriageway shall be left on One Side of such Street or Road, and One Footpath for the Passage of the Public, until such Time as it shall have been certified in Writing by the said Chief Surveyor, and which Certificate he is to give forthwith, that the Carriageway or Footpath first opened or interfered with has been restored to a good and proper State for the Safety and Convenience of the Public, and then and not before it shall be lawful for the Company temporarily to shut up the other Portion of the said Street or Road and the other Footpath.

Penalty on Company for Neglect, &c. in carrying out Provisions herein named relating to Saint Pancras.

19. If the Company shall fail to carry out any of the Provisions herein contained for the Protection of the Vestry of *Saint Pancras*, or with reference to such Parish, they shall forfeit and pay to the said Vestry a Sum not exceeding Ten Pounds for every such Default, and an additional Sum not exceeding Five Pounds for each Day during which any such Default shall continue after they shall have received Notice thereof in Writing from the said Chief Surveyor, and such

Penalties

Penalties may be recovered before a Magistrate acting in and for the Metropolitan Police District.

As to Settlement of Differences with Saint Pancras Vestry.

20. Any Difference which may arise under the Provisions in this Act contained between the Company and the Chief Surveyor of the said Vestry of *Saint Pancras* shall be from Time to Time referred to and determined, together with the Cost of the Arbitration, by an Engineer to be agreed upon between the said Chief Surveyor and the Company, or, failing any such Agreement, by an Engineer to be appointed, on the Application of either Party, by the President for the Time being of the Institution of Civil Engineers.

Mode of recovering Money from the Company.

21. Any Sum of Money which may be expended, or Costs, Charges, and Expenses which may be incurred, by the said Vestry in paving, diverting, altering, or making good any Road, Street, Footway, Sewer, Drain, or Gully, or otherwise, by reason of the same or any of them having been broken up, opened, or damaged by or for the Purposes of the Company, or any other Sum of Money recoverable or to be recovered by the Vestry under this Act, may be recoverable, with all Costs, Charges, and Expenses attending the Proceeding for the Recovery of the same, either by suing upon the said Bond so to be given as aforesaid, or by Summons before a Magistrate acting in and for the Metropolitan Police District; and any Damages which may be sustained by the Vestry by reason of the Non-observance by the Company of any of the Provisions of this Act in relation to the said Vestry shall be assessed by such Magistrate, and may be recoverable, with all Costs, Charges, and Expenses attending the Proceedings for the Recovery of the same, in like Manner as Costs, Charges, and Expenses are by this Section made recoverable.

Local Rates to be made good in the Parish of Saint Pancras.

22. While the Company are possessed under the Authority of this Act of any Lands, Houses, Buildings, or other Property assessed or liable to be assessed to any Parochial or other General or Special Rate made by the said Vestry of the Parish of *Saint Pancras*, and until any Works to be constructed under the Authority of this Act in the said Parish are so far completed as to be assessed, or liable to be assessed, to an Amount equal to or greater than the aggregate Amount of the gross rateable Value of the same Lands, Houses, Buildings, and Property in a Rate made on the Tenth Day of *October* One thousand eight hundred and sixty-three, the Company shall be liable to make good the Deficiency in the Assessment for such Rates by reason of such Lands, Houses, Buildings, or Property being taken or used by them for the Purposes of this Act, and the Deficiency shall be computed according to the Rental at which such Lands, Houses, Buildings, and Property respectively are rated in the said Rate.

23. Before

Providing for Construction of Works of Sewerage where Railway crosses Maiden Lane.

23. Before commencing to make the Railway by this Act authorized across *Maiden Lane*, numbered on the deposited Plans 12, in the Parish of *Saint Mary, Islington*, the Company shall at their own Cost construct along such Portion of the said Lane as is within the Limits of Deviation delineated on the deposited Plans such Sewer, Drains, and other Works of Sewerage as may be required by the Vestry, but not so as to interfere with the Line and Levels of the Railway; and after such Sewer, Drains, and other Works are completed they shall be under the Direction, Jurisdiction, and Control of the Vestry of *Saint Mary, Islington*.

For preventing Stoppages or Obstructions of Traffic.

24. Provided always, That it shall not be lawful for the Company, in carrying into effect the Works by this Act authorized, to stop up or to obstruct or impede (except temporarily during the Construction of such Works) the Passage along any public Road in the said Parish of *Saint Mary, Islington*, in the County of *Middlesex*, or to alter, without the Consent of the Vestry of the Parish of *Saint Mary, Islington*, the present Level or Inclination of any such Road or any Part thereof: Provided nevertheless, that in the event of its being necessary in the Construction of the Works hereby authorized that any such Road should be temporarily stopped up, it shall not be lawful for the Company so to stop up the same until they shall have made another good and sufficient Road over or immediately contiguous to the Road so to be temporarily stopped up; and the said Road shall be restored by the Company at their Expense within Four Months at the least after the first Interference therewith in as good State, Condition, and Repair as the same was in before such Interference, and to the reasonable Satisfaction of the Surveyor of the Highways for the Time being of the Vestry of *Saint Mary, Islington*; and it shall not be lawful without the Consent of the said Vestry for the Company, at the Point where the Railway shall cross any Roads and Footpaths in the said Parish, to alter the present Levels or Inclinations of such Roads or Footpaths; and the Bridge carrying the Roadway called *Maiden Lane* over the Railway shall be of the full Width of Fifty Feet.

Fourteen Days Notice to be given to Surveyor of Parish of Saint Mary Islington before breaking Roads.

25. Before the Company shall break up any Part of any Road, Street, Carriage or public Foot Way within the said Parish of *Saint Mary, Islington*, they shall give to the said Vestry or their Surveyor Notice in Writing of their Intention to break up or open such Road, Street, Carriage or Foot Way, and such Notice shall be given not less than Fourteen Days before commencing the Works, anything in "The Railways Clauses Consolidation Act, 1845," contained to the contrary notwithstanding; and such Notice shall be given by delivering the same personally to such Surveyor, or by leaving the same at the Vestry Offices, and shall specify the Part of the Road, Street, Carriage or Foot Way intended to be broken up or opened by the Company.

26. The

Provisions as to Payment of certain Rates in the said Parish.

26. The Provisions of the 133rd Section of "The Lands Clauses Consolidation Act, 1845," with respect to the Payment of Land Tax and Poors Rate, shall, as to the Works to be constructed under the Authority of this Act, extend to all Rates now chargeable upon Property in the Parish of *Saint Mary, Islington*.

As to Settlement of Differences with Islington Vestry.

27. Excepting as herein otherwise provided, any Difference which may arise under the Provisions in this Act contained between the Company and the Vestry of *Saint Mary, Islington*, or either of the Surveyors of the said Vestry, shall be from Time to Time referred to and determined, together with the Cost of the Arbitration, by an Engineer to be agreed upon between the said Vestry and the Company, or, failing any such Agreement, by an Engineer to be appointed, on the Application of either Party, by the President for the Time being of the Institution of Civil Engineers.

Period for Completion of Railway.

28. The Railway by this Act authorized shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers of the Company for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Bond for Completion of Railway.

29. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Session of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, the Sum of Twenty thousand eight hundred Pounds, being Eight *per Centum* upon Two hundred and sixty thousand Pounds, the Amount of the Estimate of Expense of the Railways originally proposed to be authorized by this Act, has been deposited with the Court of Chancery with respect to the Application to Parliament for this Act: And whereas inasmuch as Part of the Undertaking originally proposed is not now authorized by this Act, the Estimate of the Expense of the Undertaking by this Act authorized has been reduced to One hundred thousand Pounds: Therefore, notwithstanding anything contained in the said last-recited Act, the Sum of Eight thousand Pounds, Portion of the said Sum of Twenty thousand eight hundred Pounds so deposited, or the Interest or Dividends thereof, shall not, except on the Execution and Deposit of such Bond as herein-after expressed, be paid or transferred to or upon the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of that Act, or the Survivors or Survivor of them, except the Company before the Expiration of the Period by this Act limited for the Completion of the Railway either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have

expended for the Purposes of this Act a Sum equal in Amount to One Half of that Capital; and if that Period expire before the Company either have opened the Railway for the public Conveyance of Passengers, or have given the Proof to the Satisfaction of the Board of Trade, the said Sum of Eight thousand Pounds, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid or transferred by the Officer or Person in whose Name they are then deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Eight thousand Pounds be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Eight thousand Pounds if the Company do not within the Time by this Act limited for the Completion of the Railway either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then the said Sum of Eight thousand Pounds and the Interest or Dividends thereof shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies to be recovered on the Bond shall be dealt with in like Manner as the said Sum of Eight thousand Pounds, and the Interest or Dividends thereof, would be dealt with under this Act if the Bond were not executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

Court of Chancery may order Repayment of Surplus of Deposit Money.

30. The Court of Chancery may and shall at any Time after the passing of this Act, on Application by the Company or on their Behalf by Petition in a summary Way, order that the Sum of Twelve thousand eight hundred Pounds, being the Residue of the deposited Sum of Twenty thousand eight hundred Pounds, and the Interest or Dividends thereon, may be paid or transferred to the Company, or to such Person or Persons as the Company may appoint in that Behalf, and upon such Order being made the said Sum of Twelve thousand eight hundred Pounds, and the Interest or Dividends thereon, shall be

be paid or transferred to the Company or to such Person or Persons as the Company shall appoint.

Railway to form Part of Railways of Company.

31. The Railway and Works by this Act authorized to be made and maintained by the Company shall for all Purposes whatsoever be Part of the Railways of the Company.

Tolls on Railway.

32. Subject to the Provisions of "The *Tottenham and Hampstead Junction* Railway Act, 1862," and this Act respectively, the Company from Time to Time may demand and take in respect of the *Tottenham and Hampstead Junction* Railway for all Passengers, Animals, and Things conveyed thereon, and for Carriages, Waggons, and Trucks respectively conveying the same, and for Locomotive Engines or other Power, and for all Services performed by them thereon and thereat, the like Amount of Tolls, Fares, Rates, and other Charges as by "The *Tottenham and Hampstead Junction* Railway Act, 1862," the Company are from Time to Time authorized to demand and take for like Traffic, Services, and Matters on or with respect to the Parts by that Act authorized of the *Tottenham and Hampstead Junction* Railway, and with and subject to the like Powers and Provisions as if the whole of the *Tottenham and Hampstead Junction* Railway had been originally authorized by "The *Tottenham and Hampstead Junction* Railway Act, 1862."

Maximum Tolls.

33. Provided, That the maximum Charges to be made by the Company with respect to Tolls, Fares, Rates, and Charges for the User of the *Tottenham and Hampstead Junction* Railway, or any Part thereof, and for Locomotive Engines or other Power, and for Carriages, Waggons, and Trucks, and every Expense incidental to the Conveyance of Traffic thereon, shall not exceed the several Sums in that Behalf limited by "The *Tottenham and Hampstead Junction* Railway Act, 1862."

Railways used by Company to be deemed continuous for Tolls.

34. The several Lines of Railway of the Company from Time to Time used by the Company shall for the Purposes of Tolls, Fares, Rates, and Charges be deemed to be One continuous Line of Railway.

Trains for the Labouring Classes.

35. If and so long as the Railway by this Act authorized shall be worked by any Company who may be under Parliamentary Obligation to run upon any Portion of their Railway which forms a Junction with the Railway by this Act authorized Trains at low Fares for the Accommodation of the Labouring Classes, such Obligation shall extend to and shall include the Railway by this Act authorized, or such Part thereof as the Board of Trade shall from Time to Time prescribe, as if the Railway by this Act authorized were the Railway of the Company so working the same.

36. The

Power to raise additional Capital by new Shares.

36. The Company from Time to Time may by the Creation and Issue of new ordinary Shares raise a Capital of One hundred thousand Pounds, in addition to the Capital which they are now authorized to raise by Shares.

Shares not to issue until One Fifth Part paid up.

37. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any 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 in respect thereof.

Power to raise Capital under any other Act of this Session and this Act by new Shares of One Class.

38. Every Person who becomes entitled to any new Share created by the Company under this Act shall in respect of the same be a Shareholder of the Company, and shall be entitled to a Dividend with the other ordinary Shareholders proportioned to the Amount from Time to Time paid up on the new Share, and to the like Rights of voting and Qualification and Privileges as the Holders of the other ordinary Shares of the Capital of the Company.

Dividends on new Shares.

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

Power to borrow on Mortgage.

40. The Company from Time to Time may borrow on Mortgage under this Act, in addition to the Sums which they are by "The *Tottenham and Hampstead Junction* Railway Act, 1862," and "The *Tottenham and Hampstead Junction* Railway Act, 1863," authorized to borrow, any Sums of Money not exceeding in the whole Thirty-three thousand three hundred Pounds, but no Part thereof shall be borrowed until the whole of the additional Capital of One hundred thousand Pounds by this Act authorized to be raised by new Shares is subscribed for or taken, and One Half thereof is actually paid up, and until the Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital are issued and accepted, and that not less than One Fifth Part of the Amount thereof has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares were issued *bonâ fide*, and are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having

having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Priority of existing Mortgages.

41. Provided, That the several Mortgages from Time to Time before the passing of this Act granted by the Company, and on the passing of this Act in force, shall during the Continuance thereof respectively have Priority over the Mortgages from Time to Time granted by the Company under this Act.

Arrears may be enforced by Appointment of a Receiver.

42. The Mortgagees of the Company may enforce the Payment of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is One thousand Pounds.

Power to Midland and Great Eastern Companies to subscribe and contribute Funds towards Construction of new Line of Railway.

43. The *Midland* Railway Company and the *Great Eastern* Railway Company may from Time to Time, with the Consent of Three Fifths at least of the Votes of the Proprietors in those respective Companies present, personally or by proxy, at a Meeting of each Company specially convened for the Purpose, subscribe to and contribute Funds towards the Construction of the Railway by this Act authorized, and become Shareholders in the Company to any Extent, not exceeding, as regards each of the said Companies, One Third of the additional Capital by this Act authorized to be raised, which such respective Meeting shall think fit: Provided always, that the *Midland* Railway Company and the *Great Eastern* Railway Company respectively shall not sell or dispose of any Shares in the Company which may be acquired by them respectively under the Authority of this Act.

Midland and Great Eastern Companies may appoint Persons to vote.

44. The Directors of the *Midland* and *Great Eastern* Railway Companies so becoming Shareholders may appoint some Person (whether a Shareholder in the Company or not) to vote at any Meeting of the Company on behalf of the *Midland* and *Great Eastern* Railway Companies respectively in respect of the Shares for the Time being held by them respectively in the Undertaking of the Company, and may respectively from Time to Time revoke any such Appointment, and appoint any other Person in that Behalf; and the Person so for the Time being holding any such Appointment shall (except as to the Appointment of Directors of the Company) have the same Right of voting at any such Meeting as he would have if he held in his own Right the Share or Shares in the said Undertaking in respect of which he shall have been appointed to vote, without Prejudice to any Right of voting to which he may be entitled in respect of any Shares held by him in his own Right.

Power to Midland Railway Company to raise Money by the Creation of Shares or Stock.

45. It shall be lawful for the *Midland* Railway Company from Time to Time to raise for the Purpose of their said Subscription any Sums of Money not exceeding in the whole One Third of the additional Capital by this Act authorized to be raised by the Creation and Issue of new Shares, and such new Shares may be either ordinary or preferential, or Part ordinary and Part preferential, as the *Midland* Railway Company may from Time to Time determine, and Part II. relating to additional Capital of "The Companies Clauses Act, 1863," shall extend and apply to the additional Capital so authorized to be raised by the said Company.

Shares not to be issued by Midland Company until One Fifth Part paid up.

46. It shall not be lawful for the *Midland* Railway Company to issue any Share created under the Authority of this Act, nor shall any 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 in respect thereof.

As to the Amount and Issue of New Shares by Midland Company.

47. If at the Time of the Creation by the *Midland* Railway Company of new Shares under this Act the then existing ordinary Consolidated Stock in the said Company be at a Premium, or of greater actual Value (according to the Market Price thereof in the City of *London*) than the nominal Value thereof, such new Shares shall be of such Amounts (not other than an integral Number of Pounds Sterling *per* Share) as will allow the same to be conveniently apportioned among the then Holders of all Shares or Stock in the said Company (other than and except Shares or Stock to which any guaranteed or preferential Dividend of a fixed Amount without further Participation in the Profits of the said Company shall have been assigned) in proportion to the Number of Shares or Amount of Stock held by them respectively; and such new Shares may be either of One Class or of different Classes; and the Directors of the said Company may from Time to Time (but subject to the Provisions of this Act) fix the Amounts and Times of Payment of the Calls on the new Shares created under the Powers of this Act; and every Holder of Shares or Stock in the said Company at the Time of such Creation as aforesaid (other than and except as aforesaid) shall in such Proportion as aforesaid be entitled to an Allotment of the new Shares according to the Provisions of this Act; and no Holder of any Shares or Stock entitled to a fixed Amount of Dividend without further Participation in the Profits of the said Company shall be entitled to any Apportionment of any such new Shares.

Votes in respect of new Shares created by the Midland Company.

48. The *Midland* Railway Company may from Time to Time, if they think fit, attach to all or any new Shares or any Class of new Shares created by them under the Powers of this Act any total or partial,

partial, permanent or temporary, Restrictions of the Rights of voting and other Qualifications of the Holders thereof.

Shares of same Class to have like Privileges.

49. All Shares of the same Class created by the *Midland* Railway Company under this Act shall be of like Amount, and shall confer like Privileges, and shall bear like Dividends or Interest, and be subject to like Restrictions (if any).

Vesting or other Disposition of new Shares.

50. All new Shares created by the *Midland* Railway Company under this Act shall vest in and belong to the then Shareholders who shall accept the same, and pay the First Instalment thereon to the Amount and at the Time which shall be fixed by the Directors, and specified in the Letter offering the new Shares.

Shares not accepted may be disposed of by Midland Company.

51. If any Shareholder for One Month after such Offer of new Shares fail to accept the same, and pay the First Instalment called for in respect thereof, then the *Midland* Railway Company may authorize the Directors to dispose of the same in such Manner as they may deem most for the Advantage of the said Company.

Qualifications of new Shares created by Midland Company.

52. Except as by or under the Powers of this Act otherwise provided, all new Shares issued by the *Midland* Railway Company under the Powers of this Act shall, in proportion to the aggregate Amount from Time to Time paid up on the new Shares held by the same Persons, at the same Time entitle the respective Holders thereof to the same Dividends and Profits, and confer on them the like Qualifications and the like Rights of voting, as the like Amount paid up on existing Shares or Stock of the said Company (other than and except as aforesaid): Provided always, that, unless otherwise determined by the Meeting sanctioning the new Shares, no Person shall be entitled to vote in respect of any of the new Shares to which fixed or preferential Dividend or other special Advantages shall be assigned.

Power to Midland Company to raise Capital under any other Act of this Session and this Act by new Shares of One Class.

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

Saving Rights of existing

54. This Act or anything therein contained shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend

Preference Shareholders of Midland Company.

Dividend on any other Shares or Stock which shall have been granted by the *Midland* Railway Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, or any Dividend on any *Midland* Mortgage Preference Shares or Stock, or any Payment in respect of *Midland* Annuities.

Parts of 8 & 9 Vict. c. 16. incorporated with reference to Shares created by Midland Company.

55. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act with reference to the Capital to be raised by the *Midland* Railway Company; (that is to say,)

With respect to the Transfer or Transmission of Shares:

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls:

With respect to the Forfeiture of Shares for Nonpayment of Calls:

With respect to the Consolidation of Shares into Stock:

With respect to the Remedies of Creditors of the Company against the Shareholders:

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested.

Power for Great Eastern Railway Company to raise Capital by Shares or Stock.

56. It shall be lawful for the *Great Eastern* Railway Company from Time to Time to raise for the Purpose of their said Subscription any Sums of Money not exceeding in the whole One Third of the additional Capital by this Act authorized to be raised by the Creation of new, ordinary, or Preference Shares or Stock in their Undertaking beyond the Amount which they may be authorized to raise by other Acts of Parliament.

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

57. All Shares or Stock to be created by the *Great Eastern* Railway Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of that Company.

Shares not to be issued by the Great Eastern Company until One Fifth Part paid up.

58. It shall not be lawful for the *Great Eastern* Railway 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 of Great Eastern Company under several Acts may

59. 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 *Great Eastern* Railway Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or

or Acts and this Act respectively, that 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.

be raised by Shares or Stock of One Class.

60. 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 Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, 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 and to additional Capital, are hereby incorporated with this Act with reference to the Capital to be raised by the *Great Eastern* Railway Company.

Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. with respect to Capital to be raised by Great Eastern Company incorporated.

61. All the Monies which the *Midland* Railway Company and the *Great Eastern* Railway Company respectively may raise under the Powers of this Act shall be applied to no other Purpose than their before-mentioned Subscriptions respectively.

Application of Monies raised by Midland and Great Eastern Companies.

62. If and when the *Midland* Railway Company and the *Great Eastern* Railway Company respectively become Shareholders in the Company pursuant to the Provisions of this Act, the Directors for the Time being of the *Midland* and *Great Eastern* Railway Companies respectively may appoint from and out of the Members of their own respective Boards any Number not exceeding, as regards each of the said Companies, Two of the Directors of the Company, in addition to the Directors for the Time being appointed by the Company, and such Directors so appointed shall be in all respects qualified as Directors of the Company, notwithstanding their Names shall not appear upon the Register of Shareholders of the Company, and shall have the like Powers as other Directors of the Company: Provided always, that the total Number of Directors of the Company shall at no Time exceed Nine, and that Five of the Directors shall be appointed by the Company.

Directors to be appointed by Midland and Great Eastern Companies.

63. The *Midland* Railway Company and the *Great Eastern* Railway Company respectively from Time to Time may remove any Director of the Company appointed by them respectively, and appoint another in his Place.

Removal of Directors of Midland and Great Eastern Companies.

Supply of Vacancy in Office of Director for contributing Companies.

64. If and when any Person appointed by the *Midland* Railway Company, or, as the Case may be, by the *Great Eastern* Railway Company, to be a Director of the Company, by Writing under his Hand resign, or be removed or die, the Vacancy in the Number of the Directors so occasioned may be supplied by the *Midland* Railway Company, or, as the Case may be, by the *Great Eastern* Railway Company.

Instruments of Appointment and Revocation of Persons to be Directors, or to vote on behalf of a contributing Company.

65. Every such Appointment, Revocation, and Removal by the *Midland* Railway Company, or, as the Case may be, by the *Great Eastern* Railway Company, of a Director or Person to vote on behalf of such Company, shall be in Writing under the Hands of the Chairman and Secretary of such Company, and shall be delivered to the Company, and kept with their Records.

Validity of the Instruments and of the Acts thereunder.

66. Unless and until the contrary be shown, every Instrument purporting to be the Instrument of any such Appointment, Revocation, or Removal, and under the Hands of the Chairman and Secretary of the *Midland* Railway Company, or, as the Case may be, of the *Great Eastern* Railway Company, shall be Evidence of the Appointment, Revocation, or Removal purporting to be thereby made: Provided that, notwithstanding it be afterwards discovered that there was a Defect in the Appointment of any such Director or Person to vote, all his Acts, and all Proceedings consequent thereon or relating thereto, shall be as valid as if he were duly appointed.

Powers of Company not dependent upon Appointment of Directors, &c.

67. The Powers of the Directors of the Company are not dependent on there being in Office any Director appointed on behalf of the *Midland* and *Great Eastern* Railway Companies respectively.

Authorizing Working and Traffic Arrangements with Great Eastern Company.

68. The Company and the *Great Eastern* Railway Company may from Time to Time enter into and carry into effect, and from Time to Time alter or vary, any Contracts or Agreements with respect to the following Purposes, or any of them; (that is to say,)

The Use and Working by the *Great Eastern* Railway Company of the Railway by this Act authorized, or any Part thereof, and the Works and Conveniences connected therewith:

The Passage over the said Railway of the Engines and Carriages of the *Great Eastern* Railway Company:

The Conveyance by the *Great Eastern* Railway Company of all or any Part of the Traffic passing over the said Railway:

The Supply of Engines, Carriages, and Rolling Stock by the *Great Eastern* Railway Company:

The Accommodation, Conveyance, Forwarding, Interchange, Regulation, and Management of the Traffic on, to, or from the said Railway:

The

The Division between the Company and the *Great Eastern* Railway Company of the Tolls and Fares arising from such Traffic:

The Tolls, Rates, Duties, and Charges, or other Consideration, to be charged in respect of such Traffic, or to be paid in respect of such User, and the fixing and apportioning of such Tolls, Rates, Duties, and Charges, or other Consideration, or any of them:

The Management, Maintenance, and Repair of the said Railway:

The Cost and Expenses of such Working, Management, Maintenance, and Repair:

And Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," shall be incorporated with this Act in reference to any such Contract or Agreement.

Tolls during Contracts.

69. During the Continuance of any Contract or Agreement which may be entered into under the Authority of this Act, the Railways of the Companies Parties to such Contract or Agreement shall, for the Purposes of Tolls and Charges, be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railways of the Company and partly on the Railways of the *Great Eastern* Railway Company respectively for a less Distance than Three Miles, Tolls and Charges may only be charged as for Three Miles; and in respect of Passengers, for each Mile or Fraction of a Mile beyond Three Miles, Tolls and Charges as for One Mile only; and in respect of Animals, Minerals, and Goods, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Three Miles, Tolls and Charges as for a Quarter of a Mile only; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, and Goods, or other Matters, partly on the Railways of the Company and partly on the Railways of the *Great Eastern* Railway Company respectively.

Interest not to be paid on Calls paid up.

70. The Company shall not, out of any Money by this Act or any other Act relating to them authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him: Provided that the Company may pay 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.

71. The Company shall not, out of any Money by this Act or any other Act relating to them authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for

for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or execute any other Work or Undertaking.

Saving Rights of Company and Great Eastern Company.

72. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Privileges of the Company or of the *Great Eastern* Railway Company.

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

73. Nothing in this Act contained shall exempt any Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act or any other Act relating to the respective Railway authorized, or the Rates for small Parcels thereby authorized.

Expenses of Act.

74. All the Costs, Charges, and Expenses of and in any way incident to the applying for, obtaining, and passing of this Act shall be paid by the Company.

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