



ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. xliii.

An Act to grant further Powers to the *Tendring Hundred Railway Company*. [31st May 1867.]

WHEREAS by "The *Tendring Hundred Railway Act*, 1859," the *Tendring Hundred Railway Company* (who are herein referred to as "the Company") are incorporated for making a Railway from the *Hythe* in the Neighbourhood of *Colchester* to *Wivenhoe* in *Essex*, and that Railway has been long since completed and opened to the Public, but such Completion was not accomplished until after the Period fixed by the said Act, which Act allowed only Three Years for the Construction of the Railway: And whereas by "The *Tendring Hundred Railway Act*, 1862," the Company are authorized to extend their Railway in *Colchester*, and to the Camp at *Colchester*, and such new Lines were to be made by the Third Day of *June* One thousand eight hundred and sixty-five, but they were not made until afterwards: And whereas by "The *Tendring Hundred Railway Extension Act*, 1863," (in this Act called the Act of 1863,) and "The *Tendring Hundred Railway Acts Amendment Act*, 1864," the Company are authorized to extend their Railway to *Weeley* and *Walton* in *Essex*: And whereas the greater Part of the said last-mentioned Extensions has been made and opened to the Public, and the remaining Portion will be shortly completed: And whereas, for the Purposes of the said Extensions to *Weeley* and *Walton*,

22 & 23 Vict.
c. cxix.

25 & 26 Vict.
c. xxxiv.

26 & 27 Vict.
c. cxliii.

27 & 28 Vict.
c. lxxix.

[Local.]

Walton,

The Tendring Hundred Railway Act, 1867.

Walton, the Company are authorized to raise Eighty-five thousand Pounds by Shares and Twenty-eight thousand Pounds by borrowing, and the whole of the said Share Capital has been subscribed for, and Seventy-three thousand Pounds paid up, and the Company have borrowed and now owe the said Sum of Twenty-eight thousand Pounds: And whereas the Company require further Capital for the Purposes of their Undertakings: And whereas the Extension Railway to *Walton*, as constructed, crosses on the Level a certain public Carriageroad, numbered 6 in the Parish of *Great Holland*, and 31 in the Parish of *Thorpe-le-Soken*, upon the deposited Plans referred to in the Act of 1863, and the Road in the said last-mentioned Parish, numbered 8 on the said Plans, by a Bridge: And whereas such level Crossing and such Bridge are Works not authorized by the said Act, and it is expedient that the Extension Railway be maintained as constructed: And whereas it is expedient that the Company be enabled to acquire certain additional Lands for Station and other Purposes, which Lands are shown upon the Plans which with Books of Reference thereto were deposited in respect of this Act in *November* last with the Clerk of the Peace for *Essex*, and are hereinafter referred to as the deposited Plans and Books of Reference: And whereas the Purposes aforesaid cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Tendring Hundred Railway Act, 1867.*"

8 & 9 Vict.
cc. 16. & 18.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part I. of "The Railways Clauses Act, 1863," (relating to Construction of a Railway,) and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters; (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 Means of enforcing the Payment of Calls;

The Forfeiture of Shares for Nonpayment of Calls;

The borrowing of Money by the Company on Mortgage or Bond;

The Remedies of the Creditors of the Company against Shareholders;

The Conversion of the borrowed Money into Capital;

The Consolidation of Shares into Stock;

The

The Tendring Hundred Railway Act, 1867.

The Provision to be made for affording Access to the Special Act by all Parties interested;

And also Parts I. and II. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, and to additional Capital;

are (except where expressly varied by this Act) incorporated with and form Part of this Act.

3. In this Act the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to such Construction; the Words "the Company" mean "the *Tendring Hundred Railway Company*," and the Expression "Superior Courts" or "Court of competent Jurisdiction," or other like Expression in this Act or any Act incorporated herewith, are to 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 Meaning to Words in incorporated Acts as in this Act.

Interpretation of Terms.

4. The Company may maintain the Extension Railway to *Walton-le-Soken* across and on the Level of the before-mentioned public Carriageroad, situate partly in the Parish of *Great Holland* and partly in the Parish of *Thorpe-le-Soken*, and they may also maintain the said Extension, as the same has been constructed in the said last-mentioned Parish for the Purpose of carrying the Railway by a Bridge over the public Carriageroad herein-before referred to as numbered 8, but no more than a single Line of Railway shall be laid down at such level Crossing so long as the Railway consists of a single Line of Railway, and in no Case shall more than a double Line of Railway be laid down at such level Crossing.

Power to maintain Extension Railway as constructed over certain Roads.

5. Subject to the Provisions of this Act, the Company may enter upon, take, and use any of the Lands delineated on the deposited Plans and described in the deposited Books of Reference.

Power to purchase additional Lands.

6. The Powers by this Act conferred upon the Company for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

7. The Company may from Time to Time raise, in addition to the Sums of Money which they are already authorized to raise, any further Sums not exceeding in the whole Thirty thousand Pounds, by the Creation of new Ordinary or new Preference Shares or Stock, or at the Option of the Company by both of those Modes; and the Company may attach to any such Preference Shares or Stock any Dividend not exceeding the Rate of Seven Pounds *per Centum per Annum*.

Company may raise additional Capital by new Shares.

8. The

The Tendring Hundred Railway Act, 1867.

Shares not
to vest until
One Fifth
paid up.

8. 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.

As to the
Votes of
Proprietors
of new
Shares or
Stock.

9. The Proprietors of any Shares or Stock to be issued under the Authority of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares or Stock would have entitled them to if the same had been original Shares or Stock of the Company.

Power to
borrow on
Mortgage.

10. The Company may from Time to Time under the Powers of this Act borrow on Mortgage any additional Sum of Money not exceeding Ten thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares or Stock is *bonâ fide* subscribed for, issued, and accepted, and One Half thereof is paid up, and until the Company shall prove to the Justice, who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital are issued and have been accepted, and that One Half of such additional Capital has been paid up, and that not less than One Fifth 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 Proofs aforesaid have been given, which Certificate shall be sufficient Evidence thereof.

Sect. 8 of
first-recited
Act repealed.

11. Section Eight of the firstly-recited Act, but without Prejudice to any Proceedings which may have been taken thereunder, is hereby repealed.

For Ap-
pointment of
a Receiver.

12. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal or Principal and Interest due on their Mortgages by the Appointment of a Receiver, 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 Pounds in the whole.

Existing
Mortgages
to have
Priority.

13. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such
Mortgages

The Tendring Hundred Railway Act, 1867.

Mortgages have Priority over any Mortgages to be granted by virtue of this Act.

14. All Monies raised under this Act, whether by Shares or Stock or by borrowing, shall be applied only for the Purposes authorized by this Act and the recited Acts.

Application of Sums raised under this Act.

15. And whereas a Bond has been entered into by the Company, under the Twenty-fourth Section of "The Tendring Hundred Railway Act, 1859," for securing the Completion of the Railway by that Act authorized; and another Bond has been entered into by the Company under the Fifteenth Section of "The Tendring Hundred Railway Act, 1862," for securing the Completion of the Railways by that Act authorized, which said Bonds were, as required by the said Acts, deposited with the Solicitor to the Lords Commissioners of Her Majesty's Treasury: And whereas the whole of the Undertakings in respect whereof the said Bonds were respectively entered into have been for some Time past made and opened to the Public, but, owing to unforeseen Circumstances, not within the Times limited by the said respective Acts, but it is nevertheless expedient that the Company should have Relief in respect of the said Bonds: Therefore, at any Time after the passing of this Act, the Solicitor to the said Lords Commissioners, on being thereunto requested in Writing by the Company, may and shall cancel and deliver up to the Company the Bonds so executed by the Company and deposited with the said Solicitor; and the proper Officer of the Court of Common Pleas may and shall, upon the Production of the said Bonds so cancelled, enter up Satisfaction on the Record of such Bonds, and thereupon the Bonds or Obligations shall be discharged, and the Lands thereby affected shall be released and exonerated from all Claims in respect thereof.

Cancelling certain Bonds.

16. 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 in the Capital by this Act authorized to be raised: 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.

17. 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

Deposits for future Bills not to be paid out of Capital raised under this Act.

[Local.]

6 P

to

The Tendring Hundred Railway Act, 1867.

to construct any Railway, or to execute any other Work or Undertaking.

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

18. Nothing herein contained shall be deemed or construed to exempt the Railways of the Company or the Company from the Provisions of any General Act relating to Railways, or to 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 and Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges, or of the Rates for small Parcels authorized to be taken by the Company.

Expenses
of Act.

19. 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.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.