



**CHAPTER ccv.**

An Act for making Railways from the Great Eastern Rail- A.D. 1875.  
way at Ely to the Great Eastern Railway at Newmarket ;  
and for other purposes. [11th August 1875.]

**W**HEREAS the construction of the railways by this Act authorised would be of great public and local advantage :

And whereas the several persons herein-after named, with others, are willing at their own expense to carry the undertaking into execution on being incorporated into a Company for the purpose :

And whereas the Great Eastern Railway Company (in this Act called "the Great Eastern Company") have acquired certain lands at Ely adjoining their station there and on the south side of the road leading from Ely to Soham, and are promoting in the present session of Parliament a Bill whereby they seek powers to acquire certain other lands (adjoining those above mentioned) in the parishes of Ely St. Mary, Ely Trinity, and the Isle of Ely, which last-mentioned lands by this Act the Company are authorised to purchase and take, and the Great Eastern Company are about on the lands aforesaid to enlarge and improve their said station and the lines leading thereto, and it is expedient that provision be made as herein-after provided for securing to the Company station accommodation at Ely :

And whereas it is expedient that the Company so to be incorporated on the one hand and the Great Eastern Company should be empowered to enter into and carry into effect agreements as herein-after provided :

And whereas plans and sections showing the lines and levels of the railways 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 or under the powers of this Act, were duly deposited with the clerks of the peace for the counties of Suffolk and Cambridge, and the clerk of the peace for the Isle of Ely, and

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A.D. 1875. 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, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as "The Ely and Newmarket Railway Act, 1875."

Provisions of certain general Acts incorporated. 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.

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 Company incorporated by this Act ; the expressions "the railway" and "the undertaking" mean respectively the railways and 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.

Company incorporated. 4. John Pugh Bridgwater, Thomas Ellis, John Elliott, 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 railways, 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 Newmarket Railway Company," and by that name shall be a body corporate, with perpetual succession and



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a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act. A.D. 1875.

5. 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 railways 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 railways herein-before referred to and authorised by this Act will be situate in the counties of Cambridge and Suffolk, and are,— Power to make railways.

A railway (No. 1) 11 miles 3 furlongs and 5 chains in length, commencing by a junction with the Great Eastern Railway at a point about thirty chains southward from the southern end of the passenger platform at the Ely station on that railway, and terminating by a junction with the Newmarket and Bury Branch of the Great Eastern Railway at a point about twenty-five chains north of the point (at or near the north end of the tunnel at Newmarket) where that railway crosses under the main road from Newmarket to Bury.

A railway (No. 2) 5 furlongs and 8 chains in length, being a short junction railway, situated wholly in the parishes of Snailwell in the county of Cambridge, and Exning in the county of Suffolk, or one of them, commencing by a junction with the intended railway No. 1 at a point (at or near the boundary between the counties aforesaid) about six furlongs northward from the point at which the said railway No. 1 is intended to terminate as above described, and terminating by a junction with the said Newmarket and Bury Branch Railway at a point about six furlongs north-eastward from the said point of termination of railway No. 1.

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

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. Shares not to be issued until one fifth paid.

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 three fourths of the amount of a share Calls.

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A.D. 1875. shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt 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 divide shares.

10. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole of the amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in



respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

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**14.** The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated on certificates.

**15.** The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of call for the time being due thereon, with interest.

Forfeiture of preferred shares.

**16.** No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled, &c.

**17.** The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each,) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents, as attach and are incident to an entire share.

Half shares to be half shares in capital.

**18.** The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirty-three thousand three hundred and thirty-three pounds, but no part thereof shall be borrowed until the whole capital of one hundred thousand pounds is issued and accepted, and one half 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 such capital has been issued and accepted, and that one half thereof has been paid up, and not less than one fifth part of the amount of each separate

Power to borrow on mortgage.

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A.D. 1875. share in such capital has been paid on account thereof before or at the time of the issue or acceptance 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.

Arrears may be enforced by appointment of a receiver.

19. 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.

Debenture stock.

20. 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.

Application of moneys.

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

First ordinary meeting.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

23. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

25. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three the quorum shall be two.

First directors.

26. John Pugh Bridgwater, Thomas Ellis, John Elliott, and two persons to be nominated by them or the majority of them, and consenting to such nomination, shall be the first directors of the

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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 nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act or nominated as aforesaid 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 hereinbefore 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 nor disqualified, and not having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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Election of directors.

27. 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 twenty acres.

Lands for extraordinary purposes.

28. 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.

Powers for compulsory purchases limited.

29. 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 hereinafter mentioned; (that is to say,)

Power to cross certain roads on the level.

| Railway. | No. on deposited Plan. | Parish.       | Description of Road. |
|----------|------------------------|---------------|----------------------|
| No. 1.   | 12                     | Soham - - -   | Drove.               |
| "        | 30                     | Soham - - -   | Public highway.      |
| "        | 34                     | Soham - - -   | Public highway.      |
| "        | 62                     | Soham - - -   | Drove.               |
| "        | 22                     | Fordham - - - | Public highway.      |
| "        | 31                     | Fordham - - - | Public highway.      |



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As to cross-  
ing the  
River Ouse  
near Ely.

**30.** 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 Armsdale, 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 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.

For pro-  
tecting the  
drainage and  
navigation  
of the Bed-  
ford Level.

**31.** 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



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or ice through and along any such river, canal, cut, drain, or water-course 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 or 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 bank 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 any 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 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 any 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.

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**32.** 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

Lands taken  
by the Com-  
pany to be  
subject to  
drainage  
taxes.

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A.D. 1875. not been 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.

**33.** 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 formed 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 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."

As to junction of railway No. 1 with Great Eastern Railway.

**34.** Notwithstanding anything shown on the deposited sections, the junction between railway No. 1 at its commencement and the Great Eastern Railway shall be made at such point within the limits of deviation defined upon the deposited plans, and with such lines now existing or hereafter to be laid down by the Great Eastern Company, and in such manner, as the Great Eastern Company shall reasonably require.

For insuring station accommodation of the Company at Ely.

**35.** If the Great Eastern Company and the Company arrange for the accommodation of the traffic of the Company at the Ely station of the Great Eastern Company as now existing, or as the same may be hereafter extended or enlarged, the Company shall 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 of Parliament be authorised to acquire; but if such arrangement be not made, the Company shall be at liberty (but without prejudice to their right under the provision herein-before contained to form a junction between railway No. 1 and the Great



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Eastern Railway) to extend their railway within the limits of deviation shown upon the deposited plans to and to construct a station upon the south side of the road aforesaid leading from Ely to Soham, subject nevertheless to the following provisions: A.D. 1875.

- (A.) The Company shall not purchase or take any lands now belonging to the Great Eastern Company, or which they may be authorised in the present session to acquire as aforesaid, except such as shall be absolutely necessary for the purpose of extending their line and for constructing a station as aforesaid.
- (B.) Before purchasing or taking any of the lands referred to in the preceding paragraph (A) the Company shall deliver to the Great Eastern Company a plan showing the lands which they propose so to purchase and take.
- (C.) If within one month after delivery of such plan the Great Eastern Company do not by notice in writing to the Company object to the Company purchasing or taking such lands, the Company shall be at liberty to purchase and take the same accordingly.
- (D.) If within the said period of one month the Great Eastern Company object by notice to the Company to their purchasing or taking the lands, or any part of the lands, shown upon the said plans as aforesaid, then, unless the two Companies otherwise agree, it shall be determined by arbitration, in manner herein-after provided, what part or parts of the lands of the Great Eastern Company, or which they may be authorised to acquire as aforesaid, shall be taken by the Company for the purpose of so extending their line and constructing a station as aforesaid, and the terms and conditions, pecuniary or otherwise, upon which the Company shall so purchase and take the same: Provided always, that the arbitrators, arbitrator, or umpire, as the case may be, in making their or his award, shall have regard on the one hand to the right of the Company to extend their railway and to construct a station as aforesaid, and on the other hand to the reasonable wants and requirements of the Great Eastern Company for improved station, siding, and other accommodation at and in connexion with their Ely station, and their railway leading thereto, and may direct, if they or he think it necessary, an application to be made to Parliament for the purchase of any additional lands, and by whom and at whose expense any such application shall be made or land provided, or may apportion the cost between the two Companies.

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Arbitration.

**36.** If any difference arise between the Company, and the Great Eastern Company, with reference to any of the matters referred to in the last preceding section, the same shall (unless the two Companies otherwise agree) be determined by arbitration, in manner provided by "The Railway Companies Arbitration Act, 1859."

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

**37.** 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 nine hundred and fifty-six pounds two shillings three per centum Consolidated Bank annuities, being at the price at which the same was purchased equal to five per cent. upon the amount of the estimate in respect of the railways, has been transferred into 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 sum of four thousand nine hundred and fifty-six pounds two shillings stock so transferred as aforesaid in respect of the application for this Act shall not be paid or 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 sum of stock transferred as aforesaid 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.

Application  
of deposit.

**38.** The said sum of stock transferred 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



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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 sum of stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of stock, 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; provided that until the said sum of stock has been retransferred to the depositors, or has 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.

**39.** If the railways are 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 railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed: Provided always, that if by any Act passed, or to be passed during the present session, a junction be authorised at or near Soham, between any railway authorised by such Act and railway No. 1 by this Act authorised, the portion of railway No. 1 lying to the northward of such point of junction shall be completed within three years after the passing of this Act.

**40.** The Company may demand any tolls for the use of the railway not exceeding the following; (that is to say,)

Tolls.

In respect of passengers conveyed in carriages upon the railway:  
For every person conveyed in or upon any carriage for the use of the railway per mile not exceeding two pence, and if con-

Tolls for  
passengers.

A.D. 1875.

Tolls for  
goods and  
minerals.

veyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one penny.

In respect of goods, minerals, and things, carriages, and animals as follows :

Class 1. For all coal, cannel, culm, coke, slack, and cinders, one penny per ton per mile, and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding one halfpenny :

Class 2. For all dung, compost, bones loaded in bulk, and all other sorts of manure, except as herein-after mentioned, coprolites, salt for agricultural purposes or for curing fish, lime, limestone, and all undressed materials for the repair of public roads, charcoal, stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone, iron ore, and iron not damageable, the sum of one penny per ton per mile, and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding one halfpenny :

Class 3. For damageable iron, sheet, rod, and hoop iron, and all other similar descriptions of wrought iron, salt for domestic purposes, pitch, tar, asphaltum, ground bones, ground coprolites, guano, timber, staves, and deals, one penny farthing per ton per mile, and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding three farthings :

Class 4. For sugar, grain, corn, flour, malt, seeds, soda, oil cake, oil in casks, saltpetre, ale and beer in casks, hoofs, horns, bones, rice, tallow, cheese, butter in casks, potatoes, bacon, flax, hops, jute, junk, lead, molasses, rags, turpentine in casks, vinegar in casks, leather, wines and spirits in casks, hides, dyewoods, paper, Manchester packs, earthenware, metals, hardware in packages or cases, nails, anvils, vices, chains, cotton and other wools, and manufactured goods, the sum of twopence per ton per mile, and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding one penny :

Class 5. For hay, straw, tea, fish, feathers, canes, cochineal, furniture, hats, shoes, silk, glass, music, toys, and all other articles, matters, and things, threepence per ton per mile, and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding one penny :

Tolls for  
carriages.

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, carried and conveyed on a truck or platform, for the use of the railway



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per mile not exceeding, if such carriage has more than two wheels, and weighs not more than one ton and a half, sixpence; if such carriage has but two wheels, and weighs not more than one ton, fourpence; and a further sum not exceeding one penny per mile for every additional quarter of a ton, or fractional part of a quarter of a ton up to four tons, which any such carriage may weigh : A.D. 1875.

In respect of animals conveyed in carriages upon the railway : Tolls for animals.

For every horse, mule, ass, or other beast of draught or burden, conveyed in or upon any carriage, for the use of the railway per mile not exceeding fourpence, and if conveyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one penny :

For every ox, cow, bull, or head of neat cattle, conveyed in or upon any carriage, for the use of the railway per mile not exceeding one penny halfpenny, and if conveyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one halfpenny :

For every calf or pig, sheep, lamb, or other small animal, conveyed in or upon any carriage, for the use of the railway per mile not exceeding one halfpenny, and if conveyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one farthing.

41. The toll which the Company may demand for the use of engines for drawing or propelling carriages on the railway shall not exceed three farthings per mile for each passenger or animal, or for each ton of goods or other articles, in addition to the several other tolls by this Act authorised to be taken. Tolls for propelling power.

42. The following provisions and regulations apply to the fixing of all the tolls; (that is to say,) Regulations as to tolls.

For persons, animals, or things conveyed on the railway for a less distance than four miles the Company may demand and take tolls as for four miles :

For a fraction of a mile the Company may demand and take tolls for passengers as for one mile, and for animals and goods as for a quarter of a mile :

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

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

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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 single  
articles of  
great weight.

43. With respect to small packages by passenger trains not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For any parcel not exceeding seven pounds in weight threepence.

For any parcel exceeding seven pounds in weight, and not exceeding fourteen pounds in weight, fivepence.

For any parcel exceeding fourteen pounds in weight, and not exceeding twenty-eight pounds in weight, sevenpence.

For any parcel exceeding twenty-eight pounds in weight, and not exceeding fifty-six pounds in weight, ninepence.

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

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

Single  
articles of  
great weight.

For the carriage of single articles of great weight:

For the carriage of any single article, the weight of which, including the carriage, exceeds four tons, but does not exceed eight tons, the Company may demand any sum not exceeding sixpence a ton a mile, and an additional sum not exceeding one penny a ton per mile for the carriage conveying the same if belonging to the Company, and for the propelling power:

For the carriage of any single article, the weight of which, including the carriage, exceeds eight tons, the Company may demand and take any sum they think fit.

Passengers  
luggage.

44. 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.

Maximum  
rates for  
passengers.

45. The maximum rates 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 of carriages, and for locomotive



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power, and every other expense incidental to the conveyance, shall not exceed the following sums; (that is to say,) A.D. 1875,

For every passenger conveyed in a first-class carriage threepence per mile :

For every passenger conveyed in a second-class carriage twopence per mile :

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

46. And with respect to the conveyance of goods, minerals, and things, carriages, and animals, the Company may lawfully demand and receive as a maximum rate of carriage for the conveyance thereof along the railway, including the tolls for the use of the railway and waggons or trucks and locomotive power, and every expense incidental to such conveyance, except a reasonable sum for loading, covering, and unloading of goods at any terminal station of such railway, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where such services or any of them are or is performed by the Company, any rates or sums not exceeding the rates or sums following; (that is to say,) Maximum rates for goods.

For goods in Class 1, one penny farthing a ton a mile :

For goods in Class 2, one penny halfpenny a ton a mile :

For goods in Class 3, twopence a ton a mile :

For goods in Class 4, twopence halfpenny a ton a mile :

For goods in Class 5, fourpence a ton a mile.

47. For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, carried and conveyed on a truck or platform, for the use of the railway per mile not exceeding, if such carriage weighs not more than one ton, sixpence, and a further sum not exceeding one penny per mile for every additional quarter of a ton, or fractional part of a quarter of a ton up to four tons, which any such carriage may weigh : Carriages and animals.

For every horse, mule, ass, or other beast of draught or burden per mile not exceeding fourpence :

For every ox, cow, bull, or head of neat cattle per mile not exceeding twopence :

For every calf or pig per mile not exceeding one penny :

For every sheep, lamb, or other small animal per mile not exceeding one halfpenny :

48. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been Terminal station.

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A.D. 1875. — received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

49. The restrictions as to 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 from time to time appointed by the Company for the conveyance of passengers and goods on the railway.

Company may take increased charges by agreement.

50. Nothing in this Act contained shall be held to prevent the Company from taking any increased charge (over and above the charges herein-before limited) for the conveyance of goods of any description, by agreement with the owners or persons in charge of such goods, either in respect of the conveyance thereof, except small parcels by passenger trains, or by reason of any other special service performed by the Company in relation thereto.

Confirming agreement in schedule.

51. The agreement (a copy whereof is set forth in the schedule to this Act) made between the Great Eastern Railway Company of the one part, and John Pugh Bridgwater, Thomas Ellis, and John Elliott of the other part, is hereby confirmed, and, subject to the provisions of article 9 of the agreement, made binding upon the Great Eastern Railway Company, and also upon the Company, and full effect shall be given thereto accordingly, as if the Company were parties thereto instead of the said parties thereto of the second part, and the same were under the seal of the Company: Provided always, that such agreement shall be subject to the provisions of section 27 of "The Railways Clauses Act, 1863," as amended by "The Regulation of Railways Act, 1873," in like manner as if the said agreement were an agreement made under and subject to the provisions of Part III. of the first-mentioned Act; and provided further, that at the expiration of ten years from the passing of this Act the said agreement may be unconditionally determined by the Company.

Power to enter into working agreements with the Great Eastern Company.

52. The Company on the one hand, and the Great Eastern Company on the other hand, 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,)

The use of the railways and works of the contracting Companies, or any part thereof, and the arrangements for the conduct of the traffic thereon;



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The payments to be made and the conditions to be observed in respect of such use ; A.D. 1875.

The interchange, accommodation, conveyance, transmission, and delivery of traffic coming from or destined for the undertakings of the contracting Companies ; and

The division and apportionment of the revenue arising from such traffic or other the profits of the undertakings of the contracting Companies.

**53.** 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 Great Eastern Company, the railways of the Company and of the Great Eastern Company shall for the purposes of 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 railways of the Great Eastern 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 railways of the Company and partly on the railways of the Great Eastern Company as aforesaid.

Tolls on traffic conveyed partly on the railway and partly on the railways of the Great Eastern Company.

**54.** 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 beyond the amount of the calls actually made as in conformity with "The Companies Clauses Consolidation Act, 1845."

Interest not to be paid on calls paid up.

**55.** 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.

Deposit for future Bills not to be paid out of capital.

**56.** Nothing in this Act contained shall exempt the railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway com-

Railways not exempt from provisions of present

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and future  
general Acts. panies, 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. **57.** 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.



The SCHEDULE referred to in the foregoing Act. A.D. 1875.

HEADS OF AGREEMENT made the eighth day of June 1875, between the Great Eastern Railway Company (herein-after called "the Eastern Company") of the one part, and John Pugh Bridgwater, of Bolton Gardens, South Kensington, in the county of Middlesex, Thomas Ellis, of Tranquilla Terrace, Hammersmith, in the county of Middlesex, and John Elliott, of 44, Coleman Street, in the city of London, on behalf of the promoters of a Bill now pending in Parliament, and intituled "An Act for making railways from the Great Eastern Railway at Ely to the Great Eastern Railway at Newmarket, and for other purposes," (herein-after called "the promoters,") of the other part.

IT IS MUTUALLY AGREED between the Eastern Company and the promoters as follows:

1. That in the event of the said Bill (herein-after referred to as "the Bill") passing into law, the promoters or the Company to be incorporated by the Bill (herein-after referred to as "the Company") shall, with all possible despatch, at their own expense, construct and complete the railways proposed to be authorised by the Bill, as the same may pass into law, including all necessary and proper junctions, signals, interlocking apparatus, and other works and conveniences at the intended junctions of those railways with the railways of the Eastern Company (so far as signals may be necessary thereat), and including also stations, with all necessary and proper works and conveniences, so that the same may form a complete and convenient single line of railway for local and through purposes between the railways of the Eastern Company at Newmarket and at Ely respectively, as provided by the Bill, land being purchased for a double line of railway throughout between the foregoing points.

2. The Eastern Company shall be consulted by the promoters or the Company upon all matters relating to the construction of the proposed railways, and such railways shall be constructed in accordance with plans, drawings, specifications, and prices to be approved from time to time by the principal engineer for the time being of the Eastern Company, and any contract made with any contractor for the execution of works, shall provide for the due execution of the works to the satisfaction of the Eastern Company within a time to be limited, and shall be subject in all respects to the approval of the Eastern Company in writing.

3. From and after the completion of the railways authorised by the Bill, the same shall be maintained and worked in perpetuity by the Eastern Company (subject to any running powers over those railways which may be granted in the present session of Parliament to any company, person, or persons), and all

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A.D. 1875. — expenses in connexion with such maintenance and working, and as to repairs, management, government duty, clearing house charges, taxes, directors fees, office administration, and other expenses, shall be paid by the Eastern Company, and the gross earnings of the said railway shall be received by and shall belong to the Eastern Company.

4. The Eastern Company shall from and out of the gross earnings of the railways authorised by the Bill, and out of the gross earnings arising from traffic in connexion with those railways passing over the railways of the Eastern Company, provide and annually pay to the promoters or the Company a toll or sum which shall be equal in amount to interest at the rate of 5*l.* per cent. per annum on the actual outlay by the promoters or the Company on the construction of the railways authorised by the Bill, in accordance with the terms of this agreement, and such toll or sum shall be payable and paid by the Eastern Company from the day on which the railways authorised by the Bill shall be completed as aforesaid.

5. For the purposes of this agreement the actual outlay by the promoters or the Company on the construction of the railways authorised by the Bill shall be deemed to include, and shall include, the aggregate of the payments made in respect of the several following objects; (that is to say,) in payment of the costs incurred in purchasing the lands required for and in constructing the railways and works authorised by the Bill, including all parliamentary, legal, engineering, and other expenses connected therewith or incidental thereto, and in payment of all other the actual cash expenditure of the promoters or the Company, with interest at the rate of 5*l.* per cent. per annum upon all expenditure incurred by the promoters or the Company during construction of the said railways and works from the date of actual payment up to and including the date of the user of such railways by the Eastern Company.

6. The amount of the actual outlay incurred by the promoters or the Company in respect of which toll shall be payable as aforesaid by the Eastern Company shall be subject to the other provisions of these presents in relation thereto, and be ascertained and certified by the engineer to the Company and the engineer to the Eastern Company respectively, and in the event of dispute or difference between them by an arbitrator or umpire to be chosen by such engineers jointly.

7. All payments herein provided for to be made by the Eastern Company shall be made by them by half-yearly payments, and not later than the first days of March and September in each and every year.

8. The Eastern Company, on payment to the promoters, or the Company, at any time of an agreed sum, or, in default of agreement, of a sum to be settled by arbitration in manner provided by the Common Law Procedure Act, 1854, for and in respect of the costs, charges, and expenses of obtaining the said Act or fairly relating thereto (including professional charges and expenses of solicitor, parliamentary agent, and engineer), shall be at liberty to apply to Parliament in the then next or any other session for an Act to transfer the powers vested in the Company by the Act to the Eastern Company, and to vest in the Eastern Company the undertaking of the Company, and thereupon the promoters or the Company shall, so far as may be necessary,



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assist the Eastern Company in obtaining such intended powers of transfer and vesting, without any further charge or expense to the Eastern Company otherwise than may be caused to the promoters or the Company by the rendering of such assistance or otherwise; and upon such payment as aforesaid the provisions of these presents with reference to the construction of the railways by the Company and the payments to be made by the Eastern Company shall cease and have no effect. A.D. 1875.

9. These heads of agreement shall not be binding upon the Eastern Company unless and until the terms thereof shall have been approved at a meeting of the proprietors of that Company to be convened and held as herein-after provided; that is to say,

- (A.) The meeting shall be held for the purpose of considering such terms.
- (B.) The meeting shall be convened by advertisement inserted once in each of two consecutive weeks in a morning newspaper published in London, and in a newspaper of the county in which the principal office of the Eastern Company is situate.
- (C.) A circular convening the meeting shall also be addressed to each proprietor in the Eastern Company at his last known or usual address, and sent by post to or delivered at such address not less than ten days before the holding of such meeting.
- (D.) A blank form of proxy with proper instructions for the use of the same shall be enclosed in each such circular, and the same form of proxy and the same instructions, and none other, shall be sent to every such proprietor, and no such form of proxy shall be stamped when issued by the Eastern Company, nor shall the funds of that Company be used for the stamping of any proxies, unless the Eastern Company at a general meeting determine otherwise, in which case a stamped form of proxy shall be sent to each proprietor as aforesaid.
- (E.) The meeting shall be held at a period not earlier than seven days after the last insertion of such advertisement.
- (F.) At such meeting these heads of agreement or the terms thereof shall be submitted to the proprietors then present, and these heads of agreement shall not be binding upon the Eastern Company unless the terms thereof be approved of by the proprietors present in person or by proxy, holding at least three fourths of the paid-up capital of the Company represented at such meeting, such proprietors being qualified to vote at the meeting in right of such capital.

10. This agreement, so far as the same can be legally done, shall be carried out under the provisions of the Bill now pending, and if any further powers are necessary from Parliament the same shall be applied for by the Eastern Company at their own expense, and the Company shall concur in such application.

11. These heads of agreement are subject to the sanction of Parliament, and to such alterations as Parliament may think fit to make therein.

In witness whereof the said Great Eastern Railway Company have hereunto caused their common seal to be set and affixed, and the said other

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A.D. 1875. parties hereunto have set their hands and seals, the day and year first before written,

Signed and sealed by the within-named John Pugh Bridgwater, Thomas Ellis, and John Elliott, in the presence of

GEORGE A. SPRAGUE,  
30, Parliament Street,  
Westminster.

JOHN P. BRIDGWATER.

L.S.

THOMAS ELLIS.

L.S.

JOHN ELLIOTT.

L.S.

The common seal of the Great Eastern Railway Company was hereunto affixed in the presence of

THOMAS H. SUTTON,  
Clerk to Mr. W. H. Shaw,  
Bishopsgate Station.

