



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxix.

An Act to enable the *Royston and Hitchin* Railway Company to extend their Line of Railway from *Royston* to *Shepresh*, and to make a Deviation of the authorized Line at *Hitchin*.

[14th August 1848.]

WHEREAS an Act was passed in the Ninth and Tenth 9 & 10 Vict.
Years of the Reign of Her present Majesty, whereby the c. 170.
Royston and Hitchin Railway Company were authorized
to make a Railway from *Royston* to *Hitchin*, by which Act several
Persons were incorporated, by the Name and Style of "The *Royston*
and Hitchin Railway Company," for carrying into execution the said
Undertaking: And whereas an Act was passed in the last Session of
Parliament, intituled *An Act to enable the Royston and Hitchin Rail-* 10 & 11 Vict.
way Company to lease or sell their Line, and to authorize the said c. 248.
Company to enter into Contracts and complete Arrangements with the
Great Northern Railway Company: And whereas it would be of
public Advantage that the said Company should be enabled to make
a certain Deviation and Alteration in the authorized Line of the said
Royston and Hitchin Railway in the Parish of *Hitchin* in the County
of *Hertford*, and that they should also be empowered to construct
the Extension Railway hereafter particularly described, and that the
said recited Acts should be amended in the Manner herein-after
[Local.] 17 D mentioned;

Provision of
recited Acts
extended to
this Act.

mentioned; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Enactments and Provisions contained in the said recited Acts or either of them, and all the Enactments and Provisions contained in the Acts incorporated with such recited Acts or with either of them, shall, so far as the same Enactments and Provisions are now unrepealed, and except such of them or such Parts thereof as are by this Act repealed, altered, or otherwise provided for, or as are inconsistent with the Enactments and Provisions or Purposes of this Act, extend to the several Objects, Purposes, and Things by this Act authorized, as fully and effectually as if the same several Enactments and Provisions were repeated and re-enacted in this Act with reference to such Objects, Purposes, and Things.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, and all other Proceedings whatsoever, it shall be sufficient to use the Expression "*The Royston and Hitchin Railway Amendment, Shepreth Extension, Act, 1848.*"

Capital.

III. And be it enacted, That it shall be lawful for the Company to raise by the Issue of new Shares in the Undertaking of the Company the further Sum of Eighty thousand Pounds: Provided always, that all and every Part of such Sum shall be applicable only to the Objects and Purposes by this Act authorized.

Shares may
be issued.

IV. And be it enacted, That such new Capital shall be entitled to the same Rights and Privileges, and be subject to the same Provisions and Liabilities in all respects, as if it had been Part of the original Capital of the Company; provided nevertheless, that any Capital which shall be raised under the Provisions of this or of the said recited Acts for the Purposes of the Extension Railway hereby authorized shall not be entitled to any Participation in Dividend with the original Capital, which by the Provisions of the said secondly recited Act, and of the Agreement with the *Great Northern Railway Company* therein referred to, is to be raised by the *Royston and Hitchin Railway Company* for the Purposes of the said Railway from *Royston* to *Hitchin*, until the said Extension Railway hereby authorized or some Part thereof shall have been completed and opened for Traffic, or until the Company shall be in receipt of Income or Rent in respect of the same Extension Railway or some Part thereof; provided also, that the Amount of such Shares, and the Times of making Calls for such new Capital, and the Amount of such Calls respectively, shall, subject to the Provisions of this Act, be such as the Directors of the Company shall fix and determine.

Power to
grant Pre-
ferential
Dividends
or Shares.

V. And be it enacted, That it shall be lawful for the Company, at any Special General Meeting thereof, to order and direct that the Capital which shall be raised under the Provisions of this or of the said recited Acts for the Purposes of the Extension Railway hereby authorized

authorized shall, in lieu and stead of the Rights and Privileges herein-before mentioned, be created, issued, and held on such Terms as to entitle the Proprietors thereof to be paid, out of the general Revenue of the Company and in priority of the general Dividends made by the Company a Rate of Dividend to be fixed at such special General Meeting of the Company, not exceeding Six Pounds *per Centum per Annum*, upon the Amount paid up upon such new Shares, and such fixed Dividends shall be payable half-yearly at the same Times as the ordinary Dividends of the Company.

VI. And be it enacted, That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay 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 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.

Interest not
to be paid on
Calls paid up.

VII. And be it enacted, That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the 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 an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

Deposits for
future Bills
not to be paid
out of Com-
pany's
Capital.

VIII. Provided also, and be it enacted, That no Proprietor of any new Shares the total Amount whereof shall be less in Value than Eight Pounds Six Shillings and Eight-pence shall be entitled to vote in respect of the Number of such Shares held by him, but for the Purpose of voting the Amount of Capital in the Company represented by all such new Shares held by him shall be considered as divided into as many Shares of Eight Pounds Six Shillings and Eight-pence each as such Amount of Capital will admit of; and the Right of voting of such Proprietor in respect of such new Shares of less nominal Amount than Eight Pounds Six Shillings and Eight-pence each shall be determined by the Number of Eight Pounds Six Shillings and Eight-pence Shares into which the Amount of Capital represented by such new Shares held by him shall be capable of being divided.

As to voting
in respect of
new Shares.

IX. And be it enacted, That, subject to the Provisions of this Act, the Directors of the Company shall have Power from Time to Time, and at any Time after the passing of this Act, to make at their Discretion such Call or Calls of Money from the Subscribers to and Proprietors of the said new Shares by this Act authorized to be created

Power to
make Calls
on new
Shares.

created as the Directors shall from Time to Time find necessary for the Purposes of the Company, so that no such Call shall exceed Fifteen *per Centum* of the total nominal Value of such new Share, and so that there shall be an Interval of Two Calendar Months at least between the Days of making every Two successive Calls.

Power to
borrow
Money on
Mortgage.

X. And be it enacted, That after the whole of the Capital by this and the recited Acts authorized to be created shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond any further Sum not exceeding in the whole the Sum of Twenty-six thousand six hundred and sixty-six Pounds: Provided always, that all and every Part of the said Sum of Money so to be borrowed shall be applicable only to the Objects and Purposes by this Act authorized.

Arrears may
be enforced
by an Ap-
pointment of
a Receiver.

XI. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Money due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One Tenth Part of the Money actually borrowed.

Power to
make Rail-
way accord-
ing to depo-
sited Plan.

XII. And whereas Plans and Sections of the said Extension and altered Line of Railway showing the respective Lines and Levels thereof, and also Books of Reference thereto containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerks of the Peace of the Counties of *Cambridge* and *Hertford*: Be it enacted, That, subject to the Provisions in this Act and the said recited Acts contained, it shall be lawful for the said *Royston and Hitchin* Railway Company to make and maintain the said Railways and Works herein-after more particularly described in the Lines and upon the Lands delineated on the said Plan, and described in the said Books of Reference, and upon the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Description
of Lines of
Railway.

XIII. And be it enacted, That the said Extension Line of Railway (herein-after called the *Shepreth* Extension Line) shall commence in the Parish of *Bassingbourn* in the said County of *Cambridge* by a Junction with the authorized Line of the said *Royston and Hitchin* Railway, and shall terminate by a Junction with the *Cambridge and Bedford* Railway in the Parish of *Shepreth* in the said County of *Cambridge*; and the said intended Alteration or Deviation from the said authorized Line of the said *Royston and Hitchin* Railway shall commence in the Hamlet of *Walsworth* in the Parish of *Hitchin* in the said County of *Hertford* by a Junction with the said *Royston and Hitchin* Railway in Land numbered 8 in the same Hamlet

Hamlet on the said deposited Plans of the said *Royston and Hitchin* Railway, and terminate in a Field in the Township of *Hitchin* in the Parish of *Hitchin* by a Junction with the *Great Northern* Railway numbered 8 in the same Township on the same Plans.

XIV. And be it enacted, That it shall be lawful for the said Company and they are hereby required to abandon such Portion of their authorized Line of Railway as by reason of the Alterations or Deviations by this Act authorized may be rendered unnecessary: Provided always, that such Abandonment and Substitution under the Authority of this Act shall not be deemed or taken to prejudice or affect any Contract or Agreement now subsisting between the *Great Northern* Railway Company and the said *Royston and Hitchin* Railway Company.

Power to
abandon
Parts of the
original Line.

XV. And be it enacted, That in making the said Extension and deviated or altered Line of Railway it shall be lawful for the said Company to carry the same across and on the Level of the several public Roads numbered on the said Plans as follows; (that is to say,)

As to cross-
ing certain
Highways.

No. on Plan.	Description.	Parish.	County.
<i>Extension to Cambridge.</i>			
7 } 30 }	Public Road. - -	Shepreth - - -	Cambridge.

XVI. 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 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 Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to 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.

Company to
erect a Sta-
tion or Lodge
at the Points
of crossing,
and to abide
by Regula-
tions of Com-
missioners of
Railways.

XVII. And be it enacted, That the Quantity of Land to be taken by the said Company for extraordinary Purposes in connexion with the Railway and Works hereby authorized to be made shall not exceed Thirty Acres.

Land for
extraordinary
Purposes.

XVIII. And be it enacted, That the Powers of the said 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
compulsory
Purchase of
Lands
limited.

Period for
Completion
of Works.

XIX. And be it enacted, That the said Extension Railway and Works shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the said Company for executing the Railway or otherwise in relation thereto shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Company to
take same
Tolls as on
the Main
Line.

XX. And be it enacted, That the said Company may, subject to the Provisions in the said recited Acts contained, lawfully demand and receive in respect of the said Railways and Works hereby authorized to be made, for the Tonnage of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for or in respect of Locomotive Engines or other Power for drawing or propelling supplied by the Company, and for the Conveyance upon the same Railway, or any Part thereof respectively, in Waggon or Carriages belonging to the Company, of any Passengers, Cattle, or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, and for Wharfage, Warehousing, and Cranage, such Amount of Rates, Tolls, and other Charges as by the said firstly-recited Act the said Company are authorized to demand and receive in respect of the same several Matters and Things, Privileges, and Duties respectively on or in respect of the authorized Line of the said *Royston and Hitchin* Railway: Provided always, that, notwithstanding anything in the said recited Acts or this Act contained, the maximum Charges to be made by the said Company in respect of all the Tolls and Charges for the Use of the Extension Railway and Works hereby authorized to be made, and of any Carriage, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the Sums in that Behalf limited by the said firstly-recited Act.

Limiting
maximum
Charges.

Saving the
Rights of the
Crown.

XXI. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

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

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,

Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, respectively intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners 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 Railways and Company, so far as the same shall be applicable thereto.

7 & 8 Vict.
c. 85., and
9 & 10 Vict.
cc. 57. 105.

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

Railway to
be subject to
Provisions of
future general
Acts.

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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