



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. cxciv.

An Act for making a Railway from the *Tendring Hundred* Railway at *Thorpe-le-Soken* to *Great Clacton*, and a Pier there, all in the County of *Essex*; and for other Purposes.

[16th July 1866.]

WHEREAS the making of Railways from the *Tendring Hundred* Railway at *Thorpe-le-Soken* in the County of *Essex* to *Great Clacton* in the same County, with a Pier at *Great Clacton*, will be of great local and public Advantage: And whereas the Persons herein-after named, with others, are willing at their Expense to carry the proposed Undertaking into execution: And whereas Plans and Sections of the intended Railways and Pier showing the Lines and Levels thereof, together with the Books of Reference to the said Plans containing the Names of the Owners, Lessees, and Occupiers of the Lands and Property which may be required for the Purposes of the Undertaking, have been deposited in the Office of the Clerk of the Peace for the County of *Essex*, and are hereafter referred to as the deposited Plans and Sections: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty,

[*Local.*]

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by

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by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows:

Short Title. 1. This Act may be cited for all Purposes as "The *Thorpe and Great Clacton Railway Act, 1866.*"

8 & 9 Vict. cc. 16., 18., & 20.,
10 & 11 Vict. c. 27.,
23 & 24 Vict. c. 106., and
26 & 27 Vict. cc. 92. & 118.
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863" (relating to the Cancellation and Surrender of Shares), "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of the "Railways Clauses Act, 1863," relating respectively to Construction of a Railway and to Working Arrangements, and "The Harbours, Docks, and Piers Clauses Act, 1847," save and except Sections 16, 17, 18, and 19 thereof, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpre-
tation of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the Company incorporated by this Act; the Expression "the Railway" shall mean the Railways by this Act authorized; the Expression "the Pier" shall mean the Pier by this Act authorized; the Expression "the Works," "the Railway and Pier," or "the Undertaking," shall mean the Railways and Pier or Undertaking by this Act authorized, or any Part thereof; and 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 common Simple Contract Debt, and not a Debt or Demand created by Statute.

Subscribers
incorporated.

4. *William Martin Hazard, William Fontaine Golding Bruff, Charles Lempriere, Peter Schuyler Bruff,* and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Pier, and for other the Purposes of this Act, and for those Purposes shall be incorporated by the Name of "the *Thorpe and Great Clacton Railway and Pier 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.

5. Subject

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5. Subject to the Provisions of this Act and of the Acts incorporated therewith, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railways and Pier herein-after described, with all proper Stations, 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 Books of Reference as may be required for that Purpose. The Railways and Pier herein-before referred to and authorized by this Act are,—

Power to make Railway according to deposited Plans.

1. A Railway, Four Miles and Two Furlongs Nine Chains and Forty Links in Length, commencing in the Parish of *Thorpe-le-Soken* at or near the Road marked on the Plans deposited for the Purposes of the *Tendring Hundred Extension* Railway No. 2. with the Clerk of the Peace for the County of *Essex* in *November* 1862, and thereon numbered 17, in the Parish of *Thorpe-le-Soken*, and terminating in the Parish of *Great Clacton* at *Clacton-on-Sea* at a Point Sixty Yards from the Cliff or thereabouts, and Two hundred Yards or thereabouts to the Westward of the *New Gap* :
2. A Railway, Three Furlongs One Chain in Length, situate wholly in the Parish of *Thorpe-le-Soken*, and commencing by a Junction with the *Tendring Hundred Extension* Railway, now in course of Construction, at a Point Three Miles and Four Furlongs or thereabouts from the Commencement of the said *Tendring Hundred Extension* Railway No. 2. as shown upon the said deposited Plans, and terminating by a Junction with the intended Railway No. 1. at or near the Southern Extremity of the Field numbered on the said deposited Plans 25, in the Parish of *Thorpe-le-Soken* :
3. A Pier at *Clacton-on-Sea*, to be situate wholly in the Parish of *Great Clacton*, commencing at a Point opposite and adjacent to the Termination of the intended Railway No. 1. herein-before described, and running out into the Sea in a South-easterly Direction, and terminating Three hundred Yards or thereabouts from High-water Mark.

6. The Capital of the Company shall be Forty thousand Pounds, in Four thousand Shares of Ten Pounds each.

Capital.

7. The Company shall not issue any Share created under the Authority of this Act, nor shall any 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 shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

8. One

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Calls.

8. One Fifth of the Amount of 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 a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Power to borrow on Mortgage.

9. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Thirteen thousand three hundred Pounds, but no Part thereof shall be borrowed until the whole Capital of Forty thousand Pounds is subscribed for, 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 the 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 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 Subscribers or their Assigns, and that such Subscribers or their 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 Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Receiver.

10. The Mortgagees of the Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than One thousand five hundred Pounds in the whole.

Monies borrowed on Mortgage to have Priority.

11. All Monies to be borrowed on Mortgage under this Act from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company, and the Property from Time to Time of the Company, over all other Claims on account of any Debts incurred or to be incurred, or Engagements entered into or to be entered into, by them: Provided always, that such Priority shall not prejudice or affect any Claim, Right, or Remedy against the Company or their Property in respect of the Rentcharge to be granted by them in pursuance of the Provisions of the "Lands Clauses Consolidation Act, 1845," or the "Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect the Lien of any Vendor for the unpaid Purchase Money of any Land taken by the Company for the Purposes of the Railway or Pier.

12. All

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- 12.** All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only. Application of Monies.
- 13.** The First Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act. First Ordinary Meeting.
- 14.** The Number of Directors shall be Five, but it shall be lawful for the Company from Time to Time to reduce the Number, provided that the Number be not less than Four. Number of Directors.
- 15.** The Qualification of a Director shall be the Possession in his own Right of not less than Twenty Shares. Qualification of Directors.
- 16.** The Quorum of a Meeting of Directors shall be Three. Quorum.
- 17.** *William Martin Hazard, William Fontaine Golding Bruff, Charles Lempriere,* and Two other Persons to be appointed by the Shareholders at the First Ordinary Meeting of the Company, shall be the First Directors of the Company, and the Three first-named Directors shall continue in Office until the First Ordinary Meeting held after the passing of this Act. First Directors.
- 18.** 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, subject to the Power herein-before contained for reducing the Number of Directors, 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 or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the same Act. Election of Directors.
- 19.** The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres. Lands for extraordinary Purposes.
- 20.** 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 Three Years from the passing of this Act. Powers for compulsory Purchases limited.

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Period for
Completion
of Works.

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

Deposit
Money not
to be repaid
until Line
opened or
Half the
Capital paid
up and ex-
pended on
Execution of
Bond, &c.

22. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter 20, a Sum of Three thousand two hundred and twenty Pounds Three Pounds *per Centum* Consolidated Annuities, equal in Value to the Sum of Two thousand four hundred Pounds, being Eight *per Centum* on Thirty thousand Pounds, the Amount of the Estimate of Expense of the Railway by this Act authorized, has been transferred by *William Martin Hazard*, a Subscriber to the Undertaking, into the Name and with the Privity of the Accountant General of the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum so transferred as aforesaid, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in 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 the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized 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 Lords of the said Committee, the Sum so transferred as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be 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 of *Great Britain* and *Ireland*: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the Sum so deposited shall have been executed by the Company, with One or more Surety or Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners

[...] of

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of Her Majesty's Treasury,) conditioned for the Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited if the Company shall 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 Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized 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 such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall 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, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

23. The Limits of the Pier shall be the Space lying between Two Lines drawn from the Shore on each Side of the Pier at Three hundred Yards from it, and extending into the Sea until they meet a Line drawn at Right Angles with the said Lines at Three hundred Yards from the Seaward End of the Pier.

Limits of Pier.

24. Previously to commencing the Construction of any Part of the Pier or Jetty below High-water Mark the Company shall deposit at the Board of Trade Plans, Sections, and Working Drawings of such Part of the Pier or Jetty for the Approval of the Board of Trade, such Approval to be signified in Writing under the Hand of One of the Secretaries of the Board of Trade, and such Part of the Pier or Jetty shall be constructed only in accordance with such Approval; and when any Part of such Pier or Jetty shall have been commenced or constructed below High-water Mark, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Part of the Pier or Jetty shall be commenced or completed or be altered or constructed contrary to the Provisions of this Act, it shall be lawful for the Board of Trade to

Working Plans to be submitted to Board of Trade.

abate,

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abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Rates on
Passengers,
Goods
shipped or
unshipped,
and on
Vessels at
the Pier.

25. The Company may demand and receive for every Person who shall land from or embark in any Vessel or at from or within the Limits of the Pier, and for every Person who shall walk on or use the Pier in respect of every such Landing or Embarkment, and at every Time of entering or coming up the Pier, and for all Animals, Articles, Goods, and Things, and for all Goods, Wares, and Merchandise which shall be shipped or unshipped, received or delivered, from or upon the said Pier or within the Limits thereof, and for every Vessel using the said Pier or coming within the Limits thereof, any Sum not exceeding the several Rates and Sums specified in the Schedule to this Act.

Cranes,
Weighing
Machines,
&c.

26. It shall be lawful for the Company to erect or provide such Cranes, weighing and other Machine, Conveniences, Weights, and Measures upon the Pier or Jetty to be constructed or maintained by them under the Provisions of this Act as they may think necessary for loading, unloading, measuring, and weighing any Goods, Articles, or Things landed at or delivered from such Pier or Jetty, of which Cranes, weighing and other Machines, any Person or Persons shall, subject to the Regulations established by the Company, be entitled to have the Use and Benefit who may have Occasion so to do; and the Company, in addition to the other Sums which they are by this Act empowered to demand, may demand, receive, and take for the Use thereof, including the Labourage of Persons to be provided by the Company for Services at the Pier or Jetty at all reasonable Times, such reasonable Rates or Charges as the Company think fit, not exceeding the Rates and Charges specified in the Schedule to this Act.

No Rate to
be collected
in certain
Events.

27. Nothing in this Act contained shall authorize the Company to collect any Rate for or in respect of any Boat or Vessel coming within the Limits of the said Pier for the Purposes of Anchorage or Shelter only, and not loading or unloading, or embarking or disembarking Passengers, Live Stock, or Goods of any Description within such Limits, but which Exemption shall not under any Circumstances apply to any Boat or Vessel for any longer Time than Twelve Hours; and if any Dispute or Question as to the Existence or Continuance of such Necessity shall arise, the same shall be determined by the Chairman for the Time of the Petty Sessions held at *Thorpe* and *Mistley* for the Time being, who shall have all the Authorities of a sole Arbitrator appointed by all Parties interested.

Parts of Pier
may be
opened for
Traffic.

28. As soon as it is certified under the Hand of a Person appointed by the Board of Trade for the Purpose that the Company have constructed

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structed and so far completed any Portion of the Pier hereby authorized as to afford convenient Accommodation for the landing and embarking of Passengers and Goods (although the whole of the Pier has not then been completed), the Company may demand and receive the Rates which under this Act they are entitled to take.

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

In respect of Passengers conveyed upon the Railways, or any Part thereof, as follows: For Passengers.

For every Person, Twopence *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile.

In respect of Animals conveyed upon the Railways, or any Part thereof, as follows: For Animals.

Class 1. For every 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 of One Penny *per* Mile:

Class 2. For every Ox, Cow, Bull, or Head of Neat Cattle, Twopence *per* Head *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 3. For every Calf, Pig, Sheep, Lamb, and other small Animal, One Penny each *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Halfpenny *per* Mile.

In respect of Goods and other Things conveyed upon the Railways, or any Part thereof, as follows: Tonnage of Articles of Merchandise.

Class 4. For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, and for all Coals, Coke, Culm, Cannel, Limestone, Chalk, Lime, Salt, Sand, Fireclay, Cinders, Slag, and Stone, *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 Charcoal, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and rolled Iron, Bricks, Stones for building, pitching, and paving, Tiles, Slates, and Clay (except Fireclay), and for Wrought Iron not otherwise specifically classed herein, and for heavy Iron Castings, including Railway Chairs, *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:

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Class

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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 like 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 Goods, in addition to the several other Tolls or Sums by this Act authorized 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,)

For all Passengers, Animals, or Goods conveyed on the Railway for a less Distance than Three Miles the Company may demand Tolls and Charges as for Three Miles:

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 and Goods for such Fraction in proportion to the Numbers 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, being an integral Number of Miles, shall be deemed a Mile:

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:

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

With

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With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Fifty 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.

32. With respect to small Parcels 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,)

Tolls for
small Parcels
and single
Articles of
great
Weight.

For the Carriage of small Parcels on the Railway, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Three-pence;

For the Carriage of any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Five-pence;

For the Carriage of any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Seven-pence;

For the Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Nine-pence;

And for the Carriage of any Parcel exceeding Fifty-six Pounds but 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 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 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 Three Halfpence a Ton a Mile, inclusive of an Engine or Horse or other motive Power:

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.

33. The maximum Rate 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 for Carriages and locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following; (that is to say,)

Maximum
Rates for
Passengers.

For every Passenger conveyed in a First-class Carriage, Three-pence *per* Mile;

For Passen-
gers.

For

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

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

For Animals
and Goods.

And the maximum Rates of Charges to be made by the Company for the Conveyance of Animals and Goods, including the Tolls for the Use of the Railways and Waggons or Trucks and for locomotive Power, and every other Expense incidental to such Conveyance (except a reasonable Sum for loading and unloading of Goods 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), 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, Twopence *per Mile*;

For every Animal in Class 3, One Penny Halfpenny *per Mile*;

For every Thing in Class 4, One Penny Halfpenny *per Ton per Mile*;

For every Thing in Class 5, Twopence *per Ton per Mile*;

For every Thing in Class 6, Threepence *per Ton per Mile*;

For every Thing 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 One Penny Halfpenny *per Mile* for every additional Quarter of a Ton.

Passengers
Luggage.

34. 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.

35. 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 Consigner, or are directed to be delivered thereat to the Consignee.

Restrictions
as to Charges
not to apply
to Special
Trains.

36. 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.

37. The

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37. The Tolls, Rates, and Charges to be taken upon or in respect of the Railways, and also the Rates and Charges to be taken upon or in respect of the Pier or Jetty, shall be charged equally and after the same Rate to all Persons under the like Circumstances; and no Deduction or Advance in any of the Tolls, Rates, or Charges to be taken upon or in respect of the Railways shall be made in favour of or against any Passengers, Animals, or Goods by reason of their having used or not having used the Pier or Jetty; and no Reduction or Advance in any Rates or Charges to be taken upon or in respect of the Pier or Jetty shall be made in favour of or against any Passengers, Animals, or Goods by reason of their having used the Railways, or not having used any Part thereof respectively.

Tolls and Rates to be charged equally.

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 or Goods 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 or Goods (other than small Parcels) by Passenger Trains.

Company may take increased Charges by Agreement.

39. The Company, and all Companies and Persons lawfully using the Railways of the Company, may pass over and use with their Engines and Carriages and Servants, and for the Purposes of Traffic of all Kinds, so much of the *Tendring Hundred* Railway as will lie between the Station of the *Tendring Hundred* Railway at *Thorpe-le-Soken* and the Station of that Railway at *Walton-on-the-Naze*, including those Stations, together with all Sidings, Watering Places, Signals, Signal Posts, and other Machinery, Buildings, Approaches, Works, and Conveniences belonging to or connected with the said Portion of the *Tendring Hundred* Railway, and the *Tendring Hundred* Railway Company shall make all requisite Arrangements for that Purpose.

Power to use Tendring Hundred Railway.

40. The Terms, Conditions, and Regulations to which the Company shall be subject in respect of the said Use, and the Tolls or other Consideration to be paid by them for the same, shall, if not agreed upon between them and the *Tendring Hundred* Railway Company, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade, and the Decisions of such Arbitrator shall be binding and conclusive on the Parties in difference, and the Costs and Expenses of such Arbitration shall be defrayed as the Arbitrator shall direct; and either of the said Companies who shall refuse or neglect to perform, observe, and conform to any Decision given or Regulation made by any such Arbitrator in the Premises shall forfeit and pay to such Company as the Arbitrator shall deter-

Terms of User.

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mine any Sum not exceeding Fifty Pounds for every such Offence, and Twenty Pounds for every Day during which such Offence shall continue.

Power to enter into Traffic Arrangements with Tendring Hundred Railway Company.

41. The Company on the one hand, and the *Tendring Hundred Railway Company* on the other hand, may from Time to Time enter into Contracts or Arrangements with respect to the following Purposes, or any of them; (that is to say,)

The Management, Use, Working, and Maintenance of the Railway, or of any Part or Parts thereof:

The Supply of any Rolling or Working Stock and of Officers and Servants for the Conduct of the Traffic on the Railway:

The Payments to be made and the Conditions to be performed with respect to the Matters aforesaid:

The Interchange, Accommodation, Conveyance, and Delivery of Traffic coming from or destined for the Undertakings of the contracting Companies, and the fixing and Division between the said Companies of the Receipts arising from such Traffic.

Tolls on Traffic conveyed partly on the Railway and partly on the Railway of the Tendring Hundred Railway Company.

42. During the Continuance of any Agreement to be entered into under the Provisions of this Act for the Use of the Railway by the *Tendring Hundred Railway Company*, and during such Time as the Company shall use any Part of the *Tendring Hundred Railway*, the Railways of the Company and of the *Tendring Hundred Railway Company* shall for the Purposes of 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 Railway of the *Tendring Hundred Railway Company* 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 Railway of the *Tendring Hundred Railway Company*.

Saving Rights of the Crown.

43. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and

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and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs and Successors.

44. Nothing contained in this Act or in any of the Acts herein referred to shall divert, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Corporation of the *Trinity House*.

Saving
Rights of
the Trinity
House.

45. 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."

Interest not
to be paid
on Calls paid
up.

46. The Company shall not, out of any Money by this Act authorized 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 authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

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

47. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made 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 authorized by this Act.

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

48. Nothing in this Act contained shall exempt the intended Pier, or the Power to levy Rates thereat, or the Company, from the Provisions of the present and future General Acts relating to Piers or Landing Places, or to Shipping or Dues on Shipping, or Goods carried in Ships, or to Lights, Buoys, and Beacons, or the Rights, Powers, and Privileges of the General Lighthouse Authorities, or to the future Revision and Alteration, under the Authority of Parliament, of the Rates or Charges in respect of the Landing Places or Wharves by this Act authorized.

Pier, &c. not
exempt
from Provi-
sions of Acts
relating to
Docks, &c.

49. All

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Expenses of Act.

49. 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.

SCHEDULE to which this Act refers.

RATES ON VESSELS USING THE PIER.

		s.	d.
For every Vessel under the Burden of 15 Tons	per Ton	0	4
For every Vessel of the Burden of 15 Tons and under 50 Tons	per Ton	0	6
For every Vessel of the Burden of 50 Tons and under 100 Tons	per Ton	0	8
For every Vessel of the Burden of 100 Tons and under 150 Tons	per Ton	0	10
For every Vessel of the Burden of 150 Tons and upwards	per Ton	1	0
All Lighters, for each Trip	per Ton	0	2
All Boats entirely open landing or taking on board Goods	each	0	6

RATES ON GOODS SHIPPED OR UNSHIPED AT THE PIER.

Ale, Beer, and Porter	per Hogshead	0	6
Ale (bottled)	per Barrel	0	4
"	per Dozen Bottles	0	1
Anchors	per Cwt.	0	9
Anchor Stock	per Foot run	0	2
Bark	per Ton	2	0
Bedding	per Bundle	0	3
Beef or Pork	per Cwt.	0	3
"	per Barrel	0	6
Biscuit or Bread	per Cwt.	0	3
Blubber	per Ton of 252 Gallons	3	0
Bones and Bone Dust	per Ton	1	6
Bottles	per Gross	0	9
Bricks	per 1,000	2	0
Butter and Lard	per Barrel	0	6
"	per Firkin	0	3
Cables, Iron or Hempen	per Ton	3	0
Canvas	per Bolt	0	1
Casks (empty), not being returned Packages	per Puncheon	0	3
Other Casks in proportion.			
Cattle :			
Bulls, Cows, and Oxen	each	3	0
Calves	each	1	0
Horses	each	4	0
Pigs	each	0	6
Sheep	each	1	0

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	s.	d.
Chalk - - - - -	per Ton	1 0
Cheese - - - - -	per Cwt.	0 4
Chimney Pots - - - - -	each	0 3
Clay - - - - -	per Ton	1 0
Cloth, Haberdashery, &c. - - - - -	per Package, not exceeding One Cwt.	0 6
Carriages :		
Chaises and other Four-wheeled Carriages - - - - -	each	7 6
Gigs, Carts, and other Two-wheeled Carriages - - - - -	each	5 0
Hand-carts and Perambulators - - - - -	each	1 0
Coals - - - - -	per Ton	1 0
Copper - - - - -	per Ton	3 0
Cordage - - - - -	per Cwt.	0 3
Cork - - - - -	per Cwt.	0 6
Corpses - - - - -	each	20 0
Crystal - - - - -	per Box or Package	0 6
Dogs - - - - -	each	0 6
Drugs (in Casks, Hampers, or Boxes) - - - - -	per Foot	0 2
Earthenware (in Casks, Hampers, or Boxes) - - - - -	per Foot	0 2
Earthenware (in Crates) - - - - -	per Foot	0 1
Eggs - - - - -	per Box	0 3
Fish (dried and salted) - - - - -	per Cwt.	0 2
,, (fresh, not enumerated) - - - - -	per Cwt.	0 2
Flax - - - - -	per Ton	2 0
Flour and Meal - - - - -	per Sack	0 4
" - - - - -	per Barrel	0 3
Fruit - - - - -	per Bushel or Sieve	0 4
Furniture (Household) - - - - -	per 5 Cubic Feet	0 4
Glass - - - - -	per large Crate	1 6
" - - - - -	per small Crate or Case	1 0
" - - - - -	per Box	0 6
Grains and Seeds - - - - -	per Quarter	0 6
Groceries (not enumerated) - - - - -	per Cwt.	0 6
Guano - - - - -	per Ton	1 6
Gunpowder - - - - -	per Barrel or Keg	0 6
Hams, Bacon, or Tongues - - - - -	per Cwt.	0 4
Hardware - - - - -	per Ton	2 6
Hares and Rabbits - - - - -	per Dozen	0 4
Hay - - - - -	per Ton	1 6
" - - - - -	per Truss	0 2
Hemp - - - - -	per Ton	2 0
Herrings (fresh) - - - - -	per 1,000	0 3
" (cured) - - - - -	per Barrel	0 3
Hides :		
Ox, Cow, or Horse (wet or dry) - - - - -	each	0 2
Iron :		
Bar, Bolt, Rod, and Shots - - - - -	per Ton	1 6
Pig and Old - - - - -	per Ton	1 0
Manufactured - - - - -	per Ton	2 6
Pots - - - - -	each	0 1
Kelp - - - - -	per Ton	2 0

[Local.]

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		s.	d.
Lead	- - - - - per Ton	2	6
Leather (tanned and dressed)	- - - - - per Cwt.	0	3
Lime	- - - - - per 28 Bushels	1	4
Limestone	- - - - - per Ton	1	0
Machinery	- - - - - per Ton	2	6
Manure (not enumerated)	- - - - - per Ton	1	0
Masts and Spars, 10 Inches in Diameter and upwards	- - - - - each	4	6
" under 10 Inches	- - - - - each	3	0
Meat (fresh)	- - - - - per Cwt.	0	6
Milk	- - - - - per Gallon	0	0 $\frac{1}{2}$
Musical Instruments	- - - - - per Cubic Foot	0	1
Nets	- - - - - per 5 Cubic Feet	0	4
Oakum	- - - - - per Cwt.	0	2
Oils	- - - - - per Ton	2	0
Oilcake	- - - - - per Ton	2	0
Oranges and Lemons	- - - - - per Box	0	6
Ores	- - - - - per Ton	1	0
Oysters	- - - - - per Bushel	0	3
Paint	- - - - - per Cwt.	0	4
Pitch and Tar	- - - - - per Barrel	0	6
Potatoes	- - - - - per Cwt.	0	2
Poultry and Game	- - - - - per Dozen	0	4
Rags and Old Rope	- - - - - per Ton	2	0
Sails	- - - - - per Cwt.	0	6
Salt	- - - - - per Cwt.	0	1
Sand	- - - - - per Ton	1	0
Shrimp Baskets	- - - - - each	0	2
Skins (Calf, Goat, Sheep, Lamb, or Dog)	- - - - - per Dozen	0	6
Slates	- - - - - per Ton of 24 Cubic Feet	2	0
Spirits (Foreign and British)	- - - - - per Hogshead	1	0
" "	- - - - - per Gallon	0	1
Stones	- - - - - per Ton of 16 Cubic Feet	1	6
Steel	- - - - - per Ton	3	0
Sugar	- - - - - per Cwt.	0	3
Tallow, Soap, and Candles	- - - - - per Cwt.	0	3
Tea	- - - - - per Chest	1	0
Tiles	- - - - - per 1,000	1	6
Tin and Zinc	- - - - - per Ton	3	0
Tobacco	- - - - - per Cwt.	0	6
Turbot	- - - - - per Score	0	3
Turnips	- - - - - per Ton	0	6
Turpentine and Varnish	- - - - - per Barrel	0	6
Turtle	- - - - - each	2	6
Vegetables (not enumerated)	- - - - - per Cwt.	0	4
Vinegar	- - - - - per Hogshead	0	6
Vitriol	- - - - - per Carboy	1	0
Water	- - - - - per Cask	0	3
Wine	- - - - - per Hogshead	1	0
" (bottled)	- - - - - per Dozen Bottles	0	2

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Wood:	s.	d.
Fir, Pine, and other Descriptions not enumerated, per Load of 50 Feet	1	6
Oak or Wainscot - - - - - per Load of 50 Feet	2	0
Firewood - - - - - per 216 Cubic Feet Fathom	1	6
Laths and Lathwood - - - - - of Fathom of 216 Cubic Feet	2	6
Handspikes - - - - - per 120	3	0
Oars - - - - - per 120	5	0
Spars, under 22 Feet in Length, above 2½ and under 4 Inches in Diameter - - - - - per 120	5	0
„ 2½ Inches in Diameter and under - - - - - per 120	4	0
„ 22 Feet in Length and upwards, and not exceeding 4 Inches in Diameter - - - - - per 120	9	0
„ above 4 and under 6 Inches in Diameter - - - - - per 120	14	0
Spokes of Wheels not exceeding 2 Feet in Length - - - - - per 120	2	0
„ exceeding 2 Feet in Length - - - - - per 120	3	0
Treenails - - - - - per 1,000	2	6
Wedges - - - - - per 1,000	2	6
Pipe Staves, and others in proportion - - - - - per 120	2	6
Lignum Vitæ, Fustic, Logwood, Mahogany, and Rosewood, per Ton	2	0
Wood - - - - - per Cwt.	0	4
Yarn - - - - - per Cwt.	0	2

All other Goods not particularly enumerated in the above Table.

Light Goods - - - - - per Cubic Foot	0	1
Heavy Goods - - - - - per Ton	2	0

In charging the Rates on Goods, the Gross Weight or Measurement of all Goods to be taken; and for any less Weights, Measures, and Quantities than those specified, a Proportion of the respective Rates shall be charged.

RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st. Rates of Cranage.

All Goods or Packages not exceeding 1 Ton - - - - -	0	4
Exceeding 1 Ton, and not exceeding 2 Tons - - - - -	0	6
Exceeding 2 Tons, and not exceeding 3 Tons - - - - -	0	8
Exceeding 3 Tons, and not exceeding 4 Tons - - - - -	0	10
Exceeding 4 Tons, and not exceeding 5 Tons - - - - -	1	0
Exceeding 5 Tons, and not exceeding 6 Tons - - - - -	1	2
Exceeding 6 Tons, and not exceeding 7 Tons - - - - -	1	4
Exceeding 7 Tons, and not exceeding 8 Tons - - - - -	1	6
Exceeding 8 Tons, and not exceeding 9 Tons - - - - -	1	10
Exceeding 9 Tons, and not exceeding 10 Tons - - - - -	2	4
Exceeding 10 Tons - - - - -	3	6

2nd. Weighing Machines.

For Goods weighed, for each Ton or Part of a Ton - - - - -	0	2
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	<i>s.</i>	<i>d.</i>
For each Ton of Goods of 40 Cubic Feet, or for each Ton of Goods of 20 Cwt., which shall remain in the Sheds or other Works of the Pier for a longer Time than 48 Hours, the Sum of 3 <i>d.</i> ; and the Sum of 1½ <i>d.</i> per Ton for each Day during which such Goods shall remain after the first 48 Hours		
For any Portmanteau, Truck, Parcel, or other Article of Passengers Luggage, for each Day or Part of a Day - - - per Package	0	2

RATES FOR LAYING WATER MAINS ON PIER.

Water - - - - - per Ton	0	6
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RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	<i>£</i>	<i>s.</i>	<i>d.</i>
For every Passenger or other Person who shall land at the Pier from or embark from it to any Steam Vessel, Ship, Packet, or Passage Boat, or other Seagoing Vessel, for each and every Time any Sum not exceeding - - - - -	0	0	6
For every Person who shall land on the Pier from or embark from it to any small Boat or Yacht, not being Seagoing Vessels, not exceeding - - - - -	0	0	3
For every Person who shall use the said Pier for the Purpose of walking for Exercise, Pleasure, or any other Purpose, except for embarking or disembarking, for each and every Time any Sum not exceeding - - - - -	0	0	2
For every Bath or Sedan Chair taken on the Pier, for each and every Time any Sum not exceeding - - - - -	0	0	6
For every Perambulator - - - - -	0	0	2
For every Master of any Vessel, Boat, or Wherry, being an Inhabitant of the Parish of Great Clacton, and using the said Pier for the Purpose of going into or returning from his own Vessel, Boat, or Wherry, an annual Sum not exceeding - - - - -	1	0	0

RATES ON PASSENGERS LUGGAGE.

For every Trunk, Portmanteau, Box, Parcel, or other Package within the Description of Luggage, not exceeding 28 lbs. - - - - -	0	2
Over 28 lbs., and not exceeding 84 lbs. - - - - -	0	4
Over 84 lbs., and not exceeding 112 lbs. - - - - -	0	5
Over 112 lbs., and not exceeding 140 lbs. - - - - -	0	6
Over 140 lbs., and not exceeding 196 lbs. - - - - -	0	7
Over 196 lbs., and not exceeding 2 Cwts. - - - - -	0	8
And for every Cwt. beyond - - - - -	0	4
And for every 20 lbs. Weight in addition - - - - -	0	1

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1866.