ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

# VICTORIÆ REGINÆ.

**************************************************************

## *Cap.* clxxviii.

**An Act for making a Railway from the *Great Eastern* Railway at *Mistley* to *Walton-on-the-Naze* in the County of *Essex;* and for other Purposes.** [21st *July* 1863.]

WHEREAS a Railway from the *Harwich* Branch of the *Great Eastern* Railway at *Mistley* to *Walton-le-Soken* otherwise *Walton-on-the-Naze*, all in the County of *Essex*, would be of public Advantage: And whereas the Persons in this Act named, with others, are willing to form a Company and carry the Undertaking into effect: And whereas the Objects of this Act cannot be attained 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

**1.** "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845,"

8 & 9 Vict. cc. 16. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

1845," (save so far as any of the Clauses or Provisions thereof respectively are by this Act expressly excepted or varied,) are respectively incorporated with this Act.

Interpretation of Terms.

**2.** In construing the incorporated Acts for the Purposes of this Act, and in construing this Act, the Words and Expressions herein mentioned or referred to shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The Expression "the Company," or "the Promoters of the Undertaking," shall mean the Company incorporated by this Act:

The Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute:

Same Meanings to Words in incorporated Acts as in this Act.

Other Expressions and Words to which in the incorporated Acts Meanings are assigned shall respectively have the same Meanings in this Act.

Company incorporated.

**3.** *William Brooks, Robert Free,* and *Patrick Daniels,* and all other Persons and Corporations who have already subscribed or may hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purpose of making and maintaining the Railway, and for other the Purposes of this Act, and for those Purposes are by this Act incorporated by the Name of "The *Mistley, Thorpe, and Walton* 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 but subject to the Restrictions of this Act.

Capital.

**4.** The Capital of the Company shall be Sixty thousand Pounds in Six thousand Shares of Ten Pounds each.

Calls.

**5.** Two Pounds a Share shall be the greatest Amount of a Call, and Two Months at least shall be the Interval between successive Calls, and Four Fifths of the Amount of the Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Power to borrow on Mortgage.

**6.** The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole Twenty thousand Pounds, but no Part thereof shall be borrowed until the whole of the Capital of Sixty thousand Pounds is subscribed for or taken, and One Half thereof is paid up, nor until the Company has proved to the Justice who is to certify under the Fortieth

Fortieth Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of the Capital has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proofs having been given, the Certificate of such Justice under the said Section shall be sufficient Evidence.

Interest not to be paid on Calls paid up.

**7.** The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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."

Deposit for future Bills not to be paid out of Capital or Loan.

**8.** The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum of Money 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 authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

Application of Monies.

**9.** All and every Part of the Money raised under this Act, whether by Shares or by borrowing, shall be applied only for the Purposes authorized by this Act.

First Meeting.

**10.** The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act.

Number of Directors.

**11.** The Number of Directors shall be Six, but the Company from Time to Time may reduce or increase the Number of Directors within the Limits of Six as the Maximum and Three as the Minimum.

Power to Great Eastern Company to appoint Directors.

**12.** If the *Great Eastern* Railway Company subscribe Twenty thousand Pounds towards the Undertaking of the Company they may appoint Two Directors of the Company, and may from Time to Time revoke any Appointment of a Director made by them, and supply any Vacancy occasioned by such Revocation, or by the Death or Retirement of any Director appointed by them, by the Appointment of another Director in the Place of the Director whose Appointment shall have been so revoked or who shall have died or retired.

Appointment and Revocation to be by Writing under Seal, deposited with the Secretary.

**13.** Every Appointment and Revocation of an Appointment of a Director by the *Great Eastern* Railway Company shall be made in Writing under the Seal of that Company, and shall be deposited with the Secretary of the Company, and every Director so appointed shall enter upon Office immediately on his Appointment, and need not be a Shareholder of the Company,

Company, or go out of Office by rotation, but the Neglect of the *Great Eastern* Railway Company to appoint Directors shall not invalidate the Acts of the Directors of the Company.

Quorum.

**14.** The Quorum of a Meeting of the Directors shall be Three, unless the Number of Directors be reduced to Three, when the Quorum of a Meeting of Directors shall be Two.

First Directors.

**15.** *William Brooks*, *Robert Free*, *Patrick Daniels*, *William Henry Alexander*, Captain *Henry Jervis White Jervis*, and *James Goodson* shall be the First Directors.

Qualification of Directors.

**16.** The Qualification of a Director shall be the Possession in his own Right of Shares to the aggregate nominal Amount of Five hundred Pounds.

Election of Directors.

**17.** The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting held after the passing of this Act; and at that Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any of them, or the Meeting may elect a new Body of Directors, or so many Directors as are required to supply the Place of those not continued in Office; the Directors appointed by this Act being, if qualified, eligible for Re-election.

Subsequent Election of Directors.

**18.** At the Ordinary Meeting to be held in the Year One thousand eight hundred and sixty-five, and at the Ordinary Meeting in every subsequent Year, the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the "Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by that Act.

Newspapers for Advertisements.

**19.** The Newspaper for Advertisement shall be any Newspaper published in the County of *Essex*.

Power to make Railways.

**20.** The Company may make and maintain the following Railway (except as herein-after mentioned), with all proper Stations, Approaches, Works, and Conveniences connected therewith; (that is to say,)

A Railway commencing by a Junction with the *Harwich* Branch of the *Great Eastern* Railway in the Parish of *Mistley* in the County of *Essex*, and terminating in *Walton-le-Soken* otherwise *Walton-on-the-Naze* in the same County.

Railway to be made according to

**21.** And whereas Plans and Sections of the proposed Railway showing the Line and Levels thereof, and the Lands required for the Purposes of

of the Undertaking, and also Books of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Essex*: Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, the said Railway shall be made in the Line and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, and the Company may enter upon, take, and use all or any of the said Lands which they may require for the Purposes of the Undertaking. deposited Plans.

**22.** Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railway may deviate from the Line of any Arches or Viaducts described in the deposited Plans or Sections, so that the Deviation be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so that the Nature of the Work as described be not altered; and the Company may also substitute any other Engineering Work not shown on the Plans or Sections instead of a Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the Board of Trade is hereby empowered to grant such Certificates, provided it shall appear to them, upon due Inquiry, that the Company have acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby; but nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Section of "The Railways Clauses Consolidation Act, 1845." Power to alter Engineering Works.

**23.** Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on the Level, the Company in constructing the Railway by this Act authorized may carry the same, with not more than a single Line of Railway so long as the Railway consists of a single Line, and not more than Two Lines of Railway when the Railway consists of a double Line, across the Roads numbered on the deposited Plans as follows, on the Level thereof; (that is to say,) Power to cross certain Roads on the Level.

| Description of Road. | Number on Plan. | Name of Parish. |
|---|---|---|
| Parish Road - | 6 | Wicks. |
| Parish Road - | 42 | Thorpe. |
| Parish Road - | 61 | Thorpe. |
| Parish Road - | 24 | Kirby. |
| Parish Road - | 37 | Kirby. |

As to shunting of Trains.

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

Company to erect Station at Point of Crossing.

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

Board of Trade may require Bridge instead of level Crossing.

**26.** The Board of Trade may, if it shall appear to them necessary for the public Safety, at any Time after the passing of this Act, require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any of the before-mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing; and where such Road shall be so carried either under or over the Railway, it shall not be necessary for the Company to erect or maintain any Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

As to Junction with Great Eastern Railway.

**27.** Before commencing the Junction of the Railway by this Act authorized to be made with the *Great Eastern* Railway the Plan of such Junction and Works connected therewith shall be submitted to the Engineer for the Time being of the *Great Eastern* Railway Company, and in case of Difference arising in regard to such Plan the same shall be immediately referred to the Board of Trade, whose Decision thereon shall be final.

Not to take Lands, &c. of the Great Eastern Railway Company.

**28.** Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon any of the Lands belonging to the *Great Eastern* Railway Company, or to alter, vary, or interfere with the *Great Eastern* Railway, or any of the Works thereof, further or otherwise than is necessary for the Construction

struction of the Railway hereby authorized, and the convenient Junction and Intercommunication between the same and the *Great Eastern* Railway, without the Consent in Writing in every Instance for that Purpose first had and obtained of the *Great Eastern* Railway Company.

Signals to be erected to prevent Danger at Points of Junction.

**29.** The *Great Eastern* Railway Company may from Time to Time erect such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Switchmen, and other Persons, as that Company may deem necessary for the Prevention of Danger or Obstruction to or Interference with Traffic at and near the Junction between the Railway hereby authorized and the *Great Eastern* Railway; and the Working and Management of such Signals, Works, and Conveniences shall be under the exclusive Management and Regulation of that Company; and the Expenses of erecting and maintaining such Signals, Works, and Conveniences, and the reasonable Wages of such Workmen, Switchmen, and other Persons shall, at the End of every Half Year, be repaid by the Company to the *Great Eastern* Railway Company; and in default of such Repayment the Amount of such Costs, Expenses, and Wages, may be recovered from the Company by the *Great Eastern* Railway Company in any Court of competent Jurisdiction.

Saving Rights of Great Eastern Railway Company.

**30.** Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the *Great Eastern* Railway Company, otherwise than is herein expressly provided.

Powers for compulsory Purchases limited.

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

Land for extraordinary Purposes.

**32.** The Company may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," in connexion with the Railway by this Act authorized, not exceeding in the whole Six Acres.

Period for Completion of Works.

**33.** The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the said Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Bond for Completion of Railway.

**34.** Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Session of the Ninth and Tenth Year of Her present Majesty, Chapter Twenty, a Sum of Four thousand eight hundred Pounds, being Eight *per Centum* upon the Amount of the Estimate in respect of the Railway authorized by this Act, has been deposited with

with the Court of Chancery with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything contained in that Act, that Sum so deposited, or the Interest or Dividends thereof, shall not, except upon the Creation and Deposit of such a Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons named in the Warrant or Order issued in pursuance of that Act, or the Survivors or Survivor of them, unless the Company before the Expiration of the Period limited by this Act for the 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 authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to that One Half; and if that Period expire before the Company either have opened the Railway for the public Conveyance of Passengers, or have given the Proof to the Satisfaction of the Board of Trade, the Sum so deposited, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of that Sum so deposited be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited, if the Company do not within the Time limited for the 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 authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to that One Half; and if the Bond be deposited with the Solicitor to the Treasury, then that deposited Sum of Money and the Interest and Dividends thereof shall be paid to or on the Application of the Person or Persons, or the Majority of the Persons, named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies to be recovered upon the Bond shall be dealt with in like Manner as the deposited Sum of Money and the Interest or Dividends thereof would be dealt with under this Act if the Bond were not so executed and deposited; and the Certificate of such Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

**35.** And

Power to make the Railway between Tendring and Walton suspended, and Line not to be made under certain Circumstances.

**35.** And whereas a Bill is now pending before Parliament to authorize the *Tendring Hundred* Railway Company to make a continuous Line of Railway from the *Wivenhoe and Brightlingsea* Railway in the Parish of *Elmstead* to *Walton*, and Part of such Line, if connected with the Railway by this Act authorized, and deviated towards *Walton*, would render unnecessary the Construction of so much of the Railway by this Act authorized as would lie between a Point where the Railway crosses the Brook which divides *Tendring* from *Thorpe* and *Walton*: Therefore, if the said Bill shall be passed into a Law in the present Session, authorizing the Construction of a continuous Line of Railway from the *Wivenhoe and Brightlingsea* Railway to *Kirby Cross*, the Powers by this Act granted for the compulsory Purchase of Lands for and for the Construction of so much of the Railway as lies between the said Brook and the Terminus at *Walton* shall not be exercised until the First Day of *January* One thousand eight hundred and sixty-five, and if in the meantime the *Tendring Hundred* Railway Company shall obtain Parliamentary Powers to deviate the Portion of their proposed Railway from *Kirby Cross* to *Walton*, then such Powers of compulsory Purchase and Construction with respect to the Railway by this Act authorized between the said Brook and *Walton* shall absolutely cease and determine.

Tolls.

**36.** The Company may demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tolls for Passengers.

In respect of Passengers conveyed in Carriages upon the Railway:

For every Person conveyed in or upon any Carriage for the Use of the Railway, *per* Mile not exceeding Twopence, and if conveyed in or upon any Carriage provided by the Company an additional Sum *per* Mile not exceeding One Penny:

Tolls for Carriages, &c.

In respect of Goods, Minerals, and Things, Carriages, and Animals, as follows:

Class 1. For all Coal, Cannel, Culm, Coke, Slack, and Cinders, One Penny *per* Ton *per* Mile; and if conveyed in Carriages provided by the Company an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 2. For all Dung, Compost, Bones loaded in bulk, and all other Sorts of Manure except as herein-after mentioned, Coprolites, Salt for agricultural Purposes or for curing Fish, Lime, Limestone, and all undressed Materials for the Repair of public Roads, Charcoal, Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, and Iron not damageable, the Sum of One Penny *per* Ton *per* Mile; and if conveyed in Carriages provided by the Company an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 3. For damageable Iron, Sheet, Rod, and Hoop Iron, and all other similar Descriptions of Wrought Iron, Salt for domestic Purposes, Pitch, Tar, Asphaltum, ground Bones, ground Coprolites, Guano,

Guano, Timber, Staves and Deals, One Penny Farthing *per* Ton *per* Mile; and if conveyed in Carriages provided by the Company an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

Class 4. For Sugar, Grain, Corn, Flour, Malt, Seeds, Soda, Oil-cake, Oil in Casks, Saltpetre, Ale and Beer in Casks, Hoofs, Horns, Bones, Rice, Tallow, Cheese, Butter in Casks, Potatoes, Bacon, Flax, Hops, Jute, Junk, Lead, Molasses, Rags, Turpentine in Casks, Vinegar in Casks, Leather, Wines and Spirits in Casks, Hides, Dyewoods, Paper, Manchester Packs, Earthenware, Metals, Hardware in Packages or Cases, Nails, Anvils, Vices, Chains, Cotton and other Wools and manufactured Goods, the Sum of Twopence *per* Ton *per* Mile; and if conveyed in Carriages provided by the Company an additional Sum *per* Ton *per* Mile not exceeding One Penny:

Class 5. For Hay, Straw, Tea, Fish, Feathers, Canes, Cochineal, Furniture, Hats, Shoes, Silk, Glass, Music, Toys, and all other Articles, Matters, and Things, Threepence *per* Ton *per* Mile; and if conveyed in Carriages provided by the Company an additional Sum *per* Ton *per* Mile not exceeding One Penny:

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, carried and conveyed on a Truck or Platform for the Use of a Railway, *per* Mile not exceeding, if such Carriage has more than Two Wheels and weighs not more than One Ton and a Half, Sixpence; if such Carriage has but Two Wheels, and weighs not more than One Ton, Fourpence; and a further Sum not exceeding One Penny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton up to Four Tons which any such Carriage may weigh:

Tolls for Animals.

In respect of Animals conveyed in Carriages upon the Railway:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any Carriage for the Use of the Railway, *per* Mile not exceeding Fourpence; and if conveyed in or upon any Carriage provided by the Company an additional Sum *per* Mile not exceeding One Penny:

For every Ox, Cow, Bull, or Head of Neat Cattle conveyed in or upon any Carriage for the Use of the Railway, *per* Mile not exceeding One Penny Halfpenny; and if conveyed in or upon any Carriage provided by the Company an additional Sum *per* Mile not exceeding One Halfpenny:

For every Calf or Pig, Sheep, Lamb, or other small Animal conveyed in or upon any Carriage for the Use of the Railway, *per* Mile not exceeding One Halfpenny; and if conveyed in or upon any Carriage provided by the Company an additional Sum *per* Mile not exceeding One Farthing.

**37.** The

Tolls for propelling Power.

**37.** The Toll which the Company may demand for the Use of Engines for drawing or propelling Carriages on the Railway shall not exceed Three Farthings per Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls by this Act authorized to be taken.

Regulations as to Tolls.

**38.** The following Provisions and Regulations apply to the fixing of all the Tolls; (that is to say,)

For Persons, Animals, or Things conveyed on the Railway for a less Distance than Four Miles the Company may demand and take Tolls as for Four Miles:

For a Fraction of a Mile the Company may demand and take Tolls for Passengers as for One Mile, and for Animals and Goods as for a Quarter of a Mile:

For a Fraction of a Ton the Company may demand and take Tolls according to the Number of Quarters of a Ton in the Fraction, and if there be a Fraction of a Quarter of a Ton the Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

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 Articles of great Weight.

**39.** With respect to small Packages by Passenger Trains not exceeding Five hundred Pounds in Weight, and single Articles of great Weight, notwithstanding the Rates prescribed by this Act, the Company may demand and take any Tolls not exceeding the following; (that is to say,)

For any Parcel not exceeding Seven Pounds in Weight, Sixpence:

For any Parcel exceeding Seven Pounds in Weight and not exceeding Fourteen Pounds in Weight, One Shilling:

For any Parcel exceeding Fourteen Pounds in Weight and not exceeding Twenty-eight Pounds in Weight, One Shilling and Sixpence:

For any Parcel exceeding Twenty-eight Pounds in Weight and not exceeding Fifty-six Pounds in Weight, Two Shillings:

And for any Parcel exceeding Fifty-six Pounds in Weight and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up in separate Parcels, such as Packages of Fish, Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term shall apply only to single Articles in separate Packages:

For

Single Articles of great Weight.

For the Carriage of single Articles of great Weight:

For the Carriage of any single Article the Weight of which including the Carriage exceeds Four Tons, but does not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence a Ton a Mile; and if conveyed in a Carriage belonging to the Company an additional Sum not exceeding Twopence a Ton a Mile; and if propelled by an Engine belonging to the Company an additional Sum not exceeding Three Farthings a Ton a Mile:

For the Carriage of any single Article, the Weight of which including the Carriage exceeds Eight Tons, the Company may demand and take any Sum they think fit.

Passengers Luggage.

**40.** 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.

Maximum Rates for Passengers.

**41.** The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expense incidental to the Conveyance, shall not exceed the following sums; (that is to say,)

For every Passenger conveyed in a First-class Carriage, Threepence a Mile:

For every Passenger conveyed in a Second-class Carriage, Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, One Penny Halfpenny *per* Mile.

Maximum Rates for Goods.

**42.** And with respect to the Conveyance of Goods, Minerals, and Things, Carriages and Animals, the Company may lawfully demand and receive, as a maximum Rate of Carriage for the Conveyance thereof along the Railway, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every Expense incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Railway, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services, or any of them, are or is performed by the Company, any Rates or Sums not exceeding the Rates or Sums following; (that is to say,)

For Coal, One Penny and One Eighth of a Penny a Ton a Mile:

For all other Goods in Class 1, One Penny Farthing a Ton a Mile:

For Goods in Class 2, One Penny Halfpenny a Ton a Mile:

For Goods in Class 3, Twopence a Ton a Mile:

For Corn, Grain, and Seeds conveyed on the Railway for a greater Distance than Twenty-five Miles, Twopence a Ton a Mile:

For Corn, Grain, and Seeds conveyed on the Railway for a Distance of Twenty-five Miles or less, and for all other Goods in Class 4, Twopence Halfpenny a Ton a Mile:

For Goods in Class 5, Fourpence a Ton a Mile.

Carriages and Animals.

**43.** For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, carried and conveyed on a Truck or Platform for the Use of the Railway, *per* Mile not exceeding, if such Carriage weighs not more than One Ton, Sixpence, and a further Sum not exceeding One Penny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton up to Four Tons which any such Carriage may weigh:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, not exceeding Fourpence *per* Mile:

For every Ox, Cow, Bull, or Head of Neat Cattle, *per* Mile not exceeding Twopence:

For every Calf or Pig, *per* Mile not exceeding One Penny:

For every Sheep, Lamb, or other small Animal, *per* Mile not exceeding One Halfpenny.

Company may take increased Charges by Agreement.

**44.** Nothing herein contained shall be held to prevent the Company from taking any increased Charge over and above the Charges hereinbefore limited for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof, except small Parcels by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Restrictions on Agreements between Companies.

**45.** No such Agreement shall in any Manner alter, affect, increase, or diminish any of the Tolls, Fares, Rates, or Charges which the Companies Parties thereto are from Time to Time respectively authorized to demand and receive from any Person or any other Company, but all other Persons and Companies shall notwithstanding any such Agreement be entitled to the Use and Benefit of the Railways of both Companies, on the same Terms and Conditions, and on Payment of the same Tolls, Fares, Rates, and Charges as they would be if the Agreement were not made.

Power for Great Eastern Company to subscribe towards and hold Shares in the Undertaking.

**46.** The *Great Eastern* Railway Company, with the Consent of Three Fifths of the Votes of the Shareholders of that Company present, in person or by proxy, at a Meeting specially convened for the Purpose, may out of their Corporate Funds subscribe such Sum or Sums of Money as they think fit towards the Capital by this Act authorized, not exceeding in

in the whole Twenty thousand Pounds, and may take and hold, but not sell or transfer, Shares in the Capital of the Company to the Amount of the Sum or Sums so subscribed by them.

Power for Company and the Great Eastern Company to agree for certain Purposes.

**47.** The Company and the *Great Eastern* Railway Company may from Time to Time enter into such Agreements as they may from Time to Time think fit with respect to all or any of the following Purposes; (that is to say,) the Maintenance and Management of the Railway or any Part thereof, and of the Works or any of them connected therewith; the Use and Working of the Railway or any Part thereof; the Supply of Rolling Stock and of Officers and Servants for the Conduct of the Traffic of the Railway; the Payments to be made and the Conditions to be performed with respect to such Working, Use, Management, and Maintenance; the Interchange, Accommodation, and Conveyance of Traffic coming from or destined for the respective Undertakings of the Two Companies; the Division and Apportionment of the Revenues arising from such Traffic.

Sanction of Shareholders to Agreements.

**48.** No Agreement which shall hereafter be entered into for any of the Purposes aforesaid, nor any Modification of any such Agreement, shall, so far as the Terms and Conditions thereof are not authorized by "The Railways Clauses Consolidation Act, 1845," or by any other General Statute or Law from Time to Time in force with respect to the Companies Parties to the Agreement, have any Operation unless and until it be sanctioned by not less than Three Fifths of the Votes of the Shareholders of each Company Party thereto present, personally or by proxy, at a General Meeting of the Company specially convened for the Purpose.

How Meetings are to be called.

**49.** Every Special Meeting for the Purpose of considering any Agreement under this Act shall be called by Circular addressed to each Shareholder entitled to vote at Meetings of the Company, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders, and also by Advertisement inserted once in each of Two consecutive Weeks in a Newspaper published in the County of *Essex*, and the last of such Advertisements shall be published not less than Seven Days before such Meeting.

Public Notice to be given of Intention to enter into or alter any such Agreement.

**50.** Before the said Companies shall enter into any such Agreement as aforesaid they shall give Notice of their Intention to enter into such an Agreement in a Form to be approved by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper or Newspapers published or circulating in the County of *Essex*, and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade.

**51.** No

Approval of Board of Trade.

**51.** No such Agreement shall have any Operation until it be approved by the Board of Trade, and the Board of Trade shall not approve any such Agreement without being satisfied of its having received such Sanction of the Shareholders as is by this Act required.

Agreements between Companies may be modified by Board of Trade.

**52.** Provided always, That at the Expiration of the first or any subsequent Period of Ten Years after the making of any such Agreement, the Board of Trade may, if they think fit, cause the same to be revised, and the Board of Trade may require the said Companies to publish such Notice of any intended Revision of such Agreement as the Board of Trade shall direct, and the Board of Trade shall have Power to modify the Agreement in such Manner as the Board may think necessary, and to declare the Modification made by them to be Part of such Agreement, and the same shall be created and take effect accordingly.

Joint Committee for Purposes of Agreements.

**53.** The Companies Parties to any such Agreement may in accordance therewith and for the Purposes thereof appoint a Joint Committee, composed of such Number of the Directors of each Company as the Companies think proper, and from Time to Time may alter, vary, and renew the Joint Committee as occasion requires, and may regulate the Proceedings of the Joint Committee, and may delegate to the Joint Committee all such Powers as the said Companies think necessary for carrying into effect the Purposes of the Agreement, and every Joint Committee so appointed shall have and may exercise the Powers so from Time to Time delegated to them in like Manner as the same Powers might be had and exercised by the Companies respectively or their respective Directors.

Short-distance Tolls.

**54.** With respect to the Toll or Charge for Traffic conveyed on the Railway, or partly on the Railway and partly on the *Great Eastern* Railway, for a less Distance than Four Miles during the Time the Railway shall be worked by the *Great Eastern* Railway Company, that Company shall be entitled to charge as for Four Miles and no more, and it shall not be lawful for that Company to make a Short-distance Charge for any Traffic conveyed for a longer Distance than Four Miles, whether on the Railway only or partly on the Railway and partly on the *Great Eastern* Railway.

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

**55.** This Act or anything therein contained shall not exempt the Railway by this Act authorized from the Provisions of any General Act relating 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 or of the Rates for small Parcels by this Act authorized.

Expenses of Act.

**56.** All the 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.

Short Title.

**57.** This Act may be cited for any Purpose as "The *Mistley, Thorpe, and Walton* Railway Act, 1863."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1863.