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VICTORIÆ REGINÆ.

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The Ipswich and Felixstow Railway Act, 1865.

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 for any Purpose as "The *Ipswich and Felixstow* Railway Act, 1865."

8 & 9 Vict. cc. 16., 18., & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway) and Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act and in the Acts or Parts of Acts incorporated herewith the Words "the Company" shall mean the Company incorporated by this Act, and the Words "the Undertaking," or "the Railways," shall mean the Railway and the Works connected therewith by this Act authorized to be constructed, and the Words "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Words are used were a common Simple Contract Debt, and not a Debt or Demand created by Statute, unless there be something in the Subject or Context of this Act repugnant to such Construction.

Subscribers incorporated.

4. *George Tomline*, *Thomas Brassey* the younger, *Charles Alfred Schreiber*, *Jeremiah Byles*, *George Charles Stacpoole*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes of the Undertaking, and such Company shall be incorporated by the Name of "The *Ipswich and Felixstow* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained, and their Undertaking shall be called "The *Ipswich and Felixstow* Railway."

First Ordinary Meeting.

5. The First Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act.

Number and Qualification of Directors.

6. The Number of Directors shall be Six and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

7. The

7. The First Directors of the Company shall be *George Tomline*, *Thomas Brassey* the younger, *Charles Alfred Schreiber*, *James Scott*, and *George Charles Stacpoole*. First Directors.

8. The Quorum of a Meeting of Directors shall be Three. Quorum of Directors.

9. The First Directors of the Company shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present personally or by proxy may either continue in Office the Directors appointed by this Act, or any Number 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 being eligible as Members of such new Body; and at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present personally or by proxy shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by "The Companies Clauses Consolidation Act, 1845," or by this Act, or either of them. Provision for First Directors retiring or continuing in Office.

10. It shall be lawful for the Company from Time to Time to reduce or to increase the Number of Directors, provided that the reduced Number be not less than Five, nor the increased Number more than Seven. Power to vary Number of Directors.

11. The Capital of the Company shall be Sixty-five thousand Pounds, and shall be divided into Six thousand five hundred Shares of Ten Pounds each. Capital.

12. No Share shall be issued by the Company, or shall vest in the Person accepting the same, until not less than Twenty *per Centum* on the nominal Amount thereof shall have been paid thereon. Shares not to issue until 20 per Cent. paid up.

13. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share. Calls.

14. The Company may borrow on Mortgage any Sums not exceeding in the whole the Sum of Twenty-one thousand eight hundred Pounds, but no Part of such Sum shall be borrowed until the Power to borrow on Mortgage.

the whole of the said Capital or Sum of Sixty-five thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, and until they shall have proved to the Justice who is to certify under the Provisions contained in the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for the whole of the said Capital of Sixty-five thousand Pounds have been issued and accepted *bonâ fide*, and that Half of such Capital has been paid up, and that not less than Twenty *per Centum* had been paid up on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares were taken *bonâ fide*, and are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Facts the Certificate of such Justice under that Section shall be sufficient Evidence.

Arrears may be enforced by Appointment of a Receiver.

15. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall not be less than Five thousand Pounds.

Application of Monies.

16. All Monies which the Company are by this Act authorized to raise shall be applied to the Purposes of the Undertaking authorized by this Act, and to no other Purpose.

Power to make Railway according to deposited Plans, and to take Lands.

17. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railway herein-after described, with all proper Works, Approaches, and Stations, in the Line and upon the Lands delineated upon the said Plan, and described in the said Book of Reference, and according to the Levels described on the said Section, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for the Purpose; (that is to say,)

A Railway commencing in the Parish of *Westerfield* in the County of *Suffolk* by a Junction with the *Woodbridge* Branch of the *Great Eastern* Railway at or near a certain Point measuring about Two Chains towards the South-east along the Line of the said Railway from the South-east End of the Platform Wall of the *Westerfield* Station of the said Railway, and terminating in that Part of a Field marked on the deposited Plan No. 1. in the Parish of *Felixstow* in the County of *Suffolk* where the same faces a Road called *Cobbold Road*, and to be extended a Chain and a Half or thereabouts across a private or Occupation Road into a Field belonging to *George Tomline* Esquire, and lying South of the said Road in the said Parish and County: Provided always, that such Extension shall only be made with the Consent in Writing of the said *George Tomline* first had and obtained.

18. The

Power to cross certain Roads on the Level.

18. The Company may, in the Construction of the Railway by this Act authorized, carry the same across and on the Level of the Road which on the Plans deposited as aforesaid is numbered as follows:

Number of Road on Plans.	Parish.	Description of Road.
2	Bucklesham - -	Public Road.

Provided, that while the Railway crossing that Road consists of a single Line of Railway not more than a single Line of Railway, and when such Railway consists of a double Line not more than a double Line of Railway, shall be laid by the Company across that Road.

Lands for extraordinary Purposes.

19. The Company may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railway Clauses Consolidation Act, 1845," in connexion with the Railway by this Act authorized, not exceeding Seven Acres.

Powers for compulsory Purchases limited.

20. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Railway.

21. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

As to Release of Money deposited.

22. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Five thousand two hundred Pounds, being equal to Eight *per Centum* upon the Sum of Sixty-five thousand Pounds, the Amount of the Estimate of the Expenses of the said Railway and Works, has been deposited in the Court of Chancery pursuant to the said Act: Therefore, notwithstanding anything contained in the said Act, the said Sum so deposited shall not, except upon the Execution and Deposit of such Bond as hereinafter mentioned, 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 the 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 authorized 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 public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sum of Money so deposited as aforesaid, and the Interests and Dividends thereof, shall, immediately from and after the Expiration of the said Period, be forfeited to Her Majesty, and be paid or transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom: Provided, that if at any Time after the passing of this Act a Bond in twice the Amount of such Sum so deposited as aforesaid shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum so deposited if the Company shall not, within the Time by this Act limited 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 said Capital by this Act authorized 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 such Bond shall have been deposited with the said Solicitor to the Treasury, then the said deposited Sum of Money, and the Interest or Dividends thereof, shall 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, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the deposited Sum, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the Treasury that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

23. The

Tolls.

23. The Company may demand any Tolls for the Use of the Railway not exceeding the respective Sums following; (that is to say,)

Tonnage for Goods, &c.

First, in respect of the Tonnage of all Articles conveyed upon the Railway, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, and other Articles of Merchandise, *per* Ton *per* Mile One Penny Farthing; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Sheet Iron, Hoop Iron, and all similar Descriptions of Wrought Iron, One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Sugar, Grain, Corn, Flour, Meal, Bread, Potatoes, Hay, Straw, Flax, Tow, Linen or Cotton Yarn, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Cotton, Flax, Yarn, and Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton and a Half, conveyed on a Truck or Platform, *per* Mile Fourpence; and a Sum of One Penny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile of Twopence.

Secondly, in respect of Passengers and Animals conveyed upon the Railway, as follows:

For every Person, *per* Mile Twopence; and if conveyed in a Carriage belonging to the Company, an additional Sum of One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile Threepence; and if conveyed in a Carriage belonging to the Company, an additional Sum of One Penny:

For every Ox, Cow, Bull, or Head of Neat Cattle, *per* Mile Twopence; and if conveyed in a Carriage belonging to the Company, an additional Sum of One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal, *per* Mile Three Farthings; and if conveyed in a Carriage belonging to the Company, an additional Sum of One Farthing.

Tolls for propelling Power.

24. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway, in addition to the several other Tolls or Sums by this Act authorized to be taken, shall not exceed *per* Mile the Sums following; (that is to say,)

For each Passenger or Animal, or Ton of Goods or other Articles, Three Farthings:

For each Carriage of whatever Description conveyed on a Truck or Platform, One Halfpenny.

Maximum Rates of Charges for Passengers.

25. The maximum Rates of Charges to be made by the Company for the Conveyance of Passengers, including the Tolls for the Use of the Railway, and of Carriages and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums; (that is to say,)

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.

For Cattle, Goods, &c.

26. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charges to be made by the Company, 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 Goods, 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 following:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, Fourpence *per* Mile:

For every Ox, Cow, Bull, or Head of Neat Cattle, Twopence *per* Mile:

For every Calf, Pig, Sheep, Lamb, or other small Animal, One Penny *per* Mile:

For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton and a Half, conveyed on a Truck or Platform, Fivepence *per* Mile:

For all Dung, Compost, Salt for agricultural Purposes, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, Coals, Coke, Culm, Charcoal, and Cinders, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, and Bar Iron, One Penny Halfpenny *per* Ton *per* Mile:

For all Sugar, Grain, Corn, Flour, Meal, Bread, Potatoes, Hay, Straw, Flax, Tow, Linen or Cotton Yarn, Salt for domestic Purposes, Hides, Dyewoods, Manchester Packs, Earthenware, Timber, Staves, and Deals, Metals, Sheet Iron, Hoop Iron, and all similar Descriptions of Wrought Iron, Nails, Anvils, Vices, and Chains, Twopence Halfpenny *per* Ton *per* Mile:

For all Cotton and other Wools, Drugs, and other manufactured Goods, and for Fish, Feathers, Canes, Cochineal, Household Furniture, Hats, Shoes, Toys, and all other Articles, Matters, and Things, Fourpence *per* Ton *per* Mile:

When Waggons are not provided by the Company for the Conveyance of Coal and the other Articles classed therewith, but by the Parties sending the same, a Reduction of One Halfpenny *per* Ton *per* Mile shall be made from the before-mentioned Rates.

Regulations as to the Tolls.

27. The following Provisions and Regulations apply to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand Tolls and Charges as for Four Miles:

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise, Minerals, or Animals for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, or 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.

28. And with respect to small Packages and single Articles of great Weight the Company may demand Tolls not exceeding the following; (that is to say,)

For the Carriage (over the whole or any Part of the Line) of small Parcels not exceeding Seven Pounds in Weight, Threepence:

For any Parcel exceeding Seven Pounds but not exceeding Twenty-eight Pounds in Weight, Sixpence:

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Ninepence:

For Parcels exceeding Fifty-six Pounds 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 of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which including the Carriage shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they from Time to Time may think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which with the Carriage shall exceed Eight Tons, or which on account of the Length thereof may require more than One Carriage, the Company may demand such Sum as they think fit.

Passengers Luggage.

29. Every Passenger travelling upon the Railway in a First-class Carriage may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight, and every Passenger travelling in a Second-class Carriage may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight, and every Passenger travelling in a Third-class Carriage may take with him his ordinary Luggage, not exceeding Sixty Pounds in Weight, without any Charge being made for the Carriage thereof.

Restriction as to Charges not to apply to Special Trains.

30. Provided also, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required upon the Railway, but shall apply only to the Ordinary and

and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

Company may take increased Charges by Agreement.

31. Provided always, That nothing in this Act 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 of 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.

Terminal Stations.

32. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Goods, or are not directed to be delivered thereat to the Consignee.

Power for Company and the Great Eastern Company to enter into Traffic Arrangements.

33. The Company and the *Great Eastern* Railway Company may from Time to Time enter into such Agreements as they may from Time to Time think fit with respect to all or any of the following Purposes; (that is to say,)

The Maintenance and Management of the Railway or any Part thereof, and of the Works or any of them connected therewith:

The Use and Working of the Railway or any Part thereof, the Supply of Rolling Stock, and of Officers and Servants, for the Conduct of the Traffic of the Railway:

The Payments to be made and the Conditions to be performed with respect to such Working, Use, Management, and Maintenance:

The Regulation, Management, and Transmission of Traffic, the Division and Apportionment of the Revenues arising from such Traffic.

Railways to be continuous.

34. During the Continuance of any such Agreement, in estimating the Tolls and Charges to be paid in respect of Articles or Persons conveyed partly on the Railway hereby authorized, and partly on the Railway of the *Great Eastern* Railway Company, the Distances traversed shall be reckoned continuously as if the Railways were One Railway, and the Charges to be made in respect of the Railways so made continuous shall be the Tolls and Charges by this Act authorized; and if the Distance traversed by any such Traffic be for a less Distance than Four Miles, no more than a Charge for Four Miles shall be made in respect of such Traffic passing both on the Railway hereby authorized, and on the Railway of the *Great Eastern* Railway Company.

35. It

Interest not to be paid on Calls out of Capital.

35. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

36. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Railways not exempt from Provisions of present and future General Acts.

37. Nothing herein contained shall be deemed or construed to exempt the Railways or the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Expenses of Act.

38. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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