



CHAPTER lxxvi.

An Act to enable the Great Eastern Railway Company A.D. 1913.
to construct works and acquire lands at Ipswich and for
other purposes. [15th August 1913.]

WHEREAS it is expedient that the Great Eastern Railway Company (in this Act called "the Company") be authorised to construct the works and to purchase the lands hereinafter described and to exercise the other powers in this Act specified:

And whereas it is expedient that the Company be empowered to apply their funds for the purposes of this Act and for those purposes and the general purposes of the Company to raise further money:

And whereas it would at the present time be more advantageous to the permanent interests of the Company to raise money for the purposes of this Act and the general purposes of the undertaking by the issue of debenture stock instead of by the issue of either ordinary or preference stock and it is accordingly expedient that the Company should be authorised to raise the same by debenture stock:

And whereas plans and sections showing the lines situations and levels of the works by this Act authorised to be constructed and plans of the lands authorised to be taken acquired and held under the powers of this Act and a book of reference to such plans respectively containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands respectively were duly deposited with the clerk of the peace for the eastern division of the county of Suffolk and the said plans sections and book of reference respectively are in this Act referred to as "the deposited plans sections and book of reference":

A.D. 1913. — And whereas the objects of this Act 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 King'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 (that is to say):—

Short title. 1. This Act may be cited as the Great Eastern Railway Act 1913.

Incorporation of general enactments. 2. The following enactments (as far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) are hereby incorporated with and shall be part of this Act (that is to say):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following namely:—

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

Part III. of the Companies Clauses Act 1863 (as amended by subsequent Acts) relating to debenture stock except sections 22 32 and 34;

The Lands Clauses Acts; and

The Railways Clauses Consolidation Act 1845.

Interpretation. 3. In this Act—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction;

The expression "the railway" means the railway by this Act authorised;

The expression "the railway works" means the railway and the additional lines of rails by this Act authorised; and

The expression "the river wall" means the river wall or embankment by this Act authorised.

4. The provisions of sections 18 to 23 of the Railways A.D. 1913.
 Clauses Consolidation Act 1845 shall for the purposes of this
 Act extend and apply to the water and gas mains pipes and Protection of
 gas and
 water mains
 of local
 authorities.
 apparatus of any local authority and shall be construed as if
 "local authority" were mentioned in those sections in addition to
 "company or society" Provided that any penalties recovered
 under section 23 shall be appropriated to that fund of the local
 authority to which their revenues in respect of water or gas (as
 the case may be) are appropriated.

5. Subject to the provisions of this Act the Company may Power to
 execute
 works.
 make execute and maintain in the lines or situations and
 within the limits of lateral deviation shown on the deposited
 plans and according to the levels shown on the deposited sections
 the works described in this section with all proper and con-
 venient bridges arches piers abutments walls piles embankments
 junctions rails sidings buildings approaches roads quays wharves
 wharf walls retaining works booms caissons cofferdams fenders
 pontoons landing places stages cranes lifts machinery water
 pipes pumps and other works and conveniences connected
 therewith and may enter upon take and use such of the lands
 delineated on the deposited plans and described in the deposited
 book of reference as may be required for those purposes.

The works hereinbefore referred to and authorised by this
 Act will be situate in the parish and county borough of Ipswich
 in the eastern division of the county of Suffolk and are the
 following (that is to say):—

(A) A railway 3 furlongs and 4.60 chains or thereabouts
 in length commencing at a point at or near the
 northern boundary of the Company's property known
 as the upper goods yard on the Norwich main line
 of the Company situate 180 yards or thereabouts
 measured in a north-westerly direction from the
 western end of the upper goods shed and termina-
 ting at a point immediately to the north of the
 Company's existing sidings on the north of the River
 Orwell at a point 177 yards or thereabouts measured
 in an easterly direction from the centre of the
 Company's bridge carrying the Company's sidings
 over the River Orwell together with a bridge carrying
 the railway over the said river:

(B) The laying down of an additional line or additional
 lines of rails (in this Act called "the additional lines

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of rails No. 1") on the north side of the Company's existing sidings or lines of rails leading from their upper goods yard to their goods station where the same are now carried under Princes Street together with the lengthening on the north side or reconstruction of the bridge by which the said street is now carried over the Company's said existing sidings or lines of rails :

- (c) A river wall or embankment situate on the bed and foreshore of the River Orwell on the north side thereof and immediately opposite St. Peter's Wharf and being an extension or widening of such wharf riverwards :
- (d) The laying down of an additional line or additional lines of rails (in this Act called "the additional lines of rails No. 2") on the south side of the existing sidings or lines of railway of the Company and of the Company's dock tramways on or near St. Peter's Wharf from a point on the Company's existing sidings west of Bridge Street and extending across Bridge Street on the level and along St. Peter's Wharf as proposed to be extended or widened to the existing dock tramways on the Ipswich Dock Commissioners' road known as New Cut East.

Limits of deviation.

6. In constructing the works hereinbefore described and authorised by this Act the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels of the works as shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that—

- (A) Nothing in this section shall authorise the Company to deviate from the lines or levels of the railway works beyond the limits prescribed by the Railways Clauses Consolidation Act 1845 ;
- (B) No deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade ; and
- (c) As regards the bridge by which the railway will be carried over the River Orwell the Company shall not deviate downwards from the levels shown on the deposited sections.

7. In executing and maintaining the additional lines of rails No. 2 the Company may lay down and maintain the same (but not exceeding two lines of rails in addition to those already laid) across and on the level of the public road known as Bridge Street and may also make and maintain the additional lines of rails No. 2 along and on the level of the Ipswich Dock Commissioners' road known as New Cut East.

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Power to cross Bridge Street on level.

8. The Company may make the arches of the bridge for carrying the railway over the public road numbered 2 on the deposited plans relating to the railway of any height not less than fifteen feet.

Height and span of bridge.

9. The Company may make the roadway over the bridge by which the public road numbered 2 on the deposited plans relating to the additional lines of rails No. 1 will be carried over the additional lines of rails No. 1 of such width between the fences thereof as the Company think fit not being less than forty-six feet.

Width of roadway over bridge.

10. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over any of the railway works by a bridge or bridges or the immediate approaches thereto except so far as the level of such road or public highway is permanently altered.

Company not bound to maintain surface of roads &c. unless level permanently altered.

11. Subject to the provisions of this Act—

Tolls on railway works.

(A) The railway and the additional lines of rails No. 1 shall in respect of tolls rates and charges and in all other respects be deemed to form part of the undertaking of the Company; and

(B) The additional lines of rails No. 2 shall for the purposes of tolls rates and charges be deemed to form part of the tramways which by section 198 of the Great Eastern Railway Act 1862 the Company are required to maintain and shall in all other respects be deemed to form part of the undertaking of the Company.

12. The Company shall not be required to run passenger trains on the railway works.

Company not required to carry passengers on railway.

13. The Company may from time to time dredge and deepen and remove any rocks banks sand mud or shingle from

Power to dredge River Orwell.

A.D. 1913. the channel and bed of the River Orwell at or near the point at which the railway will cross the said river or adjoining or near to the river wall or for the purpose of obtaining access thereto to such extent as the Company may deem it necessary or expedient to do in that behalf and may appropriate use and dispose of as they think fit the soil and materials so dredged or removed. Provided that all materials excavated or dredged under the provisions of this section if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade.

Power to re-
claim lands.

14. The Company may enclose and reclaim the portion of the foreshore and bed of the River Orwell which lies between the river wall and St. Peter's Wharf and the portion of the foreshore and bed of the River Orwell so enclosed and reclaimed shall subject to the provisions of the section of this Act of which the marginal note is "Crown rights" vest in and belong to the Company.

Works be-
low high-
water mark
to be sub-
ject to ap-
proval of
Board of
Trade.

15. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of
works by
Board of
Trade.

16. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

17. If any of the works constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal water are abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of them and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

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Abatement
of work
abandoned
or decayed.

18. The Company shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve. If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights on
works during
construction.

19. The Company shall at the outer extremity of their works below high-water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of the Trinity House of Deptford Strond shall from time to time direct. If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent
lights on
works.

20. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Ipswich (in this section called "the corporation") shall except so far as may be otherwise agreed in writing between the Company and the corporation apply and have effect (that is to say):—

For pro-
tection of
Ipswich
Corporation.

- (1) The bridge carrying the railway over Ranelagh Road shall have a span of not less than thirty-five feet (such span to be measured at right angles to the road) and shall be so constructed as to admit of the level of the road being lowered (but not exceeding a depth of two feet six inches) and of sewers drains and gas water and electricity mains pipes and apparatus being placed in the road as lowered and notwithstanding the construction of such bridge the

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corporation may at any time lower the level of the road as aforesaid and of the sewers drains and gas and water and electricity mains without payment of compensation to the Company but so as not in any way to interfere with the foundations of the said bridge or any other property of the Company:

- (2) No part of the abutments of the said bridge and no part of any pillars or supports thereof shall be placed upon any part of the highway:
- (3) The bridge over Ranelagh Road shall be constructed and maintained so as to prevent as far as practicable the dripping of water:
- (4) After the completion of any of the additional lines of rails No. 2 across Bridge Street the Company shall not run trains over the existing sidings or the additional lines of rails No. 2 across the public road known as Bridge Street between the hours of 1 p.m. and 1.15 p.m. on every weekday and 1.45 p.m. and 2 p.m. on every weekday except Saturday:
- (5) Any difference which may arise between the Company and the corporation touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to the reference.

For protection of Ipswich and Stowmarket Navigation Trustees.

21. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the trustees for carrying into execution "An Act for making and maintaining " a navigable communication between Stowmarket and Ipswich " in the county of Suffolk " and the lessees for the time being of such trustees (all of whom are in this section referred to as "the trustees") shall except so far as may be otherwise agreed in writing between the Company and the trustees apply and have effect (that is to say):—

- (1) The underside of the bridge carrying the railway over the River Orwell and towing path shall be at a height of not less than eight feet ten inches measured from high water of ordinary tides and fourteen days previous to the commencement of the work of construction of such bridge the Company shall deposit with the office

of the clerk of the trustees plans sections and specifications of the said bridge and works over the River Orwell and such works when commenced shall be proceeded with and completed as early as practicable and upon the completion thereof the Company shall remove all temporary works: A.D. 1913.

- (2) The foundations of the pier and abutments of the said bridge shall be constructed and maintained at such a level as to allow the river near to the same to be dredged to a depth equal to $93\frac{1}{2}$ feet above the datum line shown on the deposited sections.

22. The following provisions for the protection of the Ipswich Dock Commissioners (in this section called "the commissioners") shall unless otherwise agreed between the Company and the commissioners have effect (that is to say):— For protection of Ipswich Dock Commissioners.

- (1) The Company shall not acquire any portion of the property numbered 7 on the deposited plans nor any portion of the property numbered 6 thereon except that they may lay down and maintain the additional lines of rails No. 2 in accordance with the deposited plans on any portion of the property numbered 6 on the deposited plans and in the event of it being necessary to acquire any easement for such purpose the Company may acquire the same under the provisions of this Act in the same manner as if such easement were lands:

- (2) Twenty-eight days previous to the commencement of the work of construction of the river wall and the additional lines of rails No. 2 where those lines of rails are proposed to be laid down or constructed upon property belonging to the commissioners or where they are intended to form a junction or junctions with any line of rails which is the property of the commissioners the Company shall deposit with the commissioners at their office plans sections and specifications of the proposed works and such works shall be executed only in accordance with plans sections and specifications so deposited and reasonably approved by the commissioners or in case of difference determined by arbitration Provided that if within twenty-eight days after any such plans sections and specifications have been deposited by the

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Company with the commissioners the latter do not express their disapproval thereof they shall be deemed to have approved the same:

- (3) The said works when commenced shall be proceeded with and completed as early as practicable and upon the completion thereof the Company shall remove all temporary works:
- (4) No part of the river wall shall be constructed south of the line marked A B on the deposited plans but nothing in this section shall authorise the commissioners to require the said river wall to be constructed north of that line:
- (5) Subject to the foregoing provisions of this section the Company and the commissioners may agree upon any variation or alteration within the limits of deviation authorised by this Act of the works in this section provided for or of the manner in which the same shall be executed:
- (6) Any difference which may arise between the Company and the commissioners under the provisions of this section shall be determined by arbitration the arbitrator being appointed in default of agreement by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of British Oil and Cake Mills Limited.

23. For the protection of the British Oil and Cake Mills Limited their successors and assigns (in this section referred to as "the owners") the following provisions notwithstanding anything in this Act contained or shown on the deposited plans and sections shall unless otherwise agreed in writing under their respective common seals between the Company and the owners have effect (that is to say):—

In this section the expression "the existing tramway" shall mean the southernmost railway or tramway existing on St. Peter's Wharf and the expression "the substituted tramway" shall mean the tramway or siding to be constructed in substitution for the existing tramway in accordance with the provisions of this section:

- (1) Nothing contained in this Act or to be done thereunder shall prejudice or affect any rights which the owners

may be entitled to exercise over or in respect of the roadway on St. Peter's Wharf in respect of their property abutting on such roadway and all rights of wharfage and other rights as heretofore enjoyed by them shall extend and apply to the river wall and the said roadway when widened in like manner as such rights theretofore applied to the roadway and wharf existing before the construction of the river wall Provided that in the exercise of such rights the owners shall not be entitled to interfere with the execution of the works by this Act authorised or with the laying down and the maintenance and user subject to the provisions of this section of the additional lines of rails No. 2:

- (2) The additional lines of rails No. 2 shall be so laid that the finished level thereof shall correspond with the level of the existing tramway and shall not be raised above the surface of the ground and the same shall be laid in the lines and situation shown in red on the plan (in this section referred to as "the signed plan") four copies whereof have been signed by Sir Francis Lowe the Chairman of the Select Committee of the House of Commons to whom the Bill for this Act was referred and of which plan one copy has been deposited in the Office of the Clerk of the Parliaments one copy has been deposited in the Private Bill Office of the House of Commons one copy has been retained by the Company and one copy has been retained by the owners and the Company shall construct the substituted tramway in substitution for the existing tramway in the line and situation shown in blue on the signed plan and shall extend the tramway leading from the owners' premises so as to connect the same by means of a turntable with the substituted tramway in the manner shown on the signed plan and the owners shall have the same rights over the said extended tramway and turntable and the substituted tramway as they now possess over the tramways before mentioned as existing at the passing of this Act but subject as to the extended tramway and turntable to such reasonable regulations in reference to the user thereof as may be made by the Company:

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- (3) Contemporaneously with the construction of the river wall and before opening the additional lines of rails No. 2 the Company at their own expense and in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the owners shall extend the existing elevating transporting and loading plant of the owners together with the conveying apparatus and intake buildings to the river wall and remove the existing crane of the owners and re-erect the same in a relatively convenient position and shall provide and construct in convenient positions in the wharf as proposed to be extended or widened but so as not to interfere with the additional lines of rails No. 2 or the user thereof foundations of such strength and depth as may be necessary to carry such extended plant and apparatus buildings and crane and any overhead buildings which the owners may be entitled to erect including the provision of such additional motive power as may be necessary to work the extended plant :
- (4) The river wall shall be so constructed opposite the premises of the owners as to admit of the bed of the river being dredged to a depth of eighteen feet below high-water mark of ordinary tides :
- (5) Save so far as may be necessary for the purposes of this section or temporarily for the construction of the works by this Act authorised the Company shall not interfere with the tramway turntable elevating transporting and loading plant cranes or other conveniences of the owners :
- (6) The Company shall work their traffic upon the additional lines of rails No. 2 so far as the same are situate opposite the premises of the owners in such a manner as not to interfere more than is reasonably necessary for the purposes of the Company's traffic with the free and convenient user by the owners of the extended tramway and substituted tramway and turntable referred to in subsection (2) of this section and the elevating transporting and loading plant cranes and other apparatus and conveniences of the owners and save as aforesaid so as not to obstruct the free passage of persons animals vehicles goods

or merchandise across and along the said wharf or between the premises of the owners and vessels lying at the river wall : A.D. 1913.

(7) If during and by reason of the construction of the river wall and additional lines of rails No. 2 the owners shall incur any extra expense in the conduct of their business the Company shall pay to the owners compensation for any such extra expense which the owners may reasonably incur in the conduct of their business and the amount of such compensation in the event of difference shall be determined by arbitration in accordance with the provisions of the Lands Clauses Consolidation Act 1845 with respect to the taking of lands otherwise than by agreement Provided that any claim for compensation under this section shall be made within six months after the completion of the river wall and additional lines of rails No. 2 Save as by this subsection provided the owners shall not under the provisions of this Act or the Acts incorporated therewith be entitled to claim compensation for any damage or injury to their business or premises by reason of the execution of the works by this Act authorised :

(8) Save as otherwise in this section provided any difference which may arise between the Company and the owners touching any matter referred to in this section shall be referred to and determined by an engineer or other fit person to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and except as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

24. For the protection of Burton Son and Sanders Limited the owners of warehouses abutting on St. Peter's Wharf (in this section referred to as "the owners") the following provisions notwithstanding anything in this Act contained or shown on the deposited plans and sections shall unless otherwise agreed in writing under their respective common seals between the Company and the owners have effect (that is to say) :—

For protection of Burton Son and Sanders Limited.

In this section the expression "the existing tramway" shall mean the southernmost railway or tramway existing on

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St. Peter's Wharf and the expression "the substituted tramway" shall mean the tramway to be constructed in substitution for the existing tramway in accordance with the provisions of this section and the expression "the signed plan" shall mean the signed plan referred to in the section of this Act the marginal note whereof is "For protection of British Oil and Cake Mills Limited":

- (1) Nothing contained in this Act or to be done thereunder shall prejudice or affect any rights which the owners may be entitled to exercise over or in respect of the roadway on St. Peter's Wharf in respect of their property abutting on such roadway and all such rights as heretofore enjoyed by them shall extend and apply to the river wall and the said roadway when widened in like manner as such rights theretofore applied to the roadway and wharf existing before the construction of the river wall. Provided that in the exercise of such rights the owners shall not be entitled to interfere with the execution of the works by this Act authorised or with the laying down and the maintenance and user of the additional lines of rails No. 2:
- (2) In constructing the river wall the Company shall provide and construct in convenient positions but so as not to interfere with the additional lines of rails No. 2 or the user thereof foundations of such strength and depth as are sufficient to carry and support overhead buildings constructed upon pillars placed upon the said foundations:
- (3) A proper foundation shall be formed in the river wall and carried up to the surface thereof at a point to be determined by the owners ready to receive a crane capable of raising a weight of ten tons. Such point shall be determined by the owners within fourteen days after request by the Company's engineer so to do:
- (4) The Company shall provide and fix three mooring rings in the roadway in front of the premises of the owners at convenient distances from each other and at a suitable distance from the coping of the river wall similar to the mooring rings placed in the road alongside the wet dock:

(5) The additional lines of rails No. 2 shall be so laid that the finished level thereof shall correspond with the level of the dock tramways and shall not be raised above the surface of the ground: A.D. 1913.

(6) The additional lines of rails No. 2 and works in connection therewith shall be carried out in the manner shown on the signed plan and contemporaneously with the construction of the additional lines of rails No. 2 the Company shall at their own expense construct the substituted tramway in substitution for the existing tramway in the manner shown in blue on such plan and shall extend the tramway leading from the owners' premises so as to connect the same by means of a turntable with the substituted tramway and the owners shall have the same rights over the said extended tramway and turntable and the substituted tramway as they now possess over the tramways before mentioned as the same now exist but subject as to the extended tramway and turntable to such regulations in reference to the user thereof as may be made by the Company:

(7) The river wall shall be so constructed opposite the premises of the owners as to admit of the bed of the river being dredged to a depth of eighteen feet below high-water mark of ordinary tides:

(8) Save so far as may be necessary for the purposes of subsection (6) of this section or temporarily for the construction of the works by this Act authorised the Company shall not interfere with the tramway turntable or other conveniences of the owners as existing at the passing of this Act:

(9) The Company shall work their traffic upon the additional lines of rails No. 2 so far as the same are situate opposite the premises of the owners in such a manner as not to interfere more than is reasonably necessary for the purposes of the Company's traffic with the free and convenient user by the owners of the extended tramway and turntable referred to in subsection (6) of this section and save as aforesaid so as not to obstruct the free passage of persons animals vehicles goods or merchandise across and

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along the said wharf or between the premises of the owners and vessels lying at the river wall:

(10) If during and by reason of the construction of the river wall the owners shall be prevented from exercising their rights (if any) of user of that portion of St. Peter's Wharf which is opposite their premises the Company shall pay to the owners any extra expense which the owners may reasonably incur during the construction of such works in dealing with their traffic which would otherwise be dealt with on St. Peter's Wharf by reason of their rights of user of such portion of St. Peter's Wharf being so interfered with and save as by this subsection provided the owners shall not under the provisions of this Act or the Acts incorporated therewith be entitled to claim compensation for any damages or injury to their business or premises by reason of the execution of the works referred to in this section:

(11) Any difference which may arise between the Company and the owners touching any matter referred to in this section shall be referred to and determined by an engineer or other fit person to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and except as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of E. R. and F. Turner Limited.

25. For the protection of E. R. and F. Turner Limited owners of the foundry and premises abutting on St. Peter's Wharf (in this section referred to as "the owners") the following provisions notwithstanding anything in this Act contained or shown on the deposited plans and sections shall unless otherwise agreed in writing under their respective common seals between the Company and the owners have effect (that is to say):—

In this section the expression "the existing tramway" shall mean the southernmost railway or tramway existing on St. Peter's Wharf and the expression "the substituted tramway" shall mean the tramway to be constructed in substitution for the existing tramway in accordance with the provisions of this section and the expression "the signed plan" shall mean the signed plan referred to in the section of this Act the marginal note whereof is "For protection of British Oil and Cake Mills Limited":

- (1) Nothing contained in this Act or to be done thereunder shall prejudice or affect any rights which the owners may be entitled to exercise over or in respect of the roadway on St. Peter's Wharf in respect of their property abutting on such roadway and all such rights as heretofore enjoyed by them shall extend and apply to the river wall and the said roadway when widened in like manner as such rights theretofore applied to the roadway and wharf existing before the construction of the river wall. Provided that in the exercise of such rights the owners shall not be entitled to interfere with the execution of the works by this Act authorised or with the laying down and the maintenance and user of the additional lines of rails No. 2: A.D. 1913.
- (2) The additional lines of rails No. 2 shall be so laid that the finished level thereof shall correspond with the level of the dock tramways and shall not be raised above the surface of the ground:
- (3) In constructing the river wall the Company shall provide and construct in convenient positions but so as not to interfere with the additional lines of rails No. 2 or the user thereof foundations of such strength and depth as are sufficient to carry and support overhead buildings constructed upon pillars placed upon the said foundations:
- (4) A proper foundation shall be formed in the river wall and carried up to the surface thereof at a point to be determined by the owners ready to receive a crane capable of raising a weight of ten tons. Such point shall be determined by the owners within fourteen days after request by the Company's engineer so to do:
- (5) The Company shall provide and fix three mooring rings in the roadway in front of the premises of the owners at convenient distances from each other and at a suitable distance from the coping of the river wall similar to the mooring rings placed in the road alongside the wet dock:
- (6) The additional lines of rails No. 2 and works in connection therewith shall be carried out in the manner shown on the signed plan and contemporaneously with the construction of the additional lines of rails No. 2

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the Company shall construct the substituted tramway in substitution for the existing tramway in the manner shown in blue on such plan and the owners shall have the same rights over the substituted tramway as they may now possess over the existing tramway:

- (7) The river wall shall be so constructed opposite the premises of the owners as to admit of the bed of the river being dredged to a depth of eighteen feet below high-water mark of ordinary tides:
- (8) Save so far as may be necessary for the purposes of subsection (6) of this section or temporarily for the construction of the works by this Act authorised the Company shall not interfere with the existing tramway:
- (9) The Company shall work their traffic upon the additional lines of rails No. 2 so far as the same are situate opposite the premises of the owners in such a manner as not to interfere more than is reasonably necessary for the purposes of the Company's traffic with the free and convenient user by the owners of the substituted tramway and save as aforesaid so as not to obstruct the free passage of persons animals vehicles goods or merchandise across and along the said wharf or between the premises of the owners and vessels lying at the river wall:
- (10) If during and by reason of the construction of the extended wharf the owners shall be prevented from exercising their rights (if any) of user of that portion of St. Peter's Wharf which is opposite their premises the Company shall pay to the owners any extra expense which the owners may reasonably incur during the construction of such works in dealing with their traffic which would otherwise be dealt with on St. Peter's Wharf by reason of their rights of user of such portion of St. Peter's Wharf being so interfered with and save as by this subsection provided the owners shall not under the provisions of this Act or the Acts incorporated therewith be entitled to claim compensation for any damage or injury to their business or premises by reason of the execution of the works referred to in this section:

- (11) Any difference which may arise between the Company and the owners touching any matter referred to in this section shall be referred to and determined by an engineer or other fit person to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and except as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference. A.D. 1913.

26. If the railway is not completed within the period of five years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of railway.

27. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854. And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter provided. But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control. Penalty imposed unless railway opened within time limited.

28. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any Application of penalty.

A.D. 1913. — landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Power to
Company
to acquire
additional
lands.

29. The Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement and may appropriate and use for the purposes of laying down additional sidings and providing and extending stations sidings engine sheds workshops coal mineral goods and other depôts warehouses yards buildings wharves and other accommodation and for providing access thereto and to their railways and otherwise for any of the purposes of their undertaking all or any of the lands hereinafter described and delineated on the deposited plans and described in the deposited book of reference and any estates or interests in any such lands and may hold and use for all or any of the above-mentioned purposes such of the said lands as have already been purchased or acquired by them and the purchase of such last-mentioned lands and the expenditure of money by the Company in connection therewith is hereby sanctioned and confirmed Provided that the said lands so already purchased or acquired by the Company shall for the purposes of section 3 of the Housing of the Working Classes Act 1903 be deemed to have been acquired under the powers of this section The lands above referred to and by this section authorised to be entered

upon and taken appropriated and used are situate in the said parish and county borough of Ipswich and are as follows:— A.D. 1913.

(1) Lands and buildings situate on the southern and south-western sides of the River Orwell and between that river and Ranelagh Road and comprising the properties numbered respectively on the Ordnance map scale $\frac{1}{2500}$ (2nd edition 1904) 616 617 618 643 644 and 645 in such parish:

(2) Two pieces of land now in the occupation of the Company and used as a goods yard and goods station situate immediately to the north of the River Orwell and lying respectively between that river and Russell Road and between that river and Commercial Road together with a strip of land under the public road known as Princes Street situate between the said two pieces of land.

30. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

Owners may be required to sell parts only of certain lands and buildings.

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company

A.D. 1913.

paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall

determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice: A.D. 1913.

- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

31. The Company in addition to any other lands which by this or any other Act they are authorised to acquire may by agreement from time to time purchase additional land for any of the extraordinary purposes specified in the Railways Clauses Consolidation Act 1845 connected with their undertaking not exceeding in quantity fifty acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land purchased under the powers of this section.

32. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

33. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the

Land for extraordinary purposes.

Period for compulsory purchase of lands.

Persons under disability may

A.D. 1913. grant ease-
ments &c. provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
raise money
by creation
and issue of
debenture
stock. **34.** The directors of the Company may from time to time notwithstanding the provisions of any Act of Parliament and without any further or other authority than is given by this section create and issue at such times in such manner and upon such terms and conditions as they may think fit for the purposes of this Act and for the general purposes of the undertaking of the Company to which capital is properly applicable debenture stock not exceeding in the whole in nominal amount five hundred thousand pounds and any such debenture stock shall be in addition to and form one class with and be subject to the same provisions and regulations in all respects as the existing debenture stock of the Company but nothing in this section contained shall be deemed to limit the exercise by the Company or by the directors of the Company of any powers to raise moneys by means of borrowing or the issue of debenture stock conferred on them by any other Act or Order relating to the Company.

Application
of capital
under Act. **35.** All moneys raised under this Act shall be applied only to the purposes authorised by this Act or by any other Act or Acts relating to the Company passed or to be passed during the present or any previous session of Parliament and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable.

Power to
apply ex-
isting funds. **36.** The Company may raise and apply for or towards any of the purposes of this Act to which capital is properly applicable any money which they are authorised to raise by any other Act or Acts or Order and which may not be required for the special purposes (if any) for which that money was authorised to be raised.

Crown
rights. **37.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to

take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

A.D. 1913.

38. No interest shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest not to be paid out of capital.

39. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.

40. Nothing in this Act contained shall exempt the Company or their railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Provision as to general Railway Acts.

41. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

Expenses of Act.

A.D. 1913. The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE
REQUIRED TO BE TAKEN BY THE COMPANY.

Nos. on deposited Plans.	Parish or other Area.	Description of Property.
THE RAILWAY.		
9	Parish and county borough of Ipswich.	Land siding and oil pump telegraph and tele- phone post and wires (oil pipe under).
10	Ditto - - -	Land (telegraph and telephone wires over oil pipe under).
THE RIVER WALL.		
4	Parish and county borough of Ipswich.	Wharf road tramways sidings and works tele- graph and telephone posts and wires (elevators transporters and stores over sewer gas and water mains and pipes under).
THE ADDITIONAL LINES OF RAILS No. 2.		
4	Parish and county borough of Ipswich.	Wharf road tramways sidings and works tele- graph and telephone posts and wires (elevators transporters and stores over sewer gas and water mains and pipes under)

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