CHAPTER lxxxviii.

An Act for making a Railway from Peakirk in the County of Northampton to Crowland in the County of Lincoln and for other purposes. [3rd July 1891.]

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WHEREAS the making and maintaining of the railway herein-after described would be of public and local advantage:

And whereas the several persons in this Act 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 incorporated by this Act (herein-after called "the Company") and any company or person working or using the railway of the Company should be authorised to run over and into and use the portion of railway and station herein-after in that behalf mentioned:

And whereas plans and sections showing the lines and levels of the railway authorised by this Act and also a book 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 respective clerks of the peace for the county of Northampton and the parts of Holland in the county of Lincoln 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:

Short title.

1. This Act may be cited as the Crowland Railway Act 1891.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I (relating to cancellation and surrender of shares) and Part III

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(relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I (relating to construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

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 the undertaking by this Act authorised and for the purposes of this Act 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. John Clowes Bayley George Henry Hogan Frederick Henry Cheesewright 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 Crowland 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.

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 railway herein-after described with all proper bridges viaducts stations sidings approaches junctions roads buildings yards 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 is situate in the county of Northampton and in the parts of Holland in the county of Lincoln and is—

A railway 4 miles 6 furlongs 7 chains in length commencing in the parish of Peakirk in the county of Northampton by a

junction with the Great Northern Railway (Lincolnshire Loop Line) at a point $6\frac{1}{2}$ chains or thereabouts measured in a north-easterly direction along that railway from the north end of the up platform of the Peakirk station and terminating in the parish of Crowland in the parts of Holland in the county of Lincoln in a field numbered 748 on the $\frac{1}{2500}$ ordnance map of that parish. A.D. 1891.

For the protection of the Great Northern Railway Company.

6.—(1) The Great Northern Railway Company (in this section called "the Great Northern Company") will in accordance with a plan to be previously approved of in writing by the principal engineers of the Great Northern Company and the Company provide such accommodation as may be necessary to enable the Company to have access to the Peakirk station of the Great Northern Company.

(2) If any difference arise between the Great Northern Company and the Company as to the said plan such difference shall be determined by an engineer to be appointed (unless otherwise agreed on) by the President of the Institution of Civil Engineers on the application of either of the parties and the costs of and incident to such determination shall be in the discretion of such engineer.

(3) As a condition precedent to the making of such provision by the Great Northern Company the Company shall at their own cost in all things convey to the Great Northern Company a piece of land equal in area to the land which will be absorbed by the accommodation so to be afforded to the Company and conveniently situated for the purposes of the Great Northern Company.

(4) Before the Great Northern Company commence any of the works authorised by this Act which would affect their railway or property the Company shall either deposit with the Great Northern Company the amount of the estimate for the works to be executed under the provisions of sub-section (1) of this section as certified by the engineer of the Great Northern Company or deposit with the Great Northern Company such security for that amount as that company may in writing under the hand of their secretary approve.

The Great Northern Company shall out of the money or security for money so deposited reimburse themselves all costs charges and expenses which they have incurred or been put to by reason of the provisions of this section and if after so reimbursing themselves there be any surplus they shall repay the same to the Company and if there be any deficiency the Company shall on demand pay the amount of such deficiency to the Great Northern Company and in default of such payment the Great Northern Company may recover the same in any court of competent jurisdiction.

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(5) Notwithstanding anything shown on the deposited plans or sections or described in the book of reference or contained in this Act the Company shall not enter upon take or use or exercise any powers in on or over any lands or (except as by this section provided) station of the Great Northern Company except by the previous consent of that company under their common seal.

For the protection of the North Level Commissioners.

7.—(1) No portion of the railway or works thereof by this Act authorised lying between the public road numbered on the deposited plans one in the parish of Newborough and the easternmost boundary of the property numbered on the said plans 26 in the parish of Crowland shall be constructed within a distance of 120 feet from the northern limit of deviation shown on the said plans without the previous consent of the North Level Commissioners (herein-after in this section called "the commissioners") under their common seal.

(2) The whole of the railway and works between the said Road No. 1 and the said property No. 26 shall be constructed and maintained to the reasonable satisfaction in all respects of the engineer for the time being of the commissioners and so as not to injure the bank belonging to the commissioners lying on the southern side of the River Welland or any other property or any rights or interests of the commissioners or to interrupt the free flow of water along any ditch or drain of the commissioners or through which the commissioners have a right of drainage and if and whenever any such injury or interruption shall arise or be caused the Company shall forthwith make good such injury or remove such interruption to the reasonable satisfaction of the engineer for the time being of the commissioners.

(3) In case any difference shall arise between the Company and the commissioners touching any of the matters mentioned or referred to in sub-section (2) of this section the same shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

For the protection of the Newborough Drainage Commissioners.

8. For the protection of the Newborough Drainage Commissioners (herein-after in this section called "the commissioners") the following provisions shall unless otherwise agreed between the commissioners and the Company have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the railway shall be carried over the Folly River and the banks thereof in the parish of Peakirk in the county of Northampton in the line and at the point of crossing shown on the deposited plans by means of a flat girder bridge of three spans and the centre span shall be of the clear width throughout of not less than forty feet measured

on the square and each of the two side spans shall be of the clear width throughout of not less than thirty feet measured on the square and the slopes of the banks of the river under each of the side spans shall not be altered by the Company.

(2) Such bridge shall be constructed with piles which shall not be of timber as supports for the girders placed parallel with the centre line of the river and such piles shall be constructed so as to cause as little interference as reasonably practicable with the banks of the river during the construction and so that no damage shall be caused to the banks of the river by the construction and maintenance of such bridge.

(3) The under side of the girders of the said bridge shall be level with the upper surface of the tops of the existing banks.

(4) The Company shall construct and for ever maintain two culverts of iron brick or concrete of not less than three feet diameter on the inside for the purpose of carrying the two soak drains one on each side of the said Folly River respectively numbered on the deposited plans 5*a* and 5*b* in the said parish of Peakirk under the railway.

(5) The Company shall construct and for ever maintain a culvert of iron brick or concrete of not less than five feet diameter on the inside for the purpose of carrying the fresh water drain on the side of the Thorney Road numbered on the deposited plans 1*a* in the parish of Newborough in the said county of Northampton under the railway.

(6) The Company shall to the reasonable satisfaction of the commissioners make and for ever after maintain on each side of the Folly River and between that river and the soak drains on each side thereof herein-before mentioned a roadway of not less than twelve feet in width and with an inclination of not less than one foot in twenty feet for the passage of carts and horses from one side of the railway to the other Such roadways may be made partly on the tops of the existing banks.

(7) Where any of the intended works to be done under or by virtue of this Act including the works herein-before in this section mentioned shall or may pass over under or by the side of or so as to interfere with any river sewer drain watercourse river-wall defence or work under the jurisdiction or control of the commissioners or for the maintenance or repair of which the commissioners are liable or may in any way affect the drainage of the districts under their control the Company shall not commence such works until they shall have given to the Commissioners fourteen days' notice in writing of their intention to commence

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the same by leaving such notice at the office of the clerk of the commissioners with plans elevations sections and other necessary particulars of the construction of the said works and describing the materials to be used and until the commissioners shall have signified their approval of the same or if the commissioners fail to signify either by their clerk or surveyor such approval or their disapproval or other directions within fourteen days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid until the same shall have been approved by an arbitrator to be appointed as herein-after provided and all such works shall be executed by the Company according to such approved plans elevations and sections.

(8) The Company shall comply with and conform to all reasonable directions and regulations of the commissioners in the execution and subsequent maintenance of the said works and shall provide by new altered or substituted works in such manner as the commissioners may reasonably deem necessary for the proper protection of and for preventing injury or impediment to the rivers sewers drains river-walls and other works herein-before referred to by or by reason of the said intended works or any part thereof and shall save harmless the said commissioners against all and every the expense to be occasioned thereby and shall be liable to make good to the commissioners any damage that may be occasioned to them through or by any act or default of the Company in the execution and maintenance of the said works.

(9) All such works shall be done under the superintendence of the engineer of the Commissioners at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the commissioners may be put to by reason of the works of the Company whether in the execution of works the examination of plans or designs superintendence or otherwise by the commissioners' officers shall be paid to the commissioners by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall ever thereafter be maintained cleansed and kept in repair by and at the expense of the Company to the reasonable satisfaction of the engineer to the commissioners and the said works shall for ever afterwards remain under the direction jurisdiction and control of the commissioners.

(10) If any dispute shall arise as to the mode of executing any such works as aforesaid such matter or difference shall be referred to an arbitrator to be appointed on the application of either party by the Board of Trade whose decision shall be final.

(11) Nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the commissioners or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Gauge of railway.

9. The railway may be constructed on any gauge not exceeding four feet eight and a half inches and not less than three feet Provided that the railway shall not be constructed on a less gauge than four feet eight and a half inches without the previous approval of the Board of Trade.

Capital.

10. The capital of the Company shall be thirty thousand pounds in three thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

11. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation 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.

12. 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.

Receipt in case of persons not sui juris.

13. If any money is payable to a shareholder or mortgagee or debenture stock holder 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.

14. 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 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 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.

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Dividend on half shares.

15. 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 pounds 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.

16. 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.

17. 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 he directors shall cancel it.

Terms of issue to be stated on certificates.

18. 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.

19. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares 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.

Preferred shares not to be cancelled or surrendered.

20. 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.

21. 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.

22. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole ten thousand pounds but no part thereof shall be borrowed until the whole capital of thirty 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 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 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.

For appointment of a receiver.

23. The mortgagees of the undertaking 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 one thousand pounds in the whole.

Debenture stock.

24. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall

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subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

25. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

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

Number of directors.

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

Qualification of directors.

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

Quorum.

29. The quorum of a meeting of directors shall be three.

First directors.

30. John Clowes Bayley George Henry Hogan Frederick Henry Cheesewright and two persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary

Election of directors.

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 or nominated as aforesaid being if they continue 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 died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

31. 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 two acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event

of any nuisance being caused by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

32. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to cross certain roads on the level.

33. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say) :—

No. on Deposited Plans.	Parish.	Description of Road.
1	Newborough - -	Public.
23	Crowland - - -	Public.

Inclination of roads.

34. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on Deposited Plans.	Parish.	Description of Road.	Intended Inclination.
1	Newborough -	Public - -	1 in 20.
23	Crowland -	Public - -	1 in 20.

Power to divert road as shown on deposited plans.

35. The Company may divert the public highway referred to in the next following table in the manner shown upon the deposited plans and sections and when the new portion of such road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

	Parish.	No. of Road on Plan.	
	Crowland - - -	23	

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And when and so soon as the said portion of road is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company In carrying out the diversion aforesaid the Company shall make such new portion of road where it is proposed to be crossed by the railway as nearly square to the line of railway as may be practicable and as shall be approved of by the Board of Trade.

Restriction on taking houses of labouring class.

36. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to take easements &c. by agreement.

37. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts 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.

Deposit money not to be repaid except so far as railway is opened.

38. 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 a sum of six hundred and thirty-eight pounds being equal to five per centum upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to

in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund 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 which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers.

Application of deposit.

39. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposited fund shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any land-owners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund 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 depositors.

Period for completion of works.

40. 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 except as to so much thereof as is then completed.

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Tolls for passengers animals and goods.

41. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say):—

In respect of passengers and animals conveyed on the railway or any part thereof:—

For any person twopence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum not exceeding one halfpenny per mile;

Class 1. For every horse mule or other beast of draught or burden threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny;

Class 2. For every ox cow bull or head of neat cattle twopence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny;

Class 3. For any calf pig sheep lamb or any small animal three farthings per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one halfpenny:

In respect of goods and minerals conveyed upon the railway or any part thereof:—

Class 4. For all coal culm cinders cannel ironstone iron ore limestone chalk sand slag and clay (except fire clay) dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton per mile one penny and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one halfpenny;

Class 5. For all coke charcoal pig iron bar iron rod iron hoop iron plates of iron wrought iron heavy iron castings railway chairs slabs billets and rolled iron lime bricks tiles slates salt fire-clay and stone copper ore lead ore tin ore antimony and manganese and all other ores minerals and semi-metals per ton per mile one penny and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one halfpenny;

Class 6. For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile twopence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny;

Class 7. For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters

or things per ton per mile threepence and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding three farthings:

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 conveyed on a truck or platform sixpence per mile and a sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh and if conveyed on a truck or platform belonging to the Company an additional sum per mile not exceeding twopence.

Tolls for propelling power.

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

Regulations as to tolls.

43. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say):—

Short distances.

For all passengers animals goods or minerals conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles;

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals goods and minerals 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;

Fractional parts of a ton.

For a fraction of a ton the Company may demand tolls 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;

General weight.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight;

Weight of stone and timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so on in proportion for any smaller quantity.

Tolls for small parcels and articles

44. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding

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of great weight.

anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :—

For the carriage of small parcels on the railway or any part thereof :—

For any parcel not exceeding seven pounds in weight threepence ;

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

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

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

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they may think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages :

For the carriage of single articles of great weight on the railway or any part thereof :—

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 not exceed four tons the Company may demand such sum as they think fit not exceeding sixpence per ton per mile ;

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 with the carriage shall exceed four tons but does not exceed eight tons the Company may demand and take any sum not exceeding sixpence per ton per mile and if more than one carriage or truck be employed in the conveyance of such article or thing an additional sum per ton per mile not exceeding one penny in respect of each carriage or truck beyond the first so employed ;

For the carriage of any single article or thing the weight of which with the carriage exceeds eight tons the Company may demand and take any sum they think fit.

Maximum rates for passengers.

45. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway or any part thereof including the tolls for the use of the railway and for carriages

and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage the sum of threepence per mile;

For every passenger conveyed in a second-class carriage the sum of twopence per mile;

For every passenger conveyed in a third-class carriage the sum of one penny per mile.

Maximum rates for animals and goods.

46. The maximum rate of charge to be made by the Company for the conveyance of animals goods and minerals (except such small parcels and single articles of great weight as aforesaid) on the railway or any part thereof including the tolls for the use of the railway and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say):—

For every animal in Class 1 fourpence per mile;

For every animal in Class 2 threepence per mile;

For every animal in Class 3 except lambs and small animals one penny per mile and for every lamb or small animal three farthings per mile;

For everything in Class 4 one penny halfpenny per ton per mile;

For everything in Class 5 twopence per ton per mile;

For everything in Class 6 threepence per ton per mile;

For everything in Class 7 fourpence per ton per mile;

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 conveyed on a truck or platform per mile sixpence and if weighing more than one ton one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

Passengers' luggage.

47. Every passenger 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.

Terminal station.

48. 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.

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Foregoing charges not to apply to special trains.

49. The restrictions as to the charges to be made for passengers 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 upon the railway.

Company may take increased charges by agreement.

50. 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 lay additional rails upon portion of railway of Great Northern Railway Company.

51. The Company with the consent of the Great Northern Railway Company if and so long as the railway of the Company is constructed and maintained upon a gauge of less than four feet eight and a half inches may lay down upon so much of the railway of the Great Northern Railway Company as is herein-after mentioned an additional rail or additional rails so as to adapt the same for the passage over the same of the carriages waggons and engines of the Company and to admit of the free passage of the Company's traffic over and along that portion of the railway of the Great Northern Railway Company.

Power to use portion of railway of Great Northern Railway Company.

52. The Company and any company or persons for the time being working or using the railway of the Company or any part thereof may with the consent of the Great Northern Railway Company run over and into and use with their engines carriages and waggons officers and servants in charge of engines and trains for the purposes of traffic of every description the portion of railway and station herein-after mentioned (that is to say):—

So much of the Great Northern Railway as lies between the point of commencement of the intended railway herein-before described and the Peakirk Station of the Great Northern Railway including the said station

and all works and conveniences upon or connected with the said portion of railway and station And as regards traffic so conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said portion of railway and station as are authorised to be taken upon and in respect of such portion of railway and station respectively.

Terms of such user.

53. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or any company or persons as aforesaid for and

in respect of the use of the said portion of railway and station and other works and conveniences shall be such as are from time to time agreed upon between them and the Great Northern Railway Company.

Byelaws to be observed.

54. The Company and any company or persons as aforesaid in using or traversing the said portion of railway and station respectively and conveniences thereof in accordance with the provisions herein-before contained shall at all times observe the regulations and byelaws for the time being in force on the undertaking so used so far as such byelaws shall be applicable to the Company or such other company or persons as aforesaid in the exercise of the said powers.

Tolls on traffic conveyed partly on the railway and partly on railway of the Great Northern Railway Company.

55. During the exercise of the running powers herein-before given the railways of the Company and of the Great Northern Railway Company shall for the purposes of short distance 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 and partly on the railway of the Great Northern Railway 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 and partly on the railway of the Great Northern Railway Company.

Application of provisions of the Railway and Canal Traffic Act 1888 as to revision of rates.

56. Section 24 of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company in all respects as if it were one of the companies to which the provisions of the said enactment in terms applied Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Interest not to be paid on calls paid up.

57. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise 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

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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.

58. 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.

Provision as to general railway Acts.

59. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision 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.

Costs of Act.

60. 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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