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Cap. cxcii.

An Act for making Railways from the *Hammersmith and City* Railway through *Fulham* to the North Shore of the River *Thames;* and for other Purposes. [29th *June* 1865.]

WHEREAS the Construction of the Railways herein-after described would be of public and local Advantage: And whereas Plans and Sections showing the Situation, Lines, and Levels of the proposed Railways, and the Lands proposed to be taken or which may be required to be taken for the Purposes thereof, and Books of Reference to those Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of those Lands respectively, have been deposited with the respective Clerks of the Peace for the Counties of *Middlesex* and *Surrey:* And whereas the Persons herein-after named, with other Persons, are willing at their own Expense to construct the proposed Railways if authorized by Parliament so to do: And whereas it is expedient that the Company and the *Hammersmith and City* and the *Great Western* Railway Company (herein-after called "the Two

Companies") should be empowered to enter into such Traffic and Working Arrangements as herein-after in that Behalf expressed: And whereas the Objects aforesaid 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; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose as "*Fulham* Railway Act, 1865."

8 & 9 Vict. cc. 16., 18., & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to Cancellation and Surrender of Shares) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to Construction of a Railway), and Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," shall (except in so far as the Provisions of those Acts or Parts of Acts are expressly varied or excepted by this Act,) be incorporated with and form Part of this Act: Provided that the Section numbered 18 of "The Railways Clauses Consolidation Act, 1845," shall for the Purposes of this Act extend to and include any Pipe, Tube, Wire, or Apparatus laid down or set up for Telegraphic Purposes, as well as the Watercourses, Water Pipes, Gas Pipes, Mains, and other Pipes in that Section mentioned.

Interpretation of Terms in incorporated Acts.

3. In construing in connexion with this Act the Acts and Parts of Acts incorporated herewith the Term "Superior Courts" includes any Court of competent Jurisdiction as in this Act defined; and the Expression "Parish Clerks of the several Parishes in *England*" and the Expression "Parish Clerks" in "The Railways Clauses Consolidation Act, 1845," respectively mean the Clerk of the District Board of Works for the District of *Fulham*.

Interpretation of Terms in this Act.

4. In this Act, and the Acts and Parts of Acts incorporated therewith, the Expression "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Term "Traffic" shall have the Meaning assigned to that Term in and by "The Railway and Canal Traffic Act, 1854."

Incorporation of Company.

5. *Thomas Eyre Foakes, Francis Beckford Ward, Charles Stanley Osborne, John Howard Blackwell, Edward Cobb*, and all other Persons and

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 Railways herein-after described, with all proper Works and Conveniences belonging thereto, according to the Provisions of this Act, and for other the Purposes herein and in the said incorporated Acts and Parts of Acts respectively contained, and for the Purposes aforesaid are hereby incorporated by the Name of "the *Fulham* 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 within the Restrictions herein and in the said incorporated Acts contained.

First Ordinary Meeting.

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

Number and Qualification of Directors.

7. The Number of Directors of the Company, unless and until reduced as herein-after provided, shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Shares in the Undertaking of the aggregate nominal Value of Five hundred Pounds at the least.

Power to vary the Number of Directors.

8. The Company, by Order of a General Meeting, may from Time to Time reduce the Number of the Directors to any Number not less than Four, and on each Reduction may determine which Director or Directors shall retire, and the Rotation in which the reduced Number of Directors shall go out of Office.

Quorum of Directors.

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

First Directors.

10. *Thomas Eyre Foakes*, *Francis Beckford Ward*, *Charles Stanley Osborne*, *John Howard Blackwell*, *Edward Cobb*, and such One other Person as they or the Survivors, or the Majority of the Persons above-named, or of the Survivors of them, shall nominate in this Behalf, shall be the First Directors of the Company: Provided always, that the Acts and Proceedings of the Directors previously to such Nomination shall not be invalidated or prejudiced by reason of their Number being less than Six.

Provision for Directors retiring.

11. The First Directors shall continue in Office until the First Ordinary Meeting of the Company, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the First Directors, or may elect a new Body of Directors, or may continue in Office any Number of the First Directors and elect Directors

Directors to supply the Places of those not continued in Office, the First Directors being in each Case eligible for Re-election.

Future Elections.

12. At the First Ordinary Meeting to be held in the Year One thousand eight hundred and sixty-six, and at the First Ordinary Meeting in every subsequent Year, One Third of the Directors (to be determined as in "The Companies Clauses Consolidation Act, 1845," provided) shall retire from Office, and the Shareholders present, personally or by proxy, shall, agreeably to the Provisions of that Act in that Behalf, elect Persons to supply the Places of the Directors then retiring from Office, and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue Directors until others are elected in their Stead in manner provided by that Act.

Capital.

13. The Capital of the Company shall be One hundred and sixty-five thousand Pounds, divided into Sixteen thousand five hundred Shares of the Amount of Ten Pounds each.

Calls.

14. The greatest Amount of any One Call to be made on any Share created by the Company under this Act shall not exceed One Fifth of the Amount of such Share, and Three Months at the least shall be the Interval between successive Calls, and Two Thirds of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

Shares not to issue until One Fifth is paid up.

15. It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Power to borrow on Mortgage.

16. The Company may borrow on Mortgage any Sum not exceeding in the whole Fifty-five thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One hundred and sixty-five thousand Pounds shall have been *bonâ fide* subscribed for and issued, and One Half thereof shall have been actually paid up, and the Company shall 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 the said Capital has been subscribed for *bonâ fide* and issued, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Facts the Certificate of such Justice under that Section shall be sufficient Evidence.

17. The

For Appointment of a Receiver.

17. The Mortgagees of the Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in the event of the Principal Money or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Five thousand Pounds in the whole.

Application of Monies raised.

18. All Monies raised under the Powers of this Act either by Shares or by borrowing shall be applied in carrying out the Purposes of this Act only and for no other Purpose.

Power to construct Works.

19. Subject to the Provisions and Powers of Deviation contained in this Act and the Acts and Parts of Acts incorporated herewith, the Company may make the Railways by this Act authorized in the Lines and according to the Levels defined upon the Plans and Sections, and upon the Lands delineated on the Plans and described in the Books of Reference deposited as aforesaid, and may enter upon, take, and use such of those Lands as are necessary for that Purpose.

Description of Works.

20. The Railways and Works by this Act authorized comprise the following Railways; (that is to say,)

First, a Railway (on the deposited Plans and Sections called Railway No. 2.) in the Parish of *Hammersmith* (otherwise *Saint Peter* and *Saint Paul, Hammersmith*,) in the County of *Middlesex* commencing at or near *Hammersmith Broadway* and terminating by a Junction with the *Hammersmith and City* Railway:

Secondly, a Railway (on the deposited Plans and Sections called Railway No. 3.) commencing in the Parish of *Fulham* and County of *Middlesex* on the Western Side of *Broomhouse Lane*, and terminating in the Parish of *Hammersmith* (otherwise *Saint Peter* and *Saint Paul, Hammersmith*,) at or near the Point of Commencement of Railway No. 1.:

Thirdly, a Railway in the said Parish of *Fulham* and County of *Middlesex* commencing on the North Shore of the River *Thames*, and terminating at or near the Point of Commencement of Railway No. 3. by this Act authorized.

Railways to be on mixed Gauge.

21. The Railways by this Act authorized shall be made and maintained on the mixed Gauge throughout.

As to Construction of Bridges over public Streets within the Limits of the Metropolis.

22. In the Construction of the Railway and Works the following Rules shall be observed:

1. Wherever the Railway shall be carried across any public Carriageroad or public Street within the Limits of the Metropolis, as defined by "The Metropolis Management Amendment Act, 1862," it shall be made there, and shall thenceforth be maintained so as not to lessen the present clear Width of such Road or Street, including the Footway (where a Footway now exists):
2. The Arch of the Bridge over such Road or Street shall not, without the Consent of the Metropolitan Board of Works, in any Case be of less Span than Forty Feet, with a Headway of the clear Height of Sixteen Feet in the Centre, and the Arch over any such Road or Street shall be formed of an ornamental Character to the reasonable Satisfaction of the Engineer of the Metropolitan Board of Works, regard being had to the Character of the Locality, and subject to Appeal as herein-after provided:
3. No Abutments or Piers shall project beyond the general Line of Frontage of the adjoining Houses; provided always, that where there are Gardens or Forecourts in front of Houses, and the Distance between the Houses is great, the Company shall be at liberty to erect and maintain Side Openings supported with Columns back to the general Line of the Frontages of the Houses, subject to Appeal as herein-after provided:
4. All Bridges shall be Water-tight, and so constructed as to so far as is practicable deaden the Sound of Engines, Carriages, and Traffic passing over them:
5. The Company shall not commence the Erection of any Bridge proposed to be constructed for the Purpose of carrying the Railway over any Road, or Street, or Way within the Area under the Jurisdiction of the Metropolitan Board of Works until they shall have given to the said Metropolitan Board of Works Twenty-one Days Notice in Writing of their Intention to commence the same, by leaving such Notice at the Office of the said Board, with Plans, Elevations, Sections, and other necessary Particulars of the Construction of the said Bridges, and until the said Board shall have signified their Approval of the same, unless the Board fail to signify such Approval or their Disapproval within Twenty-one Days after Service of the said Notice and Delivery of the said Plans, Elevations, Sections, and other Particulars as aforesaid:
6. The Company shall comply with and conform to all reasonable Directions and Regulations of the said Board in the Execution and subsequent Maintenance of the said Bridge and Works connected therewith, and shall save harmless the said Metro-

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politan Board of Works against all and every Expense to be occasioned thereby, and all such Works shall, subject to the Provisions of this Act, be done by or under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Metropolitan Board of Works, at the Costs, Charges, and Expenses in all respects of the said Company; and all Costs, Charges, and Expenses which the said Metropolitan Board may be put to by reason of such Superintendence shall be paid to the said Board by the Company on Demand.

As to Junction with Hammersmith and City Railway.

23. The Junction of the Railway on the deposited Plans and Sections called Railway No. 2. with the *Hammersmith and City* Railway shall be made at some Point not less than Six and a Half Chains distant from the Termination of the said Railway No. 2., measured along the centre Line shown on the deposited Plans, and such Junction shall be made so as not injuriously to affect the Junction of the Railway No. 6. authorized by "The *London and Southwestern* Railway (*Kensington* and *Richmond* Lines) Act, 1864," with the *Hammersmith and City* Railway, and subject as aforesaid such Junction shall be formed at such Place within the Limits of Deviation as shall be approved by an Engineer for the Time being of the *Hammersmith and City* Railway.

For Protection of the Hammersmith and City Railway.

24. The following Provisions shall be in force for the Protection of the *Hammersmith and City* Railway, and shall be observed by the Company unless from Time to Time other Conditions be agreed upon between the Company and the *Hammersmith and City* Railway Company, or the Lessees or Purchasers of the Railway of the last-mentioned Company; (that is to say,)

1. No more Land of the *Hammersmith and City* Railway Company shall be used or interfered with than shall be necessary for forming such Junction and the Line of Railway connected therewith:
2. All Works affecting the *Hammersmith and City* Railway shall be executed only according to Plans to be approved by the Engineer for the Time being of the *Hammersmith and City* Railway, and in all other respects the Provisions as to Junctions of Part 1, relating to the Construction of a Railway, of "The Railways Clauses Act, 1863," shall apply to the said Junction.

For the Protection of the Wandsworth Bridge Company.

25. The Company shall not, without the Consent of the *Wandsworth Bridge* Company, take any Land of the *Wandsworth Bridge* Company, or any Land over which that Company have Parliamentary Powers, lying to the Eastward of the centre Line of the said Bridge, as

as laid down on the deposited Plans thereof, and provided that the said Bridge and the *Middlesex* Approaches thereof shall be constructed upon the centre Lines laid down on such deposited Plans, or at some Point within the Limits of Deviation lying to the East thereof, the Company shall construct their Railway so as not to interfere with the Works and Approaches of the *Wandsworth Bridge* Company; and the Company shall construct their Terminal Station at some Place near to the said Bridge, and with an Entrance fronting to One of the Approaches thereto, in such a Manner as to afford convenient Access to Persons going to or coming from the said Bridge.

As to Bridge over Cuttings in public Roads and Streets.

26. Wherever the Railway shall cross, by means of Cutting or otherwise, under any public Road or public Street within the Limits of the Metropolis, as defined by the "Metropolis Management Amendment Act, 1862," so as to interfere with or alter the Rates of Inclination of such Road or Street, it shall be made there and shall thenceforth be maintained so as that the minimum Inclination of such Road or Street shall not in any Case be less than One in Forty, and in respect of other Roads and Streets within the Metropolis as aforesaid, not being public Thoroughfares, the minimum Inclination of such Roads and Streets shall not be less than One in Thirty, and all Bridges constructed by the said Company under any Roads or Streets shall be constructed so as not to lessen the present clear Width of such Road or Street including the Footway, and shall be further so covered as to prevent as far as may be practicable the Escape of Steam, Smoke, or other offensive Effluvia into the said Roads and Streets, and such Bridges shall be so constructed as far as may be practicable so as to deaden the Sound of Engines, Carriages, and Traffic passing underneath them; and the Company shall not execute or commence the Erection of any such Bridges or Works as aforesaid until they shall have given to the said Metropolitan Board of Works Twenty-one Days Notice in Writing of their Intention to commence the same, by leaving such Notice at the Office of the said Board, with Plans, Elevations, Sections, and other necessary Particulars of the Construction of the said Bridges, and until the said Board shall have signified their Approval of the same, unless the said Board fail to signify such Approval or Disapproval within Twenty-one Days after Service of the said Notice and Delivery of the said Plans, Elevations, Sections, and other Particulars as aforesaid, and the Company shall comply with and conform to all reasonable Directions and Regulations of the said Board in the Execution and subsequent Maintenance of the said Bridges and Works connected therewith, and shall save harmless the said Metropolitan Board of Works against all and every Expense to be occasioned thereby, and all such Works shall be done under the Direction, Superintendence, and Control of the Engineer or

other

other Officer or Officers of the said Metropolitan Board of Works, at the Costs, Charges, and Expenses in all respects of the said Company, and all Costs, Charges, and Expenses which the said Metropolitan Board may be put to by reason of such Superintendence shall be paid to the said Board by the Company on Demand.

For Protection of Sewers of Metropolitan and other Boards.

27. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of, or so as to interfere with any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the Metropolitan Board of Works, or of any Vestry or District Board constituted under "The Metropolis Local Management Act, 1855," or any Act or Acts amending the same or extending the Powers thereof, or with any Sewers or Works to be made or executed by the said Boards or Vestry or either of them, or shall or may in any way affect the Sewerage or Drainage of the Districts under their or either of their Control, the Company shall not commence such Work until they shall have given to the said Metropolitan Board, or to the District Board or Vestry, as the Case may be, Fourteen Days previous Notice in Writing of their Intention to commence the same by leaving such Notice at the principal Office of such Board or Vestry, as the Case may be, for the Time being, with a Plan and Section showing the Course and Inclination thereof and other necessary Particulars relating thereto, and until such Board or Vestry respectively shall have signified their Approval of the same, unless such Board or Vestry, as the Case may be, do not signify their Approval, Disapproval, or other Directions within Fourteen Days after Service of the said Plan, Sections, and Particulars as aforesaid, and the Company shall comply with and conform to all reasonable Orders, Directions, and Regulations of the said Metropolitan Board, and of the respective Boards or Vestries in the Execution of the said Works, and shall provide by new, altered, or substituted Works, in such Manner as such Boards or Vestries respectively may deem necessary for the proper Protection of, and for preventing Injury or Impediment to, the Sewers and Works hereinbefore referred to, by or by reason of the said intended Works or any Part thereof, and shall save harmless the said Metropolitan Board, District Board, and Vestry respectively against all and every the Expense to be occasioned thereby, and all such Works shall be done by or under the Direction, Superintendence, and Control of the Engineer, or other Officer or Officers of the said Metropolitan Board, District Board, or Vestry, as the Case may be, at the Costs, Charges, and Expenses in all respects of the Company, and all Costs, Charges, and Expenses which the said Metropolitan Board or any District Board or Vestry may be put to by reason of such Superintendence shall be paid to such Boards or Vestry by the Company on Demand,

and when any new, altered, or substituted 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 thereafter be as fully and completely under the Direction, Jurisdiction, and Control of the said Metropolitan Board, District Boards, and Vestry respectively, as the Case may be, as any Sewers or Works now are or hereafter may be, and 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 said Metropolitan Board, District Boards, and Vestries, or any or either of them, 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.

As to providing Appeals to Arbitration.

28. If the said Metropolitan Board of Works or any Vestry or District Board as aforesaid and the Company shall differ upon or with reference to any Plans, Elevations, Sections, and other Particulars which, under the Provisions of this Act, are to be delivered by the Company to the said Metropolitan Board or to the Vestry or District Board, or as to the Mode of carrying out the same, or as to any other Matter or Thing arising out of the said Plans, Elevations, Sections, and Particulars, or any of the Clauses or Provisions of this Act, every such Difference shall, on the Application of the Company or of the Metropolitan Board of Works, or of the Vestry or District Board, as the Case may be, be referred to an Arbitrator to be named by the Board of Trade to determine, and such Arbitrator shall have Power to determine by whom and in what Manner the Costs of and incident to the Reference shall be paid.

Lodging Houses not to be taken without Notice given.

29. The Company shall, not less than Eight Weeks before, under the Powers of this Act, they take compulsorily in any City, Town, or Parish Houses amounting to Fifteen in Number occupied by Persons belonging to the Labouring Classes either wholly or partially as Tenants or Lodgers, make known their Intention to take such Houses by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses, and the Company shall not take compulsorily any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner required by this Provision; and upon Production to any Justice of such Evidence as he shall think sufficient such Justice shall grant such Certificate accordingly.

Powers for compulsory Purchases limited.

30. The Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

31. It

Lands for extraordinary Purposes.

31. It shall be lawful for the Company to purchase by Agreement and not compulsorily for extraordinary Purposes as defined in "The Railways Clauses Consolidation Act, 1845," any Lands not exceeding One Acre.

Limiting Time for Completion of Works.

32. The Railways shall be completed within Three Years from the passing of this Act, and upon the Expiration of that Period all the Powers by this Act granted for making the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Security for Completion of Railways within Time limited.

33. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Twenty-five thousand three hundred and thirty-five Pounds Stock in the Three Pounds *per Centum* Consolidated Bank Annuities purchased for the Price or Sum of Twenty-two thousand eight hundred Pounds has been transferred into the Name of the Accountant General of the Court of Chancery in *England:* And whereas the said Sum of Twenty-two thousand eight hundred Pounds is Eight *per Centum* upon the Amount of the Estimate of Expense of the intended Railways comprised in this Act as introduced into Parliament: And whereas during the Progress of this Act through Parliament certain Portions of the Lines of Railway originally comprised therein have been omitted therefrom: And whereas the Expense of the Railways and Works by this Act authorized is estimated at the Sum of One hundred and sixty-five thousand Pounds, and Eight *per Centum* upon that Sum amounts to Thirteen thousand two hundred Pounds, and the Sum of Fourteen thousand six hundred and sixty-eight Pounds Stock as aforesaid is equivalent to the said Sum of Thirteen thousand two hundred Pounds at the Price at which the said Sum of Twenty-five thousand three hundred and thirty-five Pounds Stock was originally purchased as aforesaid: Therefore, notwithstanding anything contained in the said recited Act, the Sum of Fourteen thousand six hundred and sixty-eight Pounds Stock, Part of the said Sum of Twenty-five thousand three hundred and thirty-five Pounds Stock so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends of that Sum, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons, or the Majority of the Persons, named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid

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up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sum of Fourteen thousand six hundred and sixty-eight Pounds Stock 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 Thirteen thousand two 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 a Sum equal to the said Sum of Thirteen thousand two hundred Pounds if the Company shall not within the Time limited for the Completion of the Railways either open the same 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 authorized to be raised by means of Shares, and have expended for the Purposes of the Railways 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 the said Sum of Fourteen thousand six hundred and sixty-eight Pounds Stock, and the Interest or Dividends thereof, shall be paid or transferred 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, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum so deposited, 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 said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

34. On

Release of Balance of Stock transferred.

34. On the Application of the Persons named in the Warrant or Order by which the Transfer of the said Sum of Twenty-five thousand three hundred and thirty-five Pounds Stock as aforesaid was directed to be made, or of the Survivor of such Persons, or of the Executors or Administrators of such Survivor, by Petition in a summary Way, the High Court of Chancery may and shall order that the Sum of Ten thousand six hundred and sixty-seven Pounds Stock, Balance of the said Sum of Twenty-five thousand three hundred and thirty-five Pounds Stock as aforesaid, after deducting therefrom the said Sum of Fourteen thousand six hundred and sixty-eight Pounds Stock, and the Interest and Dividends thereof, be respectively transferred and paid to the Parties or Party so applying, or to any other Person or Persons whom they or he may appoint in that Behalf.

Tolls.

35. The Company may demand any Tolls for the Use of the Railways, not exceeding the following; (to wit,)

On Goods and Merchandise.

In respect of the Tonnage of all Articles conveyed upon the Railways or any Parts thereof respectively, as follows:

Class 1. For all Coals, Cinders, 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 in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

Class 2. For all Coke, Culm, and Charcoal, 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 One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 3. For all Sugar, Grain, Corn, Flour, Meal, Bread, Potatoes, Hay, Straw, Flax, Tow, Linen or Cotton Yarns, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

Class 4. For all Cotton and other Wools, Drugs (except Vitriol), 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 Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 5. And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform belonging to the Company, *per* Mile not exceeding Sixpence; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny; and a like 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 so conveyed may weigh.

On Passengers and Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railways or any Part thereof respectively, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny:

For every Horse conveyed in or upon any such Carriage, not exceeding Fourpence *per* Mile; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny *per* Mile; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile not exceeding One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny.

36. The

Maximum Rates of Charge for Passengers.

36. The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers along the Railways, or any Parts thereof respectively, including the Tolls for the Use of the Railways and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums; (that is to say,)

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

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

For every Passenger conveyed in a Third-class Carriage, One Penny *per* Mile.

Restriction as to Charges not to apply to Special Trains.

37. The Restriction as to Charges to be made for Passengers shall not extend to any Special Train that may be required to be run upon the Railways, but shall apply to every Express and Ordinary Train appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the Railways.

Passengers Luggage.

38. Every Passenger travelling upon the Railways may carry with him in his own Charge 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 Rates for Animals and Goods.

39. The maximum Rates of Charges to be made by the Company for the Conveyance of Animals and Goods, including the Tolls for the Use of the Railways and Waggons or Trucks, and for locomotive Power, and every other 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 Duty or Business 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 Matters herein-before mentioned under Class 1, One Penny Halfpenny *per* Ton *per* Mile:

For all Matters mentioned under Class 2, Twopence *per* Ton *per* Mile:

For all Matters mentioned under Class 3, Threepence *per* Ton *per* Mile:

For all Matters mentioned under Classes 4 and 5, Fourpence *per* Ton *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Fourpence *per* Mile:

For every Ox, Cow, Bull, or Neat Cattle, the Sum of Threepence *per* Mile:

For every Calf, Pig, Sheep, or Lamb, or other small Animal, the Sum of One Penny *per* Mile.

Regulation as to Tolls.

40. The following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railways for a less Distance than Three Miles the Company may demand 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 Animals, Minerals, and Merchandise, for such Fraction, in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and single Articles of great Weight.

41. With respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand any Tolls not exceeding the following; (that is to say,)

For the Carriage of any Parcel not exceeding Seven Pounds in Weight, Threepence:

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

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

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

For any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum 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,

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 Boiler, Cylinder, 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.

Terminal Station defined.

42. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railways which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Company may take increased Charges by Agreement.

43. Nothing herein contained shall be held to prevent the Company from taking any increased Charge 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 thereof (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Company not bound to carry Manure, &c.

44. The Company shall not be bound to carry on their Railways any Nightsoil, Dung, Manure, Compost, or other offensive Matter.

Traffic Arrangements.

45. The Company on the one Part and the Two Companies or any One or more of those Companies on the other Part may from Time to Time enter into and carry into effect Contracts or Agreements with respect to the following Purposes, or any of them, and any incidental Matters; (that is to say,)

The Maintenance, Management, Use, and Working by any or either of the contracting Companies of all or any Part of the Railways and Works of the other or others of them, and of all or any of the Stations, Works, and Conveniences belonging thereto, and the Costs and Expenses thereof:

The Regulation, Management, and Transmission by any or either of the contracting Companies of the whole or any Part of the Traffic thereon:

The Supply, Maintenance, and Use of any Rolling or Working Stock and Plant required for such Purposes, and the Employment, Payment, and Dismissal of Officers and Servants:

The Fixing, Collection, Payment, Division, Appropriation, and Distribution of the Tolls and other Income and Profits arising from such Railways and Works:

And any such Contract or Arrangement may be made for the same Period of Time with reference to all the Purposes of the Contract, or for different Periods with reference to different Purposes.

Tolls may be taken by other Companies subject to Working Agreements.

46. If under the Provisions of this Act, or of "The Railways Clauses Consolidation Act, 1845," or any Contract or Agreement authorized by this Act, the Company agree with any other Company for the Use by any such other Company of the Railways, then and in such Case during such Contract or Agreement Tolls and Charges not exceeding such as are authorized by this Act may be demanded and taken by such other Company upon or in respect of the Railways, in accordance with the Terms and Stipulations of such Contract or Agreement, and such Tolls and Charges, or any agreed proportionate Part thereof, shall be paid over to the Company or be retained by such other Company for their own Use or Benefit, subject to such Deductions, Payments, or Liabilities as may be provided for in such Contract or Agreement.

Tolls partly on Railways and partly on Railways of other Companies.

47. Where under this Act any Passengers, Animals, or Things are conveyed by any Company other than the Company by this Act incorporated for a Distance less in the whole than Three Miles, partly on the Railways by this Act authorized and partly on any other Railway worked over by such other Company, such other Company may demand and take Tolls, Fares, Rates, and Charges not exceeding the maximum Tolls, Fares, Rates, and Charges as for Three Miles only; and for a Fraction of a Mile beyond Three Miles that Company may, with respect to Goods and Animals, demand Tolls 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 with respect to Passengers every Fraction of a Mile beyond Three Miles shall be deemed a Mile, and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods conveyed as aforesaid than the Charge in this Behalf herein authorized.

Interest or Dividend not to be paid on Calls paid up.

48. It shall not be lawful for the Company, out of any Money by this Act 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 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 contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

49. It

Deposit for future Bills not to be paid out of Company's Capital.

49. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, 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.

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

50. Nothing in this Act contained shall exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or to 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 by this Act respectively authorized.

Expenses of Act.

51. All Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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