ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxxxvii.

An Act for making a Railway from *Bedale* to *Leyburn* in the North Riding of the County of *York*, to be called "The *Bedale and Leyburn* Railway," and for other Purposes, and of which the Short Title is "The *Bedale and Leyburn* Railway Act, 1853." [4th *August* 1853.]

WHEREAS the making of a Railway from the *Bedale* Branch of the *York, Newcastle, and Berwick* Railway to or near to *Leyburn* in the North Riding of the County of *York* would be of public Advantage: And whereas the Persons in this Act named, and others, are willing, at their own Expense, to carry the Undertaking into execution: And whereas the following Acts relating to the *York, Newcastle, and Berwick* Railway Company have been passed, to wit, an Act of the 5th Year of Her present Majesty, intituled *An Act for completing the Railway Communication between the Towns of* Newcastle-on-Tyne *and* Darlington, *by a Railway to be called the* Newcastle and Darlington *Junction Railway, with a Branch to the City of* Durham, and "The *Great North of England and Bedale* Branch Railway Act, 1846," and "The *Great North of England* Railway Purchase Act, 1846," and "The *York, Newcastle, and Berwick* Railways Act, 1847:" And

5 & 6 Vict. c. lxxx., 9 & 10 Vict. cc. xcv. & xcvi., and 10 & 11 Vict. cc. xxxiii.

The Bedale and Leyburn Railway Act, 1853.

whereas the making of the Railway would be beneficial to the Interests of the *York, Newcastle, and Berwick* Railway Company, and it is expedient that that Company be authorized to contribute towards the Expense of the Undertaking: And whereas the Railway might be worked with Convenience to the Public and with Advantage to the Two Companies by and in connexion with the Railway of the *York, Newcastle, and Berwick* Railway Company, and it is expedient to authorize Arrangements between the Two Companies for the working thereof accordingly: And whereas such Purposes 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. That this Act may be cited for any Purpose as "The *Bedale and Leyburn* Railway Act, 1853."

8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.

II. That "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with this Act.

Subscribers incorporated.

III. That the Honourable *Amias Charles Orde Powlett, Marmaduke Wyvill, James Pulliene, Frederick Riddell, Christopher Other, Ralph Stapylton Dobson, John Hammond, Henry Van Straubenzee, Thomas Kirkby*, and all other Persons and Corporations who have already subscribed or hereafter subscribe to the Undertaking, and their respective Executors, Administrators, Successors, and Assigns, are by this Act united into a Company for the Purpose of making and maintaining a Railway from the *Bedale* Branch of the *York, Newcastle, and Berwick* Railway to or near to *Leyburn* in the North Riding of *York*, with proper Works and Conveniences connected therewith, according to the Provisions of this Act, and for other the Purposes of this Act, and for such Purposes are incorporated by the Name of "The *Bedale and Leyburn* Railway Company," and by that Name shall be One 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 Restriction of this Act.

Capital.

IV. That the Capital of the Company shall be Fifty thousand Pounds, in Five thousand Shares of Ten Pounds each.

Calls.

V. That Two Pounds Ten Shillings shall be the greatest Amount of a Call, and Four Months at least shall be the Interval between successive

successive Calls, and the aggregate Amount of all Calls made on any One Share in any Year shall not exceed Five Pounds.

Interest not to be paid on Calls paid up.

VI. That 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 Interest on Payments in anticipation of Calls, in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

Power for York, Newcastle, and Berwick Railway Company to subscribe and hold Shares.

VII. That the *York, Newcastle, and Berwick* Railway Company may subscribe towards the Undertaking and be Shareholders in the Company to any Extent not exceeding Five thousand Pounds; and that Company may apply for that Purpose any Monies in the Hands of their Directors which shall not be appropriated by the Acts of that Company, and required for any specific Purpose.

Power to borrow Money on Mortgage.

VIII. That the Company may borrow on Mortgage any Sums not exceeding in the whole Sixteen thousand Pounds, but any Part thereof shall not be borrowed until the whole of the Capital be subscribed for, and One Half thereof paid up.

Application of Money.

IX. Provided always, That all and every Part of the Money raised under the Provisions of this Act, whether by Shares or borrowing, shall be applied only for the Purposes authorized by this Act.

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

X. That 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.

Arrears may be enforced by Appointment of a Receiver.

XI. That the Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be Four thousand one hundred and sixty-six Pounds.

First and other Meetings.

XII. That the First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act.

Number of Directors.

XIII. That, subject to the Provisions of this Act for reducing the Number of Directors, the Number of Directors shall be Nine.

XIV. That,

First Directors.

XIV. That the said *Amias Charles Orde Powlett*, *Marmaduke Wyvill*, *Christopher Other*, *Frederick Riddell*, *Henry Van Straubenzee*, *James Pulleine*, *Ralph Stapylton Dobson*, *John Hammond*, and *Thomas Kirkby* shall be the First Directors.

Qualification of Directors.

XV. That the Qualification of a Director shall be the Possession in his own Right of Twenty Shares.

Election of Directors at First Ordinary Meeting.

XVI. That 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 the Directors appointed by this Act, or a new Body of Directors may be elected to supply their Places, the Directors appointed by this Act being, if qualified, eligible for Election.

Reduction of Number of Directors.

XVII. That the Company may from Time to Time reduce the Number of the Directors so as the Number of Directors be not fewer than Five.

Quorum for Meetings of Directors.

XVIII. That the Quorum of a Meeting of Directors shall be Three.

Newspapers.

XIX. That the Newspaper for Advertisements shall be any *York* Paper.

Power to make the Railway according to deposited Plans.

XX. Whereas Plans and Sections of the Railway and Works as originally proposed, and also Plans and Sections of Two subsequent Alterations thereof, showing the Lines and Levels of such Railway, and Works and Alterations respectively, and also Books of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and the Occupiers of the Lands through which the same respectively are intended to pass or be made, have been deposited with the Clerk of the Peace for the North Riding of the County of *York*: Therefore, subject to the Provisions of this Act, the Company may make and maintain the Railway and Works in the Lines and upon the Lands delineated on those Plans and described in those Books of Reference, and according to the Levels described on those Sections respectively, and may enter upon, take, and use such of those Lands as they think necessary for that Purpose: Provided always, that such Part of the originally proposed Railway as lies between the Commencement and the Termination of each of those Two Alterations shall not be made, but in lieu thereof the Company may make those Two Alterations, and the Works and Conveniences connected therewith respectively, and the same shall accordingly be a Part of the Railway and Works, and the Company shall

shall not enter upon, take, or use any Land for such superseded Parts of the originally proposed Railway: Provided also, that in case the *York, Newcastle, and Berwick* Railway Company shall within Eighteen Months from the passing of this Act make and complete the whole or Part of that Portion of their *Bedale* Branch Railway which is at present unexecuted, and the terminal Station, Depôts, and Works thereof at or near *Bedale*, on and over the Lands numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 in the Township of *Aiskew* and Parish of *Bedale*, on and over which Lands the same Company were heretofore authorized to make and construct the same, then and in such Case the Company shall not make the Railway by this Act authorized over such Lands, but only from the Point where the said *Bedale* Branch Railway will then terminate, or, as the Case may be, from the Point up to which the said *York, Newcastle, and Berwick* Railway Company shall then have completed their said Branch Railway; nevertheless, the Two Companies shall and may use and occupy the said Portion of the said Branch Railway, Station, and Works, jointly or otherwise, as may be agreed upon between them, or as, in case of Difference, shall from Time to Time be settled by Reference in manner herein-after authorized and provided for, regard being had to the Traffic for the Time being of the said Branch Railway and the said intended Railway respectively, and to its being the Intention of both the said Companies that proper Accommodation should be provided at such Station for such Traffic. Proviso.

Period for compulsory Purchase of Lands limited.

XXI. That 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 after the passing of this Act.

Lands for extraordinary Purposes.

XXII. That the Company may purchase, in addition to the Lands for constructing the Railway, any Quantity of Land, not exceeding in the whole Fifteen Acres, for extraordinary Purposes.

Railway and Works.

XXIII. That the Railway and Works by this Act authorized comprise the following Works; to wit,

A Railway, with all proper and convenient Stations, Erections, Bridges, Wharfs, Warehouses, Works, Communications, Approaches, and Conveniences connected therewith, to commence by a Junction with the *Bedale* Branch of the *York, Newcastle, and Berwick* Railway at the *Leeming* Station in the Township of *Aiskew* otherwise *Aiskew* with *Little Leeming* in the Parish of *Bedale* in the North Riding of the County of *York*, and to terminate in a Field adjoining the Highway leading from *Leyburn* to *Middleham* in the Township of *Leyburn* and Parish of *Wensley*, all in that North Riding, and which Railway and

Works will pass from, in, through, or into the several Parishes or Places following, or some of them; to wit, *Bedale* Parish, *Bedale* Township, *Aiskew* otherwise *Aiskew* with *Little Leeming*, *Exelby Leeming* and *Newton*, *Firby*, *Rand Grange* otherwise *Wrand Grange*, *Langthorne*, *Crakehall*, *Great Crakehall*, *Little Crakehall*, *Burrill* otherwise *Burrell* with *Cowling*, *Patrick Brompton* Parish, *Patrick Brompton* Township, *Newton-le-Willows*, *Newton-le-Willows* with *Ruswick*, *Hunton*, *Thornton Steward* Parish, *Thornton Steward* Township, *Hornby* Parish, *Hornby* Township, *Arrathorne*, *Fingall* otherwise *Finghall* Parish, *Fingall* otherwise *Finghall* Township, *Akebar*, *Constable Burton*, *Studdow*, *Hutton Hang*, *Spennithorne* Parish, *Bellerby*, *Harmby*, *Wensley* Parish, *Wensley* Township, and *Leyburn*, all in the North Riding.

Period for Completion of Works.

XXIV. That the Railway shall be completed within Five Years after the passing of this Act, and at the Expiration of that Period the Powers by this Act granted to the Company for executing the Railway or otherwise in relation thereto shall cease to be exercised, except as to so much of the Railway as is then completed.

As to the Sum of 3,356*l.* deposited in the Court of Chancery, to be a Security for the Completion of the Railway.

XXV. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Cap. 20, a Sum of Three thousand three hundred and fifty-six Pounds, being Fifty-six Pounds more than One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Three thousand three hundred and fifty-six Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest of such Sum, 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 the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said 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 said 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 said Company

Company shall either have opened the said 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 said Sum of Money deposited as aforesaid, and the Interest 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 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 said Sum of Three thousand three hundred and fifty-six Pounds shall have been executed by the said Company, with One or more 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 Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Three thousand three hundred and fifty-six Pounds if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said 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 said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest 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 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.

XXVI. That the Company may divert, alter, or stop up certain public Highways on those Plans numbered respectively 16 A in the Parish of *Spennithorne* and 2 in the Parish of *Bedale*. Diversion of Roads.

XXVII. That

Heights and Spans of Arches.

XXVII. That the Height and Span of Arch of the Bridge by means of which the Railway is carried over each of the public Carriage Roads respectively in those Plans numbered 22 and 45 in the Parish of *Patrick Brompton* shall be not less than the Height of Fifteen Feet and the Span of Eighteen Feet.

Inclination of Roads.

XXVIII. That in carrying the following public Carriage Roads over, under, or across the Railway the Company may make the Inclinations of those Roads the same as or not steeper than the Inclinations following respectively; to wit,

In the Case of the Road numbered 17 in the Parish of *Bedale*, the Inclination of One Foot in Eleven, and in the Case of the Road numbered 23 in the Parish of *Fingall*, the Inclination of One Foot in Fifteen.

Certain Roads may be crossed on the Level.

XXIX. That, subject to the Provisions of this Act, the Company may carry the Railway across and on the Level of the several Roads numbered in the Plans deposited for the Purposes of this Act, as follows; to wit,

In the Parish of *Bedale* the Roads numbered respectively 17 and 25, and in the Parish of *Fingall* the Roads numbered respectively 19 and 23:

Provided that on such Road numbered 23 at or near each Side of the Railway at the Point of crossing the Company shall make a proper and sufficient level Stopping Place for Carts and Carriages to wait and stand during the Passage of Trains across such Road.

Company to erect a Station or Lodge at Points of crossing, and abide by Rules, &c. of Board of Trade.

XXX. That for the greater Convenience of the Public the Company shall erect and permanently maintain either a Station or a Lodge at the Points where the Railway crosses those Roads on the Level; and the Company shall be subject to and abide by all such Rules and Regulations with respect to the crossing of those Roads on the Level, or with respect to the Speed at which Trains shall pass those Roads, as are from Time to Time made by the Board of Trade; and if the Company fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation, 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 continues after such Penalty of Twenty Pounds is incurred.

Board of Trade may require a Bridge to be erected in

XXXI. That the Board of Trade, if it appear to them necessary for the Public Safety, may at any Time, either before or after the Railway to be carried across those Roads on the Level is completed and opened for public Traffic, require the Company, within such Time

Time as the Board of Trade direct, and at the Expense of the Company, to carry any of those Roads either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case appear to the Board of Trade best adapted for removing or diminishing the Danger arising from any such level Crossing. lieu of level Crossing.

XXXII. That all Communications between the intended Railway and the Railway of the *York, Newcastle, and Berwick* Railway Company, and all such Openings in the Ledges or Flanches of the last-mentioned Railway as may be necessary or convenient for effecting such Communication, shall be made and effected, at the Expense of the Company, in a substantial and workmanlike Manner, by means of connexion Rails and Points, and shall be constructed under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time being of the *York, Newcastle, and Berwick* Railway Company, or of some other Person duly authorized by them for that Purpose, and shall for ever afterwards be maintained and kept in good and proper Repair by and at the Expense of the Company. As to Communications with York, Newcastle, and Berwick Railway.

XXXIII. That the Company shall from Time to Time and at all Times hereafter maintain and keep in good and proper Order and Condition the Switches or Points, if any, at the Places of Communication between the intended Railway and the Railway of the *York, Newcastle, and Berwick* Railway Company, and shall, at their sole Expense, hire and employ proper and sufficient Persons to watch and regulate the same, or such Switches or Points and Persons shall, at the Option of the said *York, Newcastle, and Berwick* Railway Company, be in the first instance so maintained, kept, hired, and employed by them the same last-mentioned Company, in which Case the Company shall, on Demand, from Time to Time repay to the *York, Newcastle, and Berwick* Railway Company the Costs and Expenses thereby incurred by them. Company to be at the Expense of maintaining and watching the Points of Communication.

XXXIV. That the Company, or any Person, in the Execution of this Act, shall not in any Manner, either permanently or temporarily, enter upon, take, or use any of the Land or Property of the *York, Newcastle, and Berwick* Railway Company, or in any Manner alter, vary, or interfere with the Railway belonging to the *York, Newcastle, and Berwick* Railway Company, or any of the Works appertaining thereto, save only so far as may be necessary for the Purpose of forming a Junction with the *Bedale* Branch of the Railway of the last-mentioned Company, as shown on the said Plans, and except as may be otherwise mutually agreed upon between and by the Two Companies under the Provisions in this Act contained. Company not to interfere with the York, Newcastle, and Berwick Railway or Works.

Tolls.

And with respect to Tolls, be it enacted as follows:

XXXV. That the Company may demand any Tolls for the Use of the Railway not exceeding the following; (to wit,)

In respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, and included in the following Classes:

Class 1. For all Coals, Coke, Culm, Charcoal, and Cinders, Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, and all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding Three Halfpence;

And if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings;

And if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Three Farthings:

Class 2. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals, except Iron, Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Threepence;

And if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny;

And if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

Class 3. For all Cotton and other Wools, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Fourpence;

And if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny;

And if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

Class 4. 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,) *per* Mile not exceeding Threepence;

And if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding One Penny Halfpenny;

And if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny Halfpenny;

And the Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton which any such Carriage weighs;

And if conveyed on a Truck or Platform belonging to the Company, an additional Sum not exceeding One Penny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton;

And if propelled by an Engine belonging to the Company, 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 above One Ton.

Tolls for Animals.

XXXVI. In respect of Animals conveyed in Carriages upon the Railway, as follows:

Class 5. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence;

And if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny;

And if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

Class 6. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, the Sum of One Penny Halfpenny *per* Mile; and if conveyed in any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding Three Farthings;

And if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding Three Farthings:

Class 7. For every Calf or Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny, providing Six at least are carried;

And if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny;

And if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny.

Tolls for Passengers.

XXXVII. In respect of Passengers conveyed in Carriages upon the Railway, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence;

And if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny;

And if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny.

XXXVIII. That

Regulations as to the Tolls.

XXXVIII. That the following Provisions and Regulations shall be applicable in the fixing of such Tolls; to wit,

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

For a Fraction of a Ton the Company may demand Toll 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 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 on in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XXXIX. That with respect to small Packages, and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may demand the Tolls following; to wit,

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

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

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

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

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

And for Parcels exceeding Fifty-six Pounds in Weight but not exceeding Five Hundredweight the Company may demand any Sum which they think fit:

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

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other 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 One Shilling *per* Ton *per* Mile;

And if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Fourpence;

And if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Threepence:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, exceeds Eight Tons, the Company may demand such Sum as they think fit.

Passengers Luggage.

XL. That every Passenger travelling upon the Railway may take with him his ordinary personal Luggage, not exceeding One Hundredweight for First-class Passengers, Eighty-four Pounds in Weight for Second-class Passengers, and Fifty-six Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Maximum Rates of Charges for Passengers.

XLI. That 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 such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per* Mile:

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

For every Passenger conveyed in a Third-class Carriage forming Part of a mixed Train, the Sum of One Penny *per* Mile.

Maximum Charges for Goods and Animals.

XLII. That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, except the loading and unloading of Goods, when such Service is performed by the Company, shall not exceed the Amounts following; to wit,

For the Matters mentioned under Class 1. not exceeding Twopence *per* Ton *per* Mile:

For the Matters mentioned under Class 2. not exceeding Threepence *per* Ton *per* Mile:

For the Matters mentioned under Class 3. not exceeding Fourpence *per* Ton *per* Mile:

For any Carriage mentioned under Class 4., not weighing more than One Ton, not exceeding Sixpence *per* Mile; and if weighing more than One Ton, not exceeding Threepence Halfpenny *per* Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton above Two Tons:

For everything mentioned under Class 5. not exceeding Fourpence *per* Mile:

For everything mentioned under Class 6. not exceeding Threepence *per* Mile:

For everything mentioned under Class 7. not exceeding Twopence *per* Mile.

Power to charge extra for special Trains, and loading and collecting Goods.

XLIII. That, notwithstanding anything in this Act contained, the Company may demand, receive, and take any reasonable Sum for the Use of Engines and Carriages for special Trains by or upon the intended Railway or any Part thereof, and for loading and unloading, collecting, receiving and delivering, and for providing Covers for Minerals, Goods, Articles, or Animals.

Company may take increased Charges by Agreement.

XLIV. That this Act or anything therein contained shall not prevent the Company from taking any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Goods of any Description, by Agreement with the Owners or Persons in charge of such Goods, either by reason of any special Service performed by the Company in relation thereto, or with respect to the Conveyance of any Goods other than small Parcels by Passenger Trains, or with respect to the Conveyance of such Parcels by Express Trains.

As to Agreements between the Company and the York, Newcastle, and Berwick Railway Company, as to the Purchase of Lands, and the working of the respective Railways,&c.

XLV. That the Company, and the *York, Newcastle, and Berwick* Railway Company, from Time to Time may, subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," enter into and carry into effect such Contracts, Conveyances, and Arrangements (such Contracts and Arrangements being either temporary or permanent) as shall be deemed expedient with reference to the Purchase or taking by the Company of any of the Lands, Grounds, Property, or Works of the *York, Newcastle, and Berwick* Railway Company, which may be required to be purchased or taken for the intended Railway or the Works connected therewith, and which the Company are hereby empowered to purchase or take, and also with reference to the Maintenance, working, and Management, by both or either of the same Companies respectively, of the intended Railway and Works, and of any of the Railways and Works of the *York, Newcastle, and Berwick* Railway Company, or otherwise, of the Traffic upon or over the same several Railways or any Part thereof respectively, and for the Use on the intended Railway of the Engines, Carriages, Trucks, and Waggons of the *York, Newcastle, and Berwick* Railway Company, and in reference to the Costs and Expenses of such Maintenance, working, and Management, and also with reference to the Rates, Tolls, and Charges to be charged or taken by both or either of the Two Companies for or in respect of any Passengers, Goods, Merchandise, Articles, Matters, and Things carried or to be carried along or by the same several Railways and Portions of Railways, or any of them, (not exceeding the maximum Rates, Tolls, and Charges authorized as regards the intended Railway by this Act, and as regards the Railways of the *York, Newcastle, and Berwick* Railway Company by the several Acts of Parliament relating thereto respectively,) and also with reference to the Collection, taking, levying, Division, and Apportionment between the same Two Companies of such Rates, Tolls, and Charges, or of the Rates,

Tolls,

Tolls, and Charges to be taken and received by both or either of them in respect of the whole Distance any of such Passengers, Goods, Merchandise, or other Traffic shall have been taken or carried by them or either of them, and generally to make and enter into such Contracts and Arrangements for or in respect of all such Matters and Things as aforesaid as may be considered necessary and desirable for the mutual Convenience, Advantage, or Accommodation of the same Two Companies respectively, and the same Contracts, with the Assent of the same Two Companies or the Directors thereof for the Time being, from Time to Time to alter and vary as Occasion may require.

Tolls on Railways of which the Two Companies have User under Act.

XLVI. That, subject to the Provisions of this Act, each of the Company and the *York, Newcastle, and Berwick* Railway Company respectively may demand and take on any Parts of the Railway of the other of those Companies whereof the respective Company has from Time to Time, under any Contract or Arrangement between those Two Companies, made under this Act, the User, any Tolls, Rates, and Charges for the Traffic thereon of the respective Company having such User, not exceeding the Tolls, Rates, and Charges which by the recited Acts or any of them the other Company might demand and take for their Traffic thereon.

Arrangements between Two Companies not to affect Tolls.

XLVII. Provided always, That any Contract or Arrangement between the Company and the *York, Newcastle, and Berwick* Railway Company, made under this Act, shall not in any Manner increase, diminish, alter, or affect any of the Tolls which the Two Companies respectively are for the Time being authorized to demand and receive from any other Person or any other Company, but all such other Persons and Companies shall, notwithstanding any such Contract or Arrangement, be entitled to use the respective Railways of the Two Companies or any of them, and every Part thereof respectively, upon the same Terms and Conditions, and upon Payment of the same Tolls, as if such Contract or Arrangement had not been entered into.

Disputes between the Two Companies how to be settled.

XLVIII. That if any Difference shall arise between the Company and the *York, Newcastle, and Berwick* Railway Company, as to the Provisions in this Act contained, or as to the Execution, Maintenance, and Support, Costs, Charges, or Expenses, of any of the Works, Matters, or Things required to be made, done, executed, performed, maintained, kept in Repair, and paid by both or either of the same Companies, under or by this Act, or under or by any Contract, Conveyance, or Arrangement entered into by the same Two Companies, under the Powers of this Act, or as to the Terms or Conditions of any such Contract, Conveyance, or Arrangement, or as to the Terms of User of the said Station and Works to be made and erected at or near *Bedale*, then and in any such Case every such Difference or Dispute shall and may, from Time to Time when and as the same

shall

shall arise, be settled by Arbitration in the Manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Saving the Rights of the York, Newcastle, and Berwick Railway Company.

XLIX. That this Act, or anything therein contained, shall not in any way defeat or take away, alter, vary, prejudice, or affect any Rights, Powers, or Privileges of, or any Contracts, Claims, or Demands enforceable by, the *York, Newcastle, and Berwick* Railway Company, except so far as the same are respectively by this Act, or by any such Contract, Conveyance, or Arrangement as aforesaid, expressly altered, varied, or affected.

Railway, &c. to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

L. That this Act, or anything therein contained, shall not exempt the Railway or the Company from the Provisions of the Statutes of the First and Second Year of *Victoria*, Chapter Ninety-eight, intituled *An Act to provide for the Conveyance of Mails by Railway*; of the Third and Fourth of *Victoria*, Chapter Ninety-seven, intituled *An Act for regulating Railways*; of the Fifth and Sixth *Victoria*, Chapter Fifty-five, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; of the Seventh and Eighth of *Victoria*, Chapter Eighty-five, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and of the Ninth and Tenth of *Victoria*, Chapter Fifty-seven, intituled *An Act for regulating the Gauge of Railways*, and of the Fourteenth and Fifteenth of *Victoria*, Chapter Sixty-four, intituled *An Act to repeal the Act for constituting Commissioners of Railways*; but such Provisions shall be in force in respect to the Railway and the Company, so far as the same are applicable thereto.

Railway not exempt from Provisions of future General Acts.

LI. That this Act or anything therein contained shall not exempt the Railway from the Provisions of any General Act relating to Railways, or 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.

LII. That all the Costs, Charges, and Expenses of, preparatory, and incident to the obtaining and passing of this Act shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.