ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. clxxxvi.

An Act to enable the *Colne Valley and Halstead* Railway Company to increase their Capital, to use Part of the *Great Eastern* Railway at *Haverhill*, and for other Purposes with respect to the same Company. [21st *July* 1863.]

WHEREAS by "The *Colne Valley and Halstead* Railway (Extension) Act, 1859," the *Colne Valley and Halstead* Railway Company were authorized to extend their Railway from *Halstead* in *Essex* to *Haverhill* in the same County: And whereas in the Year One thousand eight hundred and sixty-one an Act was passed enabling the *Eastern Counties* Railway Company to make a Railway from *Long Melford* in *Suffolk*, through *Clare* and *Haverhill*, to join the *Eastern Counties* Railway in the Parish of *Great Shelford* in the Neighbourhood of *Cambridge:* And whereas by an Act passed in the last Session of Parliament the *Eastern Counties* Railway Company was dissolved, and was merged in a Company incorporated by the same Act under the Style of "*Great Eastern* Railway Company," and by the same Act all the Railways in the Counties of *Norfolk*, *Suffolk*, and *Essex* are,

22 & 23 Vict. c. cxxii.

24 & 25 Vict. c. ccxxxi.

25 & 26 Vict. c. ccxxiii.

with inconsiderable Exceptions, either absolutely or permissively placed under the Control of the said Company: And whereas it is expedient that the *Colne Valley* Company should be authorized to use Part of the *Great Eastern* Railway at *Haverhill*, together with the Station there: And whereas by the said Act of 1859 the Company are required to construct their Railway under a public Carriage Road in the Parish of *Great Yeldham*, numbered 55 on the Plans deposited with the Clerk of the Peace for *Essex* with relation to the said Act, and it is found more convenient for the Persons using the said Road and for the Company that the Railway should be constructed upon the Level of the said Road: And whereas by the Thirty-ninth Section of "The *Colne Valley and Halstead* Railway Act, 1856," the maximum Sums are prescribed which the Company may charge for the Conveyance on their Railway of the several Matters in the said Section enumerated, and it is enacted that there shall be included in such several Sums "the Charges for the Use "of Carriages, Waggons, or Trucks, and for locomotive Power, and all "other Charges incident to such Conveyance (except a reasonable "Charge for the Expense of loading and unloading), where such Service "is performed by the Company:" And whereas the said Enactment precludes the Company from making Charges for Services incidental to the Duties of a Carrier where such Services are performed by them: And whereas the Company are desirous of raising additional Capital for their general Purposes: And whereas the Purposes aforesaid cannot be accomplished 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:

"The Company."

1. In this Act when the Expression "the Company" is used it shall mean the *Colne Valley and Halstead* Railway Company, unless there is something in the Context inconsistent with that Meaning.

Level Crossing.

2. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company to construct the Railway authorized by the said Act of 1859 on the Level of the public Carriage Road numbered 55, in the Parish of *Great Yeldham*, on the Plans deposited with respect to "The *Colne Valley and Halstead* Railway Extension Act, 1859;" but no more than a single Line of Railway shall be laid down at such level Crossing so long as the Railway consists of a single Line of Railway, and in no Case shall more than a double Line of Railway be laid down on such level Crossing.

As to shunting of Trains.

3. It shall not be lawful for the Company in shunting Trains to pass any Trains over such level Crossing, or to allow any Train, Engine, Carriage, or Truck to stand across the same.

4. For

Company to erect Lodge where Road crossed on the Level.

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

Board of Trade may require Bridge instead of level Crossing.

5. The Board of Trade (if it shall appear to them necessary for the public Safety or Convenience, at any Time either before or after the Railways shall have been completed and open for public Traffic,) may require the Company within such Time as the Board may direct, and at the Expense of the Company, to carry the said Road either under or over the said Railway by means of a Bridge or Arch instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Providing for the Use of Part of Great Eastern Railway at Haverhill.

6. The *Great Eastern* Railway Company shall and they are hereby required to allow the Company to use the Line of the *Great Eastern* Railway between the Junction therewith near *Haverhill* and the Station of the *Great Eastern* Railway Company at *Haverhill*, and also to use the said Station, Booking Offices, and Conveniences for all Purposes connected with their Traffic of Passengers, Goods, and Minerals, and shall afford at the said Station Accommodation for the Clerks and Servants of the Company, subject to the Payment of such Rates, Tolls, and Rent, and to such Regulations and Restrictions, as shall be agreed upon; and if any Difference shall arise between the Companies with respect to the Extent of the Accommodation to be afforded or the Payments to be made for the same, every such Difference shall be determined by Arbitration in the Manner prescribed by "The Railways Clauses Consolidation Act, 1845," as to the Settlement of Disputes by Arbitration.

As to Terminal Charges.

7. The Company may charge a reasonable Sum for loading, covering, and unloading of Goods, except small Parcels, at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Duty or Business of a Carrier, where such Services or any of them are or is performed by the Company: Provided that no Station shall be considered a Terminal Station in regard to any Goods conveyed on the Railway of the Company which have not been received thereat direct

direct from the Consignor of such Traffic, or are not directed to be delivered thereat direct to the Consignee.

Power to Company to raise additional Capital.

8. The Company may from Time to Time raise (in addition to the Sums of Money which they are authorized to raise) any further Sums not exceeding in the whole Twenty-eight thousand Pounds by the Creation of new Shares in their Undertaking, which Shares shall form Part of the general Capital of the Company, and shall be of such Amounts as will allow the same to be conveniently apportioned or disposed of according to the Resolution of any Ordinary or Extraordinary Meeting of the Company; and the Company may from Time to Time, but subject to the Provisions of this Act, fix the Amounts and Times of Payment of the Calls on Shares created under the Powers of this Act, and dispose of such Shares on such Terms and Conditions as may be so resolved upon, but not at less than the nominal Amount of such Shares.

Privileges may be attached to new Shares.

9. The Company may, with the Consent of Three Fifths at least of the Votes of their Shareholders present, personally or by proxy, at any Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act any preferential Dividend which the Company may think fit, and may attach to the said Shares a Condition that the same may be redeemed upon Conditions to be stated in the Resolutions creating the same; and for the Purpose of redeeming the same or any Part thereof the Company may create and issue from Time to Time fresh Shares with or without a preferential Dividend: Provided that any fixed or preferential Dividend to be granted by the Authority of this Act shall not exceed the Rate of Five *per Centum per Annum* on the Amount for the Time being paid up on such Shares; and provided that if in any Year ending the Thirty-first Day of *December* there shall not be Profits of the Company available for the Payment of the whole of any such preferential Dividends, the Deficiency shall not be made good out of the Profits of any subsequent Year or out of any other Funds of the Company, and the Conditions upon which any such Shares are issued shall be expressed on the Certificates of such Shares.

Saving existing Preference Shares.

10. Provided always, That any Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any new Shares created in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been previously granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to this Act, or which may otherwise be lawfully subsisting.

Limit of Amount and Number of Calls.

11. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of

of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

Votes of Proprietors of new Shares.

12. The Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if such Shares had been original Shares in the Company.

Power to borrow on Mortgage.

13. The Company may from Time to Time, under the Powers of this Act, borrow on Mortgage beyond the Sum now authorized to be borrowed by them any additional Sum of Money not exceeding Nine thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify under the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such additional Capital has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing Mortgages to have Priority.

14. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be created by virtue of this Act.

Application of Sums raised under this Act.

15. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or Mortgage shall be applied only to the Purposes authorized by the Acts relating to the Company.

Parts of 8 & 9 Vict. c. 16. incorporated.

16. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," "with respect to the Distribution of the Capital of the Company into Shares," "with respect to the Transfer or Transmission of Shares," "with respect to the Payment of Subscriptions, and Means of enforcing the Payment of Calls," "with respect to the Forfeiture of Shares for Nonpayment of Calls," "with respect to the Remedies of Creditors of the Company against the Shareholders," "with respect to the borrowing of Money by the Company on Mortgage or Bond," "with respect to the Conversion of the borrowed Money into Capital," and "with respect to the Consolidation of Shares into Stock," shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed, under the Powers of this Act.

Interest not to be paid on Calls paid up.

17. It shall not be lawful for the Company, out of any Money by this Act or by any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

18. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Company not exempt from Provisions of present and future General Acts.

19. Nothing herein contained shall be deemed or construed to exempt the Company from the Provisions of any General Act relative to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Short Title. Expenses of Act.

20. This Act may be cited as "The *Colne Valley and Halstead* Railway Act, 1863;" and all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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