CHAPTER cviii.

An Act to enable the Thetford and Watton Railway Company to extend their Railway to join the Bury Saint Edmunds and Thetford Railway; and for other purposes. A.D. 1873.

[7th July 1873.]

WHEREAS by "The Thetford and Watton Railway Act, 1866" (herein called the Act of 1866), the Thetford and Watton Railway Company (who are herein referred to as "the Company") were incorporated for making a railway from the Great Eastern Railway to Watton in the county of Norfolk, to be called "the Thetford and Watton Railway:" 29 & 30 Vict. c. excviii.

And whereas the said railway has been made and has been for some time opened to the public:

And whereas the extension of the Thetford and Watton Railway to join the authorised Bury Saint Edmunds and Thetford Railway now in course of construction would be attended with local and public advantage, and the Company are willing so to extend their railway:

And whereas the railway by this Act authorised is identical with a portion of the authorised railway of the Bury Saint Edmunds and Thetford Railway Company, and so much of the said authorised railway as lies between the north side of the Thetford and Norwich turnpike road in the parish of Thetford Saint Cuthbert in the county of Norfolk and the point of termination of the railway by this Act authorised in the extra-parochial places of Great and Little Snare Hill in the said county is now in course of construction by the Bury Saint Edmunds and Thetford Railway Company, and it is expedient that the Company and the Bury Saint Edmunds and Thetford Railway Company should enter into the arrangements by this Act authorised:

And whereas the said extension as originally proposed was intended to be effected by a line of railway to be constructed as to

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the greater part close and nearly parallel to the Great Eastern Railway, but the necessity of making this portion of the railway can be avoided by the use of a portion of the said Great Eastern Railway, and to this the Great Eastern Railway Company have consented, as well as to a junction with their railway of the railway by this Act authorised:

And whereas by the Watton and Swaffham Railway Act, 1869, the Watton and Swaffham Railway Company were incorporated and authorised to extend the Thetford and Watton Railway to the Great Eastern Railway at Swaffham in Norfolk:

And whereas it is expedient that the Company have power to subscribe to the said Watton and Swaffham Railway:

And whereas it is also expedient that power be given to the Company, the Great Eastern Railway Company, and the Bury Saint Edmunds and Thetford Railway Company to enter into agreements as herein-after specified:

And whereas plans and sections, showing the lines and levels of the railway authorised by this Act and the lands required or which may be taken for the purposes of the railway, together with books of reference, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, were duly deposited with the clerk of the peace for the county of Norfolk, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act 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 of the United Kingdom of Great Britain and Ireland in Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as "The Thetford and Watton Railway (Extension) Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Parts I. and III. of "The Railways Clauses Act, 1863" (relating respectively to "construction of a railway" and to "working agreements"), and the clauses and provisions of "The Companies Clauses Consolidation Act, 1845,"

With respect to the distribution of the capital of the Company into shares;

The transfer or transmission of shares;
The payment of subscriptions and means of enforcing the payment of calls;
The forfeiture of shares for nonpayment of calls;
The remedies of the creditors of the Company against shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of borrowed money into capital;
The consolidation of shares into stock;
The giving of notices;
The provision to be made for affording access to the special Act by all parties interested;

And also Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Thetford and Watton Railway Company; the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make railway according to deposited plans.

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

A railway, seven furlongs and seven chains or thereabouts in length, wholly situate in Norfolk, commencing by a junction with the Great Eastern Railway in the parish of Thetford Saint Peter at a point opposite to a field in the said parish numbered 2 upon the deposited plans, and terminating by a junction with

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the authorised Bury Saint Edmunds and Thetford Railway in or near a field in Great and Little Snare Hill numbered 6 upon the deposited plans referred to in "The Bury Saint Edmunds and Thetford Railway Act, 1870."

Power to join the Great Eastern Railway.

5. Subject to the provisions of "The Railways Clauses Act, 1863," as to junctions, the Company are hereby authorised to make and maintain the junction before described with the Great Eastern Railway although such junction is not, and as if it had been, shown upon the deposited plans; and nothing in this Act contained shall enable the Company to construct any part of the railway shown upon the deposited plans, save and except the portion thereof described in the immediately preceding enactment.

Widths of certain roadways.

6. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

Number on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
7	Thetford Saint Cuthbert -	Turnpike -	25 feet.
4	Great and Little Snare Hill	Public - -	20 feet.
7	Ditto - - -	Ditto - -	20 feet.

Power to run over and use part of Great Eastern Railway.

7. The Company and any company lawfully working their railway may, with their engines, carriages, and servants, and for the purposes of traffic of all kinds, at all times run over and use so much of the Great Eastern Railway as lies between the junction therewith of the authorised railway of the Company and the junction therewith of the railway by this Act authorised, and the Great Eastern Railway Company shall afford all requisite facilities for giving full effect to the powers contained in this section. The terms and conditions of the user as aforesaid, and the tolls, charges, or other consideration to be paid for the same, shall be such as shall from time to time be agreed upon between the Company and the Great Eastern Railway Company, or, failing such agreement or agreements, as shall from time to time be determined by arbitration.

Great Eastern bye-laws to be observed.

8. The Company and any company lawfully working their railway, in using and traversing the said portion of railway of the Great Eastern Railway Company in accordance with the provisions of this Act, shall at all times observe the regulations and byelaws for the time being in force on that portion of railway.

Powers for compulsory purchases limited.

9. 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 two years from the passing of this Act.

Period for completion of railway.

10. If the railway be not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Penalty imposed unless the line is opened within the time limited.

11. If the Company fail, within the period limited by this Act, to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per cent. on the estimated cost of the works; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Paymaster General on behalf of the Court of Chancery in England in the bank named in such warrant or order, and shall not be paid thereout except as hereinafter provided; but no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control, provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of moneys recovered by way of penalty.

12. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such

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proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Chancery in England thinks fit to order on the application of the solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Railway as to tolls, &c. to form part of original railway.

13. The Company may demand and take in respect of the railway the same tolls and charges as they are authorised to receive for and in respect of the Thetford and Watton Railway as if it were part of such undertaking, and the said railway shall in all respects be deemed part of the Thetford and Watton Railway.

Company may apply their funds towards purposes of Act, and may raise additional capital.

14. The Company may apply towards the purposes of this Act any of the moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised; and the Company may for the same purposes from time to time raise, in addition to the sums of money which they are already authorised to raise, any further capital not exceeding in the whole sixteen thousand pounds by the creation of new shares or stock in their undertaking, which shares or stock shall form part of the general capital of the Company; and the Company may create and issue the same either wholly or partially as ordinary, or wholly or partially as preferential, as they may think fit.

Shares not to issue until fifth part paid up.

15. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid in respect thereof.

As to votes of proprietors of such shares.

16. The proprietors of any shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would

have entitled them to if the same had been original shares of the Company.

Power to borrow on mortgage.

17. The Company may from time to time under the powers of this Act borrow any additional sum of money not exceeding five thousand and three hundred pounds by mortgage of their undertaking, but no part of that sum shall be borrowed until the Company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the additional capital by this Act authorised to be raised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share or sum of stock in such capital has been paid on account thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Existing mortgages to have priority.

18. All mortgages granted by the Company before the passing of this Act and which shall be subsisting at the time of the passing thereof shall, during the continuance of such mortgages, have priority over any mortgages to be granted by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of debenture stock at any time created and issued by the Company.

Sect. 10. of 29 & 30 Vict. c. cxcviii. repealed.

19. Section 10 of the Act of 1866, as to appointment of a receiver, is hereby repealed, but without prejudice to any appointment already made or to any proceedings pending in relation thereto.

Arrears may be enforced by appointment of a receiver.

20. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture stock.

21. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863;

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but notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of sums raised under this Act.

22. All and every part of the sums of moneys which the Company are by this Act authorised to raise by new shares or debenture stock or mortgage shall be applied only to the purposes authorised by this Act.

Power to Company to subscribe to Watton and Swaffham Railway, and to apply their funds for that purpose;

23. The Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, from time to time subscribe any sum which they think fit, not exceeding ten thousand pounds, towards the Watton and Swaffham Railway, and the Company may with the like authority contribute and apply in payment of their said subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking, and also any moneys which they are by this Act authorised to raise, and the Company shall, in respect of the sums to be subscribed and the corresponding shares in the Watton and Swaffham Railway Company to be held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings which shall be as herein-after provided), and be subject to all the obligations and liabilities of proprietors of shares in the Watton and Swaffham Railway Company: Provided always, that the Company shall not sell, dispose of, or transfer any of the shares in the Watton and Swaffham Railway Company for which they may subscribe.

and to vote at general meetings of that company.

24. The Company, as shareholders of the Watton and Swaffham Railway Company, may, by writing under their common seal, from time to time appoint some person to attend any meeting of that company, and each such person shall have all the privileges and powers attaching to other shareholders at such meetings and may vote thereat in respect of the capital held by the Company.

Cesser of powers as to part of railway which the Bury Saint Edmunds and Thetford

25. If the Bury Saint Edmunds and Thetford Railway Company shall within twelve months from the passing of this Act have completed so much of their railway as lies between the point at the north side of the Thetford and Norwich turnpike road shown on the plans deposited with respect to the Bury Saint Edmunds and Thetford Railway Act, 1865, as "commencement of railway

No. 3," and the point of termination of the railway by this Act authorised in Great and Little Snare Hill, with a double line of rails on the narrow gauge of four feet eight and a half inches, and shall also within the same period have constructed a station at or near Milford Bridge in Great and Little Snare Hill aforesaid, for the joint use of the Company and the Bury Saint Edmunds and Thetford Railway Company, the powers by this Act conferred upon the Company with respect to so much of the railway by this Act authorised and the works connected therewith as is situate between the said points shall cease and determine, and the Company shall pay to the Bury Saint Edmunds and Thetford Railway Company in cash one moiety of the cost of constructing and completing the said portion of railway and the signals and works connected therewith, and the said station, with the signals, sidings, watering places, and conveniences connected therewith, and of all costs and expenses incidental to the construction and completion of the said portion of railway and the said station, including the purchase and conveyance of the requisite lands therefor, the amount so to be paid by the Company, if not agreed upon between the Companies, to be settled by arbitration in manner provided by the Railway Companies Arbitration Act, 1859; and all and every the sums and sum of money agreed or awarded to be paid by the Company to the Bury Saint Edmunds and Thetford Railway Company in pursuance of the last preceding provisions, together with interest thereon at the rate of five per centum per annum from the date of the agreement or award, may be recovered by the latter Company in any court of competent jurisdiction.

Railway Company have power to make.

26. On payment by the Company of the sum so agreed upon or settled by arbitration the before-mentioned portion of railway and the signals and works connected therewith, and the said station, together with the signals, sidings, watering places, buildings, works, and conveniences connected therewith, and the land acquired for the purposes of the said portion of railway and station, shall thenceforth vest in and become the joint property of the Company and the Bury Saint Edmunds and Thetford Railway Company in equal shares, and the said portion of railway, and the signals and works connected therewith, and the said station, and the signals, sidings, watering places, buildings, works, and conveniences connected therewith, shall from thenceforth be maintained by them in equal proportions, and may be used by the said two Companies respectively without payment of tolls, and shall be managed by a joint committee consisting of two nominees of each Company, who shall appoint a permanent arbitrator, to whom all disputes between

As to joint ownership and use of railway and station.

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the Companies not otherwise by this Act provided for shall be referred.

The Company and the Bury Saint Edmunds and Thetford Railway Company may contract as to joint station.

27. If the whole of the railway by this Act authorised shall be constructed by the Company, they and the Bury Saint Edmunds and Thetford Railway Company may from time to time enter into and carry into effect any contracts for or with respect to the purposes or any of the purposes following and any incidental matters; (that is to say,)

The joint construction by the contracting Companies of a station at or near Milford Bridge, and the acquisition of land for the same:

The joint management, maintenance, and use of such station and of the lands acquired or to be acquired for the same:

The appointment of joint committees for the purposes of the contract:

The contributions, rents, charges, and allowances to be paid and allowed by and between the contracting Companies.

Sanction of shareholders to station contracts.

28. No such contract as aforesaid shall have any operation or effect unless and until the terms thereof shall have been submitted to and approved by a majority of not less three fourths of the votes of the shareholders voting in person or by proxy at a meeting of each Company party thereto convened with notice of the object of the meeting.

As to settlement of disputes.

29. Any difference which may arise between the said two Companies under any such contract as to the said joint station or the use thereof or access thereto shall be from time to time determined by the award of an umpire to be appointed, upon the application of either Company, by the Board of Trade, and the costs of the reference shall be in the discretion of the umpire.

Power to enter into working agreements with Bury Saint Edmunds and Thetford Railway Company.

30. The Company on the one hand and the Bury Saint Edmunds and Thetford Railway Company on the other hand may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The maintenance and management of the railways of the Companies respectively, or any part thereof, and of the works connected therewith:

The use or working of the said railways or of any part thereof, and the conveyance of traffic thereon:

The fixing, collecting, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of traffic.

Tolls on traffic conveyed partly on the railway and partly on the Bury Saint Edmunds and Thetford Railway.

31. During the continuance of any agreement to be entered into under the before-mentioned provisions of this Act for the working of the railways, the railway of the Company and of the Bury Saint Edmunds and Thetford Railway Company shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railway of the Bury Saint Edmunds and Thetford Railway Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the Bury Saint Edmunds and Thetford Railway Company.

Bury Saint Edmunds and Thetford Railway Company to afford facilities to traffic of the Company.

32. The Bury Saint Edmunds and Thetford Railway Company shall from time to time afford all reasonable and proper facilities, by through booking invoices and otherwise, for the transmission of, and shall transmit on their railway or any part thereof, any traffic which, having passed over the railways or any part of the railways of the Company, is from time to time tendered to such Company for transmission on any part of their railways, and the Bury Saint Edmunds and Thetford Railway Company shall afford similar facilities to all traffic which is from time to time tendered to them for transmission on the Bury Saint Edmunds and Thetford Railway or any part thereof, for the purpose of being afterwards conveyed on the railways or any part of the railways of the Company, and the Company shall, in the manner and to as full an extent, afford to the Bury Saint Edmunds and Thetford Railway Company the same facilities and advantages over the railways of the Company or any part thereof, and over any railway or portion of railway of any other company which the Company may at any time hereafter use, work, or run over, for any traffic which, having passed over the railways or any part of the railways of the Bury Saint Edmunds and Thetford Railway Company, is from time to time tendered to the Company for transmission on any part of their railways, or which is from time to time tendered to the Company for transmission on their railway or any part thereof for the purpose of being afterwards conveyed on the railways or any part of the railways of the Bury Saint Edmunds and Thetford Railway Company.

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Terms upon which facilities to be afforded.

33. All such facilities for the transmission of traffic shall be afforded subject to such rules and regulations, and on payment of such tolls, fares, rates, and charges as may from time to time be agreed in, or as, failing agreement, shall be settled by arbitration in the manner provided by "The Railways Companies Arbitration Act, 1859," for the settlement of disputes by arbitration.

Interest on calls not to be paid out of capital.

34. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bills not to be paid out of capital raised under this Act.

35. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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

36. Nothing herein contained shall be deemed or construed to exempt the railway from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Expenses of Act.

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

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