ANNO DECIMO

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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* (*Bury* Extension and *Ely* Branch) Railway Act, 1847."

Power to raise additional Capital by Creation of new Shares or Stock.

III. And be it enacted, That, subject to the Provisions and Restrictions herein-after contained, it shall be lawful for the said Company to raise for the Purposes of the said Railway and Branch Railway the Sum of Four hundred and seventy-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 specially 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 on Mortgage.

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 fifty-eight thousand three hundred and thirty-three Pounds, in addition to the Sums authorized to be borrowed by the said Act, and to secure the Payment of the 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 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.

Power to pay Interest on Calls till Railways completed.

VII. And be it enacted, That from and after the passing of this Act, until the said Railway and Branch 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 and Branch 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.

Railways and Works to be executed according to deposited Plans.

VIII. And whereas Plans and Sections showing the Line and Levels of the Railway and Branch 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* and *Suffolk* and the *Isle of Ely*; 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, Branch Railway, and Works on the Lines, and upon the Lands delineated on the said Plans, and described in the said Books 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 *Wood Ditton* 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 *Ipswich and Bury Saint Edmunds* Railway at the Terminus thereof, near to the said Town of *Bury Saint Edmunds* in the said County of *Suffolk*, and also by a separate Terminus in a Field or Close called *Blomfield's Paddock*, adjoining *Saint Andrew's Street* and *Spring Lane*, in the Parish of *Saint James Bury Saint Edmunds* in the said County of *Suffolk*, and shall pass from, in, through, or into the several Parishes, Townships, and extra-parochial

and

and other Places following, or some of them, (that is to say,) *Newmarket All Saints*, *Wood Ditton*, *Cheveley*, *Ashley* otherwise *Ashley-cum-Sylverley*, and *Kennet* in the County of *Cambridge*, and *Moulton*, *Kentford*, *Gazeley*, *Higham*, *Risby*, *Fornham All Saints*, *Westley*, and *Saint James Bury Saint Edmunds* in the County of *Suffolk*; and the said Branch Railway shall leave the last-mentioned intended Line of Railway in a certain Field belonging to and in the Occupation of *John Wellsman* in the said Parish of *Kentford*, and shall terminate by a Junction with the *Cambridge* Line of the *Eastern Counties* Railway, near to the *Ely* Station thereon, in the Parishes of the *Holy Trinity* and *Saint Mary* in *Ely*, or one of them, in the said County of *Cambridge*, 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,) *Kentford*, *Herringswelt*, *Freckenham*, and an extra-parochial Place called "*No Man's Land*," in the Occupation of *William Hensby* the younger, in the said County of *Suffolk*, *Kennet*, *Chippenham*, *Fordham*, and *Soham* in the said County of *Cambridge*, the Hamlet of *Stuntney* in the Parish of the *Holy Trinity* in *Ely*, and the Parishes of the *Holy Trinity* and *Saint Mary* in the City of *Ely* and *Isle of Ely*, in the said County of *Cambridge*.

As to Construction of Line between Newmarket and Kentford.

X. And whereas a Bill is now pending in Parliament to authorize the Construction by the said *Newmarket and Chesterford* Railway Company of a Line of Railway from *Newmarket* to *Thetford*, and a Portion thereof between *Newmarket* and *Kentford* will be available for the Purposes of the Traffic of the Line by this Act authorized: And whereas the Amount of Capital required for the Construction of that Portion of the Line is One hundred and sixty-five thousand Pounds; be it therefore enacted, That the Line of Railway laid down on the Plans deposited as aforesaid, between the Junction thereof with the Line of the *Newmarket and Chesterford* Railway at or near the Town of *Newmarket* and the Point of Divergence towards *Bury Saint Edmunds* and *Ely* at or near *Kentford* aforesaid, shall not, in the event of the said Bill passing into a Law, be carried into effect under the Powers of this Act, but all the Powers and Provisions contained in this Act with reference to such Portion of the said Line of Railway and the raising of Capital for that Purpose shall in the event aforesaid thenceforth cease and determine.

As to crossing River Ouse, near Ely.

XI. And be it enacted, That in carrying the said Railway over the River *Ouse* near the City of *Ely*, and across the unembanked Lands on the East and West Sides thereof, the said Company shall make and maintain a Bridge with Three Arches, the centre Arch of which shall extend over the said River *Ouse*, and shall not be of less Width than Seventy-five Feet, measured at Right Angles across the River, and the Eastern and Western Arches of which Bridge shall not be of less Width than Sixty Feet each, also measured at Right Angles, and the Headway of the said centre Arch shall not be at a lower Elevation than the Headway of the Bridge erected by the *Eastern Counties* Railway Company over the River *Ouse* near the Station of the said last-mentioned Company at *Ely*, and such Bridge shall be so constructed in other respects as not to obstruct the Navigation of the

the said River, and the Piers of the said Bridge shall not exceed Eight Feet in Width at the Bottom of the River, and the Tops of the said Piers shall not exceed in Width Six Feet; and the said Company shall make and maintain a Towing Path, for the Use of the Navigators of the said River, from the Bank called the *Middle Fen Bank* to and from the Railway, and such Towing Path shall proceed from the said Bank on the North Side of the said Railway to the said centre Arch, and be continued on the Inside of the Eastern Pier of the said Arch, and from thence to the said *Middle Fen* Bank by the South Side of the Railway, and where such Towing Path shall proceed in front of the Eastern Arch of the Bridge the same shall be carried on Piles so placed as to prevent, as far as practicable, any Impediment to the Passage of the Water, and which said Bridge, Towing Path, and Works shall be executed and maintained to the reasonable Satisfaction of the Engineer for the Time being of the *South Level* Drainage and Navigation Commissioners, appointed for carrying into execution an Act of Parliament for improving the Drainage of the *South Level* of the Fens and the Navigation of the Rivers passing through the same.

Protecting Drainage of Soham, or Middle Fen District.

XII. And be it enacted, That in constructing or maintaining the said Railway the said Company shall not impede or obstruct the Flow of Water along any of the Drains, Ditches, or Watercourses maintained by or under the Control or Management of the Commissioners of Drainage acting in execution of the several Acts of Parliament passed for maintaining the Drainage of the District called *Soham* or *Middle Fen* District, nor shall the said Company for any Purpose do any Act whereby the Drainage of the said District under the Provisions of the said Acts of Parliament shall be hindered or prejudiced.

As to crossing Clipsall River.

XIII. And be it enacted, That the said Railway shall be carried over the *Clipsall* River by a Bridge of One Span, and that the Soffit of such Bridge shall not be of less Elevation above the Surface of the Water than the Soffit of the Bridge now in existence over the said River at *Soham*, so as not to offer any Obstruction to the Navigation of the said River or to the Flow of the Water along the same.

For protecting the Drainage and Navigation of Bedford Level.

XIV. And whereas the Line of the said Railway is intended to pass through certain Parts of the Great Level of the Fens called the *Bedford Level*, and it is necessary to make Provisions for preserving the Drainage of the said Great Level, and the Navigation of the several Rivers, Canals, Cuts, Drains, and Watercourses within the same, or of any River without the said Great Level through or along which the Waters thereof pass below the same to the Outfall to Sea; be it therefore enacted, That in constructing and maintaining the said Railway or any of the Bridges or Works connected therewith, by this Act authorized to be made, it shall not be lawful for the said Company, without the Consent in Writing of the *Bedford Level* Corporation, by some Order of the Board of that Corporation, signed by the Register, as to any Works maintained by or belonging to the said Corporation, and as to any Works maintained by or belonging

to other Bodies without the Consent in Writing of such Bodies respectively, to contract or diminish the Breadth, Depth, or Capacity of the Channel or Waterway of any River, Canal, Cut, Drain, Watercourse, or Work of Drainage within the said Great Level, or of any River without the said Great Level through or along which the Waters thereof pass below the same to the Outfall to Sea, or to do any Act whereby the free Passage of the Water or Ice through and along any such River, Canal, Cut, Drain, or Watercourse, or along or between the Banks, or through or over the Washes thereof, shall, during the Floods, or at any other Time, be in any Manner impeded or obstructed, or whereby any Water shall be prevented from passing through or along any Drain, Watercourse, Washlands, Sluice, or other Work of Drainage within or without the said Great Level, as freely as before the Formation of the said Railway; and that it shall not be lawful for the said Company, without such Consent in Writing as aforesaid, to lower or vary the Line or Dimensions, or to injure or weaken the Security of any Barrier or other Bank maintained for protecting any of the Lands within the said Great Level from Inundation; and that every Bridge to be erected for carrying the said Railway over any navigable River, Canal, Cut, Drain, or Watercourse, belonging to or the Property of the said Corporation, or over which they have any Power or Control, whether the Navigation thereof be public or private, shall, unless with the Consent in Writing of the said *Bedford Level* Corporation, by some Order of the Board of that Corporation, signed by the Register, be so constructed (except as herein specially provided for) as not to obstruct or impede the Navigation thereof, or the Use and Enjoyment of the Towing Paths thereof; and that if the said Company shall, by any Act or Default offend against any Provision of this Act touching or concerning the Drainage of the Lands within the said Great Level, or the Navigation of any of the said navigable Rivers, Canals, Cuts, Drains, or Watercourses, and shall for the Space of Ten Days after due Notice thereof from the said Corporation of the *Bedford Level*, or the Bodies respectively aggrieved, fail to repair any Injury which shall be occasioned thereby, the said Company shall for every such Offence forfeit the Sum of One hundred Pounds for every Day during which such Offence shall continue, which said Sum may be recovered by any Bodies or Parties interested in such Drainage or Navigation, together with full Costs of Suit against the said Company, by Action of Debt in any of the Superior Courts; provided also, that nothing in this Act contained shall prevent any Bodies or Parties aggrieved by any Act or Default of the said Company touching the said Drainage or Navigation from recovering from the said Company special Damages for any Injury that may be done or occasioned to the Drainage of any of the Lands within the said *Bedford Level*, or the Works for protecting or preserving the same, or to the Navigation of the said Rivers, Canals, Cuts, Drains, and Watercourses as aforesaid, by or through the Act or Neglect or Default of the said Company, or the Effect or Operation of the Works to be executed by the said Company.

Mode of executing Works

XV. And be it enacted, That in the Formation of such Part of the said Line of Railway as is intended to pass over, across, or along any Part

Part of the Barrier or other defensive Banks running by the Sides of any of the Rivers or Drains within the said Great Level it shall not be lawful (as to those Barrier and other defensive Banks maintained by the Corporation of the *Bedford Level*, without the Consent in Writing of the Governor, Bailiffs, and Conservators, by some Order of the Board, signed by the Register, and as to other defensive Banks maintained by District or other Commissioners of Drainage, or the Owners of private Drainages, without their respective Consents in Writing) for the said Company, or their Successors, Officers, or Contractors, at any Time or Times to cut or interfere with, or to place or drive down any Wood, Iron, or other Piles, or to erect any Pier or Building upon or into the puddled Wall of any Barrier or other defensive Bank, or within Ten Feet on the Water Side and Twenty Feet on the Land Side of the Centre of such puddled Wall or Centre of such said Barrier or other defensive Banks, or to cut or carry away any Earth or Soil, or open any Hole or Trench, within One hundred Yards from the Centre or on the Land Side of the said Barrier or defensive Banks, under the Penalty of One hundred Pounds *per Diem* so long as any such Piles shall be so driven and remain therein, or such Earth or Soil shall be so cut or carried away, or any such Hole or Trench shall be so opened as aforesaid; in contravention of these Provisions such Penalties with Costs to be from Time to Time payable to and recoverable by the Parties respectively aggrieved by Action of Debt in any of the Superior Courts.

Penalty for cutting across Barrier and other Banks.

XVI. And be it enacted, That previous to any Work being commenced upon or over any of the Barrier or other defensive Banks the said Company shall, at their own Costs and Charges, well and sufficiently, and in a proper and workmanlike Manner, widen and strengthen such Barrier or other defensive Banks to the Extent of not less than Two Yards in Thickness on the outer or Land Side, and for a Distance of not less than Twenty Yards in Length on either Side of the Line of the proposed Railway over such Barrier or other defensive Banks if the same shall be required by the said *Bedford Level* Corporation or by the Parties respectively liable to the Maintenance of such Banks.

Barrier Banks to be strengthened.

XVII. And be it enacted, That it shall not be lawful for the said Company to execute any of their Works within the said Great Level in such Manner as will unite the Drainage of any District or Fens in the said Great Level with the Drainage of any other District, or will extend any public or private Drainage in the said Great Level to any Land not previously drained thereby.

Works of the Company not to unite Drainage of Districts in the Bedford Level.

XVIII. And be it enacted, That any Lands within or without the said Great Level which may be required to be taken or used by the said 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 or Drainage Charges, shall remain and be subject to all such Drainage Taxes or Drainage Charges as now are or hereafter shall be imposed on the said Lands under or by virtue of such Act, or any Act which may hereafter be passed for amending such Act, in the same Manner, but not to any greater Extent, than if this Act had not passed,

Certain Lands taken by the Company to be subject to Drainage Taxes.

passed, or if such Lands had not been taken or used by the said Company, and that such Taxes and Charges, and any Penalties that may be incurred for Nonpayment thereof, shall be recoverable not only by Distress and Sale of any Goods and Chattels belonging to the said Company, but also by and under the Powers and Provisions of any Act of Parliament under which the same Lands have been or shall be assessed, rated, taxed, or charged.

Reservation of the Rights of the Bedford Level Corporation and other Bodies.

XIX. And be it enacted, That nothing herein contained shall in any Manner diminish, prejudice, alter, interfere with, or impede, or in anywise affect the Estates or the Exercise of any of the Estates, Rights, Interests, Privileges, Powers, or Authorities whatsoever now exercised by or vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level, or of the Governor, Bailiffs, and Conservators of the said Level, or of their Officers or Servants, or exercised by or vested in any Body or Bodies, Commissioners of Drainage or Navigation acting in execution of any Act or Acts of Parliament affecting the said Great Level of the Fens or any Part thereof, save and except so far as the same Rights, Privileges, or Authorities are altered or interfered with by this Act for the necessary Purposes of executing the said Railway or the several other Works connected therewith by this Act authorized to be made.

Preserving Rights of Drainage over the Great Level of the Fens, called Bedford Level.

XX. And be it enacted, That nothing herein contained shall tend to lessen or control any Rights, Powers, or Authorities now vested in or enjoyed by any Bodies or Persons for varying, altering, or diverting any existing Bridges, Rivers, Cuts, Drains, or Watercourses used for the Drainage of any Lands within the said Great Level of the Fens called the *Bedford Level* or any of them, or to prevent or restrain the making of any new Bridges, Rivers, Cuts, Drains, or Watercourses for improving the Drainage thereof, or of altering or enlarging any existing Bridges, Rivers, Cuts, Drains, or Watercourses; but that all such Rights, Powers, and Authorities shall remain in as full Force as if this Act had not passed; and the said Bodies or Persons shall not be liable to make any Compensation for any Damage or Injury occasioned by varying, enlarging, or diverting any existing Bridges, Rivers, Cuts, Drains, or Watercourses, or making any new Bridges, Cuts, Drains, or Watercourses to any greater Extent or Amount than they would have been liable to if the said Railway had not been made: Provided always, that in so varying, altering, enlarging, or diverting the existing Bridges, Rivers, Cuts, Drains, or Watercourses or making any such new Bridges, Rivers, Cuts, Drains, or Watercourses as aforesaid, nothing shall be done to impede or interfere with the Use of the said Railway, or the Traffic thereupon, for any greater Length of Time, or in any other Manner, than shall be necessary for the Execution of the said Works.

Provision respecting the making or executing any new Bridge, Culvert, or Tunnel.

XXI. And be it enacted, That in making or erecting any Bridge, Culvert, or Tunnel over or under the said Railway, which may be rendered necessary by the Alteration or Diversion of any existing Rivers, Cuts, Drains, or Watercourses within the said Great Level, or the making of any new Rivers, Cuts, Drains, or Watercourses within the said Great Level after the Completion of the said Railway, and

not rendered necessary by the Formation of the said Railway, the same shall be done at the joint Expence of the said Company and the respective Bodies or Persons requiring the same; and that in case any Dispute shall arise between the said Bodies or Persons and the said Company touching the Mode of erecting such Bridge, Culvert, or Tunnel, or the Costs thereof, the Matter so in dispute shall be referred to Arbitration, in the Manner set forth and provided in the Companies Clauses Consolidation Act, 1845.

The Company to make good all Injury occasioned by the Works of the Railway to the Navigation.

XXII. And be it enacted, That if at any Time after the said Railway shall have been completed any Injury or Damage shall be occasioned or arise to any of the Rivers within the said Great Level, or without the said Great Level, through and along which the Waters thereof pass to the Outfall at Sea, or to the Navigation thereof, or to the Banks or Towing Paths thereof, from the Formation of any Bridge, Embankments, Ditches, Culverts, or other Works of the said Railway, which may not have been foreseen or provided for by this Act, the said Company shall make good and repair such Injury or Damage immediately after the Discovery thereof, and also make full Compensation to any Party or public Body aggrieved for such Injury or Damage, and shall also execute such Works for the Prevention of any future Injury as shall be deemed necessary, so far as relates to any Works belonging to or the Property of the said *Bedford Level* Corporation, by some competent Engineer to be appointed for that Purpose by the said Governor, Bailiff, and Conservators of the Great Level; and so far as relates to any Works belonging to or the Property of any other Body or Party, by Two Referees to be appointed for that Purpose, one to be appointed by the said Company and the other by the respective Body or Party interested, or by an Umpire to be appointed by Two such Referees, such Works to be executed within such Time and in such Manner as shall be fixed and specified by such Engineer, Referee, or Umpire respectively, or such Damage, and Compensation shall be payable to and receivable by the Parties respectively aggrieved, by all or any of the Ways or Means by which any Damage or Compensation is made recoverable by the Companies Clauses Consolidation Act, 1845, and that the Costs of the said Engineer and Reference shall be borne by the said Company.

Railway Company to keep certain Parts of Towing Paths in repair.

XXIII. And be it enacted, That the said Company shall and they are hereby required, at their own Expence, for ever hereafter to maintain and keep in perfect Repair such Parts of the several Barrier and other Banks and Towing Paths, for the Space or Distance of not less than Fifty Yards on each Side of the said Railway, by the Sides of the said several navigable or other Rivers, Cuts, Canals, Drains, and Watercourses within the said Great Level as shall be altered or interfered with by the said Company, and the Expence of repairing and mending shall be borne and paid by the said Company for the Space or Distance above mentioned.

When Railway shall affect the Course of present Towing Paths

XXIV. And be it enacted, That where, in the making and constructing of the said Railway, it shall be necessary to alter the Course of any of the Towing Paths of any of the said navigable Rivers, Canals, Cuts, Drains, and Watercourses used for Navigation within or

Company to alter the Course of such Towing Paths in a convenient Manner.

or without the said Great Level, or any Roadway or Drove upon, along, or under any of the Barrier or other Banks, or otherwise the said Company shall and they are hereby required to make such Alteration in a proper, convenient, and efficient Manner, and so as not to impede the Navigation of any of the said Rivers, Canals, Cuts, Drains, and Watercourses, or the Passage of any Roadways or Droves, and that the Navigation and Passage of Waters through the same, or the Passage of the said Roadways or Droves shall not, during the Construction of the said Railway, or for the Repairs thereof, when made, be hindered, impeded, or obstructed for a longer Period than shall be absolutely necessary for making, executing, erecting, or repairing any of the several Works necessary for the Construction or Repair of the said Railway: Provided always, that nothing herein contained shall prevent, or be deemed, construed, or taken to prevent, the said Company from making and continuing such Railway and Works across such Towing Paths, Roadways, or Droves on the Level.

General Directions for crossing Rivers throughout the Bedford Level.

XXV. And be it enacted, That all Rivers, Drains, and Watercourses within the said Great Level, and all other Rivers, Drains, and Watercourses under the Control or affecting the Interests of the Corporation of the *Bedford Level* (except those herein specially mentioned), shall be crossed by Bridges of a single Span each, of full and ample Dimensions.

Company to repair Works erected by them.

XXVI. And be it enacted, That the said Company shall from Time to Time, and at all Times hereafter, well, sufficiently, and substantially repair, uphold, maintain, and support all Works constructed by the said Company within or without the said Great Level, in any way affecting the Drainage or Navigation or Efficiency of the Works of the said Great Level.

Works of Bedford Level to be executed under the Superintendence of an Engineer.

XXVII. And be it enacted, That the Details and Mode of constructing the several Works herein directed to be executed protecting the Interests of the *Bedford Level* Corporation, together with all necessary and contingent Works, whether temporary or permanent, and as well as those which are as those which are not specifically mentioned, but which are necessarily consequent or fairly implied by the several Stipulations and Conditions herein provided for, shall be carried out in a proper and efficient Manner to the reasonable Satisfaction of an Engineer to be appointed by the Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, if they shall think fit; and the Costs of such Appointment or Reference shall be borne by the said Company.

Company to provide Means to remove Ice during Floods.

XXVIII. And be it enacted, That the said Company shall, at all Times when the Occasion may arise, take all necessary Measures for removing, and shall remove and cause to pass down with the Stream, so as not to obstruct the Flow of Water, any Ice that may be formed at or against any of the Works of the said Company in any of the said navigable or other Rivers or Watercourses within or without the said Great Level, so as effectually to prevent any Ice accumulating or remaining at or against any of the said Railway Works or Bridges; and if the said Company should not so break and effec-

tually remove the Ice, or if from any Cause whatever any Ice should so accumulate against any of the said Works of the Company, the Superintendent General, or any of the Agents or Workmen of the said *Bedford Level* Corporation, or of any other public Body interested in the said navigable or other Rivers and Washes, and having Control over the same, may proceed to take Measures for removing such Ice, and may recover the Amount of any Costs or Charges so incurred by Neglect of the said Company, in such and the like Manner as is directed for the summary Recovery of Penalties and Costs in the Companies Clauses Consolidation Act, 1845.

Power of Pre-emption if the Railway be discontinued.

XXIX. And be it enacted, That if at any Time or Times after the said Railway shall be completed such Railway, or any Part thereof, shall from unforeseen Circumstances be discontinued and not used for the Purposes of carrying Passengers, or for carrying Goods or other Traffic, then and in such Case the said Company shall and they are hereby required, in the first instance, to offer the Land whereon such Railway shall have been constructed to the original Proprietors of such Lands purchased for the Purpose of making such Railway, or their Assigns or legal Representatives, at a Sum not exceeding the original Price paid for the same by the said Company.

Penalty on Company neglecting to raise Banks, &c.

XXX. And be it enacted, That if the Company shall neglect or refuse to raise the Banks or to stop the Soakage for the Space of Fourteen Days after Notice requiring them so to do, duly served as aforesaid, they shall be subject to a Penalty not being less than One Pound for every Hour during which the same or any similar or like Obstruction, or such Damage or Injury occasioned thereby, shall at any Time occur, remain, or happen after the Expiration of Fourteen Days, which Penalty may be recovered against the said Company by the said *Middle Level* Drainage Commissioners by Action of Debt in any of the Superior Courts.

How Communications with Ipswich and Bury St. Edmunds Railway to be made.

XXXI. And be it enacted, That all Communications between the Railways hereby authorized to be made and the *Ipswich and Bury Saint Edmunds* Railway, and all Works upon the Property of the *Ipswich and Bury Saint Edmunds* Railway Company which may be necessary or convenient for effecting such Communication, shall be made at the Expence of the *Newmarket and Chesterford* Railway Company, and under the joint Direction and Superintendence of the Engineer for the Time being of the *Ipswich and Bury Saint Edmunds* Railway Company and of the *Newmarket and Chesterford* Railway Company; provided that if any Difference shall arise between the said Engineers touching the Matters aforesaid, the same shall be settled by an Engineer to be appointed by the Commissioners of Railways.

As to effecting Junction of Railways.

XXXII. And whereas, according to the Plans deposited as aforesaid, the Line of Railway by this Act authorized from *Newmarket* to *Bury Saint Edmunds* is proposed to form a Junction with the *Ipswich and Bury Saint Edmunds* Railway, in or near the Station Yard belonging to the *Ipswich and Bury Saint Edmunds* Railway Company,

Company, and which is numbered 18, 19, 20, 21, and 22 in the said Plans in the Parish of *Saint James Bury Saint Edmunds*; be it enacted, That nothing in this Act contained shall authorize the said *Newmarket and Chesterford* Railway Company to construct the Railway by this Act authorized so as to join the said *Ipswich and Bury Saint Edmunds* Railway in any other Manner than as shown on the said Plans, nor shall it be lawful for the said last-mentioned Company to purchase or take any of the said Station Yard, or any of the Lands numbered as aforesaid, save for the Purpose of effecting such Junction as aforesaid, without the Consent in Writing of the *Ipswich and Bury Saint Edmunds* Railway Company first had and obtained.

As to Completion of certain Portions of the Works.

XXXIII. And whereas a Bill is now pending in Parliament, intituled *A Bill to enable the* Newmarket and Chesterford *Railway Company to extend their Line of Railway to* Thetford *in the County of* Norfolk: And whereas it is expedient that Security should be afforded for the early Completion of the Railway and Branch Railway by this Act authorized; be it therefore enacted, That if at the End of Five Years from the passing of this Act the whole of the Railway authorized to be constructed by this Act shall not have been constructed, it shall not be lawful for the said Company to demand or receive any Toll for the Use of the said Railway between *Kentford* and *Thetford* by the said Bill authorized.

Lands for extraordinary Purposes.

XXXIV. 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.

XXXV. 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.

XXXVI. And be it enacted, That in case the Railway and Branch 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 and Branch Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway and Branch Railway as shall then be completed.

Certain Roads may be crossed on a Level.

XXXVII. And whereas the Railway and Branch 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 to say,) on the Extension to *Bury Saint Edmunds* 1 a and 26 in *Wood Ditton*, 16 in *Higham*, and 3 and 19 in *Risby*; on the Branch to *Ely* 3 and 21 in *Kennet*, 16, 18, 32, and 35 in *Chippenham*, 10, 19, and 33 in *Fordham*, 41, 45, 81, 103, 115, 127, 181, 188, and 198 in *Soham*, 14 in *Stuntney*, and 11 in the *Holy Trinity* or *Saint Mary* in *Ely*; and it is expedient that the said Line of Railway and Branch 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

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 and Branch Railway across the said Highways on the Level thereof.

Company to erect Stations at Points of crossing, and to be subject to Rules, &c. of Commissioners of Railways.

XXXVIII. 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.

XXXIX. And be it enacted, That it shall be lawful for the Company to demand and receive in respect of the Use of the Railway and Branch 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 the Place of Meetings of Directors and Shareholders repealed.

XL. 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.

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

XLI. 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 and Branch 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, Branch Railway, and Company so far as the same shall be applicable thereto.

Costs of Act.

XLII. 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.

XLIII. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railway and Branch Railway by this Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act 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.

XLIV. 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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