



ANNO VICESIMO OCTAVO & VICESIMO NONO

# VICTORIÆ REGINÆ.

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## *Cap. cl.*

An Act to authorize the vesting in the *Great Eastern Railway Company* of the *Bishop Stortford, Dunmow, and Braintree Railway*.

[29th June 1865.]

**W**HEREAS by "The *Great Eastern Railway Act, 1862*," 25 & 26 Vict. c. ccxxiii.  
 the *Great Eastern Railway Company* (in this Act called  
 "the Company") were formed by the Amalgamation of  
 several previously existing Railway Companies, and the Acts relating  
 to those Companies respectively were consolidated and amended:  
 And whereas by "The *Bishop Stortford, Dunmow, and Braintree* 24 & 25 Vict. c. clxxxii.  
*Railway Act, 1861*," the *Bishop Stortford, Dunmow, and Braintree*  
*Railway Company* (in this Act called "the *Bishop Stortford Com-*  
*pany*") were incorporated, and authorized to raise One hundred and  
 twenty thousand Pounds by the Creation of Shares, and to borrow  
 Forty thousand Pounds on Mortgage of their Undertaking, and  
 to make a Railway from the *Northern and Eastern Railway* at  
*Bishop Stortford* in the County of *Hertford* to the *Eastern Counties*  
*(now Great Eastern) Railway* at *Braintree* in the County of *Essex*,  
 with a Branch in the Parish of *Dunmow*, and such Railway and  
 [Local.] 24 D Branch

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Branch are in course of Construction and nearly completed: And whereas under the Powers of “The Great Eastern Railway (Additional Powers) Act, 1863,” the Company have guaranteed Dividends at the Rate of Four Pounds Ten Shillings *per Centum per Annum* on the Capital of the *Bishop Stortford* Company: And whereas it has been agreed between the Company and the *Bishop Stortford* Company that upon the Completion of the latter Company’s Undertaking the same shall be vested in the Company, upon certain Terms and Conditions, and it is expedient that Provision should be made for carrying such Agreement into effect: And whereas the Object aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict.  
c. 16. and  
26 & 27 Vict.  
cc. 92. & 118.  
incorporated.

**1.** The Provisions of “The Companies Clauses Consolidation Act, 1845,” with respect to the several Matters following, (that is to say,) the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the Consolidation of the Shares into Stock, and the Provision to be made for affording Access to the “Special Act,” Parts I. and II. of “The Companies Clauses Act, 1863,” relating respectively to Cancellation and Surrender of Shares, and to additional Capital, and Part V. of “The Railways Clauses Act, 1863,” relating to Amalgamation, are hereby incorporated with this Act.

Bishop Stortford Company to be amalgamated with Company, on Completion of their Undertaking.

**2.** When the Railway and Branch of the *Bishop Stortford* Company shall be completed and opened for public Traffic, the *Bishop Stortford* Company, by Deed duly stamped for denoting Payment of the proper Stamp Duty payable in respect thereof, shall transfer their Undertaking to the Company, and such Undertaking shall thereupon and by force and virtue of this Act, and of the Provisions of “The Railways Clauses Act, 1863,” incorporated herewith, become vested in the Company, and on and from the Date of such Deed the Amalgamation shall take effect, and the *Bishop Stortford* Company, except for the Purpose of receiving Monies due to them and winding up their Affairs, shall be dissolved.

**3.** All



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3. All the Mortgage Debts of the *Bishop Stortford* Company at the Time of the Amalgamation shall, as between that Company and the Company, be deemed Debts of the Company; and the Company shall indemnify the *Bishop Stortford* Company from all Claims in respect thereof. Mortgage Debts of Bishop Stortford Company to become Debts of the Company.
4. The Company shall pay to the *Bishop Stortford* Company a Sum equal to the Amount expended or incurred by that Company in obtaining their Act of Incorporation and constructing their Railways, after deducting the Amount of the Mortgage Debts of the *Bishop Stortford* Company, which are to be deemed Debts of the Company, but the total Amount to be so paid shall not exceed the Sum of Eighty thousand Pounds. Company to pay to Bishop Stortford Company Amount of their Expenditure, less the Amount of Mortgage Debts.
5. Subject to the Payment, Satisfaction, or Discharge of all their Debts, Liabilities, and Engagements (if any), except Mortgage Debts, which are to be deemed Debts of the Company, the *Bishop Stortford* Company shall distribute and pay the Monies received by them from the Company to and among the several Persons who at the Time of the Amalgamation shall be the registered Shareholders of the *Bishop Stortford* Company, in proportion to their respective Shares in the Capital of that Company, or the respective Executors, Administrators, Successors, or Assigns of such registered Shareholders. As to Distribution thereof amongst the Shareholders of the Bishop Stortford Company.
6. Provided always, That if for Twelve Months after the Period for the Distribution of the said Monies the *Bishop Stortford* Company are unable, after diligent Inquiry, to ascertain the Person to whom any Part of such Monies ought to be paid, they may pay such Part into the Court of Chancery under any Act for the Time being in force for the Relief of Trustees; and every such Payment into Court shall conclusively discharge the *Bishop Stortford* Company from all further Liability with respect to the Monies so paid, and for the Purposes of this Act shall be deemed Payment thereof to a Person absolutely entitled thereto, and any Person afterwards showing to the Satisfaction of the Court that he is entitled thereto may obtain Payment thereof out of Court accordingly. Money belonging to Persons who cannot be found to be paid into the Court of Chancery.
7. When all the Debts and Liabilities of the *Bishop Stortford* Company are paid, satisfied, or discharged, and their Monies are distributed Bishop Stortford Company to be dissolved.



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distributed in accordance with this Act, and their Affairs are wound up, the said Company shall be wholly dissolved and cease to exist.

Tolls.

8. In estimating the Amount of Toll or Charge to be levied by the Company after the Amalgamation in respect of any Traffic conveyed partly on the *Bishop Stortford* Railway or Branch and partly on any other Railway of the Company, the *Bishop Stortford* Railway or Branch and such other Railway shall be deemed One Railway, as if authorized by "The *Great Eastern* Railway Act, 1862;" but for any such Traffic conveyed for a less Distance than Three Miles the Company may charge as for Three Miles only, and in respect of Passengers for each Mile or Fraction of a Mile beyond Three Miles the Company may charge as for One Mile only, and in respect of Animals, Minerals, or Goods for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Three Miles the Company may charge as for a Quarter of a Mile only; and no other Short-Distance Charge than for Three Miles shall be made for the Conveyance of Passengers, Animals, Minerals, or Goods partly on the *Bishop Stortford* Railway or Branch and partly on any other Railway of the Company.

Power to  
Company to  
raise Capital  
by Shares  
or Stock.

9. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present in person or by proxy at any General Meeting or General Meetings convened with special Notice of the Purpose, may raise, by the Creation of new Ordinary or Preference Shares or Stock, such additional Capital beyond the Amount which they may be authorized to raise by other Acts of Parliament as they may require for the Purposes of this Act, not exceeding in the whole Eighty thousand Pounds.

Shares or  
Stock to form  
Part of Com-  
pany's gene-  
ral Capital.

10. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company.

Shares or  
Stock not to  
be issued un-  
til One Fifth  
Part thereof  
shall have  
been paid up.

11. It shall not be lawful for the Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid up in respect thereof.

Capital un-  
der several  
Acts may be

12. If by any other Act or Acts passed in the present Session of Parliament, and whether before or after the passing of this Act, the  
Company



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Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of Shares or Stock of one and the same Class all or any Part of the aggregate Capital which they are by the other Act or Acts and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

raised by Shares or Stock of One Class.

**13.** It shall not be lawful for the Company, out of any Money by this Act or any other Acts 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 to any Shareholder any Interest or Dividend 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 that nothing herein 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.

Interest not to be paid on Calls paid up.

**14.** It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament in force for the Time being, 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 Railway or execute any other Work or Undertaking.

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

**15.** Nothing herein contained shall be deemed or construed to exempt the Railways by the recited Act authorized to be made from the Provisions of any General Act relating to Railways 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, and of the Rates for small Parcels, authorized by the recited Acts.

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

**16.** The Costs and Charges of applying for and obtaining this Act, and incidental thereto, shall be paid by the Company.

Expenses of Act.

[*Local.*]

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**17.** This

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*The Great Eastern Railway (Bishop Stortford Railway Purchase)  
Act, 1865.*

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Short Title.

17. This Act may be cited for any Purpose as "*The Great Eastern Railway (Bishop Stortford Railway Purchase) Act, 1865.*"

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