ANNO DECIMO

VICTORIÆ REGINÆ.

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Cap. xx.

An Act to enable the *Newmarket and Chesterford* Railway Company to extend their Line of Railway to *Thetford* in the County of *Norfolk*.

[8th *June* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for making a Railway from* Chesterford *to* Newmarket, *with a Branch to* Cambridge, whereby a Company was incorporated by the Name of "The *Newmarket and Chesterford* Railway Company," with Power to make the said Railway and Branch Railway: And whereas the making of a Railway in extension of the said Railway, commencing by a Junction therewith in the Parish of *Woodditton* in the County of *Cambridge*, and terminating by a Junction with the *Norfold* Railway at or near the Town of *Thetford* in the Borough of *Thetford* in the County of *Norfolk*, would be of great public Advantage: And whereas the said *Newmarket and Chesterford* Railway Company are desirous of carrying into effect the Object aforesaid, if authorized by Parliament so to do: 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, That

9 & 10 Vict. c.172.

Provisions of recited Act extended to this Act.

That all the Provisions, Matters, and Things contained in the said first-recited Act relating to the *Newmarket and Chesterford* Railway, so far as the same are not inconsistent with or altered by the Provisions of this Act, shall extend to this Act, and to the several Purposes of this Act, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes; and the Railway and Works by this Act authorized to be made by the said *Newmarket and Chesterford* Railway Company shall when so made form Part of the Undertaking of the *Newmarket and Chesterford* Railway, and shall, as such, be subject to all the Provisions of the Act relating thereto, save as aforesaid.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Newmarket and Chesterford* (*Thetford* Extension) Railway Act, 1847."

Additional Capital.

III. And be it enacted, That it shall be lawful for the said Company to raise for the Purposes of the said Railway the Sum of Four hundred and twenty-five thousand Pounds, by the Creation of new Shares or Stock, in addition to any Sums which they are already authorized to raise, upon such Terms generally and in such Manner as may be or may have been agreed upon at any General Meeting or Meetings of the Company especially convened for the Purpose, or in such Manner as may be or may have been agreed upon between the several Persons who have subscribed towards the Undertaking hereby authorized and the said Company, or the Directors thereof for the Time being.

Power to borrow Money.

IV. And be it enacted, That after the whole of the Capital in Shares by this Act and the said first-recited Act relating to the *Newmarket and Chesterford* Railway Company authorized to be raised by Shares shall have been subscribed, and One Half thereof shall have been actually paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole the Sum of One hundred and forty-one thousand six hundred and sixty-six Pounds, in addition to the Sums authorized to be borrowed by the said Act, and to secure the Payment of such Sums so to be borrowed, with Interest, by Mortgage of the Undertaking.

Re-borrowing.

V. And be it enacted, That if after having borrowed any Part of the Money by this Act or the said first-recited Act authorized to be borrowed the said Company shall pay off the same, it shall be lawful for them again to borrow the Sum so paid off, or any Part thereof, and so from Time to Time.

Power to convert Loan into Capital.

VI. And be it enacted, That it shall be lawful for the Company, if they shall think fit, to raise the Sum by this Act authorized to be borrowed, or any Part thereof, by creating new Shares in the Company, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to pay off such Loan, or any Part thereof,

if they shall so think fit, by creating new Shares of the Company in manner aforesaid; but no such Augmentation of Capital shall take place without the previous Order of a General Meeting specially convened for that Purpose.

Interest at Five per Cent. to be paid on the Money from Time to Time advanced upon the new Shares in lieu of Profits.

VII. And be it enacted, That from and after the passing of this Act, and until the said Railway hereby authorized to be made shall be opened for Traffic, the Proprietors of the said new Shares hereby authorized to be created, and their Executors, Administrators, or Assigns, shall be entitled to receive out of and from the Funds of the said Company Interest after the Rate of not more than Five Pounds *per Centum per Annum* on the Sum or Sums which have been or shall hereafter be paid by such Proprietors respectively, their Executors, Administrators, or Assigns, in respect of such new Shares held by them respectively, such Interest to be computed from the Time or respective Times of the Payment of such Sum or Sums, and to be payable half-yearly on the Fourth Day of *July* and the Fourth Day of *January* in each Year, and the first of such half-yearly Payments to be made on the Fourth Day of *January* One thousand eight hundred and forty-eight; and such Interest shall, until the said Railway shall be opened for Traffic, be received and taken in lieu and instead of all Dividends or other Profits in the said Undertaking to which such Proprietors respectively would otherwise be entitled in respect of such Shares.

Deposit of Plans.

VIII. And whereas Plans and Sections showing the Line and Levels of the Railway by this Act authorized to be made, together with a Book of Reference to the said Plans, containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purpose of the said Railways, have been deposited with the Clerks of the Peace for the Counties of *Cambridge*, *Suffolk*, and *Norfolk*; be it enacted, That, subject to the Provisions and Powers of Deviation in this and the said recited Act, 1845, contained, it shall be lawful for the said Company to make and maintain the said Railway and Works on the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels described on the Sections, and to enter upon, take, hold, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Line of Railway.

IX. And be it enacted, That the said Railway shall commence at or near the Town of *Newmarket* by a Junction with the said *Newmarket and Chesterford* Railway near to the proposed Terminus thereof as shown on the Plans referred to in the said first-recited Act, in the Parish of *Woodditton* in the County of *Cambridge*, in certain Fields the Property of his Grace the Duke of *Rutland*, and shall terminate by a Junction with the *Norfolk* Railway near to the *Thetford* Station thereon in the Borough of *Thetford* in the said County of *Norfolk*, and shall pass from, in, through, or into the several Parishes, Townships, and extra-parochial and other Places following, or some of them; (that is to say,) *Newmarket All Saints*, *Woodditton*, *Cheveley*, *Ashley* otherwise *Ashley-cum-Sylverley*, and *Kennet*, in the County of *Cambridge*; *Moulton*, *Kentford*, *Gazeley*, *Herringswell*, *Tuddenham*,

Tuddenham, *Mildenhall*, *Barton Parva* otherwise *Barton Mills*, *Cavenham*, *Icklingham All Saints*, *Icklingham Saint James*, *Eriswell*, and *Elvedon'* otherwise *Elvdon* otherwise *Eldon* otherwise *Elden*, in the County of *Suffolk*; *Saint Mary* in the Borough of *Thetford* and said County of *Suffolk*; and *Saint Peter* in the said Borough of *Thetford* in the County of *Norfolk*.

Communication and Construction of Railway.

X. And be it enacted, That the Railway hereby authorized to communicate with the *Norfolk* Railway shall communicate therewith at the Point where according to the Plan deposited as in this Act mentioned such Railway appears to communicate therewith, and at no other Point, without the Consent in Writing of the *Norfolk* Railway Company under their Common Seal; and that all Communication between the said Railway hereby authorized and the said *Norfolk* Railway shall be effected, in a substantial and workmanlike Manner, by means of Connexion Rails and Points of the Construction and laid in the Manner most approved from Time to Time, and to the entire Satisfaction of the Engineer for the Time being of the said *Norfolk* Railway Company.

Communications, &c. to be made at the Cost of the Newmarket and Chesterford Railway Company, and subject to Approval of the Engineer of the Norfolk Railway Company.

XI. And be it enacted, That the Expence of the Communications hereby authorized with the *Norfolk* Railway, and of all necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, of regulating and adjusting the same, shall be borne and paid by the *Newmarket and Chesterford* Railway Company; and that all such Communications, Openings, and Works shall not only be in the first instance made and done, but shall also from Time to Time be altered, amended, repaired, and maintained, to the reasonable Satisfaction of the Engineer for the Time being of the said *Norfolk* Railway Company, on each Occasion, and in such Manner and Form, and by such Ways and Means, as shall not in anywise prejudice or injure the said *Norfolk* Railway, or impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the same.

Land not to be entered upon except for forming Junction.

XII. And be it enacted, That, notwithstanding any thing in this Act contained, it shall not be lawful for the *Chesterford and Newmarket* Railway Company, or for any Person, under or in execution of this Act, or for any other Purpose, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the said *Norfolk* Railway Company, or which they have Power to take under their Acts of Parliament, or in any Manner to alter, vary, or interfere with the said *Norfolk* Railway, or any of the Works appertaining thereto, save only for the Purpose of effecting the Junction hereby authorized in manner aforesaid.

Saving Rights of Norfolk Railway Company.

XIII. And be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *Norfolk* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament and otherwise are hereby expressly saved and reserved.

XIV. And

Land for extraordinary Purposes.

XIV. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes, not exceeding in the whole Thirty Acres.

Period within which Lands are to be purchased.

XV. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XVI. And be it enacted, That in case the Railway by this Act authorized shall not be completed within Five Years from the passing of this Act, the Powers by this or the said recited Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Certain Roads may be crossed on a Level.

XVII. And whereas the Railway by this Act authorized is intended to be carried across the Highways numbered as follows on the Plans herein-before referred to; (that is say,) 1 *a* and 26 in *Woodditton*, 1, 5, and 12 in *Herringswell*, 10 and 30 in *Tuddenham*, 49 in *All Saints Icklingham*, and 27 and 31 in *Elvedon*; and it is expedient that the said Line of Railway shall be carried across the said Highways on a Level; be it therefore enacted, That, subject to the Provisions in the said Railways Clauses Consolidation Act, 1845, contained, with reference to the crossing of Roads on a Level, it shall be lawful for the Company to construct and maintain the said Line of Railway across the said Highways on the Level thereof.

Company to erect Station at Points of crossing, and to abide by Regulations made by Commissioners of Railways as to Rate of Speed.

XVIII. And be it enacted, That for the greater Convenience and Security to the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways.

Tolls.

XIX. And be it enacted, That it shall be lawful for the Company to demand and receive, in respect of the Use of the Railway by this Act authorized, and of the Engines and Carriages employed by them thereon, any Tolls and Charges not exceeding the Tolls and Charges limited by the said recited Act passed in the last Session of Parliament.

So much of recited Act as relates to Meeting of Directors, &c. in London repealed.

XX. And whereas it is by the said first-recited Act enacted, that all Meetings of the Directors and of the Shareholders of the said Company, whether ordinary or extraordinary, shall be held in *London*; be it enacted, That the said recited Provision shall be and the same is hereby repealed; and the Meetings of the Directors and of the Shareholders of the said Company, whether ordinary or extraordinary, shall be held either in *London* or in *Newmarket*, as the Directors of the said Company may from Time to Time think fit.

Alteration of Style and Title of Company.

XXI. And be it enacted, That from and after the passing of this Act the Style and Title of the said Company shall be "The *Newmarket* Railway Company," in lieu of the present Style and Title, "The *Newmarket and Chesterford* Railway Company:" Provided always, that all Suits and Actions which shall have been commenced by or against the said Company shall not abate by reason of such Change of Style and Title.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. c. 57.

XXII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Expences of Act.

XXIII. And be it enacted, That all the Costs, Charges, and Expences of and attending the promoting and passing of this Act, or incidental thereto, shall be paid by the said Company out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Railway to be subject to Provisions of any future general Act.

XXIV. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railway by this Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Acts relating to Railways which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

XXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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