ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. xciv.

An Act to empower the *Norfolk* Railway Company to make a Railway from *Wymondham* to *Diss*.

[2d *July* 1847.]

WHEREAS an Act was passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for* 5 & 6 Vict.
making a Railway from Great Yarmouth *to* Norwich *in* c. 82.
the County of Norfolk, whereby a Company was incorporated under the Name of "The *Yarmouth and Norwich* Railway Company:" And whereas another Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for making* 7 & 8 Vict.
a Railway from Norwich *to* Brandon, *with a Branch to* Thetford, c. 15.
whereby a Company was incorporated under the Name of "The *Norwich and Brandon* Railway Company:" And whereas an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Consolidation of the* Yarmouth and 8 & 9 Vict.
Norwich *and* Norwich and Brandon *Railway Companies, and for* c. 41.
authorizing the Construction of certain Works at Norwich *in connexion with the* Yarmouth and Norwich *Railway*, by which Act the said Companies were consolidated under the Name of "The *Norfolk* Railway Company," and the *Yarmouth and Norwich* and *Norwich and Brandon* Railways, and all Branches thereof respectively,

were vested in the said united Companies under the Name of "The *Norfolk* Railway:" And whereas the Provisions of the said recited Acts have been amended and enlarged by several subsequent Acts, passed respectively in the Eighth and Ninth and Ninth and Tenth Years of the Reign of Her said present Majesty: And whereas the making of a Railway from the said *Norfolk* Railway at or near *Wymondham* to the Town of *Diss* would be of public and local Advantage and Convenience; and the said *Norfolk* Railway Company are desirous to construct and maintain such Railway if authorized by Parliament so to do: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That the "Railways Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation Act, 1845," shall, so far as the same are applicable and are not modified by this Act or inconsistent with the Provisions thereof, be held to apply to the Railway and Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

8 & 9 Vict. cc. 18. and 20. extended to this Act.

Extending Provisions of 8 & 9 Vict. c. 41. to this Act.

II. And be it enacted, That all the Provisions of the said recited Act relating to the *Norfolk* Railway Company, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or are inconsistent with the Provisions of the said recited Lands Clauses Consolidation Act, or of the said Railways Clauses Consolidation Act as extended to this Act, shall extend to and be incorporated with this Act, in respect of the Railway and Works hereby authorized to be constructed, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to the said Railway and the Works; and the said last-mentioned recited Act and this Act shall be construed and read together as forming One Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and all legal Documents, it shall be sufficient to use the Expression "*Norfolk* Railway, *Diss* Branch Railway, Act, 1847."

Power to raise Money by Creation of new Shares and to form Part of general Capital.

IV. And whereas the estimated Expence of making the Railway hereby authorized is One hundred and sixty thousand Pounds; be it enacted, That it shall be lawful for the said Company to raise for the Purposes of this Act, upon the Credit of their Undertaking, the Sum of One hundred and sixty thousand Pounds by the Creation of new Shares, in addition to any Sums which they are already authorized to raise, upon such Terms 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; and the new Shares created by virtue of this Act shall be considered Part of the general Capital of the Company, and as such shall be subject to all the Provisions of the said recited Act, whereby the *Norfolk* Railway Company were incorporated, relating to such general Capital, except in so far as such Provisions or any of them may

be modified by or inconsistent with the Provisions next herein-after contained.

Power to borrow Money on Mortgage.

V. And be it enacted, That it shall be lawful for the Company to borrow 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 One Third of the Amount of the Share Capital authorized to be raised under the Authority of this Act, and in addition to the Sum authorized to be borrowed by the said recited Acts, provided that the whole Amount of the Share Capital of the Company shall have been subscribed for and One Half thereof paid up, and to secure the Repayment of the Sum so borrowed, with Interest, by Mortgage or Bond, in the same Manner and subject to the same Provisions as are by the said recited Act relating to the *Norfolk* Railway Company provided with respect to Money borrowed under the Authority of that Act.

Former Mortgages to have Priority.

VI. Provided always, and be it enacted, That all Mortgages granted by the Company, or for which they were liable before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages to be created by virtue of this Act.

Power to convert Loan into Capital.

VII. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the Sum by this Act authorized to be borrowed, or any Part thereof, by creating new Shares or Stock of 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 so think fit, by creating new Shares or Stock of the Company in manner aforesaid; but no such Augmentation of Capital shall take place without the previous Order of a General Meeting specially convened for that Purpose.

Interest not to be paid on Calls paid up.

VIII. And be it enacted, That it shall not be lawful for the said 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 Interest 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 said 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 said recited Acts or any of them in that Behalf contained.

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

IX. And be it enacted, That it shall not be lawful for the said 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 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

taining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway to be made according to deposited Plans.

X. And whereas Maps or Plans and Sections showing the Line or Situation and Levels of the Railway and Works by this Act authorized to be made, together with Books of Reference to the said Plan 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 Purposes of the said Railway and Works, have been deposited with the Clerks of the Peace of the Counties of *Suffolk* and *Norfolk*; be it therefore enacted, That, subject to the Powers of Deviation contained in the said "Railways Clauses Consolidation Act," the said Railway and Works shall be made in the Line or Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Line of Railway.

XI. And be it enacted, That the said Railway shall commence by a Junction with the *Norfolk* Railway in the Parish of *Besthorpe* and County of *Norfolk*, and shall terminate in the said Parish of *Diss* by a Junction with the *Norwich* Extension of the *Ipswich and Bury Saint Edmunds* Railway as at present authorized to be made.

Certain Roads may be crossed on a Level.

XII. And be it enacted, That, subject to the Provisions in the said "Railways Clauses Consolidation Act" contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company in the Construction of the Railway by this Act authorized to be made to carry the same across and on the Level of the several Highways numbered on the Plans deposited as herein-before mentioned as follows; (that is to say,)

In the Parish of *Diss*, the Road numbered 31:
In the Parish of *Shelfanger*, the Road numbered 21:
In the Parish of *Winfarthing*, the Roads numbered 25, and 46, 70, 107, and 111, respectively:
In the Parish of *Banham*, the Road numbered 1a:
In the Parish of *New Buckenham*, the Roads numbered 15 and 20 respectively:
In the Parish of *Old Buckenham*, the Road numbered 20:
In the Parish of *Besthorpe*, the Road numbered 36.

Company to erect a Station or Lodge at the Points of Crossings and to abide by the Regulations of the Commissioners of Railways.

XIII. And be it enacted, That for the greater Convenience and Security of 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; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch

watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Junction to be made under the Superintendence of the Engineer of the Ipswich and Bury St. Edmunds Railway Company.

XIV. And be it enacted, That the Junction with the *Norwich* Extension of the *Ipswich and Bury Saint Edmunds* Railway hereby authorized to be made, and all such Openings in the Ledges or Flanches of such Railway as may be necessary or convenient for effecting such Junction, shall be made and effected under the Direction and Superintendence of the Engineer for the Time being of the *Ipswich and Bury Saint Edmunds* Railway Company, or of such other Person as may be authorized by them for that Purpose, at the Expence of the *Norfolk* Railway Company.

Not to take Lands of the Ipswich and Bury St. Edmunds Railway Company without Consent.

XV. And be it enacted, That nothing in this Act contained shall extend to authorize the said *Norfolk* Railway Company to take or enter upon any of the Lands belonging to the *Ipswich and Bury Saint Edmunds* Railway Company, or to alter, vary, or interfere with the *Norwich* Extension of the *Ipswich and Bury Saint Edmunds* Railway or any of the Works thereof, without the Consent in Writing of the *Ipswich and Bury Saint Edmunds* Railway Company in every Instance for that Purpose first had and obtained.

Saving Rights of the Ipswich and Bury St. Edmunds Railway Company.

XVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *Ipswich and Bury Saint Edmunds* Railway Company in and by the several Acts relating to such Railway, but saving and reserving to the said *Ipswich and Bury Saint Edmunds* Railway Company all the Rights, Privileges, and Franchises, and also saving all such Powers, Authorities, and Provisions in such Acts respectively contained as if this Act had not been passed.

Lands for extraordinary Purposes.

XVII. And be it enacted, That it shall be lawful for the Company, in addition to the Lands which they are at present authorized to purchase, and in addition also to the Lands herein-before authorized to be purchased by them for the Purposes of the Construction of the Railway and Works by this Act authorized, to contract with any Party willing to sell the same for the Purchase of and to purchase any Land adjoining or near to the said Railway, not exceeding in the whole Thirty Acres, for any of the extraordinary Purposes specified in the said "Railways Clauses Consolidation Act."

Compulsory Purchase of Lands limited.

XVIII. 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.

XIX. And be it enacted, That the Railway and Works by this Act authorized shall be completed within Five Years from the passing of this Act.

Tolls and Charges.

XX. And be it enacted, That it shall be lawful for the said Company to demand and receive, in respect of the Use of the Railway hereby authorized to be made, and in respect of the Use of Carriages and Engines used thereon, and for the Conveyance of Passengers, Goods, and Cattle thereon, any Tolls or Charges not exceeding the Tolls and Charges which they are authorized to demand and receive for similar Purposes upon the *Norfolk* Railway under and by virtue of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for altering the Line of the* Norwich and Brandon *Railway, and for making a Branch therefrom to* East Dereham *in the County of* Norfolk.

8 & 9 Vict. c. 154.

Expences of Act.

XXI. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of all other Acts of Parliament passed in the present Session to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to every other Payment whatsoever.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

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

Railway to be subject to Provisions of any general Act.

XXIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts 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 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.

XXIV. And

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

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