ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxvi.

An Act for constructing a Railway from the *Tivetshall* Station of the *Eastern Union* Railway to *Bungay* in *Suffolk*. [3d *July* 1851.]

WHEREAS the making of a Railway from the *Eastern Union* Railway at *Tivetshall* to *Bungay* in *Suffolk* would be of great public Advantage: And whereas the Persons hereafter named, with others, are willing, at their own Expense, to construct the said Railway, but they cannot do so 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:

I. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," as far as the Provisions of those Acts are not altered or otherwise provided for by this Act, shall be incorporated with and form Part of this Act. **Provisions of 8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.**

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Waveney Valley* Railway Act, 1851." **Short Title.**

Subscribers incorporated.

III. That *Samuel Bignold*, *William Warwick Hawkins*, *John Wright*, *John George Hart*, *Peter Bruff*, *John Chevallier Cobbold*, and *Augustus Adolphus Hamilton Beckwith*, 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 Purpose of making and maintaining the Railway hereby authorized, and such Company shall be incorporated by the Name of "The *Waveney Valley* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, 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.

Capital.

IV. And whereas the estimated Cost of the Railway is Eighty thousand Pounds: The Capital of the Company shall be Eighty thousand Pounds.

Shares.

V. That the Number of Shares into which the Capital shall be divided shall be Three thousand two hundred, and the Amount of each Share shall be Twenty-five Pounds.

Calls.

VI. That Four 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 the aggregate Amount of Calls made on any One Share in any One Year shall not exceed Twelve Pounds and Ten Shillings.

Power to borrow Money on Mortgage.

VII. That the Company may borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Twenty-six thousand six hundred and sixty-six Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Eighty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Application of Capital.

VIII. That the Monies by this Act authorized to be raised, whether by Shares, Mortgage, or Bond, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Arrears may be enforced by the Appointment of a Receiver.

IX. That the Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Twenty thousand Pounds in the whole.

X. That

X. That 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. **Number and Qualification of Directors.**

XI. That it shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Five. **Power to reduce the Number of Directors.**

XII. That the Directors appointed by this Act 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 said 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 said Companies Clauses Consolidation Act, 1845, and by this Act, or either of them. **Directors to continue in Office until FirstMeeting after passing of this Act.**

XIII. That *Samuel Bignold*, *John George Hart*, *William Warwick Hawkins*, *John Wright*, *John Chevallier Cobbold*, and *Augustus Adolphus Hamilton Beckwith* shall be the First Directors of the Company. **First Directors of Company.**

XIV. That a Quorum of a Meeting of Directors shall be Three. **Quorum.**

XV. That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Five, and the Quorum of such Committees shall be Two. **Committees of Directors.**

XVI. And whereas Plans and Sections of the Railway, showing the Line and Levels thereof, with Books of Reference to those Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands through which the said Railway will pass, have been deposited with the respective Clerks of the Peace for the Counties of *Norfolk* and *Suffolk*: It shall be lawful for the Company, subject to the Provisions in this and the recited Acts contained, to make and maintain the said Railway, with all proper Works, Approaches, and Stations, in the Line and upon the Lands **Power to make Railway according to deposited Plans.**

Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Railway.

XVII. That the Railway shall commence at or near the *Tivetshall* Station of the *Eastern Union* Railway in the Parish of *Tivetshall Saint Margaret* in *Norfolk*, and pass through the following Places, (that is to say,) *Tivetshall Saint Margaret*, *Tivetshall Saint Mary*, *Pulham Saint Mary Magdalene*, *Pulham Saint Mary the Virgin*, *Starston*, *Redenhall cum Harleston*, *Wortwell*, *Alburgh*, *Denton*, and *Earsham*, in *Norfolk*, and *Bungay Holy Trinity* in *Suffolk*, and terminate in the said last-mentioned Parish in a Field near the Road leading from *Bungay* to *Halesworth*.

Certain Roads may be crossed on a Level.

XVIII. That the following public Roads, being numbered on the deposited Plans as follows, may be crossed by the Railway on the Level; (that is to say,) Nos. 6 a, 16, 19, 29, and 45, in the Parish of *Tivetshall Saint Margaret*; No. 3, in the Parish of *Tivetshall Saint Mary*; No. 20, in the Parish of *Pulham Saint Mary Magdalene*; Nos. 26 and 36 a, in the Parish of *Pulham Saint Mary the Virgin*; No. 18, in the Parish of *Starston*; Nos. 12 and 59, in the Parish of *Redenhall cum Harleston*; Nos. 1, 36, and 69, in the Parish of *Wortwell*; No. 1, in the Parish of *Alburgh*; Nos. 12, 28, 37, 42, and 49, in the Parish of *Earsham*; and No. 13, in the Parish of *Bungay Holy Trinity*.

Company to erect Station or Lodge where Roads cross on the Level, and abide by Rules, &c. of Commissioners of Railway.

XIX. 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 before-mentioned Roads shall be crossed on a Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Commissioners of Railways may require

XX. That the Commissioners of Railways (if it shall appear to them necessary for the Public Safety, at any Time, either before or after the Railway hereby authorized to be made shall have been completed

pleted and opened for public Traffic,) may require the Company, within such Time as the Commissioners shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Commissioners the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Bridges to be erected instead of level Crossings.

XXI. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Twenty Acres.

Lands for extraordinary Purposes.

XXII. That the Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for executing 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.

Period for Completion of Works.

XXIII. That all Communications between the Railway hereby authorized to be made and the *Eastern Union* Railway, and all such Openings in the Ledges or Flanches of the said *Eastern Union* Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the said *Eastern Union* Railway Company.

Communication with the Eastern Union Railway to be made under Direction of their Engineer.

XXIV. That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands belonging to the *Eastern Union* Railway Company, or to alter, vary, or interfere with the said *Eastern Union* Railway, or any of the Works thereof, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the said *Eastern Union* Railway Company in every Instance for that Purpose first had and obtained.

Not to take Lands or interfere with Works of the Eastern Union Railway Company without Consent.

XXV. That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Eastern Union* Railway Company, otherwise than is herein expressly provided.

Saving Rights of the Eastern Union Railway Company.

XXVI. And whereas it is expedient that Facilities should be given for the Passage of the Traffic from the Railway by this Act authorized over the *Eastern Union* Railway, and of the Traffic from the said *Eastern Union* Railway over the said first-mentioned Railway: Be it enacted, That it shall be lawful for the Company hereby incorporated,

For facilitating Traffic passing to and from the Eastern Union Railway.

and for all Persons having through or under them the Right to use, with Engines and Carriages, the Railway by this Act authorized, to use in like Manner the *Eastern Union* Railway, and all Stations, Watering Places, Water Approaches, Sidings, Works, and Conveniences appertaining thereto, and for the said *Eastern Union* Railway Company in like Manner to use the Railway by this Act authorized, and all Stations, Watering Places, Water Approaches, Sidings, Works, and Conveniences appertaining thereto, the Use of the said respective Railways by the said respective Companies to be subject to such Regulations as shall be prescribed by the Commissioners of Railways, and to be on such Terms and Conditions, and on Payment of such reasonable Tolls, Charges, Rent, or other Consideration, as may from Time to Time be agreed upon between the said Companies, or failing such Agreement as shall be settled by the principal Engineers for the Time being of the said Companies, and in case of Difference between such Engineers, then by some Person to be mutually appointed and agreed upon by them; and all the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to Disputes to be settled by Arbitration, shall apply to all Arbitrations between the said Companies: Provided always, that in the Settlement of the Tolls, Charges, Rent, or other Considerations to be paid to the *Eastern Union* Railway Company by the said other Company the said Engineers and Referee shall take into consideration the Advantages which the said *Eastern Union* Railway Company will derive from the increased Revenue which will arise to them from the Traffic of the Railway by this Act authorized.

Eastern Union Railway Company to afford Accommodation for the Booking of Passengers and Goods to and from the Railway thereby authorized.

XXVII. That all reasonable Accommodation and Facility shall be afforded by the *Eastern Union* Railway Company at their *Tivetshall* Station, and at their several other Stations, for the Booking and Conveyance of all Passengers and Goods arriving at the said *Tivetshall* Station for Conveyance upon the *Eastern Union* Railway, or arriving at any Station of the *Eastern Union* Railway Company for the Purpose of being conveyed by the Railway by this Act authorized; and the Company hereby incorporated shall afford reasonable Accommodation and Facility at their several Stations for the Booking and Conveyance of all Passengers and Goods arriving at all or any of their Stations for Conveyance upon the said *Eastern Union* Railway; and the additional Expense which the *Eastern Union* Railway Company and the said Company hereby incorporated may incur in providing such Accommodation to each other, and the Amount of such Expense, shall be from Time to Time settled and determined by Agreement between the said Companies, or if the Parties differ, then in the Manner herein provided for the Settlement of Matters in difference or dispute between the said Companies.

XXVIII. That

The Two Companies may enter into mutual Contracts.

XXVIII. That it shall be lawful for the Company by this Act incorporated to enter into such Contracts and Agreements with the *Eastern Union* Railway Company as shall be mutually deemed expedient, for or in respect of the working and joint Use of their respective Railways, and the several Stations and Conveniences connected therewith, and for and in respect of the Appropriation of any Part of any of such Stations to the exclusive or particular Use of either of the said Companies respectively, and for or in respect of the Interchange of Traffic upon the Railways belonging to the said Companies or either of them, and generally for and in respect of all such Matters and Things as may be necessary or desirable for the mutual Convenience and Accommodation of the said Companies respectively.

Company to take the same Tolls as are taken on the Eastern Union Railway.

XXIX. That it shall be lawful for the Company hereby incorporated to demand and receive for the Use of their Railway any Tolls and Charges not exceeding the Tolls and Charges which the *Eastern Union* Railway Company are for the Time being authorized to demand for the Use of the *Eastern Union* Railway.

Interest not to be paid on Calls paid up.

XXX. That 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 said Company from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

XXXI. That 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 any Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

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

XXXII. 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*

5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

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 other Acts were passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the 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 not exempt from Provisions of future General Acts.

XXXIII. That nothing herein contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to this Act, or 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 by this Act.

Expenses of Act.

XXXIV. That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

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