ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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Cap. lxi.

An Act for making a Railway from the *Chappel* Station of the *Colchester, Stour Valley, Sudbury, and Halstead* Railway to *Halstead* in the County of *Essex*, and for other Purposes.

[30th *June* 1856.]

WHEREAS the making of a Railway from or near the *Chappel* Station of the *Colchester*, *Stour Valley*, *Sudbury*, *and Halstead* Railway to *Halstead* in the County of *Essex* would be of great local and public Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry such Undertaking into execution, if authorized by Parliament so to do: 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:

8 & 9 Vict. cc. 16. 18. & 20. incorporated.

I. That the Provisions of "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," except so far as the same

[*Local.*] 10 *P* are

are expressly varied by any of the Provisions of this Act, shall be incorporated with and form Part of this Act.

Interpretation of Terms.

II. In this Act the Words "the Company" shall mean the Company hereby incorporated; and the Words "the Railway" shall mean the *Colne Valley and Halstead* Railway hereby authorized to be made.

Short Title.

III. This Act may be cited for all Purposes as "The *Colne Valley and Halstead* Railway Act, 1856."

Subscribers incorporated.

IV. *Edward Hornor*, *James Brewster*, *Robert Ellington Greenwood*, *Duncan Sinclair*, and *John Hills*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after particularly mentioned, with all proper Works and Conveniences connected therewith, according to the Provisions of the said Acts and of this Act, and for other the Purposes herein and in the said Acts contained, and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Colne Valley and Halstead* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions herein and in the said Acts contained.

Capital.

V. The Capital of the Company shall be Forty thousand Pounds.

Number and Amount of Shares.

VI. The Number of Shares into which the Capital shall be divided shall be Four thousand, and the Amount of each Share shall be Ten Pounds.

Calls.

VII. Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at least shall be the Interval between successive Calls; and the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Eight Pounds in the whole.

Interest not to be paid on Calls paid up.

VIII. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company

pany from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

IX. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be 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.

Power to borrow on Mortgage.

X. It shall be lawful for the Company to borrow on Mortgage or Bond any Sum of Money not exceeding in the whole the Sum of Thirteen thousand three hundred and thirty-three Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital of Forty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Application of Moneys.

XI. All Moneys raised under this Act shall be applied only to the Purposes of this Act.

Ordinary Meetings of the Company.

XII. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly on the First Day of *February* and the First Day of *August*, or within One Month before or after those Days respectively.

Number and Qualification of Directors.

XIII. The Number of Directors shall be not less than Three, nor more than Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares in the Capital of the Company.

First Directors.

XIV. *Edward Hornor*, *James Brewster*, *Robert Ellington Greenwood*, *Duncan Sinclair*, and *John Hills* shall be the First Directors of the Company.

First Election of Directors.

XV. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number 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 eligible as Members of such new Body.

XVI. At

Subsequent Election of Directors.

XVI. At the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by Proxy, shall elect Persons to supply the Place of Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by "The Companies Clauses Consolidation Act, 1845."

Quorum of Directors.

XVII. The Quorum of a Meeting of Directors shall be Three.

Newspaper for Advertisements.

XVIII. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted, shall be a Newspaper published in the County of *Essex*.

Power to make Railway according to deposited Plan.

XIX. And whereas Plans and Sections of the Railway and Works, showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Land through which the same are intended to be made, have been deposited with the Clerk of the Peace for the County of *Essex*: Be it enacted, That, subject to the Provisions of this Act and the Acts herewith incorporated, it shall be lawful for the Company to make and maintain the Railway and Works in the Line and upon the Lands delineated in the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Railway.

XX. The Railway shall commence by a Junction with the Line of the *Colchester, Stour Valley, Sudbury, and Halstead* Railway, at a Point situate about Thirty-seven Yards North of the Platform of the *Chappel* Station thereof, in the Parish of *Wakes Colne* in the County of *Essex*, and terminate in a Meadow on the West Side of the public Road from *Halstead* to *Stisted*, South of and adjoining a Bridge over the River *Colne* known as *Parson's Bridge*, at a Point about Fifty Yards from the Centre of the said public Road, at the Point at which the Railway is intended to cross the same, and which said Point is situate within and about Forty Yards South of the Centre of the said Bridge, in the Parish of *Halstead*, in the said County of *Essex*, and which said Meadow is in the Occupation of the Rev. *Charles Burney* and *Gabriel Daking Green*, and will pass from, in, through, or into the several Parishes, Townships, Townlands, and Extra-parochial or other Places following, or some of them; (that is to say,) *Wakes Colne*, *White Colne*, *Colne Engaine*, *Earl's Colne*, and *Halstead*, all in the County of *Essex*.

XXI. The

Junction with the Colcester, Stour Valley, Sudbury, and Halstead Railway to be approved by Engineer of Eastern Counties Railway.

XXI. The Railway shall join and communicate with the *Colchester, Stour Valley, Sudbury, and Halstead* Railway at the Points of Junction shown on the said Plan; and such Junction and all Communications between the Railway and the said *Colchester, Stour Valley, Sudbury, and Halstead* Railway, and all such Openings in the Rails thereof and other Works as may be necessary or convenient for forming such Junction and effecting such Communications, shall be made and completed to the Satisfaction of the Engineer for the Time being of the *Eastern Counties* Railway Company, or such other Person as may be authorized by them for that Purpose.

Lands and Works of the Colchester, Stour Valley, Sudbury, and Halstead Railway Company not to be interfered with, except by Consent.

XXII. Nothing herein contained shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to the *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, or to alter or vary the Line or Levels of the said last-mentioned Railway, or to interfere with the said last-mentioned Railway, except as specially provided by this Act, without the Consent of the *Eastern Counties* Railway Company; and the Company hereby incorporated shall bear all Expense of effecting such Junction as aforesaid, and, unless otherwise agreed between the said Companies, of maintaining, watching, and working the same, and of all necessary Works at the said Junction for preventing Danger, Inconvenience, or Interruption to the Traffic on the said Branch: Provided always, that if any Difference shall arise between the said Companies as to the Nature or Necessity of any such Works as aforesaid, or as to the said Junction, or as to any Matter not otherwise provided for by this Act, the same shall be referred to Arbitration in the Manner prescribed by "The Lands Clauses Consolidation Act, 1845."

Certain Roads may be crossed on the Level.

XXIII. Subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," it shall be lawful for the Company to carry the Railway with a double Line of Rails across and on the Level of the Roads delineated on the Plans deposited as aforesaid, and numbered as follows; (that is to say,) 8 and 18 in the Parish of *White Colne*; 45 in the Parish of *Colne Engaine*; and 10 in the Parish of *Earls Colne*.

Station or Lodge to be made at level Crossing.

XXIV. For the greater Convenience and Security of the Public, the Company shall erect and maintain either a Station or Lodge at the Points where the Railway shall cross the before-mentioned Roads on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or

or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, 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 shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridge to be erected in lieu of level Crossing.

XXV. It shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time either before or after the Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry the said Roads either over or under the Railway by means of Bridges or Arches in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from such level Crossing.

Lands for extraordinary Purposes.

XXVI. The Quantity of Land to be purchased by the Company for the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres.

Powers for compulsory Purchases limited.

XXVII. 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 Two Years from the passing of this Act.

Period for Completion of Works.

XXVIII. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the Acts incorporated herewith 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 shall then be completed.

As to Agreements with the Colchester, Stour Valley, Sudbury, and Halstead Railway Company, the Eastern Union Railway Company, and the Eastern Counties Railway Company.

XXIX. Subject to the Provisions of this Act and the "Railways Clauses Consolidation Act, 1845," it shall be lawful for the Company hereby incorporated, and the *Eastern Counties* Railway Company, from Time to Time to make and enter into such Contracts and Agreements for the using of the said Railway, or any Part thereof, and the Regulation of the Traffic on and from the same, and the Tolls and Charges in respect of such Traffic, as those Companies from Time to Time may think advisable; and every such Contract or Agreement, subject as aforesaid, may contain any Covenants, Clauses, Powers, Provisions, and Stipulations as may be mutually agreed upon between those Companies, and may be modified or abandoned by any subsequent Contract or Agreement, and every such Contract or Agreement,

ment, made according to the Provisions of this Act, shall, until so modified or abandoned, be valid and in full Force: Provided always, that such Contracts or Agreements shall not be for a longer Term than Ten Years from the making or entering into the same, and such Contracts or Agreements shall not have any Operation until the same shall have been approved by the Board of Trade, which Board shall not approve of the same without being satisfied that the same has been assented to (as regards each Company) by Three Fifths of the Shareholders voting, personally or by Proxy, at an Extraordinary Meeting of the respective Companies; provided also, that no such Contracts or Agreements shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Contracts or Agreements, be entitled to the Use and Benefit of the Railways to which the said Contracts or Agreements may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Contracts or Agreements had been entered into.

Agreements may be renewed, with Approval of Board of Trade.

XXX. At the Expiration of any such Contracts or Agreements the said Companies, with the Consent in Special Meeting of Three Fifths of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid; provided, that before such Companies shall enter into any such further Agreement as aforesaid they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade, and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Power to divert Roads.

XXXI. It shall be lawful for the Company to cross, alter, or divert, either temporarily or permanently, such of the Turnpike and other Roads, Streams, and Places, or such Parts thereof, as may be required to be taken and used under the Powers of this Act, and which are shown upon the Plans and Sections deposited as aforesaid, at the respective Points where the Railway by this Act authorized is intended to be carried, either across, under, or over the same.

XXXII. It

Tolls.

XXXII. 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,)

Tonnage of Articles of Merchandise.

In respect of the Tonnage of all Articles conveyed upon the Railway, or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of Public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Coals and Culm, *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 Halfpenny:

For all Coke, Charcoal, and Cinders, 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 One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals, except Iron Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *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:

For every Carriage, of whatever Description, having more than Two Wheels, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton and a Half, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Fourpence Halfpenny:

For every Two-wheeled 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 Threepence:

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.

XXXIII. It

Tolls for Passengers and Cattle.

XXXIII. In respect of Passengers and Animals conveyed in Carriages on 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 Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; for every Ox, Bull, Cow, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

For every Calf or Pig, Sheep or Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Farthing; 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.

XXXIV. The Toll which the Company may demand for the Use of Engines or other Power for propelling Carriages on the Railway shall not exceed Three Farthings *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations as to the Tolls.

XXXV. 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 Railway for a less Distance than Three Miles, the Company may demand the same Tolls as for Three Miles:

For a Fraction of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may demand Tolls 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, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weights.

XXXVI. And with respect to small Packages and single Articles of great Weight, be it enacted, That notwithstanding the Rate of Toll prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

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

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

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

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence:

And for any Parcel exceeding Fifty-six Pounds in Weight, but not exceeding Five hundred Pounds, the Company may demand any Sum which they may 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, or single Piece of Machinery, or single Piece of Timber or Stone, or 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 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.

Passengers Luggage.

XXXVII. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve 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

XXXVIII. It shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed

conveyed on the Railway than Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One penny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance. Conveyance of Passengers.

XXXIX. It shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incident to such Conveyance (except a reasonable Charge for the Expense of loading and unloading, where such Service is performed by the Company) than the several Sums herein-after mentioned; (that is to say,) For Conveyance of Goods and Cattle.

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, and for all Coals and Culm, the Sum of Twopence *per* Ton *per* Mile:

For all Coke, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slate, 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 Twopence Three Farthings:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Threepence Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Fourpence Halfpenny:

For every Carriage, of whatever Description, having more than Two Wheels, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton and a Half, *per* Mile Sixpence, and if having only Two Wheels, and not weighing more than One Ton, *per* Mile Fourpence:

For every Horse, Mule, Ass, Ox, Cow, Bull, or Neat Cattle, *per* Mile Fourpence Halfpenny; for every Calf, Pig, Sheep, Lamb, or other small Animal, *per* Mile One Penny.

XL. Provided always, That if any Person shall desire to hire and retain a separate Waggon or Truck for the Conveyance of Cattle or Tolls for separate Trucks for Cattle, &c.

or Sheep belonging to him, it shall not be lawful for the Company to charge any greater Sum, including all the Charges aforesaid, than One Shilling *per* Mile for every Waggon or Truck capable of containing conveniently Six Beasts of an ordinary Size, or Thirty Sheep.

Restrictions as to Charges not to apply to Special Trains.

XLI. Provided always, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to be run upon the said Railway, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the said Railway.

Company may take increased Charges by Agreement.

XLII. Provided always, That nothing herein contained shall be held to prevent the Company from taking any increased Charges, over and above the Charges herein-before limited for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger or other Trains, or by reason of any other special Service performed by the Company in relation thereto.

Security for Completion of the Railways within the Time limited.

XLIII. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter 20, a Sum of Two thousand seven hundred Pounds, being 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 *England* 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 Two thousand seven hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, 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 Survivor or Survivors of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the 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 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 Purpose 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 shall have either opened the Railway for the public Convey-

ance

ance 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 and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Two thousand seven hundred Pounds shall have been executed by the 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 Two thousand seven hundred Pounds, if the Company shall not within the Time limited for the Completion of the Railway either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the 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 or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivor or Survivors 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 Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid, and the Certificate of the said Solicitor to the 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.

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

XLIV. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or to the Conveyance of small Parcels by Railways, now in force or which may hereafter pass during the present

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 authorized by this Act, or of the Rates for small Parcels.

Expenses of Act.

XLV. All the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company.

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