ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. lii.

An Act for extending the Time and Powers for making the *Ely and Huntingdon* Railway, and for amending the Act relating to the *East Anglian* Railways. [13th *July* 1849.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of Her present Májesty Queen *Victoria*, intituled *An Act for consolidating the* Lynn and Ely, *the* Ely and Huntingdon, *and the* Lynn and Dereham *Railway Companies into One Company, to be called the* "East Anglian *Railways Company*:" (10 & 11 Vict. c. 275.) And whereas by the said Act the *Ely and Huntingdon* Railway Act, 1845, therein recited, except as to such of its Provisions respectively as might be necessary to effect the Purposes of the said recited Act, was repealed, and the several Works by the said *Ely and Huntingdon* Railway Act authorized or required to be made, executed, or completed were authorized to be made, executed, or completed by the Company incorporated by the said recited Act: And whereas the Time limited by the said *Ely and Huntingdon* Railway Act for the compulsory Purchase of Lands for the Purpose of making a Railway from *Ely* to *Huntingdon* expired on the Thirtieth Day of *June*

One thousand eight hundred and forty-eight, and the Time by the said Act limited for the Completion of the said Railway will expire on the Thirtieth Day of *June* One thousand eight hundred and fifty-two, and it is expedient that further Time should be granted to the Company for the compulsory Purchase of the Lands required for making so much of the said intended Railway as is situate between *Ely* and *Saint Ives*, for completing the said Portion of Railway, and that some of the Powers of the Company should be enlarged: And whereas for the Purposes and Objects of the said recited Act it is expedient that further Powers should be granted for the Conversion of the Mortgage and Bond Debt of the Company into Share Capital, and for dealing in other respects with the Share Capital of the Company: And whereas the Company, at a Meeting held on the Twenty-eighth Day of *February* One thousand eight hundred and forty-nine, consented to such Conversion and to such Dealing; but the same 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, That all and singular the Provisions, Matters, and Things contained in the said recited Act, and in the said *Ely and Huntingdon* Railway Act, 1845, respectively, with reference to making and completing the Railway by such Act authorized to be constructed, so far as the same are now in force, (and except such of them as are by this Act altered or otherwise provided for,) shall extend to this Act, as fully and effectually as if the same Provisions, Matters, and Things were severally repeated and re-enacted in this Act.

Powers of recited Act extended to this Act.

II. And be it enacted, That the Time limited by the said *Ely and Huntingdon* Railway Act, 1845, for the compulsory Purchase of Lands for the Purpose of making the said Railway from *Ely* to *Huntingdon*, so far as regards so much and such Parts of the Land in, upon, or through which the said *Ely and Huntingdon* Railway and Works are authorized to be made and completed, according to the Plan of the said Railway and Works, and Books of Reference thereto, respectively deposited with the Clerks of the Peace of the *Isle of Ely* and of the Counties of *Cambridge* and *Huntingdon*, as in the said *Ely and Huntingdon* Railway Act is mentioned, as is and are situate in the several Parishes or Places of *Ely Trinity* or *Ely Saint Mary*, *Ely Saint Mary*, *Thetford*, *Grunty Fen*, *Wilberton*, *Haddenham*, and *Willingham*, in the *Isle of Ely* and County of *Cambridge*, *Swavesey* and *Over* in the County of *Cambridge*, and *Holywell-cum-Needingworth* in the County of *Huntingdon*, and also so much and such Parts of the Land in the Parish of *Saint Ives* in the said County of *Huntingdon* as is and are described in the said Plan and Books of Reference, and referred to therein by the Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 22, shall be and the same is hereby revived, extended, and enlarged until the Thirtieth Day of *June* One thousand eight hundred and fifty-one, and after such Day the Powers by the said *Ely and Huntingdon* Railway

Time for compulsory Purchase of Lands

Railway Act, 1845, and this Act, granted for the compulsory Purchase of Lands for the Purpose of making the said Railway, shall cease to be exercised.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

III. Provided always, and be it enacted, That the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under the Provisions of the said recited Act or this Act, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands for the Purchase of which the Period is by this Act extended, and which shall be taken or used for the Purposes of the Railway or Works by the said recited Act or this Act authorized, or which may be injuriously affected by the Construction thereof, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension hereby authorized of the Period aforesaid.

Existing Contracts and Notices to take Land not to be affected.

IV. Provided always, and be it enacted, That the Extension hereby authorized of the Period aforesaid shall not in anywise prejudice or affect any Contract entered into or Notice given by the said Company before the passing of this Act for purchasing, taking, or using any Lands which under the said recited Act such Company is entitled to purchase, take, or use, but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if such Extension of the said Period had not been authorized as aforesaid.

Extending Time for completing Railway.

V. And be it enacted, That the Time limited by the said *Ely and Huntingdon* Railway Act, 1845, and the said recited Act, respectively, for the Completion of the said Railway from *Ely* to *Huntingdon*, so far as respects that Portion of the said Railway which is situate between *Ely* and *Saint Ives*, shall be and the same is hereby extended and enlarged until the Thirtieth Day of *June* One thousand eight hundred and fifty-three, and after such Day the Powers by the said Acts and this Act respectively granted for the Completion of the said Portion of Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railway from *Ely* to *Huntingdon* as shall then be completed.

Cost of completing Railway may be defrayed by means of a Rent.

VI. And whereas so much of the said intended Railway from *Ely* to *Huntingdon* as is situate between *Ely* and *Saint Ives* has not yet been constructed: And whereas it is expedient to give to the Company further Facilities for the Construction thereof: Be it therefore enacted, That it shall be lawful for the Company, by and with the Authority of Three Fifths of the Votes of the Shareholders thereof who may be present, either personally or by Proxy, at some Extraordinary Meeting, to enter into Contracts for the Construction of so much of the said Railway as is situate between the Points or Places aforesaid,

aforesaid, in which Contracts it may be stipulated and agreed that, in substitution for the Payment by the Company of a Sum in gross for such Construction, the Company shall grant an annual Rent to be payable by the Company, and (subject and without Prejudice to the Rights and Remedies against the Company by virtue of any Mortgages or Bonds respectively granted and entered into, or to be granted and entered into, in exercise of the Powers in that Behalf contained in the said recited Act, or in the several Acts in the said recited Act mentioned, or any or either of them,) to be charged on the Tolls or Rates, Charges, and Profits arising from the said Railway from *Ely* to *Huntingdon*; and it shall be lawful for the Company to stipulate and agree, that if at any Time the said Rent be not paid within Thirty Days after it shall become payable, and after Demand thereof in Writing, the Person to whom the said Rent shall be payable may either recover the same from the Company, with Costs of Suit, by Action of Debt in any of the Superior Courts, or may levy the same by Distress of the Goods and Chattels of the Company, in the same Manner as in case of Rent in arrear between Landlord and Tenant.

Directors may appoint an Officer for Registration of Shares, &c.

VII. And be it enacted, That the Directors may from Time to Time appoint an Officer of the Company or depute any other Officer of the Company to perform the Duties of the Secretary with reference to the Registration and Transfer of Shares, and the giving of Notices as to Calls and Forfeitures of Shares, and such Officer may be called the Registrar of the Company, and shall for all the Purposes of and connected with the Registration and Transfer of Shares and such Notices respectively be deemed the Secretary.

Power to issue new Shares in lieu of those not issued, which shall be deemed not to have been created.

VIII. And whereas Eleven thousand eight hundred and forty-one Shares, the Residue of Twenty-two thousand seven hundred and sixty Shares of Five Pounds each created by the Company, and Six thousand one hundred and forty-nine Shares, the Residue of Ten thousand eight hundred Shares of Three Pounds and Ten Shillings each created by the Company, respectively remain unissued, and the Sum of Eighty thousand seven hundred and twenty-six Pounds and Ten Shillings is the total Amount of such unissued Shares: And whereas by virtue of the Powers conferred on the Company by the several Acts relating to them, or some of such Acts, the Company borrowed at divers Times on Mortgage or Bond divers Sums amounting to the aggregate Sum of Two hundred and ninety-four thousand eight hundred Pounds: And whereas in order to pay off the Sum of Two hundred and ninety-four thousand seven hundred and eighty-three Pounds and Four Shillings, Part of such Mortgage and Bond Debt, the Company created Thirty-seven thousand five hundred and fifty-two Shares of Seven Pounds Seventeen Shillings each, to bear respectively Interest in perpetuity at Seven Pounds *per Centum per Annum*, in preference to any Dividends or Interest payable in respect of the Company's existing Share Capital, or any Part thereof: And whereas some only of such Thirty-seven thousand five hundred and fifty-two Shares have been applied for and issued: And whereas a Part of such Mortgage and Bond Debt is already due, and Actions

against

against the Company for the Recovery of Portions thereof are pending, and the Company have endeavoured without Success to reborrow the Amount so due, and they have not the Means of paying off the same, and a further Part of such Mortgage and Bond Debt will shortly fall due: And whereas the existing Debts and Liabilities of the Company, other than such Mortgage and Bond Debt, amount to the Sum of Eighty thousand seven hundred and twenty-six Pounds and Ten Shillings, or thereabouts, and the Company have not the Means of meeting such other Debts and Liabilities: And whereas it is in the existing Circumstances of the Company expedient to authorize them to raise, by creating new Shares, to bear respectively Interest in perpetuity at Seven Pounds *per Centum per Annum*, on the same Footing as such Thirty-seven thousand five hundred and fifty-two Shares, such a Sum as may be necessary for paying off the whole of such Mortgage and Bond Debt, and also such Sum of Eighty thousand seven hundred and twenty-six Pounds and Ten Shillings: Be it therefore enacted, That such unissued Eleven thousand eight hundred and forty-one Shares of Five Pounds each, and Six thousand one hundred and forty-nine Shares of Three Pounds and Ten Shillings each, respectively, or any of them, shall not be issued, and shall be deemed not to have been created; and the Company may, in addition to such Thirty-seven thousand five hundred and fifty-two Shares of Seven Pounds Seventeen Shillings each, create an equal Number of Shares of Two Pounds Three Shillings each, or may increase the Amount of each of such Thirty-seven thousand five hundred and fifty-two Shares from Seven Pounds Seventeen Shillings to Ten Pounds; and such new Shares, if created, or such existing Thirty-seven thousand five hundred and fifty-two Shares, whether of Seven Pounds Seventeen Shillings or of Ten Pounds each, shall bear Interest in perpetuity after the Rate of Seven Pounds *per Centum per Annum*, and such Interest shall be paid in the first place, in preference to all other Interest and Dividends payable in respect of the now existing Share Capital of the Company or any Part thereof, anything in this Act or the several Acts relating to the Company, or any of them, to the contrary thereof respectively notwithstanding; and the Resolutions of the Company with reference to the Premises, being respectively in conformity with the Provisions of this Act, shall be as valid as if the same had been adopted by the Company after the passing of this Act: Provided always, that the Monies raised by such Shares respectively shall be applied solely in or towards Payment or Discharge of such existing Mortgage and Bond Debt, and other Debts and Liabilities; and the Company shall keep a separate and distinct Account of such Monies and the Application thereof: Provided also, that when and as such existing Mortgage and Bond Debt, or any Part thereof, is paid off, the Power of the Company to borrow or reborrow Money shall proportionately cease.

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

IX. And be it enacted, That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any

any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Interest not to be paid on Calls paid up.

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

Railway Company to be subject to 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. cc. 57. & 105.

XI. 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 Railways;* 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 Two Acts were passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, the one intituled *An Act for regulating the Gauge of Railways,* and the other intituled *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their said Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways so far as the same shall be applicable thereto.

Railways not exempt from Provisions of any future general Act.

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

Expenses of Act.

XIII. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act, or incident thereto, shall be

be paid by the said *East Anglian* Railways Company, in preference to all other Payments whatsoever.

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

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.