

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(*Light*) *Railway Act, 1875.*



CHAPTER cxcvi.

An Act for making a Railway from Ely in the county of Cambridge to Bury Saint Edmunds in the county of Suffolk ; and for other purposes. [11th August 1875.] A.D. 1875.

WHEREAS the making of the railway herein-after described would be attended with public and local advantage :

And whereas the persons in this Act named, with others, are willing at their own expense to construct the railway, and it is expedient that powers should be conferred on them for that purpose :

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

And whereas it is intended that the railway should be constructed and worked as a light railway, subject to the provisions respecting light railways contained in "The Regulation of Railways Act, 1868:"

And whereas it is expedient that the Company, and all companies and persons lawfully working or using their railway, should be authorised to use the portion of the Bury Saint Edmunds and Thetford Railway herein-after described, and that the Company and the Bury Saint Edmunds and Thetford Railway Company should be empowered to make and carry into effect the agreements herein-after provided for :

And whereas by a bill now pending in Parliament (herein-after referred to as "the Newmarket Bill") it is proposed to incorporate a company (herein-after called "the Newmarket Company") for making and maintaining the following railways (being railways

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act, 1875.*

A.D. 1875. capable of being worked by heavy engines and rolling stock); that is to say,

- (1.) A railway (herein-after referred to as "the Newmarket Company's Railway No. 1") commencing by a junction with the Great Eastern Railway near the southern end of the passenger platform at the Ely Station thereon, and terminating by a junction with the Newmarket and Bury branch of the same railway; and
- (2.) A railway for forming a second junction between the Newmarket Company's Railway No. 1 and the said Newmarket and Bury branch of the Great Eastern Railway:

And whereas it is provided (amongst other things) by the Newmarket Bill that a junction shall be made between the Newmarket Company's Railway No. 1 and the Great Eastern Railway, at such a point as the Great Eastern Company shall reasonably require, and that if the last-mentioned Company and the Newmarket Company arrange for the accommodation of the traffic of the Newmarket Company at the Ely Station of the Great Eastern Company as now existing, or as the same may be hereafter extended or enlarged, the Newmarket Company should not purchase or take, without the consent of the Great Eastern Company, any lands belonging to that Company, or which they may in the present session be authorised to acquire; but that if such arrangement be not made the Newmarket Company shall be at liberty to extend their railway within the limits of deviation shown upon their deposited plans to, and to construct a station upon, the south side of a certain road leading from Ely to Soham, subject to certain provisions contained in the said clauses (which provisional extension of the Newmarket Company's Railway and construction of a station by that Company are herein-after referred to as the Newmarket Company's "Ely Extension" and "Ely Station" respectively):

And whereas for a considerable distance the railway by this Act authorised and the Newmarket Company's Railway No. 1 are almost identical in their course, and it is expedient that the powers of the Company to construct that part of their railway by this Act authorised which lies between Soham and Ely be suspended as by this Act provided, and such other provision made as is herein-after contained, with a view to the construction by the Newmarket Company of the corresponding part of their proposed railway, with running powers over the same to the Company:

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

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(*Light*) *Railway Act*, 1875.

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, as follows : A.D. 1875.

1. This Act may be cited as "The Ely and Bury Saint Edmunds (*Light*) Railway Act, 1875." Short title.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act. Provisions of certain general Acts incorporated.

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 Company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised; and for the purposes of this Act, 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. Interpretation of terms.

4. Thomas Wibrow Brown, Charles Edward Gibbs, Robert Gwilt, Thomas Jervoise Huddleston, William Neal, and Sir John Rae Reid, Baronet, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Ely and Bury Saint Edmunds Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act. Company incorporated.

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act*, 1875.

A.D. 1875.

Power to
make rail-
way.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines 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 twenty-three miles six furlongs four chains and sixty links in length, commencing in the parish of Ely Saint Mary, in the Isle of Ely and county of Cambridge, near to the Ely passenger station buildings of the Great Eastern Railway, and terminating in the parish of Timworth in the county of Suffolk by a junction with the Bury Saint Edmunds and Thetford Railway, about one hundred and fifty yards northward of the bridge carrying the road leading from Fornham All Saints to Great Barton over the last-mentioned railway.

Capital.

6. The capital of the Company shall be one hundred thousand pounds, in ten thousand shares of ten pounds each.

Shares not to
issue until
one fifth
paid up.

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

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt
clause in
case of
persons not
sui juris.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to
borrow on
mortgage.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirty-three thousand three hundred pounds, and of that sum they may from time to time borrow not exceeding eleven thousand one hundred pounds in respect of every thirty-three thousand three hundred pounds of their share capital, but no part of any such sum of eleven thousand one hundred pounds shall be borrowed until the whole of the respective thirty-three thousand three hundred pounds of capital in respect of which it is to be borrowed is issued and accepted, and one half

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(*Light*) *Railway Act, 1875.*

thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the respective thirty-three thousand three hundred pounds of capital 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 in such thirty-three thousand three hundred pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective thirty-three thousand three hundred pounds of 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.

A.D. 1875.

11. 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. 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 three thousand pounds in the whole.

Arrears may be enforced by appointment of a receiver.

12. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

13. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Application of moneys.

14. The first ordinary meeting of the Company shall be held within eight months after the passing of this Act, and the quorum for general meetings, whether ordinary or extraordinary, shall be ten shareholders, holding together not less than five thousand pounds in the capital of the Company.

First ordinary meeting, and quorum.

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act, 1875.*

- A.D. 1875. **15.** The number of directors shall be six, but the Company may from time to time reduce the number, provided that the number be not less than three.
- Number of directors.
- Qualification of directors. **16.** The qualification of a director shall be the possession in his own right of not less than twenty-five shares.
- Quorum. **17.** The quorum of a meeting of directors shall be four, and if the number be reduced to three the quorum shall be two.
- First directors. **18.** Thomas Wibrow Brown, Charles Edward Gibbs, Robert Gwilt, Thomas Jervoise Huddleston, William Neal, and Sir John Rae Reid, Baronet, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed or disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.
- Election of directors.
- Lands for extra-ordinary purposes. **19.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed five acres.
- Powers for compulsory purchase limited. **20.** 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.
- Power to cross certain roads on the level. **21.** Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may, in the construction of the railway, carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(Light) Railway Act, 1875.

A.D. 1875.

No. on deposited Plan.	Parish.	Description of Road.
RAILWAY No. I.		
12	Soham - - - -	Parish road.
26	Ditto - - - -	Grass drove road.
39	Ditto - - - -	Parish road.
47	Ditto - - - -	Ditto.
129A	Ditto - - - -	Ditto.
146	Ditto - - - -	Ditto.
7	Fordham - - - -	Ditto.
8	Isleham - - - -	Ditto.
13	Ditto - - - -	Ditto.
19	Ditto - - - -	Ditto.
8	Freckenham - - - -	Ditto.
8	Worlington - - - -	Ditto.
11	Barton Mills - - - -	Ditto.
13	Icklingham St. James - - - -	Ditto.
8	Cavenham - - - -	Ditto.
46	Icklingham All Saints - - - -	Ditto.
10	Flempton - - - -	Ditto.
10	Fornham St. Genevieve - - - -	Ditto.

22. Provided always, that the traffic shall not be worked by engines exceeding eight tons in weight on each pair of wheels, nor at a higher maximum speed than twenty-five miles an hour, unless the Board of Trade by license authorise engines of greater weight and trains of a higher rate of speed on the railway, and then only by engines and trains not exceeding the weight and speed specified in any such license; and if the Company, or any company working or using the railway, or any person, fails to comply with or acts in contravention of this provision, or of any such license, or directs anyone so to fail or act, every such company or person shall be liable to a penalty for each offence not exceeding twenty pounds, and to a like penalty for every day during which the offence continues; and every such person on conviction or indictment for any offence relating to the weight of engines or the speed of trains on the railway, shall also be liable to imprisonment, with or without hard labour, for any term not exceeding two years: Provided also, that there shall be no interchange of rolling stock between the Company and the Great Eastern Railway Company without the sanction of the Board of Trade.

Restricting weight of engines and speed of trains on railway.

23. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or

Notice to be given of taking houses of labouring classes.

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act, 1875.*

A.D. 1875. lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Power to
take ease-
ments, &c.
by agree-
ment.

24. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

As to cross-
ing the River
Ouse near
Ely.

25. For carrying the railway across the navigable River Ouse, in the parishes of Ely Trinity and Ely Saint Mary, or in one of those parishes in the Isle of Ely, and across the unembanked lands on the east and west sides of the said river, the Company shall make and maintain a bridge with not less than three openings, the centre or principal opening of which shall have a clear width or span of not less than seventy feet, measured at right angles across the present waterway of the river, and shall be so placed that the middle of the said opening shall coincide with the mid-channel of the said waterway at the point of crossing, and so that the lines of the piers, piles, or other supports of the bridge, on either side of the said opening, shall be parallel to the sides of the river at the point aforesaid, and the other openings of which said bridge shall be so constructed as to have an additional width or span of one hundred and thirty-five feet in the aggregate, exclusive of the width of the intervening piers, piles, or other supports of the bridge, and the soffits of such bridge shall be of not less height above the surface of the river than the soffits of the bridge of the Great Eastern Railway Company erected and now standing across the said river at or near Annsdale, in the said parish of Ely Trinity, and shall be so made as to give a clear headway for the purposes of navigation of the same elevation as the headway of the said last-mentioned bridge. The Company shall also make and maintain and keep open for the purposes of public navigation a proper towing-path under the said bridge on the east side of the river, and shall subject to the foregoing dimensions in all respects make and maintain the

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(*Light*) *Railway Act*, 1875.

said bridge, and the piers, piles, or other supports thereof, in such manner and form as shall least interfere with the passage of the water under the said bridge and through the said openings and with the convenient navigation of the river.

A.D. 1875.

26. Inasmuch as the railway is intended to pass over certain parts of the Great Level of the fens called "the South Level part of the Bedford Level," therefore in constructing and maintaining the railway, or any of the works connected therewith, it shall not be lawful for the Company, without the consent in writing of the Bedford Level Corporation by order of the Board, signed by the Registrar under the common seal, as to any works maintained by or belonging to the said Corporation, and as to any works maintained by or belonging to other bodies without the consent in writing of such bodies respectively, to contract or diminish the breadth, depth, or capacity of the channel or waterway of any river, canal, cut, drain, watercourse, or work of drainage within the said Great Level, or to do any act whereby the free passage of the water or ice through and along any such river, canal, cut, drain, or watercourse shall during the floods, or at any other time, be in any manner impeded or obstructed, or whereby any water shall be prevented from passing through or along any drain, watercourse, sluice, or other works of drainage within or without the said Great Level as freely as before the passing of this Act, or whereby the use and enjoyment of any existing public or private right of navigation in any rivers, canals, cuts, drains, or watercourses of the said districts, fens, or wash lands may be prevented or interrupted; and it shall not be lawful for the Company, without such consent in writing as aforesaid, permanently to lower or vary the line or dimensions, or to injure or weaken the security of any barrier or other banks maintained for protecting any of the lands within the said Great Level from inundation, and if the Company shall by any act or default offend against any provision of this Act touching or concerning the drainage of the lands within the said Great Level, or the navigation of any of the said rivers, canals, cuts, drains, or watercourses, and shall for the space of ten days after due notice thereof from the said Corporation of the Bedford Level, or other bodies aggrieved, fail to repair any injury which shall be occasioned thereby, the Company shall for every such offence forfeit the sum of one hundred pounds for every day during which such offence shall continue, which said sum may be recovered by any bodies or parties interested in such drainage or navigation, together with full costs of suit against the said Company, in an action of debt, or on the case, in any of the superior courts: Provided also, that nothing

For protecting the drainage and navigation of the Bedford Level.

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act*, 1875.

A.D. 1875. — in this Act contained shall prevent any bodies or parties aggrieved by any act or default of the Company touching the said drainage or navigation from recovering from the Company special damages for any injuries that may be done or occasioned to the drainage of any of the lands within the said Bedford Level, or the works for protecting or preserving the same, or to the navigation of the said rivers, canals, cuts, drains, and watercourses as aforesaid, by or through the act or neglect or default of the Company, or the effect or operation of the works executed by the Company.

Lands taken by the Company to be subject to drainage taxes.

27. Any land belonging to the Company within or without the said Great Level which at the time of the passing of this Act shall under or by virtue of any Act of Parliament be subject to any drainage taxes or drainage charges shall remain and be subject to all such drainage taxes or drainage charges as now or hereafter shall be imposed on the said lands under or by virtue of such Act, or any Act which may hereafter be passed for amending such Act, in the same manner but not to any greater extent than if this Act had not passed, or if such lands had not been taken or used by the Company; and such taxes and charges, and any penalties that may be incurred for nonpayment thereof, shall be recoverable not only by distress and sale of any goods and chattels belonging to the Company, but also by and under the powers and provisions of any Act of Parliament under which the same lands have been or shall be assessed, rated, taxed, or charged.

The Company to provide means to remove ice during floods.

28. The Company shall at all times when the occasion may arise take all necessary measures for removing, and shall remove and cause to pass down with the stream, so as not to obstruct the flow of water, any ice that may be found at or against any of the works of the Company in any of the navigable or other rivers, watercourses, or washes within or without the said Great Level, so as effectually to prevent any ice accumulating or remaining at or against any of the said railway works or bridges, or in the said washes; and if the Company shall not so break up and effectually remove the ice, or if from any cause whatever any ice shall so accumulate against any of the said works of the Company, the Superintendent General, or any of the agents or workmen of the Bedford Level Corporation, or of any other public body interested in the said navigable or other rivers and washes, and having control over the same, may proceed to take measures for removing such ice, and may recover the amount of any costs or charges so incurred by neglect of the Company in such and the like manner as is directed for the summary recovery of penalties and costs in "The Railways Clauses Consolidation Act, 1845."

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(*Light*) *Railway Act, 1875.*

29. A junction shall be made between the railway by this Act authorised and the Newmarket Company's Railway No. 1 at (as nearly as may be) the point shown on the deposited plans for the last-mentioned railway denoting the distance of five miles and two furlongs from the intended commencement thereof.

A.D. 1875.

Junction to be formed with Newmarket Company's Railway No. 1.

30. In case of difference between the Company and the Newmarket Company as to the precise point at which the said junction shall be made, the same shall be determined by an independent engineer to be appointed on the application of either Company by the Railway Commissioners; and the costs of the reference shall be in the discretion of the referee, and his decision shall be binding and conclusive upon both Companies.

Difference as to point of junction to be determined by an independent engineer.

31. The powers of the Company to purchase lands for and to construct the railway by this Act authorised to the northward of the said point of junction shall be suspended for two years from the passing of this Act.

Company's powers as to part of railway suspended;

32. If within the said period of two years the Newmarket Company shall not have purchased the whole of the land required for their Railway No. 1, as shown on the deposited plans thereof to the northward of the said point of junction, or if the said Company shall not at the expiration of the said two years be taking such steps as will reasonably secure the completion of their said Railway No. 1 to the northward of the point of junction aforesaid within the period of three years limited by the Newmarket Bill for the completion thereof, the suspension as aforesaid of the powers of the Company shall cease and be at an end.

but to revive in certain events.

33. The Company and all companies and persons lawfully using their railway may use with their engines and carriages, and for the purposes of their traffic of every description, the Newmarket Company's Railway No. 1 aforesaid to the northward of the said point of junction, and the stations, water, water-engines, works and conveniences connected therewith, upon payment of such tolls and rates as shall be agreed between the two Companies, or as in default of agreement shall be determined by arbitration in manner provided by "The Railway Companies Arbitration Act, 1859."

Company may use Newmarket Company's Railway No. 1.;

34. If the Newmarket Company execute their Ely Extension and their Ely Station the running powers by the last preceding section secured to the Company, and the other provisions of that section, shall extend and apply also to that extension and that station.

and that Company's Ely Extension and Station, if made

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act, 1875.*

A.D. 1875.

In certain events Company to construct an independent line into Ely.

35. If, under the provisions of the Newmarket Bill, the Newmarket Company and the Great Eastern Company arrange for the accommodation of the traffic of the Newmarket Company at their Ely Station as now existing or as extended or enlarged as aforesaid, the Company shall be at liberty to construct the railway by this Act authorised from the northern end of the viaduct (shown on the deposited sections of the Newmarket Company's Railway No. 1) by which that railway, as the same shall be actually constructed, will be carried over the River Ouse to the point of commencement of the railway (as shown on the deposited plans for this Act), but in that event the running powers herein-before secured to the Company shall not be exercised over or apply to any part of the Newmarket Company's Railway No. 1 to the northward of the said viaduct.

Provisions of Railways Clauses Act, 1863, to apply to junctions.

36. The junctions between the lines of the two Companies near Soham as aforesaid and (if the junction be formed) at the northern end of the viaduct over the River Ouse shall be deemed to be junctions within the meaning of "The Railways Clauses Act, 1863," as if the Newmarket Company's Railway No. 1 were an existing railway, and the railway by this Act authorised were a railway intended to form a junction therewith, and the provisions of Part I. of the last-mentioned Act shall apply and have effect accordingly.

For protection of Newmarket Company's local traffic.

37. In exercising the running powers herein-before secured to them, the Company shall not take up any traffic, of whatever description, at any station on the Newmarket Company's Railway No. 1, destined or intended for any other station on that railway (other than the station at Ely), and shall be subject to the reasonable byelaws, rules, and regulations of the Newmarket Company.

Arbitration.

38. Any difference which may arise between the Company and the Newmarket Company, or their respective engineers, as to any matter herein-before contained, and for the settlement of which no express provision is herein-before made, shall be determined by arbitration in manner provided for by "The Railway Companies Arbitration Act, 1859."

Deposit money not to be repaid until line opened or half the capital paid up and expended.

39. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of four thousand seven hundred and ninety-one pounds three per centum consolidated Bank annuities, being equal in value to five per centum upon the

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(*Light*) *Railway Act*, 1875.

A.D. 1875.

amount of the estimate in respect of the railway, has been transferred to the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said annuities shall not be transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said annuities shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

40. The said annuities 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 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 said annuities shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said annuities, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be 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

Application
of deposit.

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act*, 1875.

A.D. 1875.

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 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: Provided that until the said annuities have been transferred, or have become otherwise applicable, as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for
completion
of works.

41. If the railway is not completed within five 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.

Tolls for
passengers
and animals.

42. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway:

For any person twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 1. For any horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny:

Class 2. For any ox, cow, bull, or head of neat cattle, twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny:

Class 3. For any calf, pig, sheep, lamb, or other small animal, one penny per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny.

Tolls for
goods.

In respect of goods and minerals conveyed upon the railway:

Class 4. For all coals, culm, slack, cinders, cannel, ironstone, iron ore, limestone, chalk, sand, slag, and clay (except fire-clay), dung, composts, and all sorts of manure, and all

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(*Light*) *Railway Act*, 1875.

undressed materials for the repair of public roads or high-ways, per ton per mile one penny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny :

A.D. 1875.

Class 5. For all coke, charcoal, pig iron, bar iron, rod iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, slates, salt, fireclay, stone, stone for building, pitching, and paving, dressed or broken stone for macadamizing roads, copper ore, lead ore, tin ore, antimony and manganese, and all other ores, minerals, and semi-metals, per ton per mile threepence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny :

Class 6. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile threepence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny :

Class 7. For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters or things, per ton per mile fourpence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny :

For every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform belonging to the Company, sixpence per mile; and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

43. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Tolls for propelling power.

44. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

Regulations as to tolls.

For all passengers, animals, goods, or minerals conveyed on the railway for a less distance than four miles, the Company may demand tolls and charges as for four miles :

Short distances.

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act, 1875.*

A.D. 1875.

Fractional
parts of
a mile.

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals, goods, and minerals for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile; and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

Fractional
parts of
a ton.

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

General
weight.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

Weight of
stone and
timber.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for
small parcels
and articles
of great
weight.

45. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway:

For any parcel not exceeding seven pounds in weight, three-pence;

For any parcel not exceeding fourteen pounds in weight, five-pence;

For any parcel not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel not exceeding fifty-six pounds in weight, nine-pence;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which they may think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railway:

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(*Light*) *Railway Act, 1875.*

article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding one shilling per ton per mile : A.D. 1875.

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

46. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and for every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,) Maximum rates for passengers.

For every passenger conveyed in a first-class carriage, the sum of threepence per mile :

For every passenger conveyed in a second-class carriage, the sum of twopence per mile :

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

47. The maximum rate of charge to be made by the Company for the conveyance of animals, goods, and minerals (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums ; (that is to say,) Maximum rates for animals and goods.

For every animal in Class 1, fourpence per mile ;

For every animal in Class 2, threepence per mile ;

For every animal in Class 3, one penny per mile ;

For everything in Class 4, one penny halfpenny per ton per mile ;

For everything in Class 5, twopence per ton per mile ;

For everything in Class 6, threepence per ton per mile ;

For everything in Class 7, fourpence per ton per mile ;

And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and weighing more than one ton, carried or conveyed on a truck

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act, 1875.*

A.D. 1875.

or platform, per mile sixpence; and if weighing more than one ton, one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

Passengers
luggage.

48. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal
station.

49. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the contignor, or are directed to be delivered thereat to the consignee.

Foregoing
charges not
to apply to
special
trains.

50. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company
may take
increased
charges by
agreement.

51. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals, goods, or minerals of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals, goods, or minerals other than small parcels by passenger trains.

Company
may use
portion of
Bury Saint
Edmunds
and Thetford
Railway.

52. The Bury Saint Edmunds and Thetford Railway Company shall permit the Company and all companies and persons lawfully using the railway to run over, work, and use with engines and carriages, and officers and servants, for the purposes of their traffic, so much of the Bury Saint Edmunds and Thetford Railway as is situate between the junction of the railway therewith and the Great Eastern Railway near Bury Saint Edmunds, and the watering places, booking offices, warehouses, sidings, works, and conveniences of or connected with such portion of railway, on such terms and conditions as shall be agreed upon between the Company and the Bury Saint Edmunds and Thetford Railway Company, or, failing agreement, as shall be settled by a single arbitrator, to be appointed on the application of either Company

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(*Light*) *Railway Act*, 1875.

by the Board of Trade, according to the provisions of "The Railway Companies Arbitration Act, 1859." A.D. 1875.

53. The Great Eastern Railway Company and the Bury Saint Edmunds and Thetford Railway Company shall respectively receive, book through, forward, accommodate, and deliver on and from their respective railways, all traffic of whatever description coming from or destined for the railway of the Company. Great Eastern and Bury Saint Edmunds and Thetford Railway Companies to afford facilities to traffic.

54. All such traffic facilities 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 on, or as failing agreement shall be settled by the Railway Commissioners, or by an arbitrator to be appointed by the Board of Trade on the application of either Company. Terms upon which facilities to be afforded.

55. The Company and the Bury Saint Edmunds and Thetford Railway Company may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873," from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,) Power to enter into working agreements.

The working, use, maintenance, and management of their respective railways and works, or of any part thereof:

The supply of rolling stock and machinery, and of officers and servants for the conduct and management of such traffic:

The payments, rebates, and allowances to be made and allowed, and the conditions to be performed by them respectively:

The interchange, accommodation, and conveyance of traffic coming from, or destined for, or passing over their respective undertakings, and the division and appropriation of the revenues arising in respect of such traffic.

56. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway by the Bury Saint Edmunds and Thetford Railway Company, the railways of the two Companies 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 railway and partly on the Bury Saint Edmunds and Thetford Railway 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 Tolls on traffic conveyed partly on the railway and partly on the railways of the contracting companies.

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act, 1875.*

A.D. 1875. 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 Bury Saint Edmunds and Thetford Railway.

Lands and works of Bury Saint Edmunds and Thetford Railway not to be interfered with except for purposes of junction.

57. Except to the extent authorised by the provisions as to junctions of Part I. of "The Railways Clauses Act, 1863," it shall not be lawful for the Company, or any person acting under or in execution of this Act, to take, enter upon, or use, either permanently or temporarily, or to acquire any right, title, or interest to or in any of the works, lands, or property of the Bury Saint Edmunds and Thetford Railway Company, or in any manner to alter or interfere with the railway and works of that Company, without the previous consent of that Company in writing under their common seal; and nothing in this Act contained shall take away, lessen, prejudice, alter, or affect (except as aforesaid) any of the estates, rights, interests, powers, privileges, or authorities of the Bury Saint Edmunds and Thetford Railway Company.

For the protection of the Bury Saint Edmunds and Thetford Railway Company.

58. Notwithstanding anything in this Act contained, and in addition to the provisions as to junctions contained in Part I. of "The Railways Clauses Act, 1863," it shall not be lawful for the Company to enter upon or interfere with the railway of the Bury Saint Edmunds and Thetford Railway Company, or any part thereof, or the lands and works thereof or belonging thereto, or to execute any works whatsoever under or over the same or within fifty feet of the boundary thereof, until after the Company shall have delivered to the Bury Saint Edmunds and Thetford Railway Company plans and drawings of the works proposed to be so executed, with specifications in writing describing the description of rail intended to be used, and the proposed manner of executing the said works, and shall have obtained from the principal engineer of the Bury Saint Edmunds and Thetford Railway Company a certificate under his hand approving of such plans, specifications, and proposed manner of executing the said works, and the same shall be executed accordingly under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Bury Saint Edmunds and Thetford Railway Company, and in no other manner without the consent in writing of the said Bury Saint Edmunds and Thetford Railway Company under their common seal: Provided always, that in case the engineer of the Bury Saint Edmunds and Thetford Railway Company shall not so approve and certify his approval of the plans, drawings, and specifications furnished by the Company within one calendar month after the same shall have been so delivered, and the Bury Saint

[38 & 39 VICT.] *The Ely and Bury Saint Edmunds* [Ch. cxcvi.]
(*Light*) *Railway Act, 1875.*

Edmunds and Thetford Railway Company shall not consent that the Company shall proceed with their proposed works without such certificate as aforesaid, then the Company may submit plans, drawings, and specifications of the said proposed works to the Board of Trade for their approval; and in case the Board shall certify in writing their approval thereof the Company may, notwithstanding anything herein contained, proceed with the execution of such works according to such last-mentioned plans, drawings, and specifications, but nevertheless under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Bury Saint Edmunds and Thetford Company, and subject to the provisions of this Act. A.D. 1875.

59. If by reason of any works upon, over, or under the railway of the Bury Saint Edmunds and Thetford Railway Company, or within fifty feet thereof, or the failure of any such works, the railway of the Bury Saint Edmunds and Thetford Railway Company, or any of the works thereto belonging, shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their own expense, or in the event of their failing to do so, then the Bury Saint Edmunds and Thetford Railway Company may make good the same, and recover the expense thereof, with full costs against the Company, in any court of competent jurisdiction; and if any interruption shall be occasioned or accident occur to the traffic of the railway of the Bury Saint Edmunds and Thetford Railway Company by reason of any such works or failure of such works, whether during the construction or after the completion thereof, the Company shall from time to time, as often as any such interruption or accident shall occur, on demand pay to the Bury Saint Edmunds and Thetford Railway Company all costs and expenses to which they may be put, as well as full compensation for the loss sustained by them by reason of any such interruption or accident, such costs and expenses and compensation to be recovered with full costs as aforesaid. In case of injury to railway of Bury Saint Edmunds and Thetford Railway Company.

60. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the rights, privileges, powers, or authorities of any company in this Act mentioned. Saving rights of companies.

61. 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; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him Interest not to be paid on calls paid up.

[Ch. cxcvi.] *The Ely and Bury Saint Edmunds* [38 & 39 VICT.]
(*Light*) *Railway Act*, 1875.

A.D. 1875. — 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.

62. 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.

63. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

64. 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.