



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xcv.

An Act to authorize the *Great Eastern Railway Company* to make a Railway from their *Loughton Line* to near *Highbeech Green* in *Epping Forest*.
 [23d June 1864.]

WHEREAS by the "*Great Eastern Railway Act, 1862*," the *Great Eastern Railway Company* (herein-after called "*the Company*") were formed by the Amalgamation of several previously existing Companies, and the Acts relating to those Companies respectively were consolidated and amended: And whereas other Acts have since been passed relating to the Company: And whereas a Railway from the *Loughton Line* of the Company near its Junction with the *Northern and Eastern Railway* in the Parish of *Leyton* in the County of *Essex*, to near *Highbeech Green*, in *Epping Forest* in the same County, would be of public Advantage, and the Company are willing (if authorized by Parliament) to make such Railway: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

25 & 26 Vict.
c. cxxiii.

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8 & 9 Vict.
cc. 16. 18.
& 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several Matters following; (that is to say,) the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, and the Provision to be made for affording Access to the "Special Act," and Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, to additional Capital and to Debenture Stock, are hereby incorporated with this Act.

Interpre-
tation of
Terms.

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

The Expression "the Special Act" shall mean this Act:

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

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

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

Power to
make Rail-
way as
herein
stated.

3. It shall be lawful for the Company to make and maintain a Railway with all proper Stations, Approaches, Works, and Conveniences connected therewith, commencing by a Junction with the *Loughton Line* of the Company, near the Junction of such Line with the *Northern and Eastern Railway* in the Parish of *Leyton* in the County of *Essex*, and terminating in *Epping Forest* near *Fairmead House* on the Eastern Side of the Road leading from *Leopard's Lodge Asylum* to *Highbeech Green*.

4. The

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

Railways, &c. to form Part of Undertaking.

5. And whereas a Plan and Section of the proposed Railway, showing the Line and Levels thereof, and the Lands required for the Purposes of the Undertaking, and also a Book of Reference to such Plan, have been deposited with the Clerk of the Peace for the County of *Essex*: Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, the Railway shall be made in the Line and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Section, and it shall be lawful for the Company to enter upon, take, and use all or any of the said Lands which they may require for the Purposes of the Undertaking.

Railway to be made according to deposited Plans.

6. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," contained, in reference to the crossing of Roads on the Level, the Company, in constructing the Railway by this Act authorized, may carry the same with not more than One Line of Railway so long as the Railway is a Single Line, and with not more than Two Lines of Railway when the Railway is a Double Line, across the Roads numbered respectively on the deposited Plan as follows, on the Level thereof; (that is to say,)

Power to cross certain Roads on the Level.

Description of Road.	Number on Plan.	Name of Parish.
Public - - - -	9	Saint Mary Leyton.
Public - - - -	207	Saint Mary, Walthamstow.
Public - - - -	64a	Chingford.

7. Whereas it is intended to carry by means of a Bridge the Railway by this Act authorized to be made over the *Lea Bridge* Turnpike Road about Two Furlongs North of the Fifth Mile Post, at a Point marked 243 in the deposited Plan, in the Parish of *Leyton*, in the County of *Essex*: And whereas the said Turnpike Road is a Road under the Charge of the Commissioners of the Metropolis Turnpike Roads North of the *Thames*: Therefore it shall not be lawful for the Company to lower the same Turnpike Road more than Three Feet, and the same Road, when lowered, shall be formed on both Sides of the said Bridge so as to incline at an uniform Inclination of One Foot in Fifty Feet, with Slopes on each Side of Inclinations not greater than Two to One: And the Company shall make and for ever thereafter keep, repair, and maintain the said Bridge

As to crossing the *Lea Bridge* Turnpike Road.

of

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of a Span wide enough to preserve the present Width of the said Turnpike Road and Footpaths, and not less wide than Forty Feet measured on the Square, and shall leave under the said Bridge a clear Headway of not less than Sixteen Feet over the said Turnpike Road and every Part thereof, and over the Footpaths and every Part thereof of not less than Eight Feet; and the Company shall erect and place and for ever thereafter keep, repair, and maintain Parapet Walls of not less than Six Feet Six Inches in Height at least from the Level of the Rails of the said Railway on each Side of the said Bridge, and also from the Four Ends of such Parapet Walls, Screen Walls, or Close Fences for One hundred and fifty Feet in continuation of such Parapet Walls along both Sides of the said Railway, and shall restore the same Road and Footpaths in the same Line as at present, and shall form so much thereof as hard Road and so much as Footpath, and shall form them of such Materials and of such Quantity and Quality of each Material as shall be required by the General Surveyor of the said Commissioners, and shall set under the said Bridge and for One hundred Feet on each Side thereof Granite Curbs at the Edges of the Footpaths by the Sides of the said Road, and shall restore all Drains that may be interfered with, or substitute others, so that the said Road may be effectually drained to the Satisfaction of the said General Surveyor, and the said Turnpike Road under the said Bridge shall at all necessary Times be lighted and kept lighted by and at the Expense of the Company, and the Company shall at their own Expense do all the Works aforesaid, whether of original Construction or of Maintenance, and provide all Materials necessary for such Works.

Notice to be given to the Surveyor of the Commencement of the Works, who may require a temporary Road.

8. It shall not be lawful for the Company to commence any Works in any way interfering with the said Turnpike Road until Ten Days after the Company shall have given Notice of their Intention to commence such Works, and shall have delivered Plans and Drawings of the same to the General Surveyor of the said Commissioners, and shall have explained in Writing to such General Surveyor in what Way the Company propose to carry on such Works, and if the said General Surveyor shall thereupon require a sufficient temporary Road to be made by the Company instead of the Road to be interfered with, then the Company shall make and substitute such sufficient temporary Road before they interfere with the existing Road, and shall maintain the same until the Restoration of the existing Road, and be liable to the same Penalties for failing to make, and after Notice to maintain, such substituted Road as is and are provided by "The Railways Clauses Consolidation Act, 1845," with respect to substituted Roads and the Failure to make the same; and unless such temporary Road shall be required, the Company shall, during the making of the said Bridge and the lowering of the same
Road,

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Road, at all Times keep open and uninterrupted for the Traffic of the Public a clear Width of Twenty-five Feet of the present Road, and One Footpath; and all necessary Measures of Precaution for the Public Safety during the Progress of the Works of the Railway, and of lowering the same Road, including the fencing of the Works, and lighting and watching the same, shall be adopted by and at the Expense of the Company, and the Company shall save harmless the said Commissioners in respect of all Accidents and Damages which may happen by reason of the said Works of the Company, and the Company shall finish and complete all Works, Matters, and Things connected with lowering the same Road, and restore and give to the Public the uninterrupted Use of the same Road and Footpaths so lowered as aforesaid within Six Months from the Day on which the same shall be first interfered with, and all such Works shall be done under the Superintendence, from Time to Time, and to the Satisfaction of the said General Surveyor, and the Materials thereof shall be good and sufficient for the respective Purposes for which such Materials shall be used and of such Descriptions respectively as shall be approved of by the said General Surveyor; and in case the Company shall fail to do or to maintain and repair any Works according to the Provisions herein-before contained, and the Company shall not, upon being by the said General Surveyor required so to do, proceed forthwith to do or to repair such Works to his Satisfaction, then and in any of such Cases it shall be lawful for the said General Surveyor to cause all such Works and Repairs to be made and done as he in his Discretion shall think fit, and all Costs and Expenses of such Works and Repairs shall be paid, on Demand, by the Company, or, in default of Payment for Twenty-one Days after such Demand, may be recovered by the said Commissioners from the Company, with full Costs of Suit, by Action in any Court of competent Jurisdiction.

9. It shall be lawful for the said Commissioners and Company to agree with each other for the carrying of the same Road under the said Railway in any other Manner than is herein-before mentioned or 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 by the said Commissioners.

Alterations may be made in the Works with the Consent of the Commissioners.

10. If in the Construction of the Railways and Works by this Act authorized it shall be found impracticable in crossing the Road commonly called or known as *Haggar Lane*, situate in the Parish of *Walthamstow* in the County of *Middlesex*, so as to leave a clear

Company to make Culvert for Pipes under Haggar Lane.

[Local.]

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Depth

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Depth of Soil of not less than Two Feet between the Top of any of the Mains or Pipes of the *East London Waterworks Company* (herein-after, called "the *East London Company*,") and Surface of the said Road, then and in such Case the Company shall, at their own Expense, construct and maintain, for the sole Use of said *East London Company*, a Culvert under the Railway for the entire Breadth of the Railway, and shall lay therein and well and effectually connect substituted Mains or Pipes for maintaining and continuing the Water Supply, and such Culvert shall be of not less than Four Feet Six Inches in Width and Four Feet Six Inches in Height, and of such Form that the Mains or Pipes therein may at all Times be easily accessible for the Purpose of Inspection and Repair, and such Mains or Pipes so laid shall be furnished with a Sluice at each End of the Portion so laid under the Railway.

All Works connected with *East London Waterworks Company* to be executed to Satisfaction, &c. of Engineer of that Company.

11. And whereas the Railway and Works by this Act authorized, or some of them, will or may intersect or otherwise interfere with divers Streets, Roads, and Places in the Parishes along, in, or under which the Mains, Pipes, Plugs, and other Apparatus and Works of the *East London Company* are laid, and it may be necessary for the Purposes of this Act to alter or otherwise interfere with the said Mains, Pipes, Plugs, Apparatus, and other Works; and it is expedient that Provision should be made for preventing any Interruption in the Supply of Water by the *East London Company*, by reason of such Alteration or Interference: Therefore, all Works, Matters, or Things which, under the Provisions of "The Railways Clauses Consolidation Act, 1845," or of this Act, the Company may be empowered or required to do or execute, with reference to or affecting the Mains, Pipes, Plugs, Apparatus, or other Works of the *East London Company*, shall be done and executed by and at the Cost of the Company, but to the entire Satisfaction and under the sole Direction of, and in such Manner as shall be required by the principal Engineer for the Time being of the *East London Company*; and such Works, Matters, or other Things shall not be commenced until after Twenty-one Days previous Notice thereof in Writing shall have been given to the *East London Company*, by leaving such Notice at their principal Office for the Time being, nor until the Company shall have provided, to the Satisfaction of the Engineer for the Time being of the *East London Company*, all such temporary Works and Conveniences as shall be necessary for the Preservation and Continuance of an uninterrupted Supply of Water to the District supplied by the Mains, Pipes, Apparatus, or other Works proposed to be altered or interfered with: Provided always, that if the *East London Company* shall elect themselves to execute any Portion of the said Works, Matters, and Things which the Company may be empowered to do or execute with reference to or affecting the said

Mains,

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Mains, Pipes, Plugs, Apparatus, or other Works of the *East London* Company, and of such their Election shall give Fourteen Days Notice in Writing to the Company, by leaving the same at their Head Office in *London*, the *East London* Company may themselves execute that Portion of the said Works, Matters, and Things, and the Expense of and incident to the executing the same shall be repaid by the Company to the *East London* Company on Demand, and such Expense may be recovered from the Company in any Court of competent Jurisdiction.

12. If any Interruption whatsoever in the Supply of Water by the Mains or Pipes of the *East London* Company shall be in any way occasioned by the Company, or by any Act or Omission of them, or of their Contractors, Agents, Workmen, or Servants, or of any Person or Persons in their Employ, the Company shall forfeit and pay to the *East London* Company (for their Use and Benefit) the Sum of Fifty Pounds for every Hour during which such Interruption shall continue, such Sum to be recovered by the *East London* Company in any Court of competent Jurisdiction.

Penalty for interrupting the Supply of Water.

13. Notwithstanding anything in this Act contained, the Company shall be responsible for and make good to the *East London* Company all Costs, Losses, Damages, and Expenses which may be occasioned to the *East London* Company, or to any of the Mains, Pipes, Plugs, Apparatus, Property, Works, and Conveniences thereof, or to the Supply of Water by the *East London* Company, or to any Person or Persons now or at any Time hereafter to be supplied by them, or otherwise by reason of the Execution or Failure of any of the intended Railway and Works, or of any Act or Omission of the Company, or of any of the Contractors, Agents, Workmen, or Servants, or any of the Persons in their Employ, or of their Contractors or others, and the Company will effectually indemnify and hold harmless the *East London* Company from all Claims and Demands upon or against them by reason of such Execution or Failure, or of any such Act or Omission.

Company to pay all Damages sustained by *East London* Waterworks Company.

14. Nothing in this Act contained shall authorize or empower the Company to stop up, alter, remove, break into, or interfere with any Bank, Wall, Culvert, Sewer, Drain, or Watercourse under the Jurisdiction or Control of the Commissioners of Sewers for the Levels of *Havering*, *Dagenham*, *Ripple*, *Barking*, *East Ham*, *West Ham*, *Leyton*, and *Walthamstow* in the respective Counties of *Essex*, *Middlesex*, and *Kent*, unless such other Banks, Walls, Culverts, Sewers, Drains, or Watercourses, with such necessary Sluices, Penstocks, and other Works, and such Fences as may be required by the said Commissioners shall be made, erected, and constructed in a substantial

Not to interfere with Works of Commissioners of Levels of *Havering*, &c. without Consent.

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substantial Manner, in lieu of those so intended to be stopped up, altered, removed, broken into, interfered or intermeddled with, and all new Banks, Walls, Culverts, Sewers, Drains, and Works to be erected and constructed by the Company, shall be constructed under the Direction of the said Commissioners of Sewers, or their Surveyor for the Time being, and by and at the Costs, Charges, and Expenses of the Company.

Powers for compulsory Purchases limited.

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

Lands for extraordinary Purposes.

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

Period for Completion of Works.

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

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

18. If the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due from the Crown, for every Day thereafter, until the Railway shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company were prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control; but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Railway Tolls.

19. The Company may demand and take in respect of the Railway by this Act authorized such Tolls and Charges as they think fit, not exceeding the Rates of Tolls and Charges authorized to be taken on the *Great Eastern Railway*; and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Railway by this Act authorized and partly on any other Railway of the Company the Railway by this Act authorized and such other Railway shall be deemed One Railway, as if authorized by "The *Great Eastern Railway Act, 1862.*"

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

Power to
Company to
raise Capital
by Shares
or Stock.

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

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

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

One Fifth
Part of the
Shares to be
paid on
Issue.

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

Capital
under seve-
ral Acts may
be raised by
Shares or
Stock of
One Class.

24. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage such Sums as they think fit, not exceeding in the whole Forty thousand Pounds, but no Part of that Money shall be borrowed until the whole of the said additional Capital of One hundred and twenty thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half of that Amount shall have been actually paid up, nor until the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that all the said additional Capital of One hundred and twenty thousand Pounds has been subscribed for *bonâ fide*, and issued, and that not less than One Fifth of the Amount of each Share was paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, (of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.)

Power to
borrow on
Mortgage.

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Priority of
existing
Mortgages.

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

Application
of Money
raised under
Act.

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

Interest not
to be paid
on Calls
paid up.

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

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

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

Saving the
Rights of
the Crown.

29. Nothing contained in this Act, or in any of the Acts herein recited or incorporated herewith, shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, or to interfere with, prejudice, or in any Manner affect any Forestal or other Rights belonging to Her Majesty, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

30. Nothing

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

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

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

Expenses of Act.

32. This Act may be cited for any Purpose as "*The Great Eastern Railway (Highbeech Branch) Act, 1864.*"

Short Title.

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