ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxv.

An Act to enable The *Newmarket* Railway Company to make certain Alterations in the Levels of their Railway, and to construct a new Line of Railway between *Newmarket* in the County of *Cambridge* and *Bury St. Edmunds* in the County of *Suffolk*; to alter their Capital; and for other Purposes.

[17th *June* 1852.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, 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," for the Purpose of making the said Railway and Branch Railway, and the same has been constructed, and is now open for public Use: And whereas it was enacted by the said Act that the Capital of the said Company should be Three hundred and fifty thousand Pounds, and that the same should be divided into Fourteen thousand Shares of Twenty-five Pounds each; And whereas the whole of the said Capital has been paid up and expended: 9 & 10 Vict. c. 172.

expended: And whereas by another Act passed in the Session of Parliament held in the Tenth Year of the Reign of Her present Majesty, having the Short Title of "The *Newmarket and Chesterford* (*Thetford* Extension) Railway Act, 1847," the said Company were authorized to extend their Line of Railway from *Newmarket* aforesaid to *Thetford* in the County of *Norfolk*: And whereas by the said last-mentioned Act the said Company were authorized to raise an additional Capital of Four hundred and twenty-five thousand Pounds by the Creation of new Shares or Stock: And whereas by another Act passed in the same Session of Parliament, having the Short Title of "The *Newmarket and Chesterford* (*Bury* Extension and *Ely* Branch) Railway Act, 1847," the said Company were authorized to extend their Line of Railway from *Newmarket* aforesaid to *Bury St. Edmunds* in the County of *Suffolk*, and to make a Branch Railway from such last-mentioned Extension to the City of *Ely* in the County of *Cambridge*: And whereas by the said last-mentioned Act the said Company were authorized to raise an additional Capital of Four hundred and seventy-five thousand Pounds by the Creation of new Shares or Stock, and by the same Act, after reciting that a Bill was then pending in Parliament to authorize the Construction by the said Company of a Line of Railway from *Newmarket* to *Thetford*, and that a Portion thereof between *Newmarket* and *Kentford* would be available for the Purposes of the Traffic of the Line of Railway by that Act authorized, and that the Capital required for the Construction of that Portion of the Line was One hundred and sixty-five thousand Pounds, it was enacted, that the Line of Railway 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 should not, in the event of the said Bill passing into a Law, be carried into effect under the Powers of the now-reciting Act, but all the Powers and Provisions thereof with reference to such Portion of the said Line of Railway and the raising of Capital for that Purpose should in the event aforesaid thence cease and determine: And whereas the said Bill did pass into a Law, and the Capital of Four hundred and seventy-five thousand Pounds authorized to be raised by the said thirdly-recited Act was consequently reduced to Three hundred and ten thousand Pounds: And whereas the total Amount of Capital authorized to be raised by the said Company under the said secondly and thirdly recited Acts is Seven hundred and thirty-five thousand Pounds: And whereas it has been ascertained that a smaller Sum than the said Sum of Seven hundred and thirty-five thousand Pounds, that is to say, One hundred and sixty-eight thousand seven hundred and fifty Pounds, will be sufficient for the Purposes of the secondly and thirdly recited Acts, and of this Act, and it is therefore expedient that the Capital to be raised under the said last-mentioned Acts should be reduced to the

the said Sum of One hundred and sixty-eight thousand seven hundred and fifty Pounds: And whereas by the said "*Newmarket and Chesterford* (*Thetford* Extension) Railway Act, 1847," the Style and Title of the said Company was changed to "The *Newmarket* Railway Company:" And whereas no Part of the Lines of Railway authorized by the secondly and thirdly recited Acts has yet been commenced, and it is expedient that the said Company should be authorized to relinquish the Construction of the said authorized Lines between *Newmarket* and *Kentford* and *Kentford* and *Bury St. Edmunds*, and to substitute another and less expensive Line of Railway between the said Termini; and for the Purpose of forming a Junction with the proposed new Line it will be necessary to alter the Levels of the existing Line at the *Newmarket* End thereof; but the Objects aforesaid cannot be effected without the Aid and 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,

8 & 9 Vict. cc. 16. 18. & 19. incorporated with this Act.

I. That the "Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, save as to such Parts thereof as may be expressly varied or altered by this Act.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Newmarket* Extension Railway Act, 1852."

Thetford Extension Capital reduced.

III. That it shall be lawful for the said Company to raise a Capital of Seventy-nine thousand six hundred and eighty-seven Pounds Ten Shillings, under the Powers and Provisions of "The *Newmarket and Chesterford* (*Thetford* Extension) Railway Act, 1847," and no more, and such Capital shall be divided into Twelve thousand seven hundred and fifty Shares of Six Pounds Five Shillings each, anything in the said last-mentioned Act, or any Act incorporated therewith, to the contrary notwithstanding.

Power to borrow on Mortgage, &c.

IV. That (notwithstanding anything in the said "*Newmarket and Chesterford* (*Thetford* Extension) Railway Act, 1847," or any other Act incorporated therewith, to the contrary contained), it shall be lawful for the said Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Twenty-six thousand five hundred and sixty-two Pounds Ten Shillings; but no Part of such Sum shall be borrowed until the whole of the said Share Capital of Seventy-nine thousand six hundred and eighty-seven Pounds Ten Shillings shall

shall have been subscribed for, and One Half thereof shall have been actually paid up.

Bury Extension Capital reduced.

V. That it shall be lawful for the said Company to raise a Capital of Eighty-nine thousand and sixty-two Pounds Ten Shillings under the Powers and Provisions of "The *Newmarket and Chesterford* (*Bury* Extension and *Ely* Branch) Railway Act, 1847," and no more, and such last-mentioned Capital shall be divided into Fourteen thousand two hundred and fifty Shares of Six Pounds Five Shillings each, anything in the said last-mentioned Act, or any Act incorporated therewith, to the contrary notwithstanding.

Power to borrow on Mortgage. &c.

VI. That (notwithstanding anything in the said "*Newmarket and Chesterford* (*Bury* Extension and *Ely* Branch) Railway Act, 1847," or any other Act incorporated therewith, to the contrary contained,) it shall be lawful for the said Company to borrow on Mortgage or Bond any Sums not exceeeding in the whole the Sum of Twenty-nine thousand six hundred and eighty-seven Pounds Ten Shillings; but no Part of such Sum shall be borrowed until the whole of the said Share Capital of Eighty-nine thousand and sixty-two Pounds Ten Shillings shall have been subscribed for, and One Half thereof shall have been actually paid up.

Restricting Application of Money borrowed.

VII. That the Money so to be borrowed as herein-before mentioned shall when raised be applicable only to the Objects and Purposes by the said secondly and thirdly recited Acts and this Act authorized.

Every Holder of a 25*l.* Share to become the Holder of a 12*l.* 10*s.* Share.

VIII. That every Person or Corporation in whom any Share in the additional Capital of the Company authorized to be raised under the secondly and thirdly recited Acts or either of them shall be vested at the Time of the passing of this Act shall immediately after the passing of this Act stand and be possessed of One Share of the nominal Value of Six Pounds Five Shillings in the Capital of the Company for every Share in such additional Capital of the nominal Value of Twenty-five Pounds held by him immediately before and at the Time of the passing of this Act, and upon the same Trusts, and subject to the same Provisions, Declarations, Agreements, Charges, and Incumbrances, to which every such Twenty-five Pound Share was subject and liable immediately before the passing of this Act, and so as to give effect to and not revoke any Will or testamentary Instrument disposing of or affecting any Twenty-five Pound Share.

Certificates of 25*l.* Shares to be cancelled and exchanged for similar

IX. That within One Month after the passing of this Act the Secretary of the Company shall give Notice to every Shareholder holding Shares in the said additional Capital, by Circular sent by Post in a registered Letter to his last known Place of Abode or Business

Business as described in the Shareholders Address Book, that he is required, within a Period to be fixed by the Directors and specified in the Notice, to forward the Certificates of all such Shares in the additional Capital of the Company held by him to the Office of the Secretary, to be cancelled and exchanged; and the Company shall cause all Certificates of Shares forwarded to the Secretary in pursuance of such Notice to be cancelled, and shall cause to be forwarded to every such Shareholder, free of Expense, One new Certificate of the Proprietorship of an equal Number of Six Pound Five Shillings Shares, in lieu of each and every Certificate of Proprietorship of Twenty-five Pound Shares which shall have been received from him by the Secretary.

Certificates of 12*l.* 10*s.* Shares.

X. That all Sums of Money which at the Time of the passing of this Act shall have been actually paid up on the Shares created under the Powers of the secondly and thirdly recited Acts shall be deemed to have been paid up on the Shares to be substituted for the same in pursuance of the last preceding Enactment.

Calls paid on *25l.* Shares to be deemed to have been paid on 12*l.* 10*s.* Shares.

XI. That the Railway to be made under the Powers and Provisions of this Act shall be deemed to be the exclusive Property of the Shareholders under the *Newmarket and Chesterford* (*Thetford* Extension) Railway Act, 1847," and "The *Newmarket and Chesterford* (*Bury* Extension and *Ely* Branch) Railway Act, 1847," and the Capital to be raised under the said secondly and thirdly recited Acts and this Act shall be deemed to be One joint Capital in which the said Extension Shareholders shall be equally interested.

As to whom the Railway belongs.

XII. That nothing in this Act contained shall be deemed or construed to prejudice or affect the Right of the Company to enforce the Payment of Calls, or to declare Shares forfeited on Nonpayment of Calls, or to sue any Shareholder for any Amount which may from Time to Time be due from him in respect of Calls made before or at any Time subsequent to the passing of this Act, or to prevent the Recovery of such Amount, with lawful Interest from the Day on which such Calls were payable, in the Manner provided by the "Companies Clauses Consolidation Act, 1845," incorporated with the first-recited Act; and no Action, Suit, or other Proceeding at Law or in Equity commenced by the Company at any Time before the passing of this Act, against any Shareholder, for the Recovery of any Amount which may be due from him in respect of Calls, shall abate or be discontinued or prejudicially affected by reason of anything in this Act contained.

Powers for enforcing the Payment of Calls not to be prejudiced, and Actions not to abate.

XIII. That the said Company shall and may abandon and refrain from making all such Parts of the Line of Railway by the said "*Newmarket*

Company may abandon original

Scheme rendered unnecessary by Deviation.

market and Chesterford (*Thetford* Extension) Railway Act, 1847," and the said "*Newmarket and Chesterford* (*Bury* Extension and *Ely* Branch) Railway Act, 1847," or either of them, authorized to be made, as lies between the Town of *Newmarket* in the County of *Cambridge* and the said Town of *Bury St. Edmunds*, and which by reason of the Alteration or Deviation by this Act authorized may be rendered unnecessary; and that all the Powers and Authorities given to the Company by the said recited Acts, and the Acts incorporated therewith, or either of them, (so far as the same Powers and Authorities respectively refer to the actual Construction of the Parts so to be abandoned,) shall immediately after the passing of this Act cease and determine.

Power to make Railway according to deposited Plans.

XIV. And whereas Plans and Sections showing the Alterations to be made in the Levels of the existing *Newmarket and Chesterfield* Railway, and the Lines and Levels of the proposed Railway between the Towns of *Newmarket* and *Bury St. Edmunds* aforesaid, and also Books of Reference containing the Names of the reputed Owners, Lessees, and Occupiers of the Land through which the same are intended to pass, have been deposited with the respective Clerks of the Peace for the Counties of *Suffolk* and *Cambridge*: Be it enacted, That, subject to the Conditions and Restrictions in this Act, and in the "Lands Clauses Consolidation Act, 1845," and in the "Railway Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company to alter the Levels of the *Newmarket and Chesterford* Railway, and to make and maintain a Railway in extension of their present Line of Railway, and in lieu of the Railway from *Newmarket* to *Bury St. Edmunds* to be abandoned as herein-before provided, upon the Lands delineated on the said Plans and described in the Books of Reference thereto, and according to the Levels described on the said Section, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Line of Railway.

XV. That the said intended Railway shall commence at or near the Town of *Newmarket* by a Junction with the said *Newmarket and Chesterford* Railway at the Terminus thereof in the Parish of *Wood Ditton* in the County of *Cambridge*, and shall terminate by a Junction with the *Eastern Union* Railway at or near the Terminus thereof near to the said Town of *Bury St. Edmunds* in the said County of *Suffolk*, 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, *Wood Ditton* and *Cheveley* in the County of *Cambridge*; *Exning* in the County of *Suffolk*; *Snailwell*, *Chippenham*, and *Kennet*, also in the said County of *Cambridge*; *Kentford Needham* otherwise *Needham Street*, *Gazeley*, *Higham Barrow*, *Little Saxham*,

Saxham, *Great Saxham*, *Fornham All Saints*, *Westley*, and *St. James Bury*, in the said County of *Suffolk*.

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

XVI. That all Communications between the Railway hereby authorized to be made and the *Eastern Union* Railway, and all Works upon the Property of the *Eastern Union* Railway Company which may be necessary or convenient for effecting such Communication, shall be made at the Expense of the *Newmarket* Railway Company, and under the joint Direction and Superintendence of the Engineers for the Time being of the *Eastern Union* Railway Company and of the *Newmarket* 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 Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations.

As to effecting Junction.

XVII. And whereas, according to the Plans deposited as aforesaid, the Line of Railway by this Act authorized from *Newmarket* to *Bury St. Edmunds* is proposed to form a Junction with the *Eastern Union* Railway in or near the Station Yard belonging to the *Eastern Union* Railway Company, and which is numbered 17 in the said Plans in the Parish of *St. James*, *Bury St. Edmunds*: Be it enacted, That nothing in this Act contained shall authorize the said *Newmarket* Railway Company to construct the Railway by this Act authorized so as to join the said *Eastern Union* Railway in any other Manner than as shown on the said Plans, nor shall it be lawful for the said *Newmarket* Railway 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 *Eastern Union* Railway Company first had and obtained.

Compensation to be made where Contracts entered into or Notice given.

XVIII. That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the *Newmarket* Railway Company for purchasing any Lands which they were by the said Acts empowered to purchase for the Purposes of the said Portion of Railway, the Powers to construct which are repealed by the last preceding Enactment, and from which Contract such Company would be relieved under the Provisions of this Act, the said Company shall make to the Owners or Occupiers of and other Persons interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act,

Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions of that Act.

Saving Rights of Owners, &c. to Compensation for Entry to survey and take Levels.

XIX. That the Repeal of the said Powers for constructing the said Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the said Company were so empowered to purchase as aforesaid to receive from the said Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained; but the said Company shall not be liable to make Compensation in any of the Cases aforesaid unless the Claim for such Compensation shall have been made within Six Months from the passing of this Act.

Land for extraordinary Purposes.

XX. That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes connected with the Railway hereby authorized, not exceeding Ten Acres.

Limiting Time for compulsory Purchase of Land.

XXI. That the Powers of the Company for the compulsory Purchase of Land for the Purpose of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Limiting Time for Completion of Works.

XXII. That the Works hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls.

XXIII. That it shall be lawful for the Company to demand and receive, in respect of the Use of the Railway and Works 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 *Newmarket and Chesterford* Railway Act, 1846."

Company may employ Funds under the existing Acts, for Purposes of this Act.

XXIV. That it shall be lawful for the *Newmarket* Railway Company to apply for or towards the Purposes of this Act any Sum or Sums of Money which they have raised or may raise under the Powers of the said recited Acts or any of them, or of this Act.

Forfeited Shares to merge in the Company.

XXV. That whenever any Share or Shares in the said Company shall have been duly declared to be forfeited, and such Forfeiture shall have

have been duly confirmed by the Company, pursuant to the Provisions of the "Companies Clauses Consolidation Act, 1845," it shall be lawful for the Company, at the Meeting at which such Forfeiture shall be confirmed, or at any subsequent General Meeting, either to direct the Shares so forfeited to be sold or otherwise disposed of as provided by the said Act, or to direct that the same shall be absolutely forfeited and merged in the Capital of the Company: Provided always, that if the Company shall direct that the same be absolutely forfeited and merged, it shall not be lawful for the said Company to commence or further prosecute any Suit for the Payment of Calls then in arrear on the Shares so directed to be forfeited.

Reserving Rights of Company.

XXVI. That, except so far as relates to the Abandonment of the Portions of the authorized Lines herein-before described, and except so far as relates to the Alterations of the Levels of the said *Newmarket and Chesterford* Railway within the Limits prescribed by this Act, nothing in this Act contained shall take away, prejudice, or lessen any of the Powers or Authorities now vested in the said Company under or by virtue of the said recited Acts, or which they might have exercised for any of the Purposes of such Acts if this Act had not been passed, but all such Powers and Authorities shall remain in full Force and Effect.

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

XXVII. That the Company shall not, out of any Money by this or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being 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 Railway or execute any other Work or Undertaking.

Interest not to be paid on Calls paid up.

XXVIII. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay 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 herei 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 to be subject to the Provisions of certain General Acts.

XXIX. Nothing in this Act contained shall be held to exempt the said Railways or the Company from the Provisions of the several Acts respectively herein-after referred to, that is to say, 1 & 2 Vict. Cap. 98., 3 & 4 Vict. Cap. 97., 5 & 6 Vict. Cap. 55., 7 & 8 Vict. Cap. 85., 9 & 10 Vict. Cap. 57., 9 & 10 Vict. Cap. 105., and 14 & 15 Vict. Cap. 64., but that the Provisions of the said Acts respectively shall be in force in respect to the said Railways and Company, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

XXX. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the first-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, or to the better and more impartial Audit of the Accounts of Railway Companies, 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.

Saving Rights of Sir Thomas R. Gage, Bart.

XXXI. Provided always, That nothing in this Act contained shall be held to alter, affect, or prejudice the Rights (if any) of Sir *Thomas Rokewode Gage*, or of the Company, under any Agreement heretofore entered into between them, or otherwise, or in any Action, Suit, or other Proceeding now pending or which may hereafter be instituted between them, notwithstanding the Provision herein-before contained limiting the Period during which the Owner or Occupier of any Lands which the Company were authorized to purchase under the Powers of the recited Acts or any of them may claim Compensation for Damage as herein-before mentioned.

Expenses of Act.

XXXII. All the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

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