



CHAP. cxvii.

An Act to amend the Aldborough Pier and Railway Act, 1864, and to authorise the formation of a Railway in substitution for the Railway authorised by that Act. [13th July 1871.]

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WHEREAS the Aldborough Pier and Railway Company (in this Act referred to as "the Company") were incorporated by "The Aldborough Pier and Railway Act, 1864," (in this Act referred to as "the Act of 1864,") for constructing a pier at Aldborough in the county of Suffolk, and a railway therefrom to the Great Eastern Railway at Aldborough, with a branch railway to Slaughden, and for other purposes, and were empowered to raise for that purpose a capital of twenty thousand pounds in shares, and to borrow six thousand six hundred and sixty pounds on mortgage:

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And whereas by the Act of 1864 it was provided that the powers of the Company for the compulsory purchase of lands for the purposes of that Act should not be exercised after the expiration of three years from the passing thereof, and that the pier and railways by that Act authorised should be completed within five years from the passing thereof:

And whereas the said times have elapsed:

And whereas no part of the said pier or railways authorised by the Act of 1864 has been made, and the Company are desirous of being relieved from the duty of constructing the said pier and railways in accordance with the provisions of the Act of 1864, and of having conferred upon them power to construct the railways or tramways described in this Act:

And whereas the Company, if relieved from the duty and other obligations imposed upon them by the Act of 1864, are willing to carry such undertaking into execution, and to apply the capital authorised by the Act of 1864 to be raised for the purposes of the said Act towards defraying the expenses which will be incurred by them in carrying the said undertaking into execution:

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And whereas plans and sections showing the lines and levels of the proposed railways and works and the lands by this Act authorised to be acquired for the purposes thereof, and a book of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the clerk of the peace for the county of Suffolk (which plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference) :

And whereas it is expedient that such provisions as are hereinafter contained should be made :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Aldborough Railway Act, 1871."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," save so far as the same respectively are expressly varied or excepted by this Act, shall be incorporated with and form part of this Act.

Interpretation of terms.

3. The several words and expressions to which by the Acts incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context ; provided always, that the expressions "the undertaking" and "the railway" in "The Railways Clauses Consolidation Act, 1845," respectively mean the railways or tramways by this Act authorised and the works connected therewith.

Company to abandon railways authorised by Act of 1864.

4. The Company may and shall abandon the construction of the railways authorised by the Act of 1864, and on and after the passing of this Act the Company shall, except only as is by this Act otherwise expressly provided, be absolutely freed from all obligation with respect to the making and maintaining of those railways.

Compensation for damage to land by entry, &c. for purposes

5. The abandonment by the Company, under the authority of this Act, of any railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the

Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the last-mentioned Act or the Act of 1864.

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of railway
abandoned.

6. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railways authorised to be abandoned by this Act, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of railways abandoned.

7. From and after the passing of this Act, the parts of the Act of 1864 mentioned in the schedule to this Act annexed shall be and the same are hereby repealed: Provided always, that no such repeal shall affect any act, matter, or thing duly done or suffered before the passing of this Act by virtue of the said parts of Acts or of any of them.

Repeal of parts of Act of 1864.

8. So much of the Act of 1864 as is not by this Act expressly repealed shall be deemed to be incorporated with and form part of this Act, and the "undertaking," "railway," "branch railway," and "works" by the said Act authorised shall respectively be deemed to be the undertaking, railways, and works by this Act authorised.

Incorporation of parts of Act of 1864.

9. Subject to the provisions in this Act contained, it shall be lawful for the Company to make and maintain the railways and works in the line and upon the lands delineated on the said plans and described in the said book of reference, and according to the levels defined on the said sections, and to enter upon and take and use such of the said lands as the Company may think expedient for any of the purposes of this Act.

Power to construct railway according to deposited plans.

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The works by this Act authorised are the following; (that is to say,)

1. A railway or tramway, about six furlongs and about five chains in length, commencing by a junction with the Aldborough branch of the Great Eastern Railway at the southern end of the passenger station at Aldborough, and terminating at the southern end of the town of Aldborough, at the western side of the public road, number 63, about forty-five yards southward of the southern extremity of the Ropery Yard, number 62, on the plan referred to in "The Aldborough Pier and Railway Act, 1864:"
2. A railway or tramway, three furlongs and about eight chains in length, commencing by a junction with the intended railway or tramway number 1, at or near a point on the driftway leading towards the river Alde, number 82 on the last-mentioned plan, and about one hundred and sixty yards southward of the junction of such driftway with the Town Marsh and Gasworks Road, and terminating at or near the south-eastern corner of Hunt's Shipyard at Slaughden.

Land for extra-ordinary purposes, &c.

10. The quantity of land to be purchased by agreement by the Company for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed two acres.

Powers for compulsory purchases limited.

11. The powers of the Company for the compulsory purchase of land for the purposes of the railway shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

12. The railway by this Act authorised shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for constructing the railway and works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to cross certain roads on the level.

13. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across

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and on the level of the roads next herein-after mentioned; (that is to say,)

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Number on deposited plan.	Parish.	Description of road.
RAILWAY No. 1.		
2, 3, 4	Aldborough - -	Public.
RAILWAY No. 2.		
99	Aldborough - -	Public.

Provided that the Company shall make and maintain, within one hundred and fifty yards southward of the first-mentioned road, a road under railway No. 1, and the arch for carrying that railway over such new road shall not be less than twenty feet span and thirteen feet high.

14. If the Company fail within the period limited by this Act to complete the railway authorised to be made by this Act, 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 shall amount to five per centum on the estimated cost of the works, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act seventeen and eighteen Victoria, chapter thirty-one, known as "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 the said third section of the Act seventeen and eighteen Victoria, chapter thirty-one, to an account to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such order, and shall not be paid thereout except as herein-after 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 unless line opened within time limited.

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Application
of penalty.

15. 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 landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company of taking property in respect of the railway, and for which injury or loss no compensation, or inadequate compensation, shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have 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 be paid to the Company.

New rail-
ways and
works to be
Company's
undertaking.

16. Subject to the provisions herein contained, the railway and works by this Act authorised to be constructed shall for all purposes of tolls, rates, and charges, and for all other purposes whatsoever, be substituted for the railways and works authorised by the Act of 1864, and the lands and property from time to time acquired by the Company under this Act, and the railways and works by this Act authorised, shall be the undertaking and property of the Company, as if the Company had by the Act of 1864 been authorised to acquire, make, and maintain the same.

Application
of moneys
for purposes
of Act.

17. The Company may apply for the purposes of this Act the moneys raised or authorised to be raised by shares and borrowing, or by either of those means, under the powers of the Act of 1864.

Power to
enter into
traffic ar-
rangements
with Great
Eastern
Railway
Company.

18. It shall be lawful for the Company and the Great Eastern Railway Company from time to time to enter into and make agreements for and with respect to the following purposes, or any of them; (that is to say,)

The use of the railways and of the junctions, sidings, tramways, wharves, buildings, and other conveniences:

The accommodation and transmission of the traffic destined for or coming from their respective undertakings:

The arrangements necessary for the conduct of such traffic:

The fixing, levying, and division of tolls, rates, dues, and charges, and the allowance of exemptions, compositions, drawbacks, and reductions:

The rents, payments, and allowances to be paid and allowed between the contracting parties, and all incidental matters. A.D. 1871.

19. During the continuance of any agreement under the authority of this Act, the said intended railways and the railway or railways of the Great Eastern Railway Company shall for the purposes of tolls and charges be considered one railway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on such railway or railways and partly on the said intended railway for a less distance than two miles, tolls and charges may only be charged as for two miles, and for a quarter of a mile or any fraction of a quarter of a mile beyond two miles, as for one quarter of a mile, in respect of animals, minerals, goods, and other traffic, except passengers, and for passengers as for a mile; and no other short-distance charge than such as is herein-before mentioned shall be made in respect of the traffic on the said railway or railways and the said intended railway when worked under any such agreement.

During continuance of contract, railways to be considered part of railways of contracting Companies.

20. Nothing herein contained shall extend to prejudice, diminish, alter, take away, or interfere with any of the rights, privileges, powers, or authorities vested in or enjoyed by the Great Eastern Railway Company.

Saving rights of Great Eastern Company.

21. Nothing contained in this Act shall authorise 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 right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown in the fore-shore.

22. All the costs, charges, and expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Company.

Expenses of Act.

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The **SCHEDULE** referred to in the foregoing Act.

PARTS OF ACT OF 1864 REPEALED.

Sections 2, 3, and 12, and 20 to 26 inclusive, 28 to 33 inclusive, and 45 to 47 inclusive.

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