



ANNO DECIMO

VICTORIÆ REGINÆ.

Cap. xviii.

An Act to enable the *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company to make an Extension Railway from *Lavenham* to *Bury Saint Edmunds* in the County of *Suffolk*.

[8th June 1847.]

WHEREAS an Act was passed in the last Session of Parliament, called "*The Colchester, Stour Valley, Sudbury, and Halstead* Railway Act, 1846:" And whereas the making of a Railway, in extension of the *Colchester, Stour Valley, Sudbury, and Halstead* Railway, from *Lavenham* to the Town of *Bury Saint Edmunds* in the County of *Suffolk*, would be of great public Advantage: And whereas the *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company are willing, at their own Expence, to make such Railway: And whereas it is expedient that some of the Provisions of the said recited Act should be extended and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Powers of recited Act,

[*Local.*]

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9 & 10 Vict.
c. 76.
and

and 8 & 9
Vict. cc. 18.
and 20., ex-
tended to
this Act.

and Things contained in the said recited Act, and in "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, so far as the same Provisions, Matters, and Things are applicable thereto, as fully and effectually as if the same were repeated and re-enacted in this Act in reference to such Purposes and Things.

Short Title
of Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Documents and Proceedings, it shall be sufficient to describe it as "*The Colchester, Stour Valley, Sudbury, and Halstead Railway Act, 1847 (Extension Railway from Lavenham to Bury Saint Edmunds).*"

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

III. And whereas Plans and Sections of the Railway by this Act authorized, showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Suffolk*; be it enacted, That, subject to the Provisions in this Act and the recited Act contained, it shall be lawful for the Company to make and maintain the Railway and Works connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Protecting
Lands of
H. J. Oakes,
Esq.

IV. Provided always, and be it enacted, That in constructing that Part of the Railway which passes through certain Lands in the Parish of *Nowton*, belonging or claimed to belong to *Henry James Oakes Esquire*, numbered 8 and 9 on the said deposited Plans, the Company shall deviate the centre Line of Railway as delineated on such Plans so that the same shall be constructed as far to the Eastward as the Limits of Deviation defined on the said Plans will admit.

Line of
Railway.

V. And be it enacted, That the said Extension Railway shall commence in the Parish of *Lavenham* near to the High Road leading from *Lavenham* to *Bury Saint Edmunds*, pass thence in or through the several Places of *Lavenham*, *Cockfield*, *Bradfield Combust*, *Great Whelnetham* otherwise *Great Weltenham*, *Little Whelnetham* otherwise *Little Weltenham*, and *Nowton*, in the said County of *Suffolk*, and *Saint Mary* and *Saint James* in the Borough of *Bury Saint Edmunds* in the said County of *Suffolk*, and terminate in, at, or near the Station of the *Ipswich and Bury Saint Edmunds Railway* in the said Parish of *Saint James* in the Borough of *Bury Saint Edmunds*, all in the said County of *Suffolk*.

Power to
cross certain
Roads on a
Level.

VI. And be it enacted, That it may be lawful for the Company to construct the said Extension Railway across and upon the Level of the public Road numbered on the deposited Plans as follows, (that

is to say,) Number 15 in the Parish of *Great Whelnetham* otherwise *Great Weltenham* in the said County of *Suffolk*.

VII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Extension Railway shall cross on the Level the before-mentioned Road, and the Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Commissioners of Railways.

Company to erect a Station or Lodge where Road crossed on a Level.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall enable the Company to form any public Road Approaches with a steeper Inclination than 1 in 30.

Inclination of certain Roads.

IX. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Twenty Acres, in addition to the Land which they are authorized by the recited Act to take for such Purposes.

Power to purchase Land for extraordinary Purposes.

X. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period within which Lands are to be purchased.

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

Period for the Completion of Works.

XII. And whereas the estimated Expence of making the said Extension Railway is One hundred and sixty-five thousand Pounds; be it enacted, That it shall be lawful for the Company to raise, by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the said recited Act, or which they may be authorized to raise by any other Act to be passed during the present Session of Parliament, any further Sum of Money not exceeding in the whole the Sum of One hundred and sixty-five thousand Pounds.

Power to raise additional Capital by Creation of new Shares.

XIII. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary Meeting of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall

New Shares to be considered same as original Shares.

shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

As to Votes
of Proprie-
tors of new
Shares.

XIV. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the said Undertaking.

Power to
borrow
Money on
Mortgage.

XV. And be it enacted, That after the whole of the Sums by this and the recited Act authorized to be raised by Shares shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any Ordinary or Extraordinary Meeting of the Company, provided that such Sums of Money do not exceed in the whole Fifty-five thousand Pounds, in addition to the Sums which they are by the said recited Act or which by any other Act passed in the present Session of Parliament they may be authorized to borrow.

Power to
pay Interest
on Calls.

XVI. And be it enacted, That it shall be lawful for the Directors of the Company, from and after the passing of this Act, and from thenceforth until the Railways and Works by the said recited Act and this Act authorized to be made shall be completed and open to the Public, to pay Interest at any Rate not exceeding Five Pounds *per Centum per Annum* on all Sums already called up or hereafter to be called up in respect of the Shares created and to be created by virtue of the said recited Act and this Act, from the respective Days on which the same shall have been paid, such Interest to accrue and be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose; provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear in respect of any such Share, or any other Share held by the same Proprietor, during the Time while such Call shall remain unpaid.

Same Tolls
may be taken
as on Main
Line.

XVII. And be it enacted, That it shall be lawful for the Company to demand and receive for and in respect of the Extension Railway the same Tolls and Charges as they are by the said recited Act authorized to demand and receive for and in respect of the Railway by such Act authorized to be constructed.

Maximum
Charges.

XVIII. Provided always, and be it enacted, That the maximum Tolls and Charges to be made by the Company in respect to the Extension Railway shall in no Case exceed the maximum Tolls and Charges authorized by the said recited Act.

Power to
lease the
Railway to
the Ipswich
and Bury
Saint Ed-

XIX. And whereas the Extension Railway hereby authorized might very advantageously to the Public be constructed and worked by the *Ipswich and Bury Saint Edmunds* Railway Company; be it therefore enacted, That it shall be lawful for the *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, with the Authority of Three Fifths
of

of the Votes of the Shareholders thereof who may be present, either personally or by Proxy, at some Extraordinary Meeting of the Company, to demise or lease the said Extension Railway after the Completion thereof, for such Consideration or annual Rent as they shall think proper, unto the said *Ipswich and Bury Saint Edmunds* Railway Company, for any Term which shall or may have been agreed upon; and the said *Ipswich and Bury Saint Edmunds* Railway Company are hereby authorized, if they think proper, with the like Authority of the Shareholders thereof, to enter into and accept such Lease, and every such Lease shall be valid and effectual, and shall entitle the said *Ipswich and Bury Saint Edmunds* Railway Company, during the Term therein granted, to the full and free Use and Enjoyment of the Railway hereby authorized, and the Works connected therewith; and during such Term all the Powers, Privileges, and Authorities granted to and which are or might be lawfully held, used, exercised, and enjoyed by the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, or the Directors thereof, or their Officers, Agents, or Servants, shall in like Manner, and to the same Extent in all respects, apply to and be held, used, exercised, and enjoyed by the said *Ipswich and Bury Saint Edmunds* Railway Company, and the Directors thereof, their Officers, Agents, and Servants, under the same Regulations and Restrictions as are granted to or imposed upon the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company; and it shall be lawful for the said Companies to make and enter into any such Contract or Agreement for effecting the Purposes aforesaid, and for constructing, working, and using the said Extension Railway and Works, and for the Maintenance and Repair of the same, as they the said Companies may deem advisable; and every such Contract may contain such Covenants, Clauses, Provisoes, and Conditions as the said Companies may mutually agree upon.

XX. And be it enacted, That it shall be lawful for the *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, by and with the Authority of Three Fifths of the Votes of the Shareholders thereof who may be present, either personally or by Proxy, at some Extraordinary Meeting of such Company specially called for the Purpose, to sell, transfer, or dispose of, and for the *Ipswich and Bury Saint Edmunds* Railway Company, by and with the like Authority of the Shareholders thereof, to purchase or accept the Extension Railway by this Act authorized, after the Execution or Completion thereof, for such Consideration and upon such Terms and Conditions as the said Companies may mutually agree upon, subject to the existing Liabilities affecting the same, and subject also to the Provisions of this Act, and of the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845."

XXI. And be it enacted, That the Conveyance or Assignment of the said Extension Railway may be in the Form in the Schedule to this Act annexed, or to the like Effect, with such Alterations therein or Additions thereto as the Circumstances of the Case and the Terms of the Purchase or Transfer may render necessary, or as may be agreed upon between the said Companies; and such Conveyance shall state the Consideration, and shall be duly stamped (for denoting the Payment

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of Railway.

ment of the full and proper Stamp Duty by Law payable in respect of the whole Purchase Money,) and shall be under the Common Seals of both the said Companies, and shall when so executed be effectual to vest the said Extension Railway, and all the Rights, Privileges, Powers, and Authorities by this Act, and the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," respectively given to the *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, and also the said Extension Railway and all Works belonging thereto, and the Ground and Soil thereof, and all and every other the Lands, Tenements, and Hereditaments, Rights, Easements, and Appurtenances whatsoever, and all Books, Maps, Plans, and other Documents, and also, if so expressed, all the Personal Property, Monies, and Effects of or to which the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company may by virtue of this Act, or by any other Means whatsoever, be seised, possessed, or entitled, at Law or in Equity, in and over the said Extension Railway, at the Time of the Execution of such Conveyance absolutely in the *Ipswich and Bury Saint Edmunds* Railway Company; and the said Undertaking shall thenceforth become and form Part of the Undertaking of the *Ipswich and Bury Saint Edmunds* Railway, subject nevertheless and without prejudice to any Mortgages, Charges, or Incumbrances which at the Time of the Execution of such Conveyance may be upon or affect the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, or any of their Property.

Notice of Execution of Conveyance to be given in the Gazette.

7 W. 4. & 1 Vict. c. 83.

XXII. And be it enacted, That Notice of the Execution of such Conveyance shall be inserted within Twenty-one Days after the Date thereof in the *London Gazette*, and also in Two or more Newspapers usually printed or circulated in the County of *Suffolk*, and that a Copy of such Conveyance, under the Common Seals of the said Companies, shall be deposited at the Office of the Clerk of the Peace for the said County within the before-mentioned Period, and such Clerk of the Peace shall receive and retain the same, and permit the Inspection thereof, and the making Copies thereof or Extracts therefrom, in the like Manner and subject to the like Terms and Penalties as in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament*, are expressed in relation to the Documents referred to in the same Act.

On Execution of the Conveyance, Powers of the Company to cease.

XXIII. And be it enacted, That when and as soon as the said Conveyance shall have been executed by both of the said Companies, and shall have been so advertised, and a Copy thereof deposited as aforesaid, the Powers of the *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company in and over the said Extension Railway shall cease and determine; and all the Rights, Privileges, Powers, and Authorities by this Act, and by the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," respectively conferred on or given to the *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, in and over the said Extension

Extension Railway, shall apply to and be vested in the *Ipswich and Bury Saint Edmunds* Railway Company, and may lawfully be used, exercised, and enjoyed by the last-mentioned Company or the Directors thereof, or their Officers, Agents, or Servants, under the same Penalties, Provisions, and Restrictions as are applicable to or imposed upon the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company; and the Corporate Seal of the *Ipswich and Bury Saint Edmunds* Railway Company shall be used when necessary in reference thereto, in like Manner in every respect as though the said Undertaking formed Part of the Undertaking of the *Ipswich and Bury Saint Edmunds* Railway, and the *Ipswich and Bury Saint Edmunds* Railway Company had been originally authorized to carry the same into effect.

XXIV. And be it enacted, That all Contracts, Agreements, Conveyances, Mortgages, Bonds, and Securities which may have been made or entered into with, to, or in favour of or by or for the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, previously to the Execution of such Conveyance, shall from and after the Execution thereof be and remain as good, valid, and effectual in favour of, against, and in reference to the *Ipswich and Bury Saint Edmunds* Railway Company, and may be proceeded on and enforced in the same Manner, by or against the *Ipswich and Bury Saint Edmunds* Railway Company, to all Intents and Purposes as if such Company had been a Party to and had executed the same, or had been named or referred to therein instead of the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company.

Contracts not to be affected.

XXV. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, previously to the passing of this Act, shall abate or be discontinued or prejudicially affected by reason of the vesting of the said Undertaking in the *Ipswich and Bury Saint Edmunds* Railway Company; but, on the contrary, the same shall continue and take effect in favour of and against the said *Ipswich and Bury Saint Edmunds* Railway Company, in the same Manner in all respects as the same would or might have continued and taken effect in favour of or against the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company if this Act had not been passed.

Actions, &c. commenced before passing of this Act not to abate.

XXVI. Provided always, and be it enacted, That any Deed or Deeds, Agreement or Agreements, which may have been entered into and executed by or between the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, and the said *Ipswich and Bury Saint Edmunds* Railway Company, or by or between the Directors of either of the said Two Companies, with reference to the making or granting and Acceptance of any such Lease or Purchase as aforesaid, or the Terms or Conditions thereof, prior to the passing of this Act, or which shall have received the Sanction of a General Meeting of the said respective Companies, or either of them, shall, if the same be consistent with the Provisions of this Act, be as valid and binding on the

Agreements made prior to this Act, if consistent with the Provisions thereof, confirmed.

the said Companies as though the same had been entered into under the Provisions of this Act.

Enabling the Ipswich and Bury Saint Edmunds Railway Company to raise Money by Creation of additional Shares, &c.

XXVII. And be it enacted, That for the Purpose of the Purchase and Execution of the Extension Railway hereby authorized it shall be lawful for the said *Ipswich and Bury Saint Edmunds* Railway Company, if they see fit, by and with such Authority of their Shareholders as aforesaid, to create such an additional Number of Shares and to borrow such Sum of Money as may be necessary for completing such Purchase, or for constructing and working the said Extension Railway, provided the Amount to be raised by such additional Shares shall not exceed the Amount of Capital authorized to be raised by this Act for the Purposes thereof, and provided that the Amount to be so borrowed shall not exceed One Third of the said Capital; and no Money whatever shall be so borrowed until the whole of the Money to be raised by Shares shall have been subscribed for, and One Half thereof actually paid up.

Provisions of 8 & 9 Vict. c. 16. to apply to such Money.

XXVIII. And be it enacted, That the Provisions contained in the said "Companies Clauses Consolidation Act, 1845," with respect to the Conversion of borrowed Money into Capital, shall apply to the Money hereby authorized to be borrowed by the said *Ipswich and Bury Saint Edmunds* Railway Company.

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

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

Railway to be subject to Provisions of any future general Act.

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

XXXI. And

XXXI. And be it enacted, That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company, in preference to all other Payments whatsoever.

XXXII. And be it enacted, That the Term "the Company" in this Act shall mean "The *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company," and the Expression "the Extension Railway" or "the said Extension Railway" shall mean the Railway by this Act authorized to be constructed.

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

SCHEDULE.

Form of Conveyance of the Undertaking.

THIS Indenture, made the Day of
in the Year of our Lord between the Colchester,
Stour Valley, Sudbury, and Halstead Railway Company of the one
Part, and the Ipswich and Bury Saint Edmunds Railway Company of
the other Part, witnesseth, That the Colchester, Stour Valley, Sud-
bury, and Halstead Railway Company, in consideration of the Sum
of to them paid by the Ipswich and Bury Saint
Edmunds Railway Company, the Receipt whereof is hereby acknow-
ledged, and by virtue and in pursuance and under the Authority of
“The Colchester, Stour Valley, Sudbury, and Halstead Railway
Act, 1847 (Extension Railway from Lavenham to Bury Saint Ed-
munds),” do hereby convey all that the Undertaking authorized by
the said Act, and the Powers and Authorities thereby given for
making and completing the same, unto the Ipswich and Bury Saint
Edmunds Railway Company, absolutely and for ever, but subject to
all existing Liabilities affecting the same, and subject also to the
Provisions of the said Act; and the said Ipswich and Bury Saint
Edmunds Railway Company do hereby accept and take the same
Undertaking, subject to the Liabilities aforesaid, and to the Provisions
of the said Act. In witness, &c.

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