## CHAP. cxlvi.

An Act to enable the Bury Saint Edmunds and Thetford Railway Company to make a Deviation in their authorised Railway; and for other purposes. [1st August 1870.]

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WHEREAS the Bury Saint Edmunds and Thetford Railway Company (in this Act called "the Company") were incorporated by "The Bury Saint Edmunds and Thetford Railway Act, 1865" (in this Act called "the Act of 1865"), and were authorised to make and maintain a railway (No. 1) from Bury Saint Edmunds, in the county of Suffolk, to Thetford, in the county of Norfolk, with two branch railways (Nos. 2 and 3) in connexion therewith, and were authorised to run over and use parts of the Great Eastern Railway and the stations of that railway at Bury Saint Edmunds and Thetford, and to enter into traffic arrangements with the Great Eastern Railway Company, and were further authorised to raise a capital of one hundred and twenty thousand pounds in shares and forty thousand pounds on mortgage of their undertaking: 28 & 29 Vict. c. cccxlviii.

And whereas the Company are proceeding to put their said Act into execution:

And whereas it is expedient that the Company should have power to make and maintain the railway herein-after described in substitution for a portion of their said authorised Railway No. 1, and to vary the levels of the remaining portion thereof and of their branch Railway No. 3 as by this Act authorised:

And whereas for the purposes of this Act plans and sections describing the line and levels of a proposed substituted railway and the lands required or which would have been taken for the purposes thereof, and also describing the said authorised railways the levels whereof are varied by this Act, and the lines, situation, and levels thereof, and the lands required or which may be taken for the purposes thereof, together with books of reference to such plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of those lands respectively, were in the month of November last deposited with the respective

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clerks of the peace for the counties of Suffolk and Norfolk, and are herein-after referred to as the original deposited plans and sections and the original deposited book of reference:

And whereas during the progress of this Act through Parliament an alteration of the line or course of the proposed substituted railway has been deemed expedient, and plans and sections showing the line and levels of such altered line, with a book of reference thereto, were, in the month of April in the present year, deposited with the clerk of the peace for the county of Suffolk, and those plans, sections, and book of reference are in this Act referred to as the additional deposited plans, sections, and book of reference:

And whereas it is expedient that the branch Railway No. 2, and that portion of the said authorised Railway No. 1 for which the railway by this Act authorised will be in substitution, be abandoned:

And whereas it is expedient that the powers granted by the Act of 1865 for the compulsory purchase of lands and houses which have expired should be revived, and that the time by that Act limited for the completion of the works by that Act authorised should be extended and enlarged as herein-after provided:

And whereas the alteration in the undertaking of the Company by this Act authorised will reduce the cost of the construction thereof, and it is expedient to reduce the capital of the Company:

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 for any purpose as "The Bury Saint Edmunds and Thetford Railway Act, 1870."

Provisions of general Acts herein-named incorporated.

**2.** "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," shall (so far as the provisions of the same respectively are applicable to the purposes of and not expressly varied by this Act) be incorporated with and form part of this Act.

Clerk of peace to retain the additional deposited plans, &c.

**3.** The clerk of the peace for the county of Suffolk shall retain the custody of the additional deposited plans, sections, and book of reference, and all the clauses and provisions of the Public General Act of the first year of the reign of Her present Majesty, chapter eighty-three, are hereby extended and shall apply to such additional deposited plans, sections, and book of reference.

Interpretation of terms.

**4.** In this Act the several words and expressions to which 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; the expression "the Company" shall mean the Bury Saint Edmunds and Thetford Railway Company, the expression "the railway" shall mean the railway and works by this Act authorised, and the expression "the undertaking" shall mean the railways and works by the Act of 1865 and this Act authorised and not by this Act abandoned; and 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 common simple contract debt, and not a debt or demand created by statute.

Power to make railway according to deposited plans.

**5.** Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the additional deposited plans and sections, the railway herein-after described, with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the additional deposited book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is,—

A railway, 2 miles 5 furlongs and 8 chains and a half in length, situate wholly in the parish of Barnham Saint Martin and Saint Gregory, in the county of Suffolk, commencing by a junction with the said authorised Railway No. 1 in a field the property or reputed property of the Duke of Grafton, distinguished on the plans in the Act of 1865 mentioned to have been deposited with the clerk of the peace for the county of Suffolk as number four in the said parish, and terminating by a junction with the same authorised Railway No. 1 in a field the property or reputed property of the said Duke, distinguished on the same plans by the number fifty-two in the said parish.

Not to take certain lands.

**6.** Nothing in this Act or in the Act of 1865 contained shall authorise the Company to enter upon, take, or use, otherwise than by agreement, any lands or hereditaments shown on the original deposited plans which are situate between the respective points of commencement and termination of the railway by this Act authorised, and are not also shown on the additional deposited plans.

Railway not to be deviated on lands of Sir

**7.** No deviation of the centre line of the authorised Railway No. 1 from the continuous centre line thereof as delineated on the original deposited plans, even within the limits of deviation shown

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Robert Buxton without consent.

on those plans, shall be made on any lands between the points thereon ten miles and four furlongs and eleven miles two furlongs and five chains, without the previous consent in writing of Sir Robert Jacob Buxton, Baronet, or his successors in estate, for the time being owners of such lands.

No additional land to be taken from Sir Robert Buxton.

**8.** The Company shall not, without such consent as aforesaid, enter upon, take, or use any land belonging to the said Sir Robert Jacob Buxton, or in which he is interested, in excess of that actually required for the construction of the said Railway No. 1 through such land, with a station, sidings, and accommodation works, actually necessary for the transmission of traffic to, from, and over such railway, and land required for digging and obtaining ballast or material for the construction of the Company's railways.

No building, &c. to be erected on such lands.

**9.** No house, building, workshop, manufactory, stationary engine, or other erection, temporary or otherwise, shall, after the opening for traffic of the said Railway No. 1, at any time be erected or maintained by the Company without such consent as aforesaid on any land acquired by them from the said Sir Robert Jacob Buxton, or in which he is interested, except a station at the point where the said Railway No. 1 crosses the highway numbered 2 on the deposited plans in the extra-parochial place of Great and Little Snare Hill, and houses for the use of the station master, porters, and servants employed in the conduct of the traffic thereat.

Company to construct certain station, and stop certain passenger trains thereat, if so required by Sir Robert Buxton.

**10.** The Company, if and when thereunto required by the said Sir Robert Jacob Buxton, shall construct and maintain a passenger station at the point where the said Railway No. 1 crosses the highway No. 2 on the original deposited plans in the extra-parochial place of Great and Little Snare Hill, with all proper works and conveniences necessary for the reception and transmission of passengers, cattle, goods, minerals, merchandise, and other traffic requiring transmission on such railway; and, until the said Sir Robert Jacob Buxton, or the person or persons for the time being beneficially entitled to the rents and profits of the lands from which any lands now belonging to Sir Robert Jacob Buxton and hereafter taken by the Company under the provisions of this Act shall have been severed, shall release the Company from the obligation so to do, the Company shall maintain the said station and the appurtenances thereof, and shall cause daily, at least, two passenger trains passing the said station each way to stop thereat for the purpose of taking up and setting down passengers.

Powers for compulsory purchases limited.

**11.** The powers of the Company for the compulsory purchase of lands for the purposes of the railway shall not be exercised after the expiration of three years from the passing of this Act.

Limiting time for completion of railway.

**12.** The railway authorised by section 5 of this Act shall be completed within five years from the passing of this Act; and if the railway shall not be completed within that period, then, on the expiration thereof, the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Abandonment of part of authorised works.

**13.** The Company shall abandon the construction of the whole of the branch Railway No. 2 by the Act of 1865 authorised to be made, and so much of the said authorised Railway No. 1 as lies between the points of commencement and termination of the railway by this Act authorised.

Compensation for damage to land by entry, &c. for purposes of railways abandoned.

**14.** The abandonment by the Company, under the authority of this Act, of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the last-mentioned Act or the Act of 1865.

Compensation to be made in respect of portions of railway abandoned.

**15.** Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Varying levels of railways

**16.** Notwithstanding anything in the Act of 1865, the Company may make and maintain the railways by the Act of 1865 authorised

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authorised by Act of 1865.

and not abandoned under this Act, according to the levels shown on the original deposited sections: Provided always, that, notwithstanding anything in this Act contained, the Company shall not have any power to purchase or take, otherwise than by agreement, any properties not shown within the limits of deviation marked upon the plans deposited as aforesaid in respect of the Act of 1865, except such of them as are shown within the limits of deviation marked upon the additional deposited plans.

Power to cross roads on the level.

**17.** Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may, in the construction of the undertaking, carry the same with a single line of railway only whilst the same shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; (that is to say,)

| Railway. | No. on additional deposited Plans. | Parish. | Description of Road. |
|---|---|---|---|
| Railway by this Act authorised. | 33 | Barnham Saint Martin and Saint Gregory. | Public highway. |

| Railway. | No. on original deposited Plans. | Parish. | Description of Road. |
|---|---|---|---|
| Authorised Railway No. 1. | 30 | Ingham - - - | Public road. |
| Authorised Railway No. 1. | 22 | Thetford Saint Cuthbert. | Public highway. |

Provided always, that whereas the last-mentioned public highway terminates thirty yards or thereabouts eastward of the centre line of the railway, as shown on the original deposited plans, by a junction there with the occupation road, numbered four on the said plans, in the parish of Kilverstone, it may, if the railway shall be constructed across the termination thereof, be permanently discontinued as a public highway as to so much thereof as is required for the construction of the undertaking.

Width of certain bridge.

**18.** In carrying the road numbered on the additional deposited plans 9, in the parish of Barnham Saint Martin and Saint Gregory, over the railway by this Act authorised, the Company may make and maintain the bridge for carrying the same over the railway of any width not less than twelve feet, and in carrying the turnpike road numbered on the original deposited plans 11, in the parish of

Thetford Saint Cuthbert, over the railway, the Company may make and maintain the bridge for carrying the last-mentioned road over the railway of any width not less than twenty-five feet, and the approaches to such bridge may be of any rate of ascent not steeper than one foot in twenty feet.

Deviation to form part of the Company's undertaking.

**19.** The railway by this Act authorised shall, for the purposes of tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking of the Company, as if the Company had by the Act of 1865 been authorised to make and maintain the same:

Reducing capital.

**20.** Section five of the Act of 1865 shall be read and have effect as if the sum of one hundred thousand pounds had been therein mentioned instead of the sum of one hundred and twenty thousand pounds, and the number of shares into which the capital of the Company shall be divided shall be ten thousand.

Reducing borrowing powers.

**21.** Section 7 of the Act of 1865 is hereby repealed, and the Company may from time to time borrow on mortgage any sum not exceeding in the whole the sum of thirty-three thousand three hundred pounds, and of that sum they may from time to time borrow not exceeding eleven thousand one hundred pounds in respect of every thirty-three thousand three hundred pounds of their share capital, but no part of any such sum of eleven thousand one hundred pounds shall be borrowed until the whole of the respective thirty-three thousand three hundred pounds of capital in respect of which it is to be borrowed is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies) that the whole of the respective thirty-three thousand three hundred pounds of capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such thirty-three thousand three hundred pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective thirty-three thousand three hundred pounds of capital was issued bonâ fide, and is held by the subscribers or their assigns and that such subscribers or their assigns are legally liable for the same, 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 proof aforesaid has been given, which shall be sufficient evidence thereof.

Extension of time for exercising

**22.** Except with respect to lands originally required for the railway and portion of railway by this Act authorised to be abandoned,

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compulsory powers of Act of 1865.

and except with respect to lands situate between the road numbered 18 in the parish of Fornham Saint Martin on the plans in the Act of 1865 mentioned to have been deposited as aforesaid and the road on the same plans numbered 12 in the parish of Ingham, and all lands in the parish of Ampton, the power granted to the Company by the Act of 1865 for the compulsory purchase of lands is hereby revived and extended, and may be exercised within, but shall not be exercised after, the expiration of three years from the passing of this Act.

Extension of period for completion of works under Act of 1865.

**23.** Except with respect to the railway and portion of railway by this Act authorised to be abandoned, the time limited by the Act of 1865 for the completion of the works by that Act authorised shall be and the same is hereby extended and enlarged until the expiration of three years from the passing of this Act, and on the expiration of that period the powers by the Act of 1865 granted to the Company for executing the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Amending section 14 of Act of 1865.

**24.** Section fourteen of the Act of 1865 shall be read and have effect as if the words "county of Suffolk" had been therein inserted instead of the words "counties of Suffolk and Norfolk."

Deposits for future Bills not to be paid out of Company's capital.

**25.** The Company shall not, out of any money by any Act relating to them authorised to be raised for the purpose of such Act, 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.

Railways not exempt from provisions of present and future general Acts.

**26.** Nothing herein contained shall be deemed or construed to exempt the railways by this Act or the Act of 1865 respectively authorised to be made from the provisions of any general Act relating to railways, or to the better or 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 and charges, or of the rates for small parcels, authorised by this Act or the Act of 1865.

Expenses of Act.

**27.** All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or in relation thereto, shall be paid by the Company.

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