CHAPTER clxvi.

An Act for making a Railway from Clacton-on-Sea to the Tendring Hundred Railway, in the County of Essex; and for other purposes. [2d August 1877.]

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WHEREAS the making of the railways herein-after described would be attended with public and local advantage:

And whereas the persons in this Act named, with others, are willing, at their own expense, to construct the said railways, and it is expedient that powers should be conferred on them for that purpose:

And whereas it is expedient that the Tendring Hundred Railway Company should be authorised to acquire land for widening the portions of their railway herein-after described, and also to subscribe towards the undertaking of the Company, and provide the capital required for such purposes:

And whereas the preference capital issued by the Tendring Hundred Railway Company, has in pursuance of the Tendring Hundred Railway (Arrangement) Act, 1874, been converted into B debenture stock:

And whereas the holders of upwards of three fourths of the amount of the A and B debenture stocks respectively created and issued under the authority of the said Act of 1874 have consented in writing to the creation and issue of such additional amount of A debenture stock as is by this Act authorised, and to the application thereof to the purposes herein-after expressed:

And whereas it is expedient to provide for working and traffic agreements between the Company and the Great Eastern and the Tendring Hundred Railway Companies:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes of this Act, (including the widening of the portion of the Tendring Hundred Railway in this Act described,) were

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duly deposited with the clerk of the peace for the county of Essex, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas the purposes 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 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:

Short title.

1. This Act may be cited as "The Clacton-on-Sea Railway Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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 Company" means the Company incorporated by this Act; the expressions "the railway" or "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. Bright Wool, Nathaniel Fromanteel Cobbold, William Wilberforce Daniell, Peter Schuyler Bruff, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of

"The Clacton-on-Sea Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are wholly situate in the county of Essex, and are—

A railway (No. 1) three miles six furlongs and eight chains in length, commencing in the parish of Great Clacton, about fifty yards northward of the junction of North Avenue Road at Clacton-on-Sea with the public road called Rosemary Lane, and terminating in the parish of Thorpe-le-Soken by a junction with the Tendring Hundred Railway, at a point about two furlongs six chains, measured along that railway in a westerly direction, from the public road called Pork Lane, leading from Thorpe to Great Holland:

A railway (No. 2) five furlongs one chain and seventy links in length, wholly in the said parish of Thorpe-le-Soken, commencing by a junction with the railway No. 1 before described, at or near the point marked five furlongs from the commencement of the railway No. 1 on the plans deposited for the purposes of the Thorpe and Great Clacton Railway Act, 1866, with the clerk of the peace for the county of Essex, and terminating by a junction with the Tendring Hundred Railway, at or near the occupation road crossing, about five and a half furlongs, measured along that railway in an easterly direction, from Thorpe Station Booking Office.

Capital.

6. The capital of the Company shall be twenty-five thousand pounds, in two thousand five hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and four fifths of the amount of a share

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shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt clause in case of persons not sui juris.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to Tendring Hundred Railway Company to subscribe.

10. The Tendring Hundred Railway Company may, with the authority of three fourths of the votes of their stock and share holders present in person or by proxy at a general meeting of the said Company specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking of the Company, not exceeding in the whole eight thousand pounds; and the said Company may, with the like authority, contribute and apply in or towards payment of such subscription, and in or towards the expense of widening the portions of their railway herein-after described, any moneys which by any Act of Parliament they are already authorised to raise, and also any moneys which they are by this Act authorised to raise; and the said Company shall, in respect of the sums to be subscribed, and the corresponding shares in the Company to be held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always, that the Tendring Hundred Railway Company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

Power to borrow on mortgage.

11. The Company may from time to time borrow on mortgage any sum not exceeding in the whole eight thousand three hundred pounds, but no part thereof shall be borrowed until the whole capital of twenty-five thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a

certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

12. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than eight hundred pounds in the whole.

Debenture stock.

13. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created or issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

14. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting, and quorum.

15. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act, and the quorum for general meetings, whether ordinary or extraordinary, shall be at least five shareholders holding together not less than three thousand pounds in the capital of the Company.

Number of directors.

16. The number of directors shall be three.

Qualification of directors.

17. The qualification of a director appointed by the shareholders shall be the possession in his own right of not less than twenty shares.

Quorum.

18. The quorum of a meeting of directors shall be two.

First directors.

19. Bright Wool, Nathaniel Fromanteel Cobbold, and William Wilberforce Daniell shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to

Election of directors.

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the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died nor resigned, shall continue to be directors until others are elected instead, in manner provided by the same Act.

Lands for extraordinary purposes.

20. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed one acre.

Land for widening portion of Tendring Hundred Railway.

21. Subject to the provisions of this Act, the Tendring Hundred Railway Company 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 the widening of their railway between Thorpe Station and the termination of railway No. 2 by this Act authorised, and between the termination of railway No. 1 by this Act authorised and Kirby Station, and thence onward to the boundary between the parishes of Kirby-le-Soken and Frinton in the county of Essex; and they may carry such widening across the highways between the aforesaid points in the same manner as their existing railway crosses the same highways respectively.

Powers for compulsory purchases limited.

22. The powers of the Company and of the Tendring Hundred Railway Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to cross road on the level.

23. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in 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 only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
	Railway No. 1.	
32	Great Clacton -	Public.

Power to take easements, &c. by agreement.

24. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being

an easement of water, 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.

25. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may, at and for all reasonable times, enter on and into and remain on any of the railways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Company to Postmaster General, and penalty.

(D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason

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of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, on behalf of the Postmaster General as a penalty is recoverable from the Company:

Power for Postmaster General to construct and work telegraphs, &c.

(E.) Her Majesty's Postmaster General, on, over, along, and across any of the railways, works, and lands for the time being of the Company, may from time to time construct such line or lines of telegraphs as he thinks fit, with all necessary and proper posts, wires, apparatus, and other works connected therewith, and remove or vary the same, and construct others instead thereof or in addition thereto, and may maintain, inspect, test, repair, reinstate, work, and use the same as they for the time being exist, and may by his engineers and other officers, servants, and workmen, at and for all reasonable times, for all or any of the purposes aforesaid, enter on and into and remain on those railways, works, and lands; but in the exercise of the powers of this section the Postmaster General shall not interfere with the traffic on any of the Company's railways, and shall cause as little inconvenience as may be to the Company, and shall execute and do every work or thing to the reasonable satisfaction of the engineer of the Company; and if at any time the Company desire to make at their own expense any alteration in any work executed by the Postmaster General under the authority of this section, without interrupting or impeding postal telegraphic communication, they may do so, first giving notice in writing to the Postmaster General of their intention; and in the exercise of the powers given by this section the Postmaster General shall do as little damage as may be, and shall make full compensation to the Company for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by "The Lands Clauses

Consolidation Act, 1845," and any Act amending the same, for the determination of the amount and application of compensation for lands taken or injuriously affected:

This section to be in force for one year only, &c.

(F.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Deposit money not to be repaid until line opened or half the share capital paid up and expended.

26. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand three hundred and nineteen pounds one shilling and twopence new three per centum annuities, being equal in value to five per centum upon the amount of the estimate in respect of the railway, has been transferred into the name of Her Majesty's Paymaster General on account of the High Court of Justice (Chancery Division) in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said annuities shall not be 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 Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said annuities shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

27. The said annuities transferred 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

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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 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 High Court of Justice (Chancery Division) may seem fit; and if no such compensation shall be payable, or if a portion of the said annuities shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said annuities, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the said Division think fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said annuities have been re-transferred to the transferors or have become otherwise applicable, as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

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

Tolls for passengers and animals.

29. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway:

For any person, threepence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 1. For any horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny:

Class 2. For any ox, cow, bull, or head of neat cattle, twopence per mile; and if conveyed in or upon a carriage

belonging to the Company, an additional sum per mile not exceeding one penny:

Class 3. For any calf, pig, sheep, lamb, or other small animal, one penny per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny.

Tolls for goods.

In respect of goods and minerals conveyed upon the railway:

Class 4. For all coals, culm, cinders, cannel, ironstone, iron ore, limestone, chalk, sand, slag, and clay (except fireclay), dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile one penny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 5. For all coke, charcoal, pig iron, bar iron, rod iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, slates, salt, fireclay and stone, copper ore, lead ore, tin ore, antimony, and manganese, and all other ores, minerals, and semi-metals, per ton per mile one penny halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 6. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile twopence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny:

Class 7. For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny:

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform belonging to the Company, sixpence per mile; and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

30. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of

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goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

31. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

Short distances.

For all passengers, animals, goods, or minerals conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles:

Fractional parts of a mile.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals, goods, and minerals for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile:

Fractional parts of a ton.

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

General weight.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

Weight of stone and timber.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

32. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway:

For any parcel not exceeding seven pounds in weight, threepence;

For any parcel not exceeding fourteen pounds in weight, fivepence;

For any parcel not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel not exceeding fifty-six pounds in weight, ninepence;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which they may think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railway:

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding one shilling per ton per mile;

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum rates for passengers.

33. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the toll for the use of the railway and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage the sum of threepence per mile;

For every passenger conveyed in a second-class carriage the sum of twopence per mile;

For every passenger conveyed in a third-class carriage the sum of one penny halfpenny per mile.

Maximum rates for animals and goods.

34. The maximum rate of charge to be made by the Company for the conveyance of animals, goods, and minerals (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company,) shall not exceed the following sums; (that is to say,)

For every animal in Class 1, fourpence per mile;

For every animal in Class 2, threepence per mile;

For every animal in Class 3, one penny halfpenny per mile;

For everything in Class 4, one penny halfpenny per ton per mile;

For everything in Class 5, twopence per ton per mile;

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For everything in Class 6, threepence per ton per mile;
For everything in Class 7, fourpence per ton per mile;
And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence; and if weighing more than one ton, one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

Passengers luggage.

35. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

36. No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Restrictions as to charges not to apply to special trains.

37. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

38. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals, goods, or minerals of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals, goods, or minerals other than small parcels by passenger trains.

Power to enter into agreements with Great Eastern and Tendring Hundred Railway Companies.

39. The Company on the one hand, and the Great Eastern Railway Company and the Tendring Hundred Railway Company, or either of those Companies, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873," from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The working, use, management, and maintenance of the railway and works connected therewith, or of any part thereof;

The supply, under any agreement for the railway being worked and used by the Great Eastern Railway Company and the Tendring Hundred Railway Company, or either of them, of rolling stock and plant necessary for the purposes of such agreement, and of officers and servants for the conduct of traffic on the railway;

The payments, rebates, and allowances to be made and allowed and the conditions to be performed with respect to such working, use, management, and maintenance;

The collection, appropriation, and division of the revenues arising from such traffic.

Tolls on traffic conveyed partly on the railway and partly on the Tendring Hundred Railway.

40. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway by the Great Eastern Railway Company or the Tendring Hundred Railway Company, the railways of the Company and of the Tendring Hundred Railway Company shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the Tendring Hundred Railway for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the Tendring Hundred Railway.

Tendring Hundred Company may create and issue additional (A) debenture stock.

41. The Tendring Hundred Railway Company may create and issue a further amount of (A) debenture stock beyond the amount authorised by "The Tendring Hundred Railway (Arrangement) Act, 1874;" but such further amount of (A) debenture stock, including the amount of such stock created and issued under the authority of the said Act of 1874, and outstanding unredeemed at the time of the passing of this Act, and also including any balance of such stock remaining unissued at the time of the passing of this Act, shall not exceed fifty thousand pounds; and all the provisions of the said Act of 1874 relating to (A) debenture stock and the holders thereof shall apply to any further amount of such stock created and issued under the authority of this Act, as if the same had been authorised by the said Act of 1874.

Application of moneys raised by the

42. All moneys which the Tendring Hundred Railway Company may raise under the powers of this Act shall be applied for the

purposes of their before-mentioned subscription to the undertaking of the Company, and of the aforesaid widening of their railway.

Tendring Hundred Company.

Tendring Hundred Company may appoint director if they subscribe.

43. In the event of the Tendring Hundred Railway Company subscribing to the capital of the Company, the said Company may from time to time appoint one of their own body to be a director of the Company, and no other qualification than being a director shall be requisite, and the said Company may at pleasure revoke such appointments; and the person from time to time appointed by them shall accordingly be a director of the Company, and have the same powers and be subject to the same regulations and provisions as the other directors of the Company, except as to retiring from office by rotation, and except as to voting at general meetings of the Company, unless specially appointed for that purpose by the said Company, as in this Act mentioned: Provided always, that every such appointment and revocation shall be in writing under the hand of the secretary of the said Company, and shall be delivered to the directors of the Company.

Votes of Tendring Hundred Company at general meetings.

44. The Tendring Hundred Railway Company, whilst shareholders of the Company, may, by writing under their common seal, from time to time appoint some person to attend any meeting of the Company, and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings, except that of voting on the appointment of directors, and may vote thereat in respect of the capital held by the Tendring Hundred Railway Company.

Interest not to be paid on calls paid up.

45. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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."

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

46. 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.

Railway not exempt from provisions of present and future general Acts.

47. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act. A.D. 1877.

Expenses of Act.

48. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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