ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxliv.

An Act to enable the *Waveney Valley* Railway Company to extend their Railway from *Bungay* to *Beccles*. [4th *August* 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, called "The *Waveney Valley* Railway Act, 1851," and by that Act the *Waveney Valley* Railway Company were incorporated, and were authorized to make a Railway from the *Eastern Union* Railway to *Bungay* in *Suffolk:* And whereas the Company are proceeding to carry into execution the Powers of the said Act: And whereas the Extension of the said Railway to join the *Halesworth, Beccles, and Haddiscoe* Railway at *Beccles* would be of great public Advantage: And whereas Plans and Sections of the proposed Railway showing the Line and Levels thereof, and also Books of Reference to the Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the said Railway will pass, were deposited in the Month of *November* last with the Clerks of the Peace for the Counties of *Suffolk* and *Norfolk:* And whereas the said Company are willing to make the said Railway, but they cannot do so without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted;

14 & 15 Vict. c. lxvi.

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:

8 & 9 Vict. cc. 18. & 20. incorporated with this Act.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Power to construct Railway according to deposited Plans.

II. The Company may make and maintain the Railway herein-after particularly described (with all proper Works, Stations, Approaches, and Conveniences 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 the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Railway to form Part of Undertaking.

III. The Railway shall form Part of the Undertaking of the *Waveney Valley* Railway Company.

Describing Line of Railway.

IV. The Railway shall commence by a Junction with the authorized Line of the *Waveney Valley* Railway, at the Termination thereof at *Bungay* in the Parish of *Bungay Holy Trinity* in the County of *Suffolk*, pass through *Bungay Holy Trinity*, *Mettingham*, *Shipmeadow*, and *Barsham*, in the said County of *Suffolk*, *Gillingham* in the County of *Norfolk*, and terminate in the Parish of *Beccles* in the County of *Suffolk*, by Two Junctions with the *Halesworth*, *Beccles, and Haddiscoe* Railway.

Power to cross certain Roads on the Level.

V. The Company may construct the said Railway across and upon the Level of the Turnpike Roads and public Roads numbered on the Plans of the said Railway as follows; (that is to say,)

Numbers 9 and 46, in the Parish of *Bungay Holy Trinity*:
Numbers 59, 72, and 87, in the Parish of *Mettingham*:
Numbers 14, 18, and 40, in the Parish of *Beccles*:

Provided always, that the Company shall, before they construct the said Railway upon the Level of the said Roads, numbered 72 and 87, in the Parish of *Mettingham*, make and for ever afterwards maintain within the Limits of Deviation shown upon the said Plans, and to the North of the Railway, a Carriage Road for the free Use of the Public to connect the said Roads numbered respectively 72 and 87.

Company to erect Station or Lodge where Roads crossed on the Level.

VI. 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

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 Board of Trade; 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.

Board of Trade may require Bridges instead of level Crossings.

VII. The Board of Trade may, 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 and opened for Public Traffic, require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the 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 Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Land for extraordinary Purposes.

VIII. The Company may purchase any Quantity of Land for extraordinary Purposes not exceeding Twenty Acres, in addition to the Land which they are at present authorized to take for such Purposes.

Period for the Completion of the Works.

IX. The Works hereby authorized 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 executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Limiting Time for compulsory Purchase of Lands.

X. The Powers of the Company for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

Communications with the Halesworth, Beccles, and Haddiscoe Railway to be under the Direction of their Engineer.

XI. The Communications between the Railway hereby authorized to be made and the *Halesworth, Beccles, and Haddiscoe* Railway, and all such Openings in the Ledges or Flanches of the said last-mentioned 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 *Halesworth, Beccles, and Haddiscoe* Railway Company.

XII. Nothing

Not to interfere with Works of the said Railway without Consent.

XII. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon any of the Lands belonging to the *Halesworth, Beccles, and Haddiscoe* Railway Company, or to alter, vary, or interfere with the said *Halesworth, Beccles, and Haddiscoe* Railway, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction of and Intercommunication between the said Railway and the Railway hereby authorized, without the Consent in Writing of the said *Halesworth, Beccles, and Haddiscoe* Railway Company, under their Common Seal, in every Instance for that Purpose first had and obtained.

Saving Rights of the said Railway Company.

XIII. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Halesworth, Beccles, and Haddiscoe* Railway Company otherwise than is herein expressly provided.

As to the Mode of crossing the River Waveney.

XIV. In carrying the said Railway over the River *Waveney*, at the Points or Places specified in the Plans and Sections of the said Railway herein-before referred to, the said Company shall construct and make, and they are hereby required at their own Expense, and to the Satisfaction of the Commissioners for the Time being appointed by or acting under or by virtue of "The *Great Yarmouth Haven* Bridge and Navigation Act, 1835," and "The *Great Yarmouth Haven* Bridge and Navigation Improvement Act, 1849," respectively, or of their Engineer or Engineers for the Time being, to construct and make and at all Times for ever thereafter to maintain and keep in repair good and sufficient Bridges over the said River, which said Bridges respectively shall span the full Width of the River at the Point of Intersection, so as to leave the present Waterway without Obstruction, and the Height of the under Part of such Bridges respectively above the Waterway of the said River shall not be less in Height than Eight Feet and Six Inches above the Level of ordinary High Tides; and further, that the said Company shall, and they are hereby required, in constructing the said Bridges, and in making the Embankments for carrying the said Railway over the Low Lands at each End of such Bridges respectively, to leave such and so many Openings of such Span and Heights respectively as specified or mentioned in such Plans or Sections as aforesaid, together with all such Culverts, Drains, or other Passages under the said Railway, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey or carry off the Flood and Back Waters from the said River *Waveney* and the Lands adjoining or lying near thereto freely, and without obstructing or impounding the said Water, to the Prejudice of the Navigation of the said River or of the said Lands, and so that the Water on One Side of the said respective Bridges and Embankments shall not remain at an Elevation of

of more than One Inch above the Water on the other Side of the same respectively.

Bridge over the River Waveney to be approved by the Admiralty.

XV. Previously to commencing any Bridge or Bridges for carrying the said Railway over the River *Waveney*, or any Works connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Bridges and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

Works not to be executed without Consent of the Admiralty.

XVI. It shall not be lawful for the Company to construct any Bridge or Work whatsoever in, under, over, or across the River *Waveney* without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan, and with such Headway and Waterway, and under such Restrictions and Regulations, as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Bridge or Work shall have been constructed, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Bridge or Work shall be commenced or completed or altered contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly with Costs of Suit.

During Construction of Bridge a Light to be exhibited for Safety of Vessels.

XVII. During the Construction of any Bridge across the River *Waveney*, and Works connected therewith, the said Company shall cause to be hung out or exhibited every Night from Sunset to Sunrise Lights, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and for ever after the Completion of any such Bridge the said Company shall cause to be hung out or exhibited upon or near to the Centre of each of such Bridges every Night from Sunset to Sunrise a good and sufficient Light to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Light shall be

be from Time to Time altered by the said Company in such Manner, and be of such Description, and be so used and placed, as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the said Company shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Power to Admiralty to order a local Survey at Expense of Company.

XVIII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting the River *Waveney* or any tidal Water or navigable River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works abandoned affecting tidal Waters may be removed by Admiralty at Expense of Company.

XIX. If any Bridge or Work to be constructed by the Company in or across the River *Waveney* or any tidal Water or navigable River, or if any Portion of any such Bridge or Works which affects any such River or Water, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its or their former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Tolls for new Line of Railway

XX. It shall be lawful for the Company to demand and receive for and in respect of the said Railway the same Tolls and Charges as they are for the Time being authorized to demand and receive for and in respect of the *Waveney Valley* Railway.

Maximum Tolls.

XXI. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Traffic carried upon the Railway hereby authorized shall in no Case exceed the maximum Tolls and Charges for the Time being authorized to be taken upon the *Waveney Valley* Railway.

Power to raise further Monies

XXII. And whereas the estimated Cost of making the said Railway is Forty thousand Pounds: It shall be lawful for the Company to raise, by

by the Creation of new Shares, any Sum or Sums of Money not exceeding in the whole the Sum of Forty thousand Pounds, in addition to the Sums which they are already authorized to raise.

by Creation of new Shares.

XXIII. The Capital so to be raised by the Creation of new Shares shall be divided into Shares of the same Amount, and shall be considered as Part of and subject to the same Provisions, as the original Capital of the Company.

New Shares to form Part of original Capital.

XXIV. After the whole of the new Capital of the Company authorized by this Act shall have been subscribed, 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 Order of any Ordinary or Extraordinary Meeting of the said Company, not exceeding in the whole the Sum of Nine thousand Pounds, in addition to the Sums which they are at present authorized to borrow.

Power to borrow Money on Mortgage.

XXV. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money, and the Conversion of borrowed Money into Capital, shall extend and apply to the Monies by this Act authorized to be borrowed.

Provisions of 8 & 9 Vict. c. 16., as to borrowing, extended to this Act.

XXVI. The Monies by this Act authorized to be raised, whether by Shares or by Loan, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Application of Money raised.

XXVII. All Mortgages and Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance of such Mortgages or Bonds, have Priority over all Mortgages and Bonds to be granted by virtue of this Act.

Former Mortgages and Bonds to have Priority.

XXVIII. 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, Three thousand Pounds, Three *per Centum* Consolidated Bank Annuities, have been transferred pursuant to the said Act, in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Stock so transferred as aforesaid in respect of the Application for this Act, or the Dividends of such Stock, 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 Survivor of them, unless the said Company shall, previously to

Stock deposited in Bank of England to remain there until Railway opened, &c.

to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said 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 said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Stock transferred as aforesaid, and the Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and 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 of *Great Britain* and *Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Three thousand Pounds shall have been executed by the said 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 Lords Commissioners of Her Majesty's Treasury) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Three thousand Pounds, if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said 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 said Lords Commissioners, then such Stock, and the Dividends thereof, shall be transferred 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 said Stock, 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 said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords

of

of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Interest not to be paid on Calls paid up.

XXIX. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company 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 the 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 Company's Capital.

XXX. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, 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 execute any other Work or Undertaking.

Railway and Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXXI. 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 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 another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

XXXII. Nothing herein contained shall be deemed or construed to exempt the Railways 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, 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 or the said recited Act.

Expenses of Act.

XXXIII. 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.

Short Title.

XXXIV. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Waveney Valley* Railway Extension Act, 1853."

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