ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. clxxviii.

An Act for authorizing the making by the *Tottenham and Hampstead Junction* Railway Company of Lines of Railway, by way of Substitution for Lines of Railway already authorized to be made by them, and for authorizing Arrangements between them and the *Great Eastern* Railway Company and the *Midland* Railway Company; and for other Purposes. [29th *June* 1865.]

WHEREAS by "The *Tottenham and Hampstead Junction* Railway Act, 1862" (in this Act called the Act of 1862), the *Tottenham and Hampstead* Railway Company (in this Act called "the Company") were incorporated, with a Capital of One hundred and sixty thousand Pounds, and with Power to borrow on Mortgage Fifty-three thousand three hundred Pounds, and were authorized to make and maintain the *Tottenham and Hampstead Junction* Railway, consisting of Five Lines of Railway, One of those Lines of Railway (Number 5) being a short Branch in the Parish of *Saint* 25 & 26 Vict. c. cc.

Pancras to the *Junction Road*, and which Branch in this Act is called "the *Saint Pancras* Branch": And whereas the Company have proceeded to put that Act in execution, but have not begun the making of the *Saint Pancras* Branch: And whereas by "The *Tottenham and Hampstead Junction* Railway Act, 1863," (in this Act called the Act of 1863,) the Company were authorized to make and maintain "the *Junction Road* Branch," being a small Branch Railway in the Parish of *Saint Pancras*, and to raise by Shares an additional Capital of Fifty thousand Pounds, and to borrow on Mortgage an additional Sum of Sixteen thousand six hundred Pounds; and the *Great Eastern* Railway Company (in this Act called "the *Great Eastern* Company") were authorized to become Shareholders of the Company to any Extent not exceeding Fifty thousand Pounds, and (Section Sixty-eight) to appoint, in the event and for the Time therein expressed, Two of the Directors of the Company, and the Number of Directors of the Company, including those so appointed, was restricted to Five Directors: And whereas the Company have not raised any of the further Capital by the Act of 1863 authorized: And whereas the Company have not begun the making of the *Junction Road* Branch: And whereas the *Great Eastern* Company have become Shareholders of the Company to the Extent of Fifty thousand Pounds: And whereas by "The *Tottenham and Hampstead Junction* Railway Act, 1864," (in this Act called the Act of 1864), the Company were authorized to make and maintain a Railway (in this Act called "the *Midland* Branch") to join the *Midland* Railway, and to raise by Shares a further Capital of One hundred thousand Pounds, and to borrow on Mortgage a further Sum of Thirty-three thousand three hundred Pounds, and each of the *Midland* Railway Company (in this Act called "the *Midland* Company") and the *Great Eastern* Company were authorized to become Shareholders of the Company to any Extent not exceeding as regards each of them One Third of the further Capital by the reciting Act authorized to be raised, and (Section Sixty-two) Provision was made for the Appointment by each of the *Midland* Company and the *Great Eastern* Company respectively, when Shareholders of the Company, of Two Directors of the Company in addition to the Directors appointed by the Company, and the Number of Directors of the Company was limited to Nine Directors, Five of whom should be appointed by the Company: And whereas the Company have not raised any of the further Capital by the Act of 1864 authorized: And whereas the Company have not begun the making of the *Midland* Branch: And whereas, since the passing of the Act of 1864, it has been ascertained that the Purposes intended to be served by the *Saint Pancras* Branch, and the *Junction Road* Branch, and the *Midland* Branch respectively might be better served by making by way of Substitution for the same the Railways by

26 & 27 Vict. c. ccv.

27 & 28 Vict. c. ccxxi.

by this Act authorized; and it is expedient that the Company be authorized to make and maintain the said Railways, and to abandon the making of the *Saint Pancras* Branch, and the *Junction Road* Branch, and the *Midland* Branch respectively: And whereas it is expedient that Working Agreements between the Company on the one hand and the *Great Eastern* Company and the *Midland* Company (in this Act called "the Two Companies"), or either of them, on the other hand, with respect to the working of the Company's Railway be authorized: And whereas it is expedient that further Provision be made with respect to the Two Companies respectively being Shareholders of the Company and appointing Directors of the Company: And whereas it is expedient that further Provision be made with respect to the Company and their Undertaking: And whereas Plans and Sections of the intended Railways, showing the Lines and Levels thereof respectively, and the Plans showing also the Lands in which the same are intended to be made, and a Book of Reference to the Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, 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 called the deposited Plans, Sections, and Books of Reference: 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, 1865."

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," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway) and Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863" (save so far as any of the Sections and Provisions of those Acts and Parts respectively are expressly excepted or varied by this Act), are respectively incorporated with and form Part of 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 Parts of "The Companies Clauses Act, 1863," respectively (save so far as any of the Provisions thereof respectively are

are excepted or varied by this Act) are incorporated with and form Part of this Act, that is to say:

The Provisions of "The Companies Clauses Consolidation Act, 1845:"

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

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

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 by all Parties interested:

And Part I. (relating to Cancellation and Surrender of Shares): and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863."

Same Meanings to Words 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: Provided, that the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act, 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; and the Expression "Parish Clerk" includes "Vestry Clerk" and "Clerk to a District Board of Works," and the Word "Share" and "Shareholders" include, when requisite, "Stock" and "Stockholders," and *vice versâ*.

Sections of Act of 1864 apply to Shares created under this Act by the Two Companies.

5. Subject to the Provisions of this Act, the several Provisions of Sections Forty-seven to Fifty-five, both inclusive, of the Act of 1864 with respect to Shares created by the *Midland* Company extend and apply to Shares from Time to Time created by them under this Act, and the several Provisions of Sections Fifty-seven, Fifty-nine, and Sixty of the Act of 1864 with respect to Shares created by the *Great Eastern* Company extend and apply to Shares created by them under this Act.

Sections 63 to 67 of Act of 1864 apply to Directors of Com-

6. Subject to the Provisions of this Act, the several Provisions of Sections Sixty-three to Sixty-seven, both inclusive, of the Act of 1864, with respect to Directors of the Company appointed under that

that Act by the Two Companies respectively, apply to Directors of the Company from Time to Time appointed under this Act by the Two Companies respectively.

pany appointed under this Act by the Two Companies.

7. The several Provisions of Sections Ten to Twenty-seven, both inclusive, of the recited Act of 1864 extend and apply to the Works by this Act authorized and the Purposes of this Act as fully and effectually as if those Sections respectively were re-enacted in this Act, with respect to those Works and Purposes.

Sections 10 to 27 of Act of 1864 apply to Works, &c. under this Act.

8. The following Sections of the recited Acts are by this Act repealed, but the Repeal thereof shall not have any retroactive Operation:

Repeal of certain Sections of recited Acts.

The Act of 1862.

Sections Fourteen and Fifteen with respect to the Number and Qualification and Quorum of Directors.

The Act of 1863.

Sections Thirty-one to Thirty-nine, both inclusive, with respect to Working and Traffic Agreements between the Company and the *Great Eastern* Company:

Sections Sixty-eight to Seventy-three, both inclusive, with respect to Directors of the Company appointed by the *Great Eastern* Company.

The Act of 1864.

Section Sixty-two with respect to the Appointment by the Two Companies respectively of Directors of the Company:

Sections Sixty-eight and Sixty-nine with respect to Working and Traffic Arrangements between the Company and the *Great Eastern* Company.

9. The Number of the Directors of the Company shall not exceed Nine, and the Number of the Directors of the Company elected by the Shareholders of the Company shall be Five; and the Directors of the Company, from Time to Time appointed under this Act by the Two Companies respectively shall be in addition to, but, except as is by this Act otherwise expressly provided, shall have the same Powers as the Directors elected by the Shareholders.

Number of Directors.

10. The Qualification of a Director elected by the Shareholders shall be his holding in his own Right Shares of the Capital to the aggregate nominal Amount of at least Five hundred Pounds.

Qualification of Directors elected by Shareholders.

Appointment of Directors by the Two Companies respectively.

11. With respect to each of the Two Companies, when the respective Company hold Shares of the Capital of the Company to the aggregate nominal Amount of at least Fifty thousand Pounds, the Board of Directors of the respective Company from Time to Time may appoint Two of themselves to be Two Directors of the Company in addition to the Directors elected by the Shareholders; and the Qualification of a Director so appointed shall be his being a Member of the respective Board, and it shall not be necessary for him to be a Shareholder of the Company.

Quorum of Directors.

12. When there are only Five Directors the Quorum of a Meeting of Directors shall be Three Directors; and when, by the Appointment of Directors by the Two Companies or either of them, there are more than Five Directors, the Quorum of a Meeting of the Directors shall be Five Directors.

Power for the Two Companies to become Shareholders of Company.

13. The Two Companies respectively from Time to Time, by themselves respectively or their respective Nominees, may subscribe for or take and hold Shares of the Capital of the Company to any Extent not exceeding the following; (that is to say,)

With respect to the *Great Eastern* Company, One Third of the Capital of the Company under the Acts of 1862 and 1863 and 1864 respectively:

With respect to the *Midland* Company, One Third of the Capital of the Company under the Acts of 1862 and 1863 and 1864 respectively:

Provided, that the Shares of the Company's Capital which, under the Act of 1863, the *Great Eastern* Company have taken shall be deemed to be taken by them as Part of the One Third of the Company's Capital which by this Act the *Great Eastern* Company are authorized to take.

The Two Companies not to sell Shares so taken by them.

14. Neither of the Two Companies shall at any Time sell or dispose of any Share of the Capital of the Company taken by the respective Company.

Nominees of the Two Companies to vote at Meetings of Company in respect of Shares so taken.

15. With respect to each of the Two Companies respectively, when the respective Company are Shareholders of the Company, they may, from Time to Time, nominate some Person (whether a Shareholder of the Company or not) to vote at any Meeting of the Company on behalf of the respective Shareholder Company, in respect of the Shares so from Time to Time held by them respectively, and may revoke any such Appointment; and the Nominee from Time to Time, although not a Shareholder of the Company, shall have the

the like Right of being present and taking part in Discussions, and voting at the Meetings, as if he held in his own Right the Shares in respect of which he is the Nominee, and without Prejudice to any Right of voting in respect of any Shares held by him in his own Right.

Power for the Two Companies to raise for Purposes of Act specified Amounts of Money.

16. For the Purposes of this Act, with respect to the Two Companies respectively, they respectively from Time to Time may raise, as by this Act provided, such Monies as they respectively find requisite, not exceeding the respective Amounts following; (that is to say,)

With respect to the *Great Eastern* Company, not exceeding in the whole for the Purpose of Contribution by them towards the Funds of the Company, and inclusive of the Amount raised under the Authority of Section Fifty-seven of the recited Act of 1863 for the Purpose, One hundred and three thousand three hundred Pounds;

With respect to the *Midland* Company, not exceeding in the whole, for the Purpose of Contribution by them towards the Funds of the Company, One hundred and three thousand three hundred Pounds.

Powers for each of the Two Companies to raise certain Amounts as additional Capital by Shares.

17. For the Purposes of this Act, with respect to each of the Two Companies respectively, the respective Company from Time to Time may raise, by the Creation and Issue of new Shares or new Stock, whether Ordinary or Preferential, or both, such Monies as they respectively find requisite, not exceeding the total Amount which the respective Company are by this Act authorized to raise.

Shares or Stock not to issue till 20 per Cent. paid up.

18. With respect to each of the Two Companies, the respective Company shall not issue any new Share or Portion of new Stock created by them under this Act, nor shall any new Share or Portion of new Stock so created vest in the Person accepting the same, unless and until not less than Twenty *per Centum* of the Amount of the new Share or Portion of new Stock be paid in respect thereof.

Great Eastern Shares created under Act of 1863 to be deemed Part of Shares to be created under this Act.

19. Provided, That any Shares or Stock created and issued under the Act of 1863 by the *Great Eastern* Company, in respect of any Part of the Company's Capital which by that Act the *Great Eastern* Company were authorized to take, shall be deemed to be created by them as Part of the Shares or Stock which by this Act they are authorized to create and issue.

Application of Monies for Purposes of Act.

20. All Monies from Time to Time raised under this Act by the Two Companies respectively shall be applicable for Purposes of this Act only.

21. The

Application of Company's Monies for Purposes of Act.

21. The Company from Time to Time may apply for any of the Purposes of this Act any Monies from Time to Time raised by them by Shares and by borrowing respectively under the Authority of the Acts of 1863 and 1864 respectively.

Company to abandon specified Branches.

22. The Company may abandon the making of the *Saint Pancras* Branch, and the *Junction Road* Branch, and the *Midland* Branch respectively.

Company to make Compensation for Entry on Lands authorized to be taken for Branch Railways abandoned.

23. The Abandonment by the Company, under the Authority of this Act, of the making of any Railway shall not prejudice or affect the Right of the Owner or Occupier of any Land which they were authorized to purchase for making the same, and which they do not take under this Act, to receive Compensation from them in accordance with the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845," for any Damage occasioned by their Entry on the Land for surveying and taking Levels, or probing or boring, or setting out the Line of Railway.

Company to make Compensation for Lands taken for Branch Railways abandoned.

24. Where, before the passing of this Act, any Contract was entered into or Notice given by the Company for purchasing any Land which they were authorized to purchase for making any Branch Railway which they are by this Act authorized to abandon, and which Contract they do not complete for the Purposes of this Act, full Compensation shall be made by the Company to the Owners or Occupiers or other Persons entitled in those Lands for all Damage sustained by them respectively by reason of the Purchase not being completed pursuant to the Contract or Notice or for the Purposes of this Act; and the Amount and Application of the Compensation shall be determined in manner by "The Lands Clauses Consolidation Act, 1845," incorporated with this Act, provided for determining the Amount and Application of the Compensation for Lands taken under the Provisions of that Act.

Powers for compulsory Purchases limited.

25. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after Three Years after the passing of this Act.

Lands for extraordinary Purposes.

26. The Company may purchase by Agreement, in addition to the Lands by this Act authorized to be purchased compulsorily, any Quantity of Land for the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," not exceeding One Acre.

27. Subject

Power to make Railways authorized by this Act in substitution for Branch Railways abandoned.

27. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain, in substitution for the several Branch Railways by this Act authorized to be abandoned, the Railways by this Act authorized, and may make and maintain the same in the Lands shown on the deposited Plans and specified in the deposited Books of Reference, and, so far as the Lines and Levels thereof are shown on the deposited Plans and Sections, in the Lines and in accordance with the Levels so shown, and may enter upon, take, use, and appropriate such of the said Lands as may be necessary for the Purpose.

Railways and Works authorized by Act.

28. The several Railways and Works by this Act authorized to be made and maintained by the Company comprise the following Railways, with all such Stations, Approaches, Works, and Conveniences connected therewith respectively, as the Company think fit; (that is to say,)

(A.) A Railway commencing in the Parish of *Saint Mary, Islington*, in the County of *Middlesex*, by a Junction with the Railway Number 1, by "The *Tottenham and Hampstead Junction* Railway Act, 1862," authorized, and terminating in the Parish of *Saint Pancras* in that County by a Junction with the Railway by "The *Midland* Railway (New Lines and Additional Powers) Act, 1864," authorized:

(B.) A Railway situate wholly in the said Parish of *St. Pancras*, commencing by a Junction with the intended Railway (A.) and terminating by a Junction with the Railway by "The *Midland* Railway (New Lines and Additional Powers) Act, 1864," authorized.

Period for Completion of Works.

29. The Railways 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 by this Act given to the Company with respect to the making of the same, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed.

Running Powers conferred on GreatNorthern Company in a certain Event.

30. In the event of an Arbitrator, to be appointed under "The Railway Companies Arbitration Act, 1859," at any Time deciding that the Obligations imposed by Section Thirty-four of the Act of 1862 in relation to the Facilities thereby required to be afforded by the Company in respect of Traffic coming to or from the *Great Northern* Railway upon or from the Railways of the Company, as by that Act authorized, are not being duly carried into execution, such Arbitrator shall have Power to award and order that the *Great Northern* Railway Company shall have the Right to run, with their

Engines, Carriages, and Servants, over such Railways of the Company as aforesaid, and shall have the Use for such Purposes of the Stations, Watering-places, Water, and other Works and Conveniences connected therewith, and the said Arbitrator may prescribe the Charges to be made for the same, and his Decision from Time to Time shall be binding and conclusive on the Parties, and may be enforced by any Court of competent Jurisdiction.

Execution of Works for Railway under Hampstead Junction Railway.

31. The Railway (B.), where the same will pass under the *Hampstead Junction* Railway, shall be carried under the same according to Plans to be reasonably approved by and executed under the Superintendence and to the reasonable Satisfaction in all respects of the Engineer of the *London and North-western* Railway Company, and at the Expense of the Company, and such Railway and Works shall be so carried and executed respectively by such Means and in such Manner only as not to interfere with the free, uninterrupted, and safe User of the *Hampstead Junction* Railway, or the Traffic thereon, and so as to give a clear Width at the Level of the Rails of the *Hampstead Junction* Railway, at the Spot where it is to be passed under by the Railway of the Company, of Fifty Feet.

Maintenance of those Works.

32. The Company shall at all Times maintain the Arches or other Works by which such Railway shall be carried under the *Hampstead Junction* Railway in substantial Repair and good Order and Condition, to the reasonable Satisfaction in all respects of the Engineer of the *London and North-western* Railway Company; and if and whenever the Company fail so to do, the *London and North-western* Railway Company may make and do, in and upon as well the Lands of the Company as their own Lands, as also the Lands of the *Hampstead Junction* Railway Company, all such Works and Things as the *London and North-western* Railway Company may reasonably think requisite in that Behalf; and the Sum from Time to Time certified by such Engineer to be the reasonable Amount of their Expenditure in that Behalf shall be repaid to them by the Company, and in default of full Repayment, the Amount due may be recovered, with full Costs, by the *London and North-western* Railway Company from the Company in any Court of competent Jurisdiction.

Restricting Interference with Lands of Hampstead Junction and London and North-western Railway Companies respectively.

33. The Company shall not, without in every Case the previous Consent of the *London and North-western* Railway, in Writing under their Common Seal, take, use, enter upon, or interfere with any of the Lands from Time to Time belonging to or in the Possession or under the Power of the *Hampstead Junction* and *London and North-western* Railway Companies respectively, except only such Parts of their Lands as it shall be necessary for the Company to take and use, enter upon,

upon, or interfere with for the Purpose of making and maintaining the Works by which the Railway is, according to this Act, to be carried under the said *Hampstead Junction* Railway.

Company to acquire only Easements in Lands of Hampstead Junction and London and North-western Railway Companies respectively.

34. With respect to any Land of the *Hampstead Junction* and *London and North-western* Railway Companies respectively which the Company are by this Act from Time to Time authorized to use, enter upon, or interfere with, the Company shall not purchase and take the same, but the Company may purchase and take, and the *Hampstead Junction* and *London and North-western* Railway Companies respectively may and shall sell and grant accordingly, an Easement or Right of using the same for the Purposes for which, but for this Enactment, the Company might purchase and take the same.

Vestry of St. Pancras to construct One Road Bridge over Railway, where it will be in Cutting.

35. Nothing in this Act contained shall hinder or prevent the Vestry of the Parish of *Saint Pancras* from constructing, at their own Expense, the necessary Works for carrying over the Railway firstly described in Section Twenty-eight of this Act, where it will be in cutting, One Road Bridge for the Purpose of connecting any Road which the said Vestry may make on both Sides of that Railway; but such Works shall be constructed so as not to injure the said Railway, or to interrupt the Traffic thereof, and shall be carried on and completed within such Time and in such Manner as may be agreed between the Engineer of the Company and the said Chief Surveyor, or as, in case of Difference, shall be determined as by this Act is provided for the Settlement of Disputes which may arise between the Company and the said Chief Surveyor.

College Lane not to be stopped up.

36. Except with the Consent of the Vestry of the Parish of *Saint Pancras* under their Common Seal, it shall not be lawful for the Company to stop up *College Lane* or any Part thereof.

For Construction of Sewer under Kentish Town Road.

37. The Company shall, at their own Expense, construct a sufficient Sewer along the *Kentish Town Road*, so as to admit the Sewer to pass underneath the Rails of the Railways by this Act authorized, and extend the Sewer Southward from the Northern Rails of the said Railways, along the said Road, for such a Distance as may make a Fall of not less than One in Two hundred; and shall construct the said Sewer subject to the same Approval and under the same Conditions as new Sewers in the District within the Jurisdiction of the Metropolitan Board of Works and the Vestry of the Parish of *Saint Pancras* respectively.

38. Subject

Alterations may be made in the Works, with Consent, &c.

38. Subject to the Provisions of this Act, it shall be lawful for the Company and the said Vestry of *Saint Pancras* to agree as to the Construction of the Works in *Saint Pancras* by this Act and the Act of 1862 authorized, and the other Matters and Things herein-before mentioned, in any other Manner than is herein-before provided for, and for the making, doing, and maintaining by the Company of all such Works as may be necessary or expedient for the Purposes aforesaid; and in case of any such Agreement, it shall not be binding on the Company to do such of the Works, Matters, and Things required to be done by them as shall be by the said Agreement expressly dispensed with.

Provisions as to Payment of certain Rates in the Parish of St. Mary, Islington.

39. The Provisions of the One hundred and thirty-third Section of "The Lands Clauses Consolidation Act, 1845," with respect to the Payment of Land Tax and Poor's 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*.

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

40. 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 Vestry of that Parish or their Surveyor, or other Officer authorized to receive the same, 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 Road, Street, Carriage or Foot Way intended to be broken up or opened, about to be commenced by the Company, as the Case may be.

For preventing Stoppages or Obstructions of Traffic.

41. 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 Road in the said Parish of *Saint Mary, Islington*, in the County of *Middlesex*, or to alter the *Junction Road* to a greater Extent than Six Feet, without the Consent of the Vestry of the Parish of *Saint Mary, Islington:* Provided nevertheless, that in the event of its being necessary, in the Construction of the Works hereby authorized, that any such Road shall 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 Six Months at the least after the first Interference therewith, in as good State 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*.

As to Works affecting New River Company.

42. And whereas, in the Execution of the Works by this Act authorized the Mains, Pipes, Syphons, Plugs, and other Works belonging to the *New River* Company may be intersected or otherwise interfered with, and it is expedient that such Provision should be made as is herein-after contained for providing against the Supply of Water being impeded: Therefore all Works, Matters, or Things which under the Provisions of "The Railways Clauses Consolidation Act, 1845," or this Act, the Railway Company may be empowered or required to do and execute with reference to the Mains, Pipes, Syphons, Plugs, or other Works of the said *New River* Company, shall be done and executed by and at the Cost of the Company, but to the reasonable Satisfaction and under the Superintendence of and in such Manner as shall be required by the Engineer for the Time being of the *New River* Company, and such Works, Matters, or other Things shall not be commenced until after Fourteen Days previous Notice thereof in Writing shall have been given to the *New River* Company as aforesaid.

The New River Company empowered to repair and lay Pipes on Lands of Railway Company.

43. It shall be lawful for the said *New River* Company, by their Engineers, Workmen, and others in their Employment, at all Times when it may be necessary, to enter upon the Railway, Lands, and Premises of the Company at any Point or Place where there are existing Mains belonging to the said *New River* Company, and to do all such Works in and upon such Railway, Lands, and Premises as may be necessary for repairing, maintaining, or removing, or replacing such Mains or Pipes under or over the same Railway, Lands, and Premises: Provided always, that in so doing, the said *New River* Company, or their Engineers or Workmen, or others in their Employment, shall not interrupt the Traffic passing on the said Railway, or any of the Railways by this Act authorized; and provided also that such Company shall make good and reimburse to the Company all Damages to the Railways, or any of the Railways and Works by this Act authorized, occasioned by the Exercise of the Powers by this Clause reserved.

Provision for Extension of Water Supply.

44. In every Case in which the Works of the Company shall interfere with the Mains of the said *New River* Company, the Company shall give every reasonable Facility for Provision being made, where

where required, by and at the Expense of the *New River* Company, so as to allow such Mains to be hereafter replaced by Mains of a larger Size, to enable the said *New River* Company to supply the increasing Demands of the Public.

Penalty for interrupting the Supply of Water.

45. If any Interruption whatsoever in the Supply of Water by the said *New River* Company shall be in any way occasioned by the Company, or by the Acts of any of their Contractors, Agents, Workmen, or Servants, or any Person in the Employ of them, or any or either of them, the Company shall forfeit and pay to the said *New River* Company, for the Use and Benefit of the said Company, the Sum of Ten Pounds for every Hour during which such Interruption shall continue, such Sum to be recovered by the said *New River* Company in any Court of competent Jurisdiction.

Expense of Repairs of Water Pipes, &c. to be borne by Railway Company in certain Cases.

46. The Expense of all Repairs or Renewals of the said Pipes or Mains, or any Works in connexion therewith, which may at any Time hereafter be rendered necessary by the Acts or Defaults of the Company, their Contractors, Agents, Workmen, or Servants, or any Person in the Employ of them, or any or either of them, shall be borne and paid by the Company, and may be recovered against them by the said *New River* Company in any Court of competent Jurisdiction.

Provision for the Settlement of Disputes between Company and New River Company.

47. Any Difference which may arise under the Provisions in this Act between the Company and the *New River* Company 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 Company and the *New River* Company, or, failing any such Agreement, by an Engineer to be appointed, on the Application of either Party, by the Board of Trade, under the Hand of One of their Secretaries, at the Request of either Company.

Security for Completion of Railways authorized by Act.

48. Whereas by the Act of 1863 (Section Twenty-four), Provision was made with respect to a Sum of Two thousand seven hundred Pounds Three *per Centum* Consols, which had been transferred into the Name and with the Privity of the Accountant General of the Court of Chancery with respect to the Application to Parliament for that Act, and by the Act of 1864 (Section Twenty-Nine,) Provision was made with respect to the Sum of Eight thousand Pounds, Portion of a Sum of Twenty thousand eight hundred Pounds, which had been deposited with the Court of Chancery with respect to the Application to Parliament for that Act: And whereas the estimated Cost of the Railways by this Act authorized is One hundred thousand Pounds, Eight *per Centum* whereof is Eight thousand Pounds, and it is expedient

expedient that the Deposit so made with respect to the Act 1864 should be deemed to be made with respect to the Application to Parliament for this Act: Therefore Section Twenty-nine of the Act of 1864 shall be read and have effect as applying to the Railways by this Act authorized and the Time limited for the Completion thereof instead of that Section applying to the Railway by that Act authorized and the Time limited for the Completion thereof, and Section Twenty-four of the Act of 1863 is by this Act repealed.

Terms of Bond under Sect. 29 of Act of 1864:

49. The Bond, if any, given by the Company in accordance with Section Twenty-nine of the Act of 1864 shall be in such Terms as are consistent with the Provisions of this Act.

Bond under Sect. 24 of Act of 1863 cancelled.

50. The Bond given by the Company in accordance with Section Twenty-four of the Act of 1863 is by this Act cancelled.

Tolls on Company's Railway as under Act of 1862.

51. Subject to the Provisions of the Act of 1862 and this Act respectively, the Company from Time to Time may demand and take in respect of the Railways by this Act authorized, 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 Act of 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 Company's Railway, and with and subject to the like Powers and Provisions, as if the whole of the Company's Railway had been originally authorized by the Act of 1862.

Maximum Tolls as under Act of 1862.

52. Provided, That the maximum Charges to be made by the Company with respect to Tolls, Fares, Rates, and Charges for the User of the Railways by this Act authorized, 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 Act of 1862.

Railways used by Company to be deemed continuous for Tolls.

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

Tolls during Working Agreements under Act.

54. During the Continuance of any Agreement made under this Act the Railways of the Companies Parties to the Working Agreement shall, for the Purposes of Tolls, Fares, Rates, and Charges, be deemed One

One continuous Railway; and in estimating the Amount of Tolls, Fares, Rates, and Charges in respect of Traffic conveyed partly on the Railways of the Company and partly on the Railways of the other Company, Parties to the Working Agreement, for a Distance less than Three Miles, Tolls, Fares, Rates, and Charges may be charged as for Three Miles; and where the Traffic is so conveyed more than Three Miles, then as to Passengers, for every Mile or Fraction of a Mile beyond Three Miles, Tolls, Fares, and Charges as for One Mile; and as to Animals and Things, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Three Miles, Tolls, Rates, and Charges as for a Quarter of a Mile; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Things partly on the Railways of the Company and partly on the Railways of the other Company Party to the Working Agreement.

Trains for Labouring Classes.

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

Agreements between Company and the Two Companies.

56. The Company on the one hand and the Two Companies and each and either of them respectively on the other hand from Time to Time may enter into and carry in effect all such Agreements with respect to any of the Purposes in that Behalf by this Act authorized as the contracting Companies think fit, and all such Agreements may be for such Periods and on such Terms, pecuniary and otherwise, and Conditions whatsoever, as the contracting Companies think fit.

Purposes of Agreements between Company and the Two Companies.

57. The Purposes for which Agreements between the Company and the Two Companies respectively from Time to Time may be entered into comprise the Purposes following; (that is to say,)

The managing, maintaining, and repairing by the contracting Companies, or any of them, of all or any Parts of the Company's Railways, Works, and Conveniences authorized by the Act of 1862 and this Act respectively;

The working and using by the contracting Companies, or any of them, of all or any Parts of the said Railways, Works, and Conveniences;

The supplying by the contracting Companies, or any of them, of Rolling and Working Stock;

The regulating by the contracting Companies, or any of them, of any Traffic on the said Railways, and the apportioning between the contracting Companies of all or any of the Traffic;

The fixing, levying, and receiving by the contracting Companies, or any of them, of Tolls, Fares, Rates, and Charges on the Railways, or any of them;

The Apportionment between the contracting Companies of any Tolls, Fares, Rates, and Charges on the said Railways, or any of them;

The Payment by any of the contracting Companies to any other or others of them of any fixed or contingent Rent;

The Appointment and Regulation by the contracting Companies of a joint Committee for carrying the respective Agreement into effect;

And all Agreements for those Purposes shall be Working Agreements within Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," incorporated with this Act.

Saving Rights of Company and the Two Companies.

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

Interest not to be paid out of Capital or Calls paid up.

59. The Company or any other Railway Company to which this Act relates shall not, out of any Money by this Act or any other Act relating to the respective Company authorized to be raised by them by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of Shares held by him: Provided, that the respective Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

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

60. The Company, or any other Railway Company to which this Act relates, shall not, out of any Money by this Act or any other Act relating to the respective Company authorized to be raised by them 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 an Act authorizing the respective Company to make any other Railway or execute any other Work or Undertaking.

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

61. Nothing in this Act 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 the recited Acts and this Act respectively authorized, or the Rates for small Parcels thereby respectively authorized.

Expenses of Act.

62. All the Costs, Charges, and Expenses of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be borne and paid by the Company.

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