



CHAPTER cviii.

An Act for conferring further powers upon the Great Eastern Railway Company and for extending the time and reviving the powers for the compulsory purchase of lands for and for the construction and completion of certain authorised works of the Company and for other purposes. A.D. 1890.
[25th July 1890.]

WHEREAS it is expedient that the Great Eastern Railway Company (in this Act called "the Company") should be authorised —

To construct the new railway herein-after mentioned at Tottenham in the county of Middlesex ;

To widen and improve certain parts herein-after mentioned of their railways in the counties of London Essex Suffolk and Norfolk ;

To divert and alter or extend the roads bridges and footpaths and to make the new roads footpaths and bridges herein-after mentioned in the counties of Hertford Middlesex Essex Cambridge Suffolk and Norfolk and to stop up the portions of footpaths herein-after specified which cross their railways on the level ; and

To purchase the additional lands herein-after in that behalf mentioned :

And whereas it is expedient that the Company be authorised to contribute towards the cost of the alteration widening and improvement of the North Quay at Yarmouth in the county of Norfolk :

And whereas by the Great Eastern Railway (General Powers) Act 1887 (herein-after called "the Act of 1887") the periods therefore limited for the compulsory purchase of lands for and for the completion of the Railway No. 1 and of certain of the widenings and improvements of railways and works authorised by the Great

A.D. 1890. Eastern Railway Act 1882 (herein-after called "the Act of 1882")
— were extended and further powers were by the Act of 1887 conferred upon the Company for the widening enlargement and improvement of the Company's Liverpool Street Station and the lines of railway leading thereto :

And whereas the Company have proceeded in the execution of the powers conferred upon them as aforesaid by the Act of 1887 and the other Acts therein referred to and have completed some of the works thereby authorised and other works are in progress and the Company have purchased or contracted to purchase nearly the whole of the lands required for the works and authorised to be taken compulsorily by such Acts including a considerable portion of the lands required for the widening enlargement and improvement of Liverpool Street Station but the Company will be unable to complete the whole of the works within the times now limited for such purposes and it is expedient that the period limited by the Act of 1887 for the completion of the railway widenings and improvements of railways and of certain other of the authorised works herein-after set forth should be extended and the powers with reference thereto where necessary revived :

And whereas it is expedient that the period now limited by the Act of 1887 for the completion of the improvement of the railway from Saint Ives to Huntingdon in the county of Huntingdon authorised by section 7 sub-section (c) of the Great Eastern Railway Act 1877 (in this Act called "the Act of 1877") the powers in reference to which improvement were by the Act of 1887 vested in the Great Northern and Great Eastern Joint Committee should be extended :

And whereas it is expedient to revive the powers of the Company for the compulsory purchase of lands required for and to extend the time and revive the powers limited by the Act of 1887 for the completion of the widening and improvement in the parish of Romford in the county of Essex of the Company's Colchester main line authorised by section 5 sub-section B (2) of the Great Eastern Railway (General Powers) Act 1883 (in this Act called "the Act of 1883") :

And whereas it is expedient that the periods limited by section 79 of the Great Eastern Railway Act 1881 and by section 54 of the Act of 1887 for the sale of the superfluous lands referred to in the said sections respectively should be further extended :

And whereas it is expedient that the Company be empowered to grant bonds for customs and excise duties and with reference to the removal exportation warehousing and dealing with goods liable to such duties :

And whereas by the Great Eastern Railway (General Powers) Act 1878 (in this Act called "the Act of 1878") the directors of the Company were (section 43) authorised if they should think fit to establish a fund for the payment of superannuation allowances and allowances during sickness and other allowances to the officers and servants of the Company and (if so resolved by the Company for the widows and children of officers and servants of the Company) to be called the "superannuation fund" and a committee was constituted for the establishment of a fund for the payment of superannuation and other retiring allowances and allowances during disability from sickness or accident to the salaried officers and servants of the Company being contributors to such fund with power to the committee by a majority of its members to determine in and by such scheme (amongst other things) what class of officers and servants of the Company should be entitled to contribute to and to participate in the benefits of the fund and (section 44) the Company were required to contribute half-yearly after the establishment of the superannuation fund a sum equal to the contribution to the fund during the half-year by the officers and servants of the Company and such further sum as the Company and the committee should agree upon not exceeding one half of the specified contribution:

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And whereas it is expedient that the directors be empowered to establish a fund for the payment of pensions and retiring allowances or gratuities to old or disabled servants of the Company not entitled to be members of the superannuation fund above mentioned and that provision be made for the management of such fund:

And whereas the Southwold Railway Company (herein-after called "the Southwold Company") are indebted to the Company in the sum of 912*l.* or thereabouts for certain lands taken by the Southwold Company and for works executed at the joint cost of the two companies and for certain payments made and services rendered by the Company to the Southwold Company and for interest thereon and the Company are willing and have agreed if duly authorised in that behalf to accept preferred debenture stock or shares or stock of the Southwold Company in discharge of the indebtedness of that company to them:

And whereas it is expedient that the Company be empowered to apply their funds for the purposes of this Act and for those purposes and the general purposes of the Company to raise further money:

And whereas plans and sections describing the lines situations and levels of the works by this Act authorised or the powers for the

A.D. 1890. — completion or construction of which are by this Act revived and plans of the lands which are subject to the compulsory powers of purchase conferred by this Act and books of reference to such plans respectively containing the names of the owners or reputed owners and the lessees or reputed lessees and of the occupiers of such lands were duly deposited as follows (that is to say) In the case of all lands and works in the county of Middlesex with the clerk of the peace for that county In the case of all lands and works in the county of London with the clerk of the peace for that county In the case of all lands and works in the county of Essex with the clerk of the peace for that county In the case of all lands and works in the county of Cambridge with the clerk of the peace for that county In the case of all lands and works in the county of Hertford with the clerk of the peace for that county In the case of all lands and works in the county of Norfolk with the clerk of the peace for that county In the case of all lands and works in the Isle of Ely in the county of Cambridge with the clerk of the peace for the Isle of Ely and with the clerk of the peace for the county of Cambridge In the case of all lands and works in the county of Suffolk with the clerk of the peace for that county And the said plans sections and books of reference respectively are in this Act referred to as “the deposited plans sections and books of reference”:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen’s most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title. 1. This Act may be cited as the Great Eastern Railway (General Powers) Act 1890.

Incorporation of general enactments. 2. The following enactments (as far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) are hereby incorporated with and shall be part of this Act (that is to say):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following namely:—

The distribution of the capital of the Company into shares;

The transfer 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 share- A.D. 1890.
holders ;

The borrowing of money ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special
Act :

And Parts I. II. and III. of the Companies Clauses Act 1863
(as amended by subsequent Acts) relating respectively to
cancellation and surrender of shares to additional capital and
to debenture stock :

The Lands Clauses Acts :

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

3. In this Act the several words and expressions to which Interpretation.
meanings are assigned by the Acts wholly or partially incorporated
herewith shall have the same respective meanings unless there be
something in the subject or context repugnant to such construction
and for the purposes of this Act the expression "superior courts"
or "court of competent jurisdiction" or any other like expression in
this Act or any Act wholly or partially incorporated herewith shall
be read and have effect as if the debt or demand with respect to
which the expression is used were a simple contract debt and not
a debt or demand created by statute.

4. With respect to lands within the metropolis as defined by the Interpretation
Metropolis Management Act 1855 and the Acts amending the same of term
the expressions "parish clerks" and "clerks of the several parishes" "parish
in sections 7 8 and 9 of the Railways Clauses Consolidation Act clerks."
1845 shall with reference to the Company and as regards those
parishes or places in which by the standing orders of either House
of Parliament plans sections and other documents are required to
be deposited with the clerk of the vestry of the parish or with the
clerk of the district board for the district in which the parish or
place is included mean in the first case the vestry clerks of those
parishes and in the second case the clerks of those district boards
respectively and as regards those parishes in which there are no
parish clerks mean the parish clerk of some adjoining parish.

5. Subject to the provisions of this Act the Company from time Power to
to time may make execute and maintain in the lines and within the execute
works shown

A.D. 1890. limits of lateral deviation shown on the deposited plans and according to the levels shown (where such levels are shown) on the deposited sections the railway and the widenings and improvements of railways new footpaths and alterations of bridges roads and footpaths and other works described in this Act with all proper stations sidings approaches works and conveniences in connexion therewith respectively and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as have not already been acquired by the Company and as may be required for those purposes and may for those purposes appropriate and use any of the said lands which have already been acquired by the Company.

The railway herein-before referred to and authorised by this Act is the following (that is to say) :—

Railway. (A) A railway 1 furlong and 3·50 chains or thereabouts in length wholly in the parish of Tottenham in the county of Middlesex commencing by a junction with the Tottenham and Hampstead Junction Railway at a point thereon 9 chains or thereabouts measured along the said railway in a westerly direction from the bridge carrying the Company's Enfield Branch Railway over the said Tottenham and Hampstead Junction Railway and terminating by a junction with the Company's Enfield Branch Railway at a point thereon $7\frac{1}{2}$ chains or thereabouts measured along the said branch railway in a northerly direction from the same bridge.

Widenings and improvements of railways. The widenings and improvements of railways herein-before referred to which the Company are by this Act authorised to make execute and maintain comprise the widening and improvement of the following railways respectively and the laying down thereon respectively of an additional line or additional lines of rails (that is to say) :—

(B) A widening and improvement (No. 1) wholly in the county of London of the Company's Cambridge main line commencing in the parish of Saint Matthew Bethnal Green and terminating in the parish of Saint John at Hackney ;

(c) A widening and improvement (No. 2) wholly in the parish of Saint John at Hackney in the county of London of the Company's Cambridge main line ;

(d) A widening and improvement (No. 3) of the Company's Colchester main line commencing in the parish of Saint Mary Stratford-le-Bow in the county of London and terminating in the parish of West Ham in the county of Essex ;

- (E) A widening and improvement (No. 4) wholly in the parish of West Ham in the county of Essex of the Company's Colchester main line ; A.D. 1890.
- (F) A widening and improvement (No. 5) wholly in the county of Essex of the Company's Colchester main line on both sides thereof commencing in the parish of West Ham and terminating in the parish of Ilford ;
- (G) A widening and improvement (No. 6) wholly in the county of Essex of the Company's Tendring Hundred Railway commencing in the parish of Elmstead and terminating in the parish of Alresford ;
- (H) A widening and improvement (No. 7) wholly in the county of Essex of the Company's Tendring Hundred Railway commencing in the parish of Alresford and terminating in the parish of Thorrington ;
- (I) A widening and improvement (No. 8) wholly in the county of Essex of the Company's Tendring Hundred Railway commencing in the parish of Thorrington and terminating in the parish of Great Bentley ;
- (J) A widening and improvement (No. 9) wholly in the county of Suffolk of the Company's Felixstowe Railway commencing in the parish of Westerfield otherwise Saint Mary Westerfield and terminating in the parish of Nacton otherwise Saint Martin Nacton ;
- (K) A widening and improvement (No. 10) wholly in the parish of Trimley Saint Mary in the county of Suffolk of the Company's Felixstowe Railway ;
- (L) A widening and improvement (No. 11) wholly in the county of Norfolk of the Company's East Norfolk Railway commencing in the parish of Thorpe next Norwich otherwise Thorpe Saint Andrew and terminating in the parish of Hoveton Saint John :

Provided always that—

- (A) The Company shall not open for traffic the Widening and Improvement No. 5 until they shall have altered the existing junction of the London Tilbury and Southend Railway with the Company's railway so that the up connecting line of the London Tilbury and Southend Railway shall join the Company's proposed new up line and the down connecting line of the London Tilbury and Southend Railway shall join the Company's present up line ;
- (B) After the opening for traffic of the Widening and Improvement No. 8 the Company shall not permit engines or trains to be shunted over the road numbered on the deposited

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plans 5 in the parish of Thorrington and 1A in the parish of Great Bentley ; and

- (c) The Widening and Improvement No. 10 shall not be opened for traffic unless or until the Company have provided a footbridge for passengers over the railway at or near the point at which the road numbered 7 in the parish of Trimley Saint Mary will be crossed on the level by the railway as widened.

Other works.

The other works herein-before referred to and which the Company are by this Act authorised to make execute and maintain are the following (that is to say) :—

(Bridge at Bishop's Stortford.)

- (M) An alteration and extension in the parish of Bishop's Stortford in the county of Hertford of the bridge carrying the Sawbridgeworth and Stanstead public road over the Company's railway at or near the London end of the Bishop's Stortford Station thereon and the laying down of an additional line or additional lines of rails under the said public road ;

(Footbridge at Tottenham.)

- (N) The construction in the parish of Tottenham in the county of Middlesex of a bridge for foot passengers over the Company's Palace Gates branch line at or near the footpath crossing the said line on the level and leading from Downs Hill to Green Lanes at a point 35 chains or thereabouts measured along the said railway in a north-westerly direction from the West Green Station thereon ;

And upon the completion and opening for public use of such lastly described bridge all public and other rights of way over and across the said branch line at or near the point at which the said footpath now crosses the same on the level shall be by this Act extinguished and the Company may thereupon stop and discontinue the said level crossing.

(Footbridge at Enfield.)

- (O) The construction in the parish of Enfield in the county of Middlesex of a bridge for foot passengers over the Company's Cambridge main line at or near the Duck Lees Lane level crossing being 29 chains or thereabouts measured along the said railway in a northerly direction from Ponders End Station ;

And upon the completion and opening for public use of the bridge lastly described all public and other rights of way for foot passengers over and across the said main line at or near the said Duck Lees Lane level crossing shall be by this Act extinguished and the Company may thereupon stop and discontinue the said level crossing.

(Footbridge at Duxford.)

- (P) The discontinuance for foot traffic of the level crossing in the parishes of Duxford Saint Peter with Saint John and Whittlesford or one of them in the county of Cambridge over the Company's Cambridge main line immediately to the southward

of Whittlesford Station and the making of a footbridge over the said railway at or near the south side of the said level crossing ; A.D. 1890.

And upon the completion and opening to the public of the lastly described footbridge all public and other rights of way on foot over the said railway at the said level crossing shall be by this Act extinguished.

(c) The stopping up and discontinuance for all public traffic of the level crossing for carts carriages and foot passengers also the existing footbridge over the railway of the Company at Beccles Station in the parish of Beccles in the county of Suffolk and the making of a new footpath in the same parish commencing at a point about 20 feet south-west from the foot of the western steps which lead to the said existing footbridge the said new footpath crossing the Company's railway by a bridge about 50 feet northward of the said existing footbridge and terminating at a point about 135 feet north-eastward from the eastern steps leading to the said existing footbridge ; (New bridge at Beccles.)

And the said new footpath and bridge shall be in substitution for the level crossing and footbridge so to be stopped up and discontinued and upon the completion and opening of the same for public use all public and other rights of way over the said railway at the said level crossing shall be by this Act extinguished and the Company may take down and remove the existing footbridge.

(r) The discontinuance for foot traffic of the level crossing at Brundall Station in the parish of Brundall in the county of Norfolk over the Yarmouth and Norwich Railway and the extinguishing of all rights of footway thereover and the substitution therefor for foot traffic of the bridge already erected by the Company at or contiguous to Brundall Station. (Stopping crossing at Brundall.)

6. The Company shall make full compensation to all parties interested in respect of all private rights of way or other private rights (if any) which by the last preceding section are extinguished or interfered with and such compensation shall be settled in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and for that purpose any and every right so extinguished or interfered with shall be deemed to be an interest in land. Compensation to be made in respect of private rights extinguished.

7. In executing and maintaining the widenings and improvements of railways by this Act authorised the Company may lay down and maintain an additional line of rails across and on the level of the several roads which any of the existing railways so widened and improved now crosses on the level with a single line of rails Existing level crossings may be maintained.

A.D. 1890. only and may (except as otherwise provided) construct the bridges and arches for effecting such widenings and improvements of the same height width span and dimensions as the existing bridges and arches.

Power to
take ease-
ments &c. by
agreement. 8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

For protec-
tion of sewers
in the
metropolis. 9. Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence street or work under the jurisdiction or control of the London County Council or of any vestry or district board of works constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or of the East Ham Local Board or with any sewers streets or works to be made or executed by or which are under the control of the said boards or vestry or any of them or shall or may in any way affect the sewerage drainage or streets of the districts under their or either of their control the Company shall not commence such works until they shall have given to the said council or to the vestry or board as the case may be twenty-eight days previous notice in writing of their intention to commence the same by leaving such notice at the principal office for the time being of such council vestry or board as the case may be with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such council vestry or board respectively shall have signified their approval of the same unless such council vestry or board as the case may be do not signify their approval disapproval or other directions within twenty-eight days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all reasonable orders directions and regulations of the said council and of the respective vestry or board as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such council vestry or board respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers streets and works

herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said council vestry and board respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the said council vestry or board as the case may be at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said council or any vestry or board may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such council vestry or board by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this section the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said council vestry or board as the case may be respectively as any sewers streets or works now or hereafter may be.

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10. Where the Widening No. 3 will be constructed across the Northern Main Outfall Sewer of the London County Council it shall be carried over that sewer by a relieving arch of not less than twenty-eight feet span and the plans drawings and specifications thereof shall be subject to the reasonable approval of the engineer to the County Council.

Protecting Northern Main Outfall Sewer.

11. Any lands within the middle level of the fens which may be required to be taken or used by the Company and which at the time of the passing of this Act shall under or by virtue of any Act of Parliament be subject to any drainage taxes shall remain and be subject to all such drainage taxes as now are or hereafter shall be imposed on the said lands under or by virtue of such Act in the same manner but not to any greater extent than if this Act had not been passed or if such lands had not been taken or used by the Company.

Land taken by the Company to continue subject to drainage taxes.

12. Nothing herein contained shall in any manner diminish alter affect or take away any of the rights privileges powers and authorities now exercised by or vested in the middle level commissioners or any other commissioners of drainage or body acting in execution of any Act of Parliament affecting any fen lands or low grounds within the middle level or any part thereof save and except so far as the same rights privileges or authorities are expressly altered or interfered with by this Act.

Reservation of the rights of the middle level and other commissioners.

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For the protection of the
Tottenham
Local Board.

13. For the protection of the Tottenham Local Board of Health (in this section called "the local board") the following provisions shall have effect within that part of the parish of Tottenham under the control of the local board unless otherwise agreed on between the local board and the Company:—

(1) Where the Stonebridge Brook passes under the railway herein-before referred to and authorised by this Act due provision shall be made by culverts of such size and cross section as and equal in area to those now constructed under the Company's Enfield branch line or as may be agreed upon between the local board and the Company and the inclination or gradient of such culverts shall be uniform between the culvert under Seven Sisters' Road and the existing inlet under the Company's Enfield branch line;

(2) The footpath leading from Down Hills to Green Lanes and crossing the Company's Palace Gates branch line on the level at a point 35 chains or thereabouts measured along the said railway in a north-westerly direction from the West Green Station thereon shall be carried over that railway by a bridge 6 feet wide constructed at right angles to that railway and shall be constructed to the reasonable satisfaction of the local board.

For the protection of the
Edmonton
Local Board.

14. If the Company at any time under the provisions of this Act erect a bridge across the Pymmes Brook in the parish of Edmonton the same shall be constructed so as to cross the brook by a single span of not less than thirty feet to be measured on the square between the abutments of the bridge.

No part of the under-side of the superstructure to the said bridge shall be lower than two feet below the level of the existing rails as laid at the level crossing over the public road at Angel Road Station.

The bridge shall be inverted between the abutments and shall be so constructed as to leave a space of not less in any part than eight feet between the invert and the under-side of the superstructure of the bridge.

The site for the erection of the bridge within the limits of the lands to be purchased and delineated on the deposited plans shall be that agreed upon between the engineer to the local board and the engineer to the Company.

The local board shall if and so soon as the bridge is erected raise at their own cost and expense the level of the existing roadway opposite to the bridge to any height that the engineer to the Company may think necessary provided that the level of the

roadway shall not be raised above the level of the said existing rails at the crossing over the said public road at Angel Road Station. A.D. 1890.

Any difference that may arise between the local board and the Company under this section shall be determined by an engineer to be appointed on the application of either party by the Board of Trade.

15. In widening and improving the Company's East Norfolk Railway as authorised by this Act the Company shall construct the bridge carrying the railway so to be widened and improved over the River Bure so that the same shall have a clear and uninterrupted navigable waterway for vessels of not less than forty feet clear span and the height or headway or distance between the surface of the said river at ordinary high water and the under part of the said bridge shall not in any place be less than fifteen feet. For the protection of the Great Yarmouth Port and Haven Commissioners.

16. Before the Company shall for the purpose of the widening and improvement of the Colchester main line by this Act authorised either to enter upon and take any of the lands in the parish of Ilford of which James Graves Frederic Graves and the Reverend Charles Edward Graves trustees of the will of Henry Graves deceased are the owners or reputed owners or shall enter upon or obstruct or in any way deprive the said trustees of the full use of the private carriage road now leading from the London Road in the parish of Ilford and which crosses the railway of the Company on the level near the Ilford Station thereof or any part of the said road (except for the purpose of making the subway and approaches herein-after mentioned) they shall for the use of the said trustees the survivors or survivor of them their successors and assigns and their tenants and for the purpose of affording access to and from the lands of the said trustees on the northern side of the railway construct and complete the following works and comply with the following conditions:— For the protection of the trustees of the late Henry Graves.

(A) At the spot where the said private carriage road numbered 11 on the deposited plans now crosses upon the level the railway of the Company the Company shall for the purpose of carrying the said road underneath their railway and any sidings to be constructed in connexion therewith make a subway with approaches thereto such approaches having an inclination not exceeding 1 foot in 16 feet;

(B) The said subway and approaches shall not be less than 12 feet in width and the headway of the said subway shall have a clear height throughout of not less than 14 feet;

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- (c) The Company shall for ever after constructing the said subway maintain the same with a sufficient road underneath the same and the approaches thereto and shall make and for ever after maintain the necessary drains connected therewith respectively ;
- (d) The Company shall be at liberty to construct the said subway and the approaches thereto and the drains connected therewith so far as may be necessary on land belonging to the said trustees without paying compensation for the land required for the said approaches and drains ;
- (e) When the said subway and approaches shall be completed to the reasonable satisfaction of the said trustees the survivors or survivor of them their successors and assigns all right now vested in and enjoyed by them or their tenants to cross the railway on the level thereof shall cease ;
- (f) In case of any difference arising between the said trustees the survivors or survivor of them their successors and assigns and the Company in relation to this enactment the same shall be referred to the arbitration of a surveyor to be appointed by the President for the time being of the Surveyors Institution and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall apply to such arbitration.

For the protection of Lee Conservancy Board.

17. For the protection of the Lee Conservancy Board (hereinafter called "the Lee Board") :—

In constructing the widening and improvement of the Company's Railway No. 3 across the River Lee Navigation the City Mills River and the Waterworks River all the new works and additions shall be of the same heights and spans as the existing bridges so to be widened (unless otherwise agreed between the Lee Board and the Company) and the additions and all future repairs of the same and the making and maintaining of the towing-path wall under the addition to the bridge crossing the River Lee Navigation shall be done and performed according to plans and specifications to be previously submitted to and approved by the Lee Board and shall be commenced carried on and completed under the superintendence and to the reasonable satisfaction of their engineer whose reasonable charges shall be paid by the Company and the Company shall at all times during the construction of the said addition to the bridge over the River Lee Navigation and any future repairs thereof leave for the free and uninterrupted passage of boats barges and other vessels along the said navigation an open and uninter-

rupted navigable waterway of the width of 40 feet at the least and an uninterrupted horseway along the said towing-path of the width of 8 feet at the least both waterway and horseway having a clear height or headway of at least 10 feet above the standard level of the water and in the City Mills River and the Waterworks River shall keep a clear and uninterrupted waterway of 20 feet at the least and in case during the progress of any such works damage shall be occasioned to the said navigation or towing-path or to any boat barge or other vessel navigating the said river or to any works of the navigation the Company shall make compensation for any such damage done and also under such superintendence and to such reasonable satisfaction as aforesaid restore the same to as good and efficient a state and condition as the same were in prior to the occasioning of any such damage Provided always that if the Lee Board shall for the space of twenty-one days after submission to them of such plans together with a request in writing to approve the same neglect or refuse to approve thereof or of any part thereof then and in such case the plans so submitted shall be referred to and approved by an engineer to be appointed by the Board of Trade upon the application of either party and the decision of such engineer shall be final and conclusive between the parties.

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18. In executing the widening and improvement of the Company's Colchester main line in the parish of Ilford the Company shall reconstruct the bridge by which the road known as Cranbrook Lane and numbered 17 in the parish of Ilford on the deposited plans is carried over the railway so as to make it of a not less width than thirty-five feet.

For the protection of the overseers of the parish of Ilford.

19. The following provisions shall have effect for the protection of the commissioners of sewers for the levels of Havering Dagenham Ripple Barking East Ham Leyton and Walthamstow in the respective counties of Essex Middlesex and Kent (herein-after called "the commissioners") :—

For protection of works of Havering Dagenham &c. Commissioners of Sewers.

Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any river sewer drain watercourse river wall defence or work under the jurisdiction or control of the commissioners or may in any way affect the drainage of the districts under their control the Company shall not commence such works until they shall have given to the commissioners fourteen days notice in writing of their intention to commence

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the same by leaving such notice at the office of the clerk of the commissioners with plans elevations sections and other necessary particulars of the construction of the said works and until the commissioners shall have signified their approval of the same unless the commissioners fail to signify such approval or their disapproval or other directions within fourteen days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the commissioners in the execution and subsequent maintenance of the said works and shall provide by new altered or substituted works in such manner as the commissioners may deem necessary for the proper protection of and for preventing injury or impediment to the rivers sewers drains river walls and other works herein-before referred to by or by reason of the said intended works or any part thereof and shall save harmless the commissioners against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the surveyor engineer or other officer or officers of the commissioners as the case may be at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the commissioners may be put to by reason of the works of the Company whether in the execution of works the examination of plans or designs or the superintendence by the officers of the commissioners shall be paid to the commissioners by the Company on demand and when any new work as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall ever thereafter be maintained by the Company to the reasonable satisfaction of the surveyor or engineer to the commissioners for the time being and the said works shall be as fully and completely under the direction jurisdiction and control of the commissioners as any sewers or works now are or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the commissioners or any or either of them but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed Provided that if any dispute shall arise as to the mode of executing any such works as aforesaid such matter or difference shall be referred to an arbitrator to be appointed by the Board of Trade whose decision shall be final.

The provisions contained in this section shall have effect for the protection of the corporation of West Ham so far as regards the jurisdiction transferred to them by the West Ham Corporation (Improvements) Act 1888 and as if for that purpose the corporation had been named in this section instead of the commissioners. A.D. 1890.

20. For the protection of the mayor aldermen and burgesses of the borough of West Ham (in this section referred to as "the corporation") the following provisions shall have effect unless otherwise agreed in writing between the Company and the corporation (that is to say):— For the protection of the corporation of West Ham.

(A) The Company shall construct the bridge by which the Widening and Improvement No. 3 by this Act authorised of the Company's Colchester main line will be carried over Marsh Gate Lane as an iron girder bridge with the same span between the abutments thereof as the existing bridge and with a clear headway of 15 feet. Provided that if the corporation require the Company to construct such bridge of the width of 40 feet and give the Company notice to that effect within fourteen days after receiving notice from the Company of their intention to proceed with the construction of the said bridge the Company shall construct the said bridge of the width of 40 feet between the abutments accordingly and the corporation shall pay to the Company any additional cost whether in the construction of the said bridge or otherwise to which the Company may be put by reason of the said bridge being constructed of the width of 40 feet;

(B) In the event of the Company constructing the Widening No. 3 by this Act authorised of the Company's Colchester main line where it crosses Wharton Road the Company shall make the widened portion of the width of 40 feet span with a clear headway of 13 feet 8 inches and they shall also reconstruct the bridge at present existing carrying the Colchester main line over the said road to a width of 40 feet throughout with a headway of 13 feet 8 inches. Provided always that if the corporation shall before the Company commence to construct the said widening require the Company to make the headway of the said bridge of any greater height (not exceeding 16 feet) than 13 feet 8 inches the Company shall so construct the same and the corporation shall on demand pay to the Company the additional cost incurred by the Company by reason of such increase of headway;

(C) In executing the Widening and Improvement No. 4 by this Act authorised of the Company's Colchester main line the

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Company shall construct the bridge by which that widening will be carried over Carpenter's Road as an iron girder bridge with a span between the abutments thereof of not less than 35 feet and a clear headway of not less than 15 feet. Provided that the Company shall one month before commencing the construction of the said bridge give to the corporation notice in writing of their intention so to do and if within fourteen days after the receipt of such notice the corporation give notice to the Company under their common seal requiring them to reconstruct the existing bridge by which the Company's railway is carried over Carpenter's Road so as to make the said bridge as widened of an uniform width of 35 feet span and of an uniform headway of 15 feet throughout the Company shall reconstruct the same accordingly and the corporation shall permit the Company to lower the said road if and so far as may be necessary to enable the headway of 15 feet aforesaid to be given ;

(D) In executing the Widening and Improvement No. 5 by this Act authorised of the Company's Colchester main line where it passes under Hamfrith Road the Company shall so reconstruct the bridge carrying such road over their said main line and widening as to give a width of not less than 35 feet between the parapets ;

(E) In executing the Widening and Improvement No. 5 by this Act authorised of the Company's Colchester main line where it passes under Balmoral Road the Company shall reconstruct the bridge by which that road is carried over the said main line in such manner and shall so construct the widening of the said bridge as that there shall be a width of not less than 35 feet throughout between the parapets of the said bridge as reconstructed and widened ;

(F) Provided always that if the corporation require the Company to construct either of the bridges mentioned in sub-sections (D) and (E) of this section of the width of 40 feet instead of 35 feet and shall give the Company notice to that effect within fourteen days after receiving notice from the Company of their intention to proceed with the construction of the respective bridge the Company shall construct the respective bridge of the width of 40 feet between the parapets accordingly and the corporation shall pay to the Company the additional cost to which they are put by or by reason of the increase in the width of the respective bridge ;

(g) Provided also that if it shall be necessary for the purpose of giving effect to any requirement of the Corporation under the preceding provisions of this section that the Company shall alter the surface of any of the roads in this section mentioned or any approach thereto they may alter any such road or approach accordingly to such extent but to such extent only as is necessary as aforesaid but so that the gradient of no such road or approach shall be made steeper than 1 foot in 30 feet; A.D. 1890.

(h) If any difference shall arise between the corporation and the Company touching this section or anything to be done or not to be done thereunder such a difference shall be determined by a single arbitrator in manner provided by the Railway Companies Arbitration Act 1859 for which purpose the corporation shall be deemed to be a railway company;

(i) Anything to be done or agreed by the corporation or the payment of any money by the corporation under the provisions of this section shall be deemed to be a purpose of the Public Health Act 1875;

(j) The Company shall not without the consent of the corporation execute any works in connexion with Widening No. 3 by this Act authorised which will interfere with the carrying out of the approach works shown upon the plan referred to in sections 45 and 46 of the West Ham Corporation (Improvements) Act 1888.

21. In widening the Colchester main line of the Company within the parishes of East Ham and Little Ilford in the county of Essex the Company shall reconstruct the bridge numbered 23 in the parish of East Ham and 1A in the parish of Little Ilford on the deposited plans by which the road known as Forest Road is carried over the railway of a width of not less than thirty-five feet between the parapets and shall also make so much of the approaches to such bridge as lies within the Company's boundaries of a like width. Provided that if the East Ham Local Board (in this section referred to as "the board") shall require such bridge and approaches or either of them to be constructed of the width of forty feet instead of thirty-five feet the Company shall upon receiving notice in writing thereof before the commencement of the work construct the same of such increased width and the board shall pay to the Company or secure to their satisfaction the payment of the extra cost incurred by the making of the bridge of such greater width. For the protection of the East Ham Local Board.

In widening the Colchester main line the Company shall reconstruct the bridge known as Rabbit's Bridge and numbered 21 on

A.D. 1890. the deposited plans for the parish of Little Ilford of not less width than thirty feet between the parapets and shall also make so much of the approaches to such bridge as lies within the Company's boundaries of a like width. Provided that if the board shall require such bridge or approaches or either of them to be of a greater width than thirty feet the Company shall upon receiving notice thereof before the commencement of the works construct the same of such increased width as the board shall require but not exceeding forty feet in width and the board shall pay to the Company or secure to their satisfaction the payment of the extra cost incurred by the making of the bridges of such greater width.

Unless otherwise agreed the time occupied in the reconstruction of each of the said bridges shall not exceed twelve months and the Company shall not proceed to reconstruct both of the said bridges at the same time nor shall they reconstruct the second of the said bridges until they have fully completed the first of such bridges and opened the same for traffic and during the whole period of such reconstruction the Company shall at their own expense in all things and to the reasonable satisfaction of the surveyor of the board provide a temporary roadway and bridge in the place of the bridge for the time being under reconstruction.

If in the construction of the works hereby authorised it shall be found necessary to raise any of the existing roadways the Company shall be at liberty so to raise the same to such extent as may be required but not so as to make them steeper than one foot in thirty.

When the works hereby authorised are fully completed and the roads over the said bridges and the approaches thereto are made up to the satisfaction of the board they shall take over the said roads and approaches and shall thereafter maintain the same at their own cost in all things. Provided that this shall not extend to the bridges the parapets or fencing of the approaches.

The Company shall be liable to pay to the board the deficiency in all rates in respect of houses or other buildings and property in the district of East Ham which shall have been occasioned by such works until the works are completed and assessed.

If any difference shall arise between the Company and the board with reference to any of the works hereby authorised to be carried out in the district of the board it shall be determined by an engineer to be nominated by the Board of Trade.

For protection of the Leyton Local Board.

22. Nothing in this Act contained shall authorise or empower the Company to enter upon or use any land belonging to the Leyton Local Board (in this section referred to as "the board") and forming

part of the land in connexion with the Sewage Disposal Works of the board numbered 7 on the deposited plans for the parish of Low Leyton otherwise Saint Mary Leyton nor any land shown on the deposited plans north-west of the footpath leading from Leyton near the Church Road Board Schools to and crossing the railway and adjacent to the Cattle Road passing under the said railway being part of the property numbered 2 on the deposited plans for the said parish. A.D. 1890.

The Company shall not under the powers of this Act execute any works upon the land in the parish of Low Leyton otherwise Saint Mary Leyton which they are by this Act authorised to enter upon take and use which would in any way affect or interfere with any watercourse or with any flood water within the district of the board except in accordance with the following provisions (that is to say) :—

- (1) One month before commencing the execution of any such works (not being the repairs or amendments of existing works of which the character and position are not altered) the Company shall serve a plan upon the board showing the works affecting such watercourse or watercourses or proposed for the purpose of carrying off the flood water and shall upon being required to do so give the board any such further information in relation thereto as they may desire;
- (2) If within fourteen days after the service of the said plan upon them the board serve a notice upon the Company disapproving of the said plan the plan of the said works shall be settled by arbitration but if no such notice of disapproval is served upon the Company by the board within the said period of fourteen days the plan served upon the board shall be deemed to be approved of by them;
- (3) Where any plan is to be deemed to be approved of by the board or has been settled by arbitration the Company may proceed to execute the works therein described in accordance therewith;
- (4) Where any matter is under this section to be settled by arbitration such matter shall be referred to and settled by an arbitrator to be appointed on the application of either party by the Board of Trade and the expenses of such arbitration shall be borne and paid as the arbitrator directs.

23. With regard to works in the Hackney district the following provisions shall apply unless otherwise agreed in writing :— As to works in the Hackney district.

- (1) Before commencing the widening of any bridge or bridges over any public way or ways in the district of the Hackney Board

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of Works the Company shall submit to the Hackney Board of Works (herein-after called "the Hackney Board") plans elevations and sections of the widening of such bridges and the same shall not be commenced until the approval of the Hackney Board shall have been obtained to the said plans elevations and sections provided that such approval shall not be unreasonably withheld and in the event of the Hackney Board failing to signify their approval or disapproval to the Company within twenty-eight days from the date of receipt by the Hackney Board of such plans elevations and sections as aforesaid the Company shall be at liberty to carry out such widening in accordance therewith ;

(2) In carrying out the proposed widening of the bridge at or near Crescent Cottages over the road numbered 9 on the deposited plans in the parish of St. John at Hackney the east end of the present brick pier on the south side of the Regent's Canal shall be rounded and the Company may place an iron column at such east end of and immediately adjoining the same not exceeding two feet in diameter and the proposed widened portion of the bridge shall be supported by iron columns placed clear of the road on the west side of the basin numbered 4 on the deposited plans ;

(3) In all cases throughout the length of the line proposed to be widened in the parish of St. John at Hackney where the Company have any land enclosed belonging to the Company between the highways and the abutments of the several bridges constructed over the highways the Company shall set back the fences where the same project beyond the width of the highways adjoining such bridges and in no case shall the Company in constructing the widening and works enclose any lands projecting beyond the sides of the highways adjoining such bridges in front of the abutments of the widened bridges and hereafter in the event of any highway being widened to the extent of three fourths of its length on both sides of the Company's railway so as to leave the fences belonging to the Company in projection the Company shall provided such highway be widened within a period of five years from the date of the completion of the works authorised by this Act set back such projecting fences to the widened or improved line and such land as shall be left outside the refixed fence shall form part of the public highway ;

(4) The widened portion of any arch or bridge over the streets or ways courts or alleys within the district of Hackney where

such widened portion shall exceed 50 feet in width in the event of its being found necessary may be lighted by the Hackney Board with gas by day and by night with a lamp or lamps for affording light and usual security to passengers and the costs charges and expenses thereof and necessarily consequent thereon shall be paid by the Company within fourteen days after demand in writing and in default thereof may be recovered from the Company by the Hackney Board ;

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- (5) The Company shall complete and finish to the reasonable satisfaction of the surveyor of the Hackney Board all bridges new roads footpaths parapet walls screen walls close fences and all other works matters and things required to be made or done by the Company affecting the highways and shall restore and give to the public the use of the said roads and footpaths within twelve months from the day on which the said roads respectively shall be first interfered with or the use of the same roads by the public in any way interrupted or made less convenient than heretofore and the Company shall not close against the traffic or stop up any road or street in the district of Hackney without the previous consent of the Hackney Board and of the London County Council ;
- (6) All bridges to be widened as aforesaid in the district of Hackney shall as far as practicable be made water-tight and shall be so constructed as to deaden the sound of engines carriages and traffic passing over them so far as such shall be practicable ;
- (7) No abutments columns or piers shall project beyond the general line of frontage of the adjoining houses Provided always that where there are gardens or forecourts in front of houses and the distance between the houses is great the Company shall erect and maintain side openings supported with columns back to the general line of the frontage of the houses ;
- (8) Any difference which may arise between the Hackney Board or their surveyor and the Company with reference to the said plans elevations and sections or with reference to any of the works hereby authorised in the district of Hackney shall be determined by an engineer to be nominated by the Board of Trade and the costs and expenses of such engineer shall be paid as the Board of Trade may determine.

24. In the event of any part of the roadway numbered 127 on the deposited plans in the parish of St. John at Hackney being stopped up or appropriated by the Company so as to reduce its

If Company stop up road way (127 Hackney) a substituted

A.D. 1890. width to less than forty feet the Company shall provide a substituted roadway to be provided. roadway not less than forty feet clear in width.

As to works in the parish of St. Matthew Bethnal Green.

25. For the protection of the vestry of the parish of St. Matthew Bethnal Green (in this section referred to as "the vestry") the following provisions shall have effect unless otherwise agreed in writing between the Company and the vestry with regard to works in the parish of St. Matthew Bethnal Green:—

- (1) All widenings of bridges and arches constructed under the powers of this Act in the parish of St. Matthew Bethnal Green shall be made and kept water-tight so far as practicable and the Company shall so far as practicable prevent any water dripping on to the footways and carriageways from such widenings of bridges and arches ;
- (2) The Company shall erect under the arches and bridges belonging to the Company in the parish of St. Matthew Bethnal Green such number of gas lamps and in such positions as having reference to the public convenience in regard to light may be agreed upon between the vestry surveyor and the engineer of the Company for the time being or as in case of difference shall be determined by an engineer to be nominated by the Board of Trade and shall thereafter cause all such lamps to be kept in good order and repair and lighted during the same hours at night in the same manner as the public lamps in the parish ;
- (3) And whereas by reason of the execution of the works by this Act authorised and the taking down of houses buildings and other premises and conveniences and the taking of land in pursuance of this Act deficiencies may arise in the assessment of the poor and other rates in the parish of St. Matthew Bethnal Green therefore the Company shall from and after the period when any lands houses buildings hereditaments or premises shall be taken or become unoccupied or untenanted by reason of the same being required for the purpose of the works authorised by this Act by notice from the Company up to the period when the said works shall be assessed to such rates as aforesaid be assessed and rated for the same premises respectively in such sum and sums of money as the same were assessed and rated at the time of the passing of this Act and the Company shall pay and make good to and in aid of such parish out of the moneys of the Company all such rates as aforesaid and in default of payment thereof the same shall and may be levied and recovered from the Company in the same way or manner as the same could or might have been recovered from the

owners or occupiers of the same premises in case this Act had not passed ; A.D. 1890.

- (4) Where the existing railway is carried over the public highways by means of bridges the proposed widening shall be carried over the public highways by means of bridges giving the same headway over the highways as the existing bridges and where the existing railway is carried over the public highways by means of arches the proposed widening shall be carried over the public highways by means of arches of the same span as the existing arches and giving the same headway ;
- (5) In the event of the Company constructing the Widening No. 1 hereby authorised within the time prescribed by this Act or any Act enlarging the same and if the vestry shall within such period or extended period or within five years of such period or extended period widen Hare Place for its entire length and to the same width throughout as now exists between the piers of the archway carrying the railway over Hare Place the Company shall upon receiving notice in writing for that purpose dedicate to the vestry the land on each side of Hare Place between the piers of the arch referred to and the public footways both under the existing arch and the proposed widening and also so much of the triangular piece of land at the north-west corner of Hare Place belonging to the Company to the line of the northern piers of the arch over Hare Place and the vestry shall use the same only for the purpose of widening Hare Place as aforesaid ;
- (6) The Company shall construct the bridges carrying the widening over Hackney Road Old Bethnal Green Road and Bethnal Green Road of such span that the abutments shall not encroach upon the existing footways ;
- (7) If the widening crossing Hackney Road shall be over the public urinal now there and the vestry shall within two years from the date of the completion thereof give to the Company notice in writing of their intention to remove the urinal the Company shall pay to the vestry the cost of removing and re-erecting the same in such position as the vestry may think fit but if the vestry shall not deem it desirable to remove the urinal the Company shall at their own cost light the same during the daytime to the reasonable satisfaction of the vestry ;
- (8) The Company shall on the completion of the works by this Act authorised give up to the vestry for the purpose of widening the public highway the land between the piers of the existing

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arch and the public footway and also the land between the piers of the widening and the public footway and also sufficient land on both sides of the existing railway and the widening to enable the vestry to make West Street of a uniform width equal to the width at present between the piers to the existing arch throughout. Provided that such land so given up as aforesaid shall be used only for the purpose of widening the highway and such widening shall be completely finished and thrown open to the public within a period of twelve months from the time the vestry take possession of the land ;

- (9) If within the period limited for the execution of the works by this Act authorised the Company require to extend so much of the down side platform of the Cambridge Heath Station over the public highways on the western side of the railway as lies opposite the arches or properties numbered on the deposited plans 150 159 160 161 and 162 for the parish of St. Matthew Bethnal Green so that such extension may overhang the public highways to a width of not exceeding twelve feet measured from the outside line of the present western parapet of the viaduct and works the vestry as a road authority shall assent to such extension ;

Provided that such structure shall not be at a less height than fifteen feet measured vertically from the level of the kerb on the west side of Clare Street at any point opposite and co-extensive with such required extension. The Company shall also one month before they commence any such extension of the platform deliver to the vestry plans sufficiently showing the intended works. The plans may be approved by the vestry amended by consent of the Company or in case of dispute altered by an engineer appointed by the Board of Trade and the structure shall not be made or permitted to remain except in accordance with the plans so approved amended or altered as in this section is provided ;

- (10) In the event of the Company making the Widening No. 1 hereby authorised within the time prescribed by this Act or any Act enlarging the same and if the vestry shall within such period or extended period make a footway throughout the whole length of Poyser Street on the western side of the existing viaduct there the Company shall upon receiving notice in writing for that purpose dedicate to the vestry so much of the strips of land belonging to the Company on the western side of the existing viaduct at Poyser Street and separating the viaduct from the public way as shall be clear of the Company's railway

and works for the purpose of making such footway Provided that the said strips of land shall only be used for such purpose and provided also that the vestry shall upon such strips of land being dedicated to them make so many ways from the public road into the arches or properties opposite to such strips of land as the Company shall require and shall properly metal the same to the satisfaction of the engineer for the time being of the Company ;

- (11) In the event of the Company making the Widening No. 1 hereby authorised within the time prescribed by this Act or any Act enlarging the same and if the vestry shall within such period or extended period or within five years of such period or extended period widen so much of Poyser Street as lies on the east side of the Company's railway and between it and Cambridge Heath Road and also so much of Peacock Place as lies on the eastern side of the Company's railway and between it and Cambridge Heath Road throughout to the same widths as now exist between the piers of the respective arches numbered 122 and 119 on the deposited plans carrying the present railway over the said street or place respectively the Company shall upon receiving notice in writing for that purpose dedicate to the vestry the lands between the piers of the existing arches and the public footpaths together with the lands between the piers of the proposed widening and the public footway at the southern end of Poyser Street and also the land between the piers of the existing arch and the public footway together with the land between the piers of the proposed widening and the public footway at Peacock Place Provided that the vestry shall only use such lands so dedicated to them as aforesaid for the purpose of widening Poyser Street and Peacock Place respectively ;
- (12) Except as expressly enacted in this Act nothing in this Act contained shall extend or be deemed or construed to extend or prejudice diminish alter or take away any of the rights powers authorities or privileges vested in the vestry but all such rights powers authorities and privileges vested in them shall be as good valid and effectual as if this Act had not been passed anything herein contained to the contrary notwithstanding ;
- (13) If any difference arise between the vestry and the Company touching this section or anything to be done or not to be done thereunder such difference shall be determined by an engineer to be nominated by the Board of Trade.

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For the protection of the Regent's Canal City and Docks Railway Company.

26. Whereas the Widening and Improvement No. 1 of the Company's Cambridge main line of railway (in this section called "the said improvement") is intended to pass over the Regent's Canal (herein-after called "the canal") in the parish of Saint John at Hackney in the county of London and it is proposed to be effected in part by means of a new bridge or by means of a widening on the east side of the existing bridge which carries the said railway over the canal and it is expedient to make the following provisions in consequence thereof:—

- (1) Nothing in this Act contained except as herein-after expressed shall take away lessen prejudice alter or affect any of the estates rights interests powers and privileges vested in the Regent's Canal City and Docks Railway Company (herein-after called "the Canal Company") and the Company shall not without (or otherwise than in accordance with) the previous consent of the Canal Company in writing under their common seal alter the line or level of the canal or of the towing-path thereof or of any part or parts thereof respectively or obstruct or impede the navigation of the canal or any part thereof or divert intercept cut off take use or diminish any of the waters in the canal or which may be taken for the use of or which supply the canal or damage injure or interfere with any of the works of the canal or diminish or alter the width of the waterway or towing-path thereof or take or use (except for the limited purpose herein-after mentioned) any part of the canal or of the towing-path locks lay-byes wharfs or land belonging to the Canal Company adjoining the canal and the Company shall not without such consent as aforesaid except as herein-after provided make any deviation from the line or level of the said improvement as delineated on the deposited plans and sections thereof and nothing herein contained shall compel the Canal Company to convey or assign to the Company the fee simple of any part of the canal or works or any land belonging to the Canal Company adjoining the canal over which the said improvement and the works connected therewith are intended to pass but the same shall remain vested in the Canal Company subject nevertheless to the right of the Company and their successors for ever hereafter to construct and maintain the said improvement and works hereby authorised and to have use and possess such way and passage for the said improvement and works by means of a new bridge or a widening of the existing bridge over the canal as hereby provided for together with all rights

and easements necessary to the due use and enjoyment of the same; A.D. 1890.

- (2) For the purpose of carrying the said improvement over the canal the Company shall construct and make immediately contiguous to the said existing bridge a new bridge or shall widen the existing bridge on the east side thereof such new bridge or widening of the existing bridge to be of the same span and headway as the existing bridge and to be constructed and made of brick stone or iron or of all or any of those materials over the canal and towing-path such new bridge or widening of the existing bridge to be constructed of a width not exceeding in any part thereof thirty feet The before-mentioned works shall be carried on and completed so and in such manner that no obstruction shall be caused to the boats or barges navigating the canal or the horses towing the same and the Company shall during the progress of constructing the said new bridge or of widening the existing bridge and the works connected therewith and of any necessary repairs thereof at all times leave an open and uninterrupted navigable waterway in the canal of not less than thirty feet in width of water with eight feet for the towing-path and ten feet headway;
- (3) The new bridge or widening of the existing bridge and the works connected therewith shall be made and maintained by the Company in good and substantial and so far as practicable water-tight condition and repair and so far as relates to all precautions for the safety and preservation of the canal and the towing-path the water in the canal and the works connected therewith and for preserving a free and uninterrupted passage along the canal and towing-path the new bridge or widening of the existing bridge and the works connected therewith and all repairs to the new bridge or widening of the existing bridge shall be constructed made and done in accordance with plans and specifications to be in every case before the commencement of the works of repairs submitted for his approval to and approved by the Canal Company's engineer and the same works and repairs shall be commenced carried on and completed under his superintendence and to his reasonable satisfaction and if and whenever during the progress of any of the works or repairs any damage or injury is occasioned to the canal or towing-path or the works thereof the Company shall under the superintendence and to the reasonable satisfaction of the Canal Company's engineer restore the same to the same state and condition as before the

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happening of the damage or injury and if and whenever during or after the making or repairing of the new bridge or widening of the existing bridge or any of the works connected therewith by reason of the same or of the making or repairing of the same or by reason of any defect in the making or repairing of the same or by reason of any failure or want of repair of the same or otherwise any loss of water or any obstruction of the navigation of the canal shall occur and notice thereof in writing is given by or on behalf of the Canal Company to the Company or their secretary or other officer and the Company do not within fourteen days after the notice or forthwith if the nature of the case so requires well sufficiently and effectually prevent the loss of water or remove the obstruction or make or do for the purpose under the superintendence and to the reasonable satisfaction of the Canal Company's engineer all proper and sufficient works repairs and things and complete the same with all reasonable expedition the Canal Company from time to time may under his superintendence and to his satisfaction make or do the same and prevent the loss of water or remove the obstruction and the Company shall from time to time pay to the Canal Company all the reasonable costs and expenses incurred by them in that behalf and to the said engineer his charges for his services and supervision in connexion with and incidental thereto Provided that if the Canal Company's engineer shall not have expressed his approval or disapproval of the plans and specifications to be submitted as aforesaid within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof;

- (4) The new bridge or widening of the existing bridge and all the works connected therewith shall be completed within twelve months from the day on which the same or any of them respectively are commenced and if the same or any of them are not completed within that period the Company shall forfeit and pay to the Canal Company as and for liquidated damages twenty pounds for every day after the expiration of that period until the whole thereof are completed and if and whenever during or after the making or repairing of the new bridge or widening of the existing bridge and the works connected with the said improvement or by reason of the same or of the making or repairing of the same or by reason of any defect in the making or repairing of the same or by reason of any failure or want of repair of the same or by reason of any act neglect or omission of the Company or of their agents servants

or workmen the water of the canal shall leak escape or run to waste the Company shall pay to the Canal Company ten pounds as and for liquidated damages for every reasonably estimated nine thousand cubic feet of water which so leaks escapes or runs to waste and in the same proportion for any other quantity and if and whenever by reason of any of those circumstances or causes the navigation of the canal or the passage along the towing-path thereof shall be so obstructed or interrupted as that boats or barges navigating the canal or the horses towing the same shall be impeded in their passage or shall not be able to pass uninterruptedly along the canal or towing-path then and in every such case the Company shall pay to the Canal Company ten pounds as for liquidated damages for every hour during which the obstruction continues after notice thereof is given by or for the Canal Company to the Company or their secretary and if and whenever any such obstruction continues for more than forty-eight consecutive hours after the notice and is caused by any wilful act neglect or omission on the part of the Company or any of their agents servants or workmen the Company shall pay to the Canal Company twenty pounds as and for liquidated damages for every hour during which the obstruction continues ;

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- (5) Nothing in this Act or in the Acts wholly or partially incorporated with this Act contained shall take away diminish or affect any rights privileges or powers vested in the Canal Company or prevent them from at any time making constructing or carrying out any of the powers and works authorised by the Regent's Canal City and Docks Railway Act 1882 or any Act or Acts of Parliament now passed amending or varying the same ;
- (6) Nothing herein contained shall prevent the Canal Company or any owner of boats or barges or any other person whomsoever using or navigating the canal from recovering from the Company in addition to the liquidated damages the amount of any special damage sustained by them or him or that they or he may be liable to pay for or on account or by reason of the acts neglects or defaults of the Company or by reason of the flowing or escape of any water out of the canal if the same shall be caused or happen by reason of any of these circumstances or causes or of the making or maintaining of the said improvement or of any of the works connected therewith and the Canal Company and any or every such owner or other person may sue for and recover the special damage in any court of competent jurisdiction :

A.D. 1890.

If any difference arise between the Company and the Canal Company touching anything to be done under this section such difference shall be determined by an engineer to be appointed by the Board of Trade upon the application of either party :

Nothing in this section contained shall in any way repeal alter or vary or be construed to repeal alter or vary in any way the provisions for the protection of the Company contained in the Regent's Canal City and Docks Railway Act 1882.

For the protection of the Commissioners of Sewers of the City of London.

27. The powers granted to the Company by this Act for the compulsory purchase and the taking of the lands numbered 23 25 30 and 31 on the deposited plans in the parish of Little Ilford may be exercised at any time within but shall not be exercised after the expiration of six months from the date of the passing of this Act.

For the protection of Charles Cheston.

28. If for the construction of the Widening and Improvement No. 2 of their Cambridge main line the Company shall under the powers of this Act purchase and acquire the property numbered 45 on the deposited plans in the parish of Saint John at Hackney belonging or claimed to belong to Charles Cheston or any part thereof or if and so soon as the Company shall commence any works in connexion with the said widening and improvement of their said line where it runs alongside of the said property or of the houses known as numbers 3, 5, 7, 9, and 11, Bodney Road likewise belonging to or claimed to belong to the said Charles Cheston they are hereby empowered to and shall if required by the said Charles Cheston purchase the said lands and houses known as numbers 3, 5, 7, 9, and 11, Bodney Road as well as the said property numbered 45 on the deposited plans and the Company may hold and use the same for the purposes of their undertaking.

The price to be paid for the said houses shall be such sum as may be agreed or failing agreement be settled in accordance with the provisions of the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement.

For the protection of the Wivenhoe and Brightlingsea Railway Company.

29.—(1) The Company shall not (except with the consent of the Wivenhoe and Brightlingsea Railway Company) purchase or acquire any lands the property of the Wivenhoe and Brightlingsea Railway Company but the Company may purchase and take and the Wivenhoe and Brightlingsea Railway Company shall sell and grant accordingly an easement or right of using so much of the lands of that company as may be necessary for the construction of the Widening and Improvement No. 6 by this Act authorised And (save only so far as may be absolutely necessary for the purpose of constructing and maintaining the said widening in accordance with the provisions of

this Act) the Company shall not enter upon use or interfere with the railway works or property of the Wivenhoe and Brightlingsea Railway Company except with their consent in writing: A.D. 1890.

(2) The amounts to be paid for the easement to be acquired by the Company under this section shall in case of dispute be settled in the manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement:

(3) The Company shall also indemnify the Wivenhoe and Brightlingsea Railway Company against all damages losses and expenses which may be incurred by that Company by reason of or in connexion with any injury to their railway works or property or any obstruction of or interference with or injury to the traffic on such railway caused by the acts omissions or defaults of the Company or of their contractors or of any person in the employ of the Company or their contractors during the construction of or any repairs connected with the said widening:

Provided always that except as otherwise expressly provided nothing in this section contained shall extend to prejudice or interfere with the rights and privileges conferred upon the Tendring Hundred Railway Company or which the Company have a right to exercise under or by virtue of the Tendring Hundred Railway Extension Act 1863 or any other Act or Acts relating to the Tendring Hundred Railway Company or alter or affect the rights or obligations of the Wivenhoe and Brightlingsea Railway Company.

30. Where any bridge or works are constructed under the powers of this Act over any street or road within the administrative county of London outside the city of London there shall be left throughout above the existing surface of the street or road a headway not less than that of the adjacent bridge or works carrying the railway to be widened and also a clear span not less than the span of the adjacent bridge carrying the railway to be widened The bridge and works for carrying the widened railway over Glass Street numbered on the deposited plans 33 in the parish of Saint Matthew Bethnal Green shall be constructed with a span not less than the clear width of the street and footways at the point of crossing All bridges and works constructed as aforesaid shall be of a reasonably ornamental character and design and shall be made and maintained so as to prevent so far as is reasonably practicable the dripping of water therefrom on any part of any street or road footway area or forecourt and so as to deaden so far as is reasonably practicable the sound of engines carriages and traffic passing over them and the parapets of such bridges shall be carried up to a height of not less than seven feet above the rail level of the widened works:

Bridges over roads in the county of London.

A.D. 1890. — Provided that the bridge and works made under the powers of this Act over the Old Ford Road numbered 2 on the deposited plans in the parish of St. Mary Stratford-le-Bow shall have a clear span of not less than that shown on the deposited sections and a clear headway throughout the width of the carriageway of not less than fifteen feet and such additional headway up to sixteen feet as can be provided in the construction of the said bridge and works without inconvenience to the railway.

Plans &c. of bridges to be submitted to the London County Council.

31. The Company shall not execute or commence the erection of any such bridge or works as aforesaid until they shall have given to the London County Council twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the said council with plans elevations sections and other necessary particulars of the construction of the said bridge and works and until the said council shall have signified their approval of the same unless the said council fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the said council in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the said council against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the said council at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said council may be put to by reason of the works of the Company whether in the execution of the works or the preparation or examination of plans or designs superintendence or otherwise shall be paid to the said council by the Company on demand.

Exhibition of placards.

32. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act within view of any public street within the administrative county of London outside the city of London any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the London County Council and if any such placard or advertisements be affixed or exhibited the said London County Council and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the exterior of any station placards or advertisements relating to the traffic and business of the Company.

33. And whereas in the construction of the widenings and improvements of railways by this Act authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings and property shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said buildings and property without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings and property described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such buildings and property without material detriment thereto be required to sell and convey to the Company the portions only of the said buildings and property so required without the Company being obliged or compelled to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

A.D. 1890.

Owners may be required to sell parts only of certain buildings and property.

34. The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or beyond the metropolis in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were or have since been occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions on displacing persons of labouring class.

(A) They shall have obtained the approval in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the said Secretary of State or the Local Government Board (as the case may be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the

A.D. 1890.

amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(B) They shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2) The approval of the said Secretary of State or the Local Government Board (as the case may be) to any scheme under this section may be given either absolutely or conditionally and after the Secretary of State or the Local Government Board (as the case may be) have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the said Secretary of State or the Local Government Board (as the case may be) may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the said Secretary of State or the Local Government Board (as the case may be) may have approved of any scheme under this section or of any modifications of any such scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State or the Local Government Board (as the case may be) out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any such house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State or the Local Government Board (as the case may be) by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the High Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands outside the metropolis by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act. A.D. 1890.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the said Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Act or Acts amending those respective Acts.

(9) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

A.D. 1890.

(10) The said Secretary of State or the Local Government Board (as the case may be) may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint inspectors for the purposes of any such inquiry and the inspectors so appointed shall for the purpose of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(11) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(12) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(13) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

(14) Provided always that if the Company have already submitted and are upon approval carrying out a scheme under the provisions of any previous Act the Company shall not be required to provide additional accommodation in respect of the houses to which such scheme relates whether or not the time for taking the same be revived or extended by this Act.

As to houses
already
acquired by
the Company.

35. Any houses occupied by persons of the labouring class (as interpreted in the last preceding section) which may have been acquired by or on behalf of the Company for the purposes of but otherwise than under the powers of this Act shall for the purpose of the preceding section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Secretary of State for the

Home Department or the Local Government Board is or are unable to satisfy himself or themselves as to the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Secretary of State or Board (as the case may be) they might have been sufficient to accommodate. A.D. 1890.

36. Subject to the provisions of section 46 of the Railways Clauses Consolidation Act 1845 the new roads and footpaths to be made under the authority of this Act (other than any road or footpath made or diverted for the purposes of the railway by this Act authorised and except the stone iron or other structure carrying any new road or footpath over any railway which structure shall unless otherwise agreed be repaired and maintained by and at the expense of the Company) shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads and footpaths within the parishes or places in which such new roads and footpaths will be situate are from time to time liable to be repaired or maintained : Provisions as to repair of new roads &c.

If any question shall arise between the Company and any of such parties as to the due completion of any such new or altered road or footpath such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of such new or altered road or footpath shall be conclusive evidence of the fact so certified.

37. If the Company fail within the period limited in each case by this Act to complete the railway by this Act authorised or the railway the time for completing which is by this Act extended the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the respective period so limited until the respective railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the respective railway not completed and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to the Treasury and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said section to an account opened Penalty imposed unless railways opened within the time limited.

A.D. 1890. — or to be opened in the name and with the privity of the Paymaster-General for or on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalties.

38. Every sum of money so recovered by way of penalty for the non-completion of the railway by this Act authorised or of the railway the time for completing which is by this Act extended shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the respective railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the High Court thinks fit to order on the application of the Solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the High Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for
the comple-
tion of works.

39. If the railway and the widenings and improvements of railways and other works shown on the deposited plans and sections and by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers

by this Act granted to the Company for making and completing the said railway and widenings and improvements of railways and other works or otherwise in relation thereto shall cease except as to so much thereof as is then completed. A.D. 1890.

40. The railway and the widenings and improvements of railways and works belonging to the Company which the Company are by this Act authorised to make execute and maintain shall subject to the provisions of this Act be in respect of tolls and all other respects part of the undertaking of the Company. Tolls.

41. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

42. And whereas by the Regulation of Railways Act 1889 the Board of Trade may from time to time order the Company within a time to be limited by the order to provide for the interlocking of points and signals at such of their stations and junctions as may not already have been so provided for and for that purpose and for the alteration and improvement of the stations in connexion with such interlocking the Company require more land in connexion with their existing railways for the extraordinary purposes mentioned in section 45 of the Railways Clauses Consolidation Act 1845 Therefore the Company may by agreement from time to time purchase land for any such extraordinary purposes not exceeding thirty acres in addition to any quantity of lands which the Company are authorised to purchase under their existing Acts Provided that the lands to be purchased by the Company under the provisions of this section shall be appropriated and used for the purpose of giving effect to the provisions of the said Regulation of Railways Act 1889 and the alterations and improvements of stations and junctions in connexion therewith. Lands for extraordinary purposes.

43. In addition to the other lands authorised by this Act to be taken the Company may enter upon take and use for stations sidings goods coal and cattle depôts and other purposes connected with their undertaking the lands and buildings herein-after mentioned and shown on the deposited plans and described in the deposited books of reference (that is to say) :— Power to Company to take additional lands.

In the county of London—

Certain lands in the parish of Saint Matthew Bethnal Green and the hamlet of Mile End Old Town or one of them ;

In the county of Middlesex—

Certain lands in the parishes of Edmonton and Enfield ;

A.D. 1890. In the county of Essex—

Certain lands in the parish of Low Leyton otherwise Leyton ;

The said lands in the parish of Low Leyton otherwise Leyton will include certain lands forming part of a common or commonable lands known as Common Marsh (Leyton) or Leyton Marshes and of which common or commonable lands (herein-after referred to as "the common") the quantity to be taken by the Company shall not exceed eight acres Provided always that no part of the common shall be taken or acquired by the Company unless and until they shall have acquired and thrown into the common an equal area of land adjoining the common and certified by the Secretary of State for the Home Department as suitable for the use and enjoyment of the public and the land so thrown into the common shall thenceforth become and be part of the common ;

Certain lands in the parishes of Henham Kelvedon Theydon-Garnon and Ashdon ;

In the Isle of Ely in the county of Cambridge—

Certain lands in the parish of March :

And when and so soon as the Company shall have acquired any lands under the powers of this section all public and other rights of way and all other rights across over or along the same shall be by this Act extinguished :

Provided always that the Company shall make full compensation to all parties interested in respect of all private rights of way or other private rights (if any) so extinguished such compensation in case of difference to be settled in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and for that purpose any and every right so extinguished shall be deemed to be an interest in land.

Roads foot-
paths &c. not
to be stopped
up until
substitution
completed.

44. The Company shall not stop up and discontinue for public traffic any road or footpath or portion of road or footpath which they are by this Act authorised to stop up and discontinue until the work by this Act authorised to be made in substitution therefor has been completed to the satisfaction of two justices.

Vesting sites
of roads
footpaths &c.
stopped up
and ex-
tinguishing
rights over
same.

45. The sites and soil of so much as under the powers of this Act the Company shall stop up and discontinue for public traffic of any road or footpath are by this Act vested (as to so much thereof as is bounded on both sides by land of the Company) in the Company and (as to so much thereof as is bounded on both sides by land of any other person) in such other person and (as to so much thereof as is bounded on opposite sides by lands belonging to different persons) in such owners respectively to the centre of the

respective roads or footpaths in proportion to the respective frontages of their lands thereto and all public and private rights of way or passage and all other rights across over or along the same shall be by this Act extinguished. The provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway shall apply to the lands so vested in the Company as if such lands had been purchased by the Company but the mines had not been expressly purchased. A.D. 1890.

46. The period now limited by the Act of 1887 for the completion of the Railway No. 1 authorised by section 6 sub-section (A) of the Act of 1882 is by this Act extended for a period of two years from the twenty-fourth day of July one thousand eight hundred and ninety. Extending time for completion of Railway No. 1 authorised by section 6 sub-section (A) of Act of 1882.

47. All the rights powers and authorities except as herein-after specified conferred upon the Company by the Act of 1887 and the several Acts recited or referred to in that Act— Revival of powers for construction of certain works.

For the construction of the widenings and improvements of railways and other works following (that is to say):—

- (1) The widening and improvement of the Company's main line authorised by section 7 sub-section 1 of the Act of 1882 so far as relates to the crossing of Wheeler Street in the parish of Christchurch Spitalfields in the county of London and the crossing of Brick Lane in the said parish of Christchurch Spitalfields and in the parish of Saint Matthew Bethnal Green in the said county ;
- (2) The widening and improvement of the Company's main line of railway described in section 7 sub-section 2 of the Act of 1882 so far as relates to the crossing of Nottingham Street and Arundel Street both in the parish of Saint Matthew Bethnal Green in the county of London ;
- (3) The widening and improvement of the Company's North Woolwich Branch Railway in the parish of West Ham in the county of Essex described in section 7 sub-section 3 of the Act of 1882 including the diversion of the Manor Road mentioned in section 37 sub-section d (1) of that Act ;
- (4) The widening and improvement of the Company's Colchester main line on both sides thereof in the parish of West Ham in the county of Essex authorised by section 7 sub-section 4 of the Act of 1882 from the commencement of the said widening as shown on the plans and sections deposited for and referred to in the Act of 1882 to or

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A.D. 1890.

about to the point on the said plans and sections indicating the distance of two furlongs from the commencement of the said widening as shown on the said plans and sections as aforesaid; and

- (5) The widening and improvement in the parish of Romford in the county of Essex of the Company's Colchester main line authorised by section 5 sub-section B (2) of the Act of 1883;

and subject to revision under the provisions of the Railway and Canal Traffic Act 1888 for the levying of tolls rates and charges upon and in respect of the same respectively shall be and the same are hereby revived and the said widenings and improvements of railways and works shall be respectively constructed and maintained subject to the provisions of the Acts by which the same were respectively authorised and (subject to the provisions of those respective Acts) in the lines and according to the levels shown on the plans and sections deposited as recited in the preamble of this Act and the provisions of the aforesaid Acts applicable to the said widenings and improvements of railways and works (except so far as such provisions are expressly varied by this Act) shall apply and have effect as if they had been re-enacted in this Act:

Provided always that in respect of the widenings and improvements in this section specified numbered (1) (2) (3) and (4) the powers for the compulsory purchase of lands shall not be revived And in respect of the widening and improvement in the parish of Romford numbered 5 in this section specified the Company may enter upon take and use such of the lands shown upon the deposited plans as they have not already acquired and as may be required for the purposes of that widening and improvement and may for those purposes appropriate and use any of the said lands which they have already acquired:

Provided that after the completion of the widening of the North Woolwich Branch Railway described in sub-section (3) of this section the line of rails of which that widening will on the west side consist shall not be used for passenger traffic.

Period for completion of works mentioned in last preceding section.

48. The widenings and improvements of railways and other works (1) (2) (3) (4) and (5) referred to in the last preceding section shall respectively be completed within three years from the passing of this Act and on the expiration of such period the powers granted to the Company for making the respective work shall cease except as to so much thereof as shall then be completed.

Extending time for completion of Liverpool

49. The period limited by the Act of 1887 for the completion of the widening enlargement and improvement No. 1 of the Company's Liverpool Street Station and the lines of railway leading thereto

authorised by section 5 sub-section (c) of the Act of 1887 and the works in connexion therewith is hereby extended for a period of three years from the eighth day of August one thousand eight hundred and ninety-two :

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Street widening authorised by Act of 1887.

And the Company shall eighteen months at least before the expiration of the period limited by this Act for the completion of the said widening and works convey the freehold of the land referred to in section 8 sub-section (A) of the Act of 1887 to the Commissioners of Sewers of the city of London free of expense in order that the same may be thrown into Bishopsgate Street Without for the widening thereof and the said commissioners shall forthwith upon such conveyance to them level pave flag and channel the same and provide proper footpaths thereto to the reasonable satisfaction of the Company.

50. The period limited by the Act of 1887 for the completion of the improvement of the railway from St. Ives to Huntingdon authorised by section 7 sub-section (c) of the Great Eastern Railway Act 1877 (the powers relating to which improvement were by section 49 of the Act of 1887 transferred to and now are vested in the Great Northern and Great Eastern Joint Committee) is hereby extended for a period of three years from the twelfth day of July one thousand eight hundred and ninety-one.

Extending time for completion of improvements of St. Ives and Huntingdon Railway.

51. Section 12 of the Act of 1883 for the protection of the works of the Romford Local Board of Health shall be and is hereby re-enacted. The Company shall in the widening of the bridge over South Street shown on the deposited plans use girders over the said street and the Company shall not encroach upon or lessen the width of the said street or the footpaths thereof. The Company shall not take any part of or in any way encroach upon or over the roads respectively called the Victoria Road (numbered 24 on the deposited plans) and Waterloo Road (numbered 2 on the deposited plans) in the district of the said board or the footpaths thereof.

For the protection of the Romford Local Board.

52. The period of ten years limited by section 79 of the Great Eastern Railway Act 1881 for the sale of the superfluous lands firstly mentioned in that section is hereby extended for a period of ten years from the sixteenth day of July one thousand eight hundred and ninety-one and the period limited by section 54 of the Act of 1887 for the sale of the other superfluous lands mentioned in the said section 79 is hereby extended for a period of three years from the sixteenth day of July one thousand eight hundred and ninety-one but not so as in either case to shorten the period now allowed in that behalf by any other Act in respect of any or any part or parts of such lands.

Extending period for sale of superfluous lands.

A.D. 1890.

As to contribution by Company in aid of improvement of North Quay Yarmouth.

53. The Company may with the sanction of three fourths of the votes of the proprietors present in person or by proxy at a general meeting of the Company contribute or agree to contribute towards the cost of the alteration widening and improvement of the North Quay at Yarmouth in the county of Norfolk any sum or sums not exceeding in the whole five hundred pounds and may apply in or towards payment of any such contribution any moneys which they are already authorised or are by this Act authorised to raise and which may not by the Acts authorising the same or any other Act relating to the Company be made applicable to any special purpose or which being so made applicable may not be required for such special purpose.

Company may accept and hold shares &c. in Southwold Company in satisfaction of sums owing.

54. The Company may accept in or towards satisfaction or discharge of any sum or sums of money for the time being due and owing to them from the Southwold Company and interest on any such sums and may hold in their own name or in the name of one or more directors or officers of the Company or other persons appointed by the Company for that purpose preferred debenture stock and ordinary shares or stock or any of them of or in the capital of the Southwold Company to such amount or amounts as the directors from time to time see fit and may have and exercise in respect of any such debenture stock shares or stock all such and the same rights as the other holders of like debenture stock or shares or stock have or may exercise No such shares or stock shall be transferable save as between the Company and their nominees from time to time.

Power to apply existing funds.

55. The Company may raise and apply for or towards any of the purposes of this Act or of any of their existing Acts to which capital is properly applicable any money which they are already authorised to raise and which may not be required by them for the special purposes (if any) for which that money was authorised to be raised Provided always that when by any existing Act relating to the Company the amount which the Company may raise and apply for any specified purpose is limited nothing in this section shall authorise the Company to raise or apply for such purpose any sum beyond the amount so limited.

Power for Company to raise capital by shares or stock.

56. The Company from time to time by resolution of a general meeting convened with special notice of the purpose may for the purposes of this Act and for the general purposes of their undertaking raise by the creation of shares or stock such additional sums of money as they think fit not exceeding in the whole one million two hundred thousand pounds and such sums or any part or parts thereof respectively may at one time or at different times as the

Company may think proper be raised by the creation and issue of preference shares or stock and if so raised the nominal amount of the preference shares or stock so created shall not exceed one million two hundred thousand pounds or by the creation and issue of ordinary shares or stock not exceeding in the whole in nominal amount one million six hundred thousand pounds or of ordinary shares or stock not exceeding in the whole the last-mentioned nominal amount with dividends wholly or in part deferred or contingent upon the amount of dividend payable on the other ordinary stock sufficient in nominal amount to raise the said sums or so much thereof respectively as shall not be raised by preference shares or stock or in their option the Company may from time to time create and raise proportionate amounts of preference shares or stock or ordinary shares or stock with or without contingent or deferred dividends and any such shares or stock may be made convertible at such time and subject to such conditions as the Company may prescribe at the time of creating the same into ordinary shares or stock provided the total amount of money to be raised under this section shall not exceed one million two hundred thousand pounds and the provisions contained in the seventy-eighth section of the Great Eastern Railway Act 1876 shall be applicable with respect to any shares or stock which may be created.

A.D. 1890.

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

58. The Company shall not issue any share under this Act of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting it unless and until a sum not being less than one fifth of the amount thereof is paid in respect thereof.

Shares not to be issued until one fifth paid.

59. Twenty per centum on the amount of any share shall be the largest amount of any call which may be made thereon and there shall be an interval of not less than three months between any two successive calls and the Company shall not call up more than three fourths of the amount of a share in any year.

Calls.

60. The Company may in respect of the additional capital of one million two hundred thousand pounds which they are by this Act authorised to raise by the creation and issue of shares or stock from time to time borrow on mortgage of their undertaking such sums as they think fit not exceeding in the whole four hundred thousand pounds (that is to say) When one hundred and fifty

Power to borrow on mortgage.

[Ch. cviii.] *Great Eastern Railway (General Powers) Act, 1890.* [53 & 54 Vict.]

A.D. 1890. — thousand pounds in respect of such additional capital has been bonâ fide paid up and certified as herein-after mentioned they may borrow on mortgage any sum of money not exceeding fifty thousand pounds and a like additional sum of fifty thousand pounds when every further sum of one hundred and fifty thousand pounds has been bonâ fide paid up and certified as herein-after mentioned but no such borrowing powers shall be exercised by the Company until they shall prove to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares or stock for raising such additional capital or some part thereof have been bonâ fide paid up to the extent in money of one hundred and fifty thousand pounds in respect of every sum of fifty thousand pounds intended to be borrowed and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proofs aforesaid have been given which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

61. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during their continuance and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repealing provisions of Act of 1887 for appointment of a receiver.

62. The provisions of the Act of 1887 authorising the appointment of a receiver for principal or interest moneys due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of such appointment and in force or pending at the time of the passing of this Act.

For appointment of a receiver.

63. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

64. The Company may create and issue debenture stock to the same nominal amount as they are by this Act authorised from time to time to borrow on mortgage subject to the provisions of Part III.

of the Companies Clauses Act 1863 as amended by subsequent Acts but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages. A.D. 1890.
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65. All money raised under this Act whether by shares stock mortgages or debenture stock shall be applied only for purposes authorised by this Act and other purposes of the undertaking of the Company being in all cases purposes to which capital is properly applicable. Application
of loan or
share capital
under Act.

66. The Company may with the sanction of the Commissioners of Customs or the Commissioners of Inland Revenue give and grant to Her Majesty under their common seal bonds general or otherwise conditioned for the due removal or exportation of goods liable to duties of customs or excise or for warehousing or otherwise dealing with such goods in accordance with the laws and regulations of the customs and excise for the time being in force. As to customs
and other
bonds given
by Company.

67. The directors of the Company may if they think fit establish a fund for the payment of pensions and retiring allowances or gratuities to old or disabled servants of the Company not entitled to be members of the superannuation fund established by the Company in pursuance of the powers conferred on them by the Great Eastern Railway (General Powers) Act 1878 and for the purposes of such fund three persons to be appointed by the directors of the Company and the following officers of the Company namely the general manager the secretary and the solicitor shall constitute a committee for the purpose of preparing and shall prepare a scheme for the establishment of such fund for the payment of pensions or retiring allowances or gratuities to the servants of the Company being contributors to such fund or to the widows and children of such contributors such contributors not being salaried officers of the Company or otherwise entitled to become members of the superannuation fund and such committee may by a majority of its members determine in and by such scheme the following matters and things (that is to say):— Pension
fund.

What class of servants of the Company subject as aforesaid shall be entitled to contribute to and participate in the benefits of the fund and what length of service shall entitle them so to participate ;

- A.D. 1890. — What (if anything) shall disqualify any servant of the Company from becoming a contributor to the fund and participating in the benefits thereof ;
- Under what circumstances and conditions and to what extent in what period and to what age persons becoming members of the fund shall be allowed to make back payments so as to entitle them to pension or retiring allowance or gratuity ;
- Under what circumstances any person having been a contributor to the fund shall cease to be entitled to participate in the benefits thereof ;
- What proportion (if any) of his contribution to the fund any person having been but ceasing to be a contributor thereto shall be entitled to receive ;
- What proportion (if any) of the sums contributed by any person or by the Company to the fund shall be payable to his representatives in the event of his dying before he becomes entitled to pension or retiring allowance or to retiring gratuity ;
- The age at which or other circumstances under which any person shall become entitled to a pension or to a retiring allowance or gratuity ;
- The scale upon which allowances shall be calculated and under what (if any) circumstances such scale may from time to time be revised ;
- The amount of payment either weekly fortnightly or monthly which all servants of the Company becoming members of the fund shall contribute to the fund ;
- The future management and direction of the fund and the number qualification and mode of appointment or election of the committee in this Act called "the managing committee" in whom such management and direction shall be vested and the remuneration of the members and officers of the managing committee ;
- The mode in which the persons by whom and the times at which the accounts of the managing committee or of their treasurer or other officer shall be audited and the manner in which contributors to the fund and others shall have access to the accounts ;
- That the moneys received on account of the fund shall from time to time be invested in the purchase of debentures or debenture or guaranteed stock of the Company in the names of the members of the managing committee or any three of them ;

A.D. 1890.

That the persons to be benefited by the fund may be divided into two or more classes according to the amount of payment or according to such other conditions as the managing committee shall determine power being reserved by the scheme to remove any contributor from one class to another provided that no such removal shall place the contributor in a worse position in respect to his past contributions than he would have occupied if the removal had not been made ;

That the managing committee may from time to time with the consent of the directors modify the rules and regulations of the fund and the conditions upon which persons may after such modifications contribute thereto ;

That the scheme may also if thought desirable set forth under what circumstances provision shall be made for the dissolution or discontinuance in whole or in part of the fund and in any such case what provision shall be made for outstanding or accruing annuities and liabilities and for the distribution of the assets belonging to the fund and what consents on the part of the Company or of contributors to the fund shall be required ;

The scheme shall provide for the holding of meetings of the members of the fund or meetings of delegates representing the members of the fund in districts set forth in the scheme or for otherwise bringing the accounts and position of the fund to the knowledge of its members ;

And generally all such other matters and things in relation to the fund as the managing committee appointed by this Act shall deem fit and proper to form part of and to be included in such scheme.

68. The Company shall at the end of each and every half year after the establishment of the pension fund contribute out of the revenues of the Company such sum of money as the Company by resolution of an ordinary or extraordinary general meeting of the Company may determine and from time to time may in like manner alter the sum so granted provided that the amount to be contributed in any half year shall be at least equal to the aggregate contributions of the members in that half year and shall not be less than one thousand pounds in any half year but in no case shall the Company be required to contribute a larger sum than three thousand pounds in any half year and if upon the report of two actuaries it shall appear that the sum of six thousand pounds a year is insufficient with the contributions of the members to secure all the benefits

Company to
contribute to
pension fund.

A.D. 1890. arising from the fund the Company may either agree to contribute a further sum or may by resolution require the managing committee to make such modifications as may be reasonably required to secure the sufficiency of the fund provided that the contribution of the Company to the pension fund shall not affect or take away the right or power of the Company to grant out of their own proper funds pension allowances and allowances during sickness or other allowances to any of their officers or servants as they think proper but the Company may by resolution make provision for the payment out of their revenues or out of moneys received on revenue account of any sum or sums of money for the relief or benefit of any servants of the Company who in the judgment of the managing committee are from age or other circumstances unable to become members of the fund the allowance of such persons being subject to the approval and in the discretion of the managing committee.

Proceedings
of com-
mittees.

69. The committee appointed by this Act in relation to the pension fund may from time to time regulate their own procedure and may appoint such officers and at such salaries payable out of the said fund as they may think fit unless the directors of the Company otherwise provide for such salaries and the expenses of managing the fund.

Further
provisions
relating to
pension fund.

70. The following provisions shall extend and apply to the pension fund and the scheme which may be established and from time to time altered under the powers of this Act shall not be inconsistent with the stipulations contained in this section (that is to say):—

- (1) It shall not be compulsory upon any servant of the Company to become a member of the fund ;
- (2) The tables of contributions for the assurance of the pensions shall be certified by an actuary who shall have exercised the profession of an actuary for at least five years to be selected by the directors of the Company from the list of actuaries approved by the Treasury for the purpose of the Friendly Societies Act 1875 and a printed copy of such certificate shall be annexed to the printed copies of the scheme ;
- (3) A meeting of the members of the fund or of the delegates as the case may be shall be held within twelve months after the establishment of the scheme and thenceforth at least once in every two succeeding years At such first and succeeding biennial meetings one of the auditors shall be appointed on behalf of the members of the fund to remain in office for a period of two years ;

A.D. 1890.

- (4) A copy of the rules shall be delivered by the secretary to every person on demand on payment of a sum not exceeding one shilling;
- (5) The managing committee shall allow any member or person having an interest in the pension fund to inspect the books at all reasonable hours at the office of the Company or at any place where the same are kept except that no such member or person unless he be an officer of the Company or be specially authorised by a resolution of the managing committee to do so shall have the right to inspect the account of any other member without the written consent of such member;
- (6) The Company shall supply gratuitously every member or person interested with a balance sheet or other document duly audited containing the particulars as to the receipts and expenditure and effects of the fund;
- (7) The Company shall keep a copy of the last annual balance sheet for the time being and of the last septennial or quinquennial valuation for the time being together with the report of the auditors (if any) always hung up in a conspicuous place at the office of the Company or place where the accounts of the pension fund are kept unless the managing committee shall have supplied each member of the fund with a copy of such document.

71. Two consulting actuaries qualified as required in the case of the actuary to be selected under sub-section (2) of the preceding enactment shall be appointed after the expiration of the first seven years from the establishment of the pension fund and thenceforth at the expiration of every five years thereafter to examine and report on the state of the fund and of its assets and liabilities and one of such actuaries shall be appointed by the directors of the Company and the other by the members of the fund or their delegates in meeting assembled and the actuaries if they shall consider any alteration to be necessary shall recommend the scheme which in their judgment is proper to be adopted with reference thereto such scheme being as nearly as may be in conformity with the scheme to be established under the provisions of this Act and they shall distribute the addition to or diminution of the benefits as the case may be as nearly as possible rateably and without preference or priority amongst the parties entitled thereto Any differences of opinion between the consulting actuaries shall be determined by a third actuary of their selection or in such other way as they think fit.

Valuations
by actuaries
from time to
time.

A.D. 1890.

In the event of report of actuaries that the fund is inadequate.

72. If such two actuaries to be appointed under this Act shall on the first or any subsequent investigation under the provisions of this Act report that the fund is insufficient and that in their judgment it should be discontinued and the assets distributed or that it should be continued only in the event of increased contributions being made by the Company and the members of the fund they shall prescribe the amount of such contributions respectively and if the Company on their part shall fail within six months thereafter to make such further contribution or provision as may ensure the adequacy of the fund or if the members of the fund or their delegates in meeting assembled (which meeting the managing committee shall convene) shall within the like period of six months fail to agree to the additional contributions to be made by the members of the fund the said fund shall be discontinued and its assets distributed in accordance with the scheme made under the provisions of this Act subject to such modifications as the actuaries may consider necessary under the circumstances of the case.

Saving rights of the Crown in the fore-shore.

73. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of Crown under Crown Lands Act.

74. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Interest not to be paid on calls paid up.

75. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

76. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

A.D. 1890.
Deposits for
future Bills
not to be paid
out of capital.

77. Nothing in this Act contained shall exempt the Company or any other railway company or their undertaking from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares tolls or charges or the rates for small parcels authorised by any Act relating to the Company or to such other railway company.

Provision as
to general
Railway Acts.

78. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Company.

Expenses of
Act.

A.D. 1890.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING LANDS BUILDINGS AND PREMISES WHEREOF PORTIONS
 ONLY ARE REQUIRED TO BE TAKEN BY THE COMPANY.

Parish.	No. on deposited Plans.	Description of Property.
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WIDENING AND IMPROVEMENT No. 1.

St. John at Hackney -	$\left\{ \begin{array}{c} 60 \\ 65 \\ 131 \\ 198 \end{array} \right\}$	Railway arch and garden. Garden. Workshops engine-house yards and premises. Garden.
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WIDENING AND IMPROVEMENT No. 3.

St. Mary Stratford-le-Bow.	$\left\{ \begin{array}{c} 3 \\ 4 \end{array} \right\}$	House yard garden and premises. Pumping station works and land.
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WIDENING AND IMPROVEMENT No. 5.

West Ham -	3	Garden and plantation.
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