



ANNO DECIMO

VICTORIÆ REGINÆ.

Cap. xix.

An Act for authorizing the Sale of the *Eastern Union and Hadleigh Junction* Railway to the *Eastern Union Railway Company*.

[8th June 1847.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from Colchester to Ipswich*, whereby a Company was incorporated by the Name of "The *Eastern Union Railway Company*:" 7 & 8 Vict. c. 85.
And whereas another Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her said present Majesty, intituled *An Act to amend the Act relating to the Eastern Union Railway Company, and to raise a further Sum of Money for the Purposes of the said Undertaking*: 8 & 9 Vict. c. 94.
And whereas an Act was passed in the last Session of Parliament, intituled *An Act to empower the Eastern Union Railway Company to complete the Eastern Union Railway, from the Junction thereof with the Line of the Eastern Counties Railway at Ardleigh, to Colchester*: 9 & 10 Vict. c. 97.
And whereas another Act was passed in the last Session of Parliament, called "The *Eastern Union and Hadleigh Junction Railway Act, 1846*," whereby a Company 9 & 10 Vict. c. 53.
[Local.] 3 P pany

Power to
sell Eastern
Union and
Hadleigh
Junction
Railway to
Eastern
Union Rail-
way Com-
pany.

pany was incorporated by the Name of "The *Eastern Union and Hadleigh Junction* Railway Company:" And whereas the Railway authorized to be constructed by the said last-mentioned Act is intended to unite with and will form a Branch of the *Eastern Union* Railway, and might be constructed and worked by the said *Eastern Union* Railway Company with greater Ease and Economy, and consequently with greater Advantage to the Public, than by the said *Eastern Union and Hadleigh Junction* Railway Company: And whereas the last-named Company have agreed to sell, and the said *Eastern Union* Railway Company have agreed to purchase, the Undertaking authorized by the last-recited Act; but the same 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 it shall be lawful for the said *Eastern Union and Hadleigh Junction* 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, and dispose of, and for the *Eastern Union* Railway Company, by and with the like Authority of the Shareholders thereof, to purchase or accept, the Undertaking by the said *Eastern Union and Hadleigh Junction* Railway Act, 1846, authorized, whether before or after the Construction of the last-mentioned Railway, for such Consideration and upon such Terms and Conditions as have been or may be agreed upon between the said Companies, subject to the existing Liabilities affecting the said Undertaking, and subject also to the Provisions of the *Eastern Union and Hadleigh Junction* Railway Act, 1846, and of this Act, and of the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," and the Agreement between the said Companies in reference to the said Sale and Purchase bearing Date the Twenty-sixth Day of *August* One thousand eight hundred and forty-six, and confirmed by the *Eastern Union* Railway Company at an Extraordinary General Meeting thereof held on the Eighth Day of *December* One thousand eight hundred and forty-six, and by the *Eastern Union and Hadleigh Junction* Railway Company at an Extraordinary General Meeting thereof held on the Thirteenth Day of *January* One thousand eight hundred and forty-seven, shall be valid and binding.

Form and
Effect of
Conveyance
of Under-
taking.

II. And be it enacted, That the Conveyance or Assignment of the said Undertaking 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 of the full and proper Stamp Duty by Law payable in respect of the whole of the 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 Undertaking, and all the
Rights,

Rights, Privileges, Powers, and Authorities by the said *Eastern Union and Hadleigh Junction* Railway Act, 1846, and the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," and also all Works belonging to the said Undertaking, and the Ground and Soil belonging thereto, 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 *Eastern Union and Hadleigh Junction* Railway Company may be seised, possessed, or entitled, at Law or in Equity, in and over the said *Eastern Union and Hadleigh Junction* Railway at the Time of the Execution of such Conveyance, absolutely in the *Eastern Union* Railway Company; and the said Undertaking shall thenceforth become and form Part of the *Eastern Union* 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 *Eastern Union and Hadleigh Junction* Railway Company.

III. And be it enacted, That Notice of the Execution of the said Conveyance shall be inserted within Twenty-one Days after the Date thereof in the *London Gazette*, and also in a Newspaper usually 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 same 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.

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

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

IV. And be it enacted, That when and as soon as the said Conveyance shall have been executed by both of the said Companies, and the Execution thereof shall have been so advertised, and a Copy thereof shall have been so deposited as aforesaid, all the Powers of the *Eastern Union and Hadleigh Junction* Railway Company shall cease and determine, and such Company shall be dissolved and cease to exist, and all the Rights, Privileges, Powers, and Authorities by the said *Eastern Union and Hadleigh Junction* Railway Act, 1846, and by the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," conferred on or given to the said *Eastern Union and Hadleigh Junction* Railway Company touching the said Undertaking, shall apply to and be vested in the *Eastern Union* 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 *Eastern*

On Execution of Conveyance, Powers of the Eastern Union and Hadleigh Junction Railway Company over their Railway to cease.

Eastern Union and Hadleigh Junction Railway Company, and the Corporate Seal of the *Eastern Union* Railway Company may be used, when necessary, in reference thereto, in like Manner in every respect as though the said *Eastern Union and Hadleigh Junction* Railway had originally formed Part of the Undertaking of the *Eastern Union* Railway, and the *Eastern Union* Railway Company had been originally authorized to carry the same into effect, instead of the said *Eastern Union and Hadleigh Junction* Railway Company.

Contracts
not to be
affected.

V. And be it enacted, That all Contracts, Agreements, Conveyances, Mortgages, Bonds, and Securities which have been made or entered into with, to, or in favour of or by or for the *Eastern Union and Hadleigh Junction* 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 *Eastern Union* Railway Company, and may be proceeded on and enforced in the same Manner, by or against the last-named 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 *Eastern Union and Hadleigh Junction* Railway Company.

Actions, &c.
not to abate.

VI. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the said *Eastern Union and Hadleigh Junction* 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 *Eastern Union* Railway Company, but, on the contrary, the same shall continue and take effect, but in favour of and against the said *Eastern Union* 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 *Eastern Union and Hadleigh Junction* Railway Company if this Act had not been passed.

Enabling
Eastern
Union Rail-
way Com-
pany to raise
Money by
Creation of
new Shares.

VII. And be it enacted, That for the Purpose of the Purchase and Execution of the *Eastern Union and Hadleigh Junction* Railway it shall be lawful for the *Eastern Union* Railway Company, if they see fit, by and with such Authority 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 Undertaking, provided that the Amount to be raised by such additional Shares shall not exceed the Sum of One hundred thousand Pounds, and provided that the Amount to be so borrowed shall not exceed One Third of the last-mentioned Sum, and no Money whatever shall be so borrowed until the whole of the Money which the *Eastern Union* Railway Company are authorized by this and the said recited Acts to raise by Shares shall have been subscribed, and One Half thereof actually paid up: Provided also, that it shall be lawful for the said *Eastern Union* Railway Company to allot any Portion of the said Shares to the Shareholders in the said *Eastern Union and Hadleigh Junction* Railway Company by way of Compensation for their Interest in the *Eastern Union and Hadleigh Junction* Railway, and to give Credit for all or any Part of the Sums represented

represented by or of the Calls payable in respect of such Shares, as may be agreed on with the Parties accepting the same.

VIII. And be it enacted, That, subject as aforesaid, the Money to be raised by Shares and to be borrowed by the *Eastern Union Railway Company* for the Purposes of the Undertaking so purchased by them shall be raised and borrowed in conformity with the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money, and with respect to the Conversion of borrowed Money into Capital.

Money to be raised in conformity to 8 & 9 Vict. c. 16.

IX. Provided always, and be it enacted, That all Mortgages already granted by the *Eastern Union Railway Company* shall have Priority over all Mortgages by this Act authorized to be granted.

Existing Mortgages to have Priority.

X. Provided always, and be it enacted, That in calculating the Dividends upon the Shares to be created under the Powers granted by this Act reference shall be had to any Difference between the Amount of Calls paid thereon, or agreed to be considered as paid thereon, and the Amount of Calls paid upon the original Shares of the *Eastern Union Railway Company* at the Time of the Declaration of such Dividend.

Dividends on new Shares.

XI. And whereas a Bill is now pending before Parliament for uniting the said *Eastern Union Railway Company* with the *Ipswich and Bury Saint Edmunds Railway Company*; be it enacted, That if such Bill shall pass into a Law in the present Session every Proprietor in the said *Eastern Union and Hadleigh Junction Railway Company* who by virtue of any subsisting Agreement between that Company and the said *Eastern Union Railway Company* for the Sale of the said *Eastern Union and Hadleigh Junction Railway* to the said last-mentioned Company might, but for the Union of the said *Eastern Union and Ipswich and Bury Saint Edmunds Railway Companies*, have elected to have been paid in Shares of the said *Eastern Union Railway Company* all or any Portion of the Price or Compensation payable to him by the said last-mentioned Company in respect of his Interest in the said *Eastern Union and Hadleigh Junction Railway*, shall and may elect to demand and receive in lieu thereof the like Number of Shares of the said *Eastern Union and Ipswich and Bury Saint Edmunds Railway Companies*, when united, as any Holder of a Number of Shares of the *Eastern Union Railway Company* equal in Number to those which such Proprietor might, but for such Union, have elected to have received in the *Eastern Union Railway Company*, may be entitled to demand and receive of the said *Eastern Union and Ipswich and Bury Saint Edmunds Railway Companies* when united.

Eastern Union and Hadleigh Junction Railway Shareholders may receive Shares in Eastern Union and Ipswich and Bury Saint Edmunds Railways when amalgamated, in lieu of Shares in Eastern Union Railway to which they may be entitled.

XII. 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*

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97.,

[Local.]

3 Q.

Act

5 & 6 Vict.
c. 55., and
7 & 8 Vict.
c. 85.

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 *Eastern Union and Hadleigh Junction Railway* or the said *Eastern Union Railway Company* from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

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

XIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the said *Eastern Union and Hadleigh Junction Railway* from the Provisions of any general Act relating to such Railway, or of any general Act relating to Railways, which may pass during the present 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 to be collected on such Railway.

Short Title
of Act.

XIV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to use the Expression "*The Eastern Union and Hadleigh Junction Railway Sale Act, 1847.*"

Expences of
Act.

XV. And be it enacted, That all the Costs, Charges, and Expences of and attending the applying for, promoting, and obtaining of this Act, or incident thereto, shall be paid and discharged out of the Funds of the said *Eastern Union Railway Company*, in preference to all other Payments whatsoever.

Public Act.

XVI. 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 Railway.

THIS Indenture, made the _____ Day of _____ in the Year of our Lord _____ between the Eastern Union and Hadleigh Junction Railway Company of the one Part, and the Eastern Union Railway Company of the other Part, witnesseth, That the Eastern Union and Hadleigh Junction Railway Company, in consideration of the Sum of _____ to them paid by the Eastern Union Railway Company, the Receipt whereof is hereby acknowledged, and by virtue and in pursuance and under the Authority of "The Eastern Union and Hadleigh Junction Railway Sale Act, 1847," do hereby convey all that the Undertaking authorized by the Eastern Union and Hadleigh Junction Railway Act, 1846, and the Powers and Authorities conferred on them by the said Act with relation to such Undertaking, unto the Eastern Union Railway Company, absolutely and for ever, and subject to all existing Liabilities affecting the same, and subject also to the Provisions of the said Eastern Union and Hadleigh Junction Railway Sale Act, 1847; and the said Eastern Union Railway Company do hereby accept and take the same Undertaking, subject to the said Liabilities and Provisions. In witness whereof the said Companies have hereunto set their Common Seals, the Day and Year first above written.

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