CHAPTER cxlvii.

An Act for making a railway from the Llynvi and Ogmore Railway near Blackmill to the Great Western Railway at Llanharan, to be called the Cardiff and Ogmore Valley Railway; and for other purposes. [21st July 1873.] A.D. 1873.

WHEREAS the construction of the railway by this Act authorised for connecting the Ogmore Valley Railway with the Great Western Railway at Llanharan would be of great public and local advantage:

And whereas the several persons herein-after named, with others, are willing at their own expense to carry the undertaking into execution on being incorporated into a Company for the purpose:

And whereas it is expedient that the Company so to be incorporated on the one hand, and the Great Western Railway Company and the Llynvi and Ogmore Railway Company (in this Act referred to as "the two Companies,") on the other hand, should be empowered to enter into and carry into effect working and other agreements as herein-after provided:

And whereas plans and sections showing the lines and levels of the railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Glamorgan, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act 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,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Cardiff and Ogmore Valley Railway Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railway and undertaking by this Act authorised; 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.

Company incorporated.

4. Archibald Frederick Paull, Alexander Brogden, and Henry Brogden, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "the Cardiff and Ogmore Valley Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway according to

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the

deposited plans and sections, the railway herein-after described, with all proper stations, sidings, 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 book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act shall be called the Cardiff and Ogmore Valley Railway, and is,— deposited plans.

A railway (on the deposited plans and sections, called railway No. 1) eight miles one furlong and five chains in length, commencing in the parish of Llangeinor in the county of Glamorgan by a junction with the railway No. 2, authorised by "The Ogmore Valley Railways Act, 1863," and terminating in the parish of Llanharan in the same county by a junction with the Great Western Railway.

6. Notwithstanding anything herein contained it shall not be lawful for the Company, nor any person acting under or in the execution of this Act, to enter upon, occupy, or use, either permanently or temporarily, any of the lands, works, or property of the Great Western Railway Company or of the Llynvi and Ogmore Railway Company, or in any manner to alter, vary, or interfere with the railway or works of the Great Western Railway Company or with the railway or works of the Llynvi and Ogmore Railway Company, without the consent of the Great Western Railway Company and of the Llynvi and Ogmore Railway Company under their respective common seals, save only for the purpose of effecting the junctions and communications by this Act authorised. Not to take lands of or interfere with railway of Great Western Company and Llynvi and Ogmore Railway Company except for the purpose of the junctions.

7. The capital of the Company shall be one hundred thousand pounds in ten thousand shares of ten pounds each. Capital.

8. The Company shall not issue any share created under the authority of this Act, nor shall any such 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 is paid in respect thereof. Shares not to issue until one fifth paid up.

9. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

10. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide Power to divide shares.

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any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

12. Each preferred half share shall be entitled, out of the profits of each year, to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in repect of which it is issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

15. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of call for the time being due thereon with interest.

Preferred shares not to be cancelled, &c.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

17. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to the entire share.

Receipt in case of persons not sui juris.

18. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

19. The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirty-three thousand three hundred pounds, but no part of that sum shall be borrowed until the whole capital by this Act authorised is 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 such 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 in such capital 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 persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors,

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or 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 shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

20. 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. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four thousand pounds in the whole.

Debenture stock.

21. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

22. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

23. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

24. The number of directors shall be three.

Qualification of directors.

25. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum.

26. The quorum of a meeting of directors shall be two.

First directors.

27. Archibald Frederick Paull, Alexander Brogden, and Henry Brogden shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, 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 hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agree-

Election of directors.

ably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified and not having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

28. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed five acres.

Powers for compulsory purchases limited.

29. 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.

A certain burial ground not to be interfered with.

30. Nothing contained in this Act or the Acts incorporated herewith shall authorise the Company to enter upon, take, use, or interfere with the burial ground numbered on the deposited plans 70 in the parish of Peterston-super-Montem, or any part thereof.

Notice to be given of taking houses of labouring classes.

31. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Provision in the event of the passing of the Llynvi and Ogmore Railway Bill.

32. If the Llynvi and Ogmore Railway Bill shall have passed or shall pass into a law during the present session, and the Llynvi and Ogmore Railway Company (herein-after called "the Llynvi Company") be thereby authorised to construct the railway No. 1, by that Bill proposed to be authorised (herein-after called "the Llynvi Railway,") or any part of that railway, the following provisions shall (unless the Company and the Llynvi Company otherwise agree with respect to all or any of such provisions) have effect:

A. A junction shall be formed between the railway and the Llynvi Railway, in the field numbered 89 in the parish of Saint Brides Minor on the plans (deposited for and referred to in the Llynvi and Ogmore Railway Bill) of the Llynvi Railway, and at or near the point which is marked on those plans, and denotes the distance of one mile and seven furlongs from the commencement of the Llynvi Railway:

B. The Llynvi Company and any other company or person working or using the railways of that Company may, subject to any

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general byelaws of the Company for the time being in force, run over, work, and use with their engines and carriages, for the purposes of their traffic of every description, the railway and the stations, works, and conveniences connected therewith:

C. The terms, conditions, and regulations to be observed and fulfilled, and the tolls, rates, charges, rent, or other consideration to be paid for and in respect of the exercise of the powers conferred by the preceding provision, shall be such as are from time to time agreed upon or settled by arbitration in manner herein-after provided:

D. Any difference which may arise under this section shall be determined by a single arbitrator in manner provided by "The Railway Companies Arbitration Act, 1859."

Deposit money not to be repaid until line opened or half the capital paid up and expended.

33. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, the sum of six thousand five hundred and twelve pounds seventeen shillings and tenpence new three per cent. annuities (being equal at the price at which the said annuities were purchased to six thousand pounds, being five per centum upon one hundred and twenty thousand pounds, the amount of the estimate in respect of the railways comprised in and proposed to be authorised by the Bill for this Act as originally introduced into Parliament,) has been transferred into the name and with the privity of Her Majesty's Paymaster-General in respect of the application to Parliament for this Act: And whereas the deposited estimate for the railway by this Act authorised amounts to the sum of eighty-nine thousand nine hundred and fifteen pounds, and of the said sum of annuities so transferred as aforesaid the sum of four thousand eight hundred and eighty pounds represents as nearly as may be the deposit required by the said standing orders to be made in respect of that estimate: Be it enacted, notwithstanding anything contained in the said Act, that of the said sum of annuities so transferred as aforesaid the said sum of four thousand eight hundred and eighty pounds shall not be 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 Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of traffic, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised 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 traffic, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of four thousand eight hundred and eighty pounds annuities as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

34. The said sum of four thousand eight hundred and eighty pounds annuities as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Chancery in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the consolidated fund of the United Kingdom, or in the discretion of the court, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of money has been repaid to the depositors, or has become otherwise applicable as hereinbefore mentioned, any interest or dividends accruing thereon, shall from time to time and as often as the same shall become payable,

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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.

Release of balance of deposit.

35. On the application of the persons named in the warrant or order issued as aforesaid in pursuance of the said Act of the ninth year of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the majority of such persons or survivors, or of the executors or administrators of the last survivor, by petition in a summary way at any time after the passing of this Act, the High Court of Chancery may and shall order that the sum of one thousand six hundred and thirty-two pounds seventeen shillings and tenpence (the balance of the whole amount of annuities so transferred as aforesaid, after deducting therefrom the said sum of four thousand eight hundred and eighty pounds) and the interest and dividends thereof, shall be transferred and paid to the persons or person so applying or to any other person or persons whom they or he may appoint in that behalf.

Period for completion of works.

36. If the railway is not completed within three years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed.

Tolls.

37. It shall be lawful for the Company to demand any tolls for the use of the railway not exceeding the following; (that is to say,)

Articles of merchandise.

1. In respect of the tonnage of articles conveyed upon the railway or any part thereof, as follows:

For all sorts of manure, and all undressed materials for the repair of highways, and for all coals, culm, ironstone and iron ore, per ton per mile not exceeding one halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one eighth of a penny:

For all coke, charcoal, pitwood, limestone, stones for building, pitching, and paving, bricks, tiles, slates, clay, and sand, per ton per mile not exceeding one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one eighth of a penny:

For all iron, lead, tin, and tin plates (except nails, utensils, or other articles of merchandise), per ton per mile not exceeding one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one eighth of a penny:

For all goods, wares, merchandise, matters, or things (for which no other payment is herein imposed), per ton per mile not exceeding twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

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 not exceeding sixpence:

And a sum not exceeding 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.

Passengers and animals.

2. In respect of passengers and animals conveyed in carriages upon the railway, as follows:

For every person conveyed in or upon 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 halfpenny:

For every horse, mule, ass, or other beast of draught or burden, and for every ox, cow, bull, or neat cattle, conveyed in or upon any such carriage, per mile not exceeding threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny:

For every calf or pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, per mile not exceeding one penny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one farthing.

Tolls for propelling power.

38. The Company may demand for the use of steam engines or other moving power, when provided by them for propelling carriages, any tolls not exceeding the following; (that is to say,)

For each passenger or animal, one penny per mile; for coals, coke, ironstone and iron ore, and for all iron, lead, tin, and tin plates (except nails, utensils, and other articles of merchandise), three eighths of a penny per ton per mile; and for all other goods, one halfpenny per ton per mile.

Regulations as to the tolls.

39. The following provisions and regulations shall be applicable to the fixing of such tolls; (that is to say,)

For articles or persons conveyed on the railways for a less distance than three miles the Company may demand and receive the above-mentioned rates, tolls, and charges for conveyance, as the case may be, for three miles:

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For a fraction of a mile beyond three miles or beyond any greater number of miles, the Company may demand tolls on merchandise for such fraction in proportion to the number 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 beyond an integral number of miles shall be deemed a mile:

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 in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

40. And with respect to small packages and single articles of great weight the Company may lawfully demand the tolls following; (that is to say,)

For the carriage (over the whole or any part of the railway) of small parcels not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence:

For parcels exceeding fifty-six pounds the Company may demand any sum which they think fit:

Provided always, that 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 such term shall apply only to single parcels in separate packages:

For the carriage of any one boiler, cylinder, bob, or single piece of machinery, or single piece of timber or stone, or any other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they may from time to time think fit, not exceeding sixpence per ton per mile:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall

exceed eight tons, or which on account of the length thereof may require more than one carriage, the Company may demand such sum as they think fit.

Passengers luggage.

41. Any person travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Maximum charges for cattle and goods.

42. With respect to the conveyance of horses, cattle, carriages, and goods, the maximum rate of charge to be made by the Company, including the tolls for the use of the railway, and of waggons or trucks and locomotive power, and every expense incidental to such conveyance, shall not exceed the sums following; (that is to say,)

For all sorts of manure, and all undressed materials for the repair of highways, and for all coal, culm, ironstone and iron ore, per ton per mile one penny:

For all coke, charcoal, pitwood, limestone, stones for building, pitching, and paving, bricks, tiles, slates, clay, and sand, one penny halfpenny per ton per mile:

For all iron, lead, tin, and tin plates (except nails, utensils, or other articles of merchandise), one penny halfpenny per ton per mile:

For all goods, wares, merchandise, matters, or things (for which no other payment is herein imposed), threepence per ton per mile:

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 not exceeding sixpence, and not exceeding one penny halfpenny for every additional quarter of a ton which such carriage may weigh:

For every horse, mule, ass, or other beast of draught or burden conveyed in or upon any such carriage, per mile not exceeding fivepence:

For every ox, cow, bull, or neat cattle conveyed in or upon any such carriage, per mile not exceeding fourpence:

For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, per mile not exceeding twopence.

Maximum charges for passengers.

43. Provided always, that the maximum rate of charges to be made by the Company for the conveyance of passengers, including

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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; to wit,

For every passenger conveyed in a first-class carriage, threepence per mile:

For every passenger conveyed in a second-class carriage, twopence per mile:

For every passenger conveyed in a third-class carriage, one penny per mile.

Restriction as to rates not to apply to special trains.

44. The restriction as to the rate of charges shall not extend to any special train required to be run upon the railway, but shall apply only to the express and ordinary trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Power to charge extra for animals or goods by agreement.

45. The Company may, notwithstanding anything in this Act contained, take by agreement with the owner or person in charge of any goods or animals, for the conveyance thereof (other than small parcels) by passenger trains, or by reason of any other special service performed by the Company in relation thereto, any increased charges above the charges by this Act limited or authorised with respect to such goods, animals, and small parcels respectively.

Power to contract with owners of private lines of railway communicating with collieries, &c.

46. Subject to the provisions of "The Railways Clauses Consolidation Act, 1845," for preventing the prejudicing or favouring of particular parties, or any other statutory provision in that behalf, the Company, with the consent of the owners of or other persons interested in any private lines of railway which now are or heretofore have been or at any time hereafter may be used for the conveyance of coals, iron ore, or other minerals, materials, articles, or things to or from any collieries, mines, quarries, or works with which such private lines of railway communicate, may convey upon such private lines of railway coals, iron ore, minerals, materials, and other articles and things passing to or from such collieries, mines, quarries, or works, upon such payments and subject to such conditions as may be mutually agreed upon for such service.

Power to enter into traffic arrangements.

47. The Company and the two Companies may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," from time to time enter into and carry into effect agreements with respect to the following purposes or any of them; (that is to say,)

The working, use, management, and maintenance by the contracting Companies of their respective railways and works, or of any part or parts thereof respectively:

The supply of rolling stock and machinery, and the employment of officers and servants for the conduct and management of traffic:

The payments to be made and the conditions to be performed with respect to the matters aforesaid:

The interchange, accommodation, or conveyance of traffic coming from or destined for or passing over the respective undertakings of the contracting Companies, and the fixing, collecting, division, and appropriation of the revenues arising from the traffic upon the railways of the contracting Companies.

Tolls on traffic conveyed partly on the railway and partly on the railways of other companies.

48. If and so long as any Company run over the railways of any other Company under the powers of this Act, the railways of the two Companies 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 of the one Company and partly on the railways of another 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 of the one Company and partly on the railways of the other Company as aforesaid.

Interest not to be paid on calls paid up.

49. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall 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."

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

50. The Company shall not, out of any money by this Act authorised 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

Railways not exempt from provisions of

51. Nothing in this Act contained shall exempt the railways from the provisions of any general Act relating to railways, or the better

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present and future general Acts.

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, authorised by this Act.

Expenses of Act.

52. 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.

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