CHAPTER cxxxv.

An Act for making certain Railways in the north riding of the county of York; and for other purposes. A.D. 1873.

[7th July 1873.]

WHEREAS the making of the railways herein-after mentioned in the north riding of the county of York would be of great local and public advantage:

And whereas the persons herein-after named with others are willing at their expense to carry the proposed undertaking into execution:

And whereas it is expedient that the Company incorporated by this Act and the North-eastern Railway Company should be empowered to enter into working and other agreements as herein-after in that behalf expressed:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, together with a book of reference to the said plans, 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 north riding of the county of York, and are herein-after respectively referred to as the deposited plans, sections, and book 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, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Cleveland Extension Mineral Railway Act, 1873." Short title.

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Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," relating respectively to the cancellation and surrender of shares and debenture stock, "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Parts I. and III. of "The Railways Clauses Act, 1863," relating respectively to construction of a railway and to working agreements, 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 shall 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 railways and the 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 simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. The Right Honourable Lord Downe, Thomas Richardson, Joseph Dodds, Carl Ferdinand Henry Bolckow, Anthony Lax Maynard, John Robinson, David Thomas Petch, William Petch, 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 railways and works hereby authorised, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "the Cleveland Extension Mineral 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 railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described, with all proper stations, approaches, works, and conveniences connected therewith respectively, 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 railways herein-before referred to and authorised by this Act are:

(1.) A railway (No. 1) five miles one furlong seven chains and seventy links or thereabouts in length, commencing in the parish of Brotton in the north riding of the county of York, by a junction with a private railway belonging or reputed to belong to John Thomas Wharton, which unites and is in connexion with the Cleveland Branch of the North-eastern Railway, at a point on that private railway five hundred and fifty yards or thereabouts north of the point where that railway crosses the public highway leading from Stanghow to Kilton Thorpe, and terminating on Easington High Moor in the parish of Easington in the same county;

(2.) A railway (No. 2) five miles five furlongs and sixty links or thereabouts in length, commencing in the parish of Easington aforesaid, by a junction with railway (No. 1) at its terminus, and terminating in the parish of Lythe in the said county by a junction with the North Yorkshire and Cleveland Branch of the North-eastern Railway at or near a bridge carrying that railway over the river Esk.

Capital.

6. The capital of the Company shall be one hundred and seventy thousand pounds in seventeen thousand shares of ten pounds each.

Shares not to issue until one fifth paid.

7. 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.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any one year upon any share.

Receipt clause in case of persons not sui juris.

9. 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 divide shares.

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

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convened for the purpose may from time to time divide 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.

Dividend 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 the 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 respect of which it was 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 in 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 calls for the time being due thereon with interest.

not to be cancelled or surrendered.

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 an entire share.

Power to borrow on mortgage.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole fifty-six thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred and seventy thousand pounds 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 bona 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, 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

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that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

19. 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 five thousand pounds in the whole.

Debenture stock.

20. 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.

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

First ordinary meeting.

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

Number of directors.

23. The number of directors shall be four, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

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

Quorum.

25. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three the quorum shall be two.

First directors.

26. Thomas Richardson, Joseph Dodds, John Robinson, and Peter Graham 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 any of them, or may elect a new body of directors or directors to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained

for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting being neither removed nor disqualified, nor 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.

27. 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 twelve acres.

Powers for compulsory purchases limited.

28. 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.

Period for completion of works.

29. If the railway is not completed within five 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.

Power to take easements, &c. by agreement.

30. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Junctions with North-eastern Company's railways to be approved by their engineer and interference with their property restricted.

31. The railway shall join the railways of the North-eastern Railway Company at such points, in such manner, and with such connecting lines of approach and other works as shall be required or approved by the engineer of that Company, and the several provisions in the Railways Clauses Act, 1863, as to junctions, shall extend and apply as well to those connecting lines and works as to the junctions with the railways of the North-eastern Railway Company, and the Company shall not purchase or take compulsorily any land or property of the North-eastern Railway Company, nor (save only so far as may be necessary for the purpose of constructing and maintaining the said junctions, connecting lines, and works, in accordance with the provisions of this Act) shall the Company or

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any person in the execution of this Act in any manner, either temporarily or permanently, enter upon, use, or interfere with the railways or property of that Company, except with their consent in writing first obtained.

As to construction of works for the accommodation of John Thomas Wharton.

32. When and so soon as any pit shall be sunk for the purpose of winning the ironstone in or in connexion with the farm of the said John Thomas Wharton, called Grange Farm, or on Girrick Moor, the Company may and shall on the lands which the Company have agreed to purchase for that purpose make and construct a spur or branch railway for each such pit; the spur or branch railway for the pit on or in connection with Grange Farm (being two furlongs and four chains or thereabouts in length) commencing by a junction with Railway No. 1 at a point one mile six furlongs and six chains or thereabouts upon the deposited plans, and terminating in a field on the said Grange Farm, immediately on the west side of and adjoining a lane called Uxto Lane, and the spur or branch railway for the pit on or in connexion with Girrick Moor (being one mile and six chains or thereabouts in length) commencing by a junction with Railway No. 1 at the point marked three miles and three furlongs on the deposited plans, or at such other point thereon as may be agreed upon between the Company and the said John Thomas Wharton, his heirs or assigns, owners for the time being of Girrick Moor, and terminating on Girrick Moor aforesaid, and each of the said spurs or branch railways shall for the purposes of tolls and charges and for all other purposes form part of the undertaking of the Company.

Settlement of differences between the Company and John Thomas Wharton.

33. Any difference which may arise between the Company and the said John Thomas Wharton with reference to the said spurs or branch railways, or either of them, or the position, direction, construction, maintenance, working, or management thereof respectively, or otherwise howsoever in relation thereto respectively, shall be referred to and determined by the engineer in chief for the time being of the North-eastern Railway Company, whose decision shall be binding and conclusive on both parties, and the costs and expenses of the arbitrator and of the reference to him shall be defrayed as he shall direct.

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

34. 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, eight thousand three hundred and six pounds fifteen shillings and sixpence Consolidated Three Pounds Per Cent. Annuities, being equal to five per cent. upon the amount of the estimate in respect of the railway, has been transferred to the

account of Her Majesty's Paymaster-General, on behalf of the Court of Chancery in England, in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said stock so transferred as aforesaid in respect of the application for this Act shall not 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 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 passengers, 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 passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said stock so transferred 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.

35. The said stock so transferred 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 proportion 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 stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said stock, 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

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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 stock has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable 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.

Tolls.

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

Tonnage on articles of merchandise.

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

Class 1. For all coal, dung, compost, and all sorts of manure (other than guano and artificial manures), lime and limestone, and all undressed materials for the repair of public roads or highways, carried in bulk, per ton per mile not exceeding one penny, and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one half-penny;

Class 2. For all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone, iron ore and lead ore, carried in bulk, and for all pig lead, 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 one penny, and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding three farthings;

Class 3. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves and deals, nails, anvils, vices, and chains, per ton per mile not exceeding twopence, and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding three farthings;

Class 4. For all coke, culm, and cinders, carried in bulk per ton per mile not exceeding one penny, and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding three farthings;

Class 5. For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, articles, matters, or things per ton per mile not exceeding threepence, and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding one penny;

Class 6. 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 and conveyed on a truck or platform belonging to the Company, per mile not exceeding sixpence, and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for animals.

In respect of animals conveyed in carriages upon the railway:

Class 7. For every horse, mule, ass, or other beast of draught or burden conveyed in or upon any carriage belonging to the Company, per mile not exceeding threepence;

Class 8. For every ox, cow, bull, or head of neat cattle conveyed in or upon any carriage belonging to the Company, per mile not exceeding twopence;

Class 9. For every calf, or pig, sheep, lamb, or other small animal conveyed in or upon any carriage, per mile not exceeding one penny, and if conveyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one halfpenny.

Tolls for passengers.

In respect of passengers conveyed in carriages upon the railway:

For every person conveyed in or upon any carriage per mile not exceeding twopence, and if conveyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one penny halfpenny.

Tolls for propelling power.

37. The toll which the Company may demand and take for the use of engines for drawing or propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods or other articles, in addition to the several other tolls by this Act authorised to be taken.

Maximum charges for passengers.

38. The maximum charges 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,

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and for every other expense incidental to such conveyance, shall not exceed the following rates; (that is to say,)

For every passenger conveyed in a first-class carriage by an express train, threepence per mile;

For every passenger conveyed in a first-class carriage by an ordinary train, twopence halfpenny 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 farthing per mile.

Passengers luggage.

39. Every passenger travelling by 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 goods and animals.

40. The maximum rate of charge to be made by the Company for the conveyance of goods and animals, including the tolls for the use of the railway and wagons or trucks, and locomotive power, and every expense incidental to such conveyance, except a reasonable sum for loading, covering, and unloading of goods at any terminal station of such goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where such services or any of them are or is performed by the Company, shall not exceed the following sums; (that is to say,)

For all articles comprised in Class 1, per ton per mile one penny halfpenny;

For all articles comprised in Class 2, per ton per mile twopence;

For all articles comprised in Class 3, per ton per mile threepence;

For all articles comprised in Class 4, per ton per mile one penny three farthings;

For all articles comprised in Class 5, per ton per mile threepence halfpenny;

For every carriage comprised in Class 6, and not weighing more than one ton, carried and conveyed on a truck or platform, per mile sixpence, and for every additional quarter of a ton or a fractional part of a quarter of a ton beyond one ton which any such carriage may weigh, the further sum of twopence per mile;

For every animal comprised in Class 7, per mile fourpence;

For every animal comprised in Class 8, per mile threepence if only one, and if more than one twopence;
For every animal comprised in Clause 9, per mile one penny.

Regulations as to tolls.

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

In respect of passengers, animals, and articles conveyed upon 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 mile beyond four miles, or beyond any greater number of miles, the Company may, with respect to goods, minerals, and animals, demand tolls for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile, and with respect to passengers every fraction of a mile beyond four miles or any greater number of miles shall be deemed a mile;

For every 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 greater or smaller quantity.

Tolls for small parcels and single articles of great weight.

42. With respect to small packages not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rate of tolls prescribed by this Act, the Company may lawfully demand and take any tolls not exceeding the tolls following; (that is to say,)

For the carriage of small parcels on the railway or any part thereof, as follows:

If not exceeding seven pounds in weight threepence;

If exceeding seven pounds in weight but not exceeding fourteen pounds in weight, fivepence;

If exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, sevenpence;

If exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, ninepence;

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If exceeding fifty-six pounds in weight but not exceeding one hundred and twelve pounds in weight, one shilling and fourpence;

If exceeding one hundred and twelve pounds in weight but not exceeding two hundred and fifty pounds in weight, one shilling and eightpence;

And for parcels exceeding two hundred and fifty pounds in weight but not exceeding five hundred pounds in weight, the Company may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up 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 other single article, the weight of which including the carriage provided by the Company shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they 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, the Company may demand such sum as they think fit.

Terminal station.

43. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Restrictions as to charges not to apply to special trains.

44. The restrictions in this Act contained as to the charges to be made for passengers and articles shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods on the railway.

Company may take increased charges by agreement.

45. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to Company to use railway

46. The Company may pass over and use with their engines and carriages of every description, and with their clerks, officers,

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and servants, the private railway of the said John Thomas Wharton, from the junction therewith of railway No. 1 to the junction of the said private railway with the North-eastern Railway, and all stations, watering places, water, booking offices, warehouses, wharves, sidings, works, and conveniences connected therewith.

of John Thomas Wharton.

Terms of user.

47. The terms, conditions, and regulations to which the Company shall be subject in respect of the use of the said private railway, and the works and conveniences connected therewith, and the rent, tolls, or other consideration to be paid by the Company for the same shall (if not agreed upon between the Company and the owner for the time being of the said private railway) be from time to time determined by an arbitrator to be appointed for that purpose by the president for the time being of the Institution of Civil Engineers, on the application of either party, and the decision of any such arbitrator shall be binding and conclusive on both the parties, and the costs and expenses of the arbitrator and the reference to him shall be defrayed as he shall direct.

Railway of Company and private railway to be considered one as to tolls.

48. In calculating distances for the purposes of the tolls and charges to be taken by the Company under the powers of this Act, where the traffic shall pass partly on the railway and partly on the said private railway, the railway and the said private railway shall be deemed one continuous line of railway.

Byelaws to be observed by Company.

49. The Company in using or traversing the said private railway, works, and conveniences shall at all times observe the regulations and byelaws for the time being in force on the said private railway, so far as those byelaws shall be applicable to the Company.

Power to enter into working and other agreements with the North-eastern Railway Company.

50. The Company on the one hand and the North-eastern Railway Company on the other hand, may subject to the provisions of Part III. of the Railways Clauses Act, 1863, from time to time enter into agreements with respect to the following purposes or any of them; (that is to say,)

The management, use, working, and maintenance of the railway or any part or parts thereof;

The supply of any rolling or working stock, and of officers and servants for the conduct of traffic on the railway;

The payment to be made and the conditions to be performed with respect to the matters aforesaid;

The interchange, accommodation, conveyance, and delivery of traffic coming from or destined for the undertakings of the contracting Companies, or either of them, and the fixing and division between the said Companies of the receipts arising from such traffic.

A.D. 1873.

Tolls and charges to be calculated continuously when line worked by North-eastern Railway Company.

51. If and so long as the railway shall be used or worked by the North-eastern Railway Company, in calculating distances for the purposes of the tolls and charges to be taken upon or in respect of the railway, where the traffic shall pass partly on the railway and partly on the railways of the North-eastern Railway Company, the railway and the railways of the North-eastern Railway Company shall be deemed one continuous line of railway.

Interest not to be paid out of capital.

52. 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.

53. 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.

Railway not exempt from provisions of present and future general Acts.

54. Nothing herein contained shall 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 or alteration, under the authority of Parliament, of the maximum rate of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

55. 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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