CHAP. lxix.

An Act to extend the Edgware, Highgate, and London Railway to Harrow. [12th July 1869.]

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WHEREAS the extension of the Edgware, Highgate, and London Railway to Harrow in Middlesex would be attended with great local and public advantage:

And whereas the estimated expense of the extension is forty-five thousand pounds, and the persons herein-after named, with others, are willing, at their own expense, to construct the railway:

And whereas a plan and section of the railway, showing the line and levels thereof, with a book of reference to the plan containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands through which the said railway will pass, have been deposited with the clerk of the peace for Middlesex, and are herein-after referred to as the deposited plan, section, and book of reference:

And whereas the purposes aforesaid cannot be accomplished 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 all purposes as "The Harrow, Edgware, and London Railway Act, 1869."

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," Parts I. and III. of "The Companies Clauses Act, 1863," (relating respectively to "cancellation and surrender of shares" and to "debenture stock,") "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part I. (relating to construction of a railway) of "The Railways Clauses Act, 1863,"

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shall (except where expressly varied by this Act) be incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the company" shall mean the company incorporated by this Act; and the words "the undertaking" or "the railway" shall mean the railway and the works connected therewith by this Act authorized to be constructed; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially incorporated therewith, 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.

Subscribers incorporated.

4. John Chapman, Patrick John Connelly, Thomas Charles Hudson, James Roast, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Harrow, Edgware, and London 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 and other purposes, and their undertaking shall be called "The Harrow, Edgware, and London Railway."

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the company may make and maintain, in the line and according to the levels shown on the deposited plan and section, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plan and described in the deposited book of reference as may be required for that purpose:

The railway herein-before referred to, and authorized by this Act, will be wholly situate in the county of Middlesex, and is a railway three miles six furlongs and three chains in length, commencing by a junction with the Edgware, Highgate, and London Railway near the termination of that railway, and terminating at Harrow on the Hill.

Capital.

6. The capital of the company shall be forty-five thousand pounds in four thousand five hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

7. The company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

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

Power to borrow.

9. The company may from time to time borrow on mortgage any sum not exceeding in the whole fifteen thousand pounds, but no part thereof shall be borrowed until the whole capital of forty-five thousand pounds is subscribed for, 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 subscribed for, 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 subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

10. The mortgagees of the company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Application of monies.

11. All monies raised under this Act, whether by shares or borrowing, shall be applied to the purposes of this Act only.

First ordinary meeting.

12. The first ordinary meeting of the company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the company shall be held in the months of February or March and of August or September in every year.

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Quorum of general meetings.

13. The quorum of general meetings of the company shall be five shareholders present in person or by proxy holding in the aggregate not less than five thousand pounds in the capital of the company.

Number of directors.

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

Qualification of directors.

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

Quorum.

16. The quorum of a meeting of directors shall be three whilst the number of directors is more than three, and two when their number is reduced to three.

First directors.

Election of directors.

17. John Chapman, Patrick John Connelly, Thomas Charles Hudson, and James Roast shall be the first directors of the company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power 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 in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

18. 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.

Powers for compulsory purchases limited.

19. The powers of the company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

As to crossing the turnpike road.

20. Whereas it is intended to carry the railway by means of a bridge over the Edgware Road in Edgware, and also to make a terminus station within fifty yards on the east side of the Harrow Road where that road crosses the Pinner Road in a cutting eighteen

feet deep: And whereas the said turnpike roads are roads under the charge of the Commissioners of the Metropolis Turnpike Roads North of the Thames: Therefore it shall not be lawful for the company to alter or in any way interfere with the lines or levels of the said roads, and the company shall make, and for ever thereafter keep, repair, and maintain, the said bridge of a space wide enough to preserve the present width of the said turnpike road and footpaths, and not less wide than forty feet measured on the square, and shall leave under the said bridge a clear headway of not less than sixteen feet over the said turnpike road and every part thereof, and over the footpaths and every part thereof of not less than eight feet; and the company shall erect and place, and for ever thereafter keep, repair, and maintain, parapet walls of not less than six feet six inches in height at least from the level of the rails of the said railway on each side of the said railway, and also from the four ends of such parapet walls screen fences or close fences for one hundred and fifty feet in continuation of such parapet walls along both sides of the said railway, and shall set under the said bridge, and for one hundred feet on each side thereof, granite curbs at the edges of the footpaths by the sides of the said road, and shall restore all drains that may be interfered with or substitute others, so that the said road may be effectually drained to the satisfaction of the said general surveyor of the said commissioners; and the company shall at their own expense do all the works aforesaid, whether of original construction or of maintenance, and provide all materials necessary for such works.

Notice to be given to the surveyor of the commencement of the works, who may require a temporary road.

21. It shall not be lawful for the company to commence any works in any way interfering with the said turnpike road until ten days after the company shall have given notice of their intention to commence such works, and shall have delivered plans and drawings of the same to the general surveyor of the said commissioners, and shall have explained in writing to such general surveyor in what way the company propose to carry on such works; and if the said general surveyor shall thereupon require a sufficient temporary road to be made by the company instead of the road to be crossed, then the company shall make and substitute such sufficient temporary road before they interfere with the existing road, and shall maintain the same until the restoration of the existing road, and be liable to the same penalties for failing to make and after notice to maintain such substituted road as is and are provided by "The Railways Clauses Consolidation Act, 1845," with respect to substituted roads, and the failure to make the same; and, unless such temporary road shall be required, the company shall during the making of such

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bridge at all times keep open and uninterrupted for the traffic of the public a clear width of twenty feet of the present road, and one footpath, and all necessary measures of precaution for the public safety during the progress of the works of the railway and bridge, including the fencing of the works, and lighting and watching the same, shall be adopted by and at the expense of the company; and the company shall save harmless the said commissioners in respect of all accidents and damages which may happen by reason of the said works of the company; and the company shall finish and complete all works, matters, and things connected with the bridge, and restore and give to the public the uninterrupted use of the same road and footpaths as aforesaid, within six months from the day on which the same shall be first interfered with; and all such works shall be done under the superintendence from time to time and to the satisfaction of the said general surveyor, and the materials thereof shall be good and sufficient for the respective purposes for which such materials shall be used, and of such descriptions respectively as shall be approved of by the said general surveyor; and in case the company shall fail to do or to maintain and repair any works according to the provisions herein-before contained, and the company shall not, upon being by the said general surveyor required so to do, proceed forthwith to do or to repair such works to his satisfaction, then and in any of such cases it shall be lawful for the said general surveyor to cause all such works and repairs to be made and done as he in his discretion shall think fit, and all costs and expenses of such works and repairs shall be paid, on demand, by the company, or, in default of payment for twenty-one days after such demand, may be recovered by the said commissioners from the company, with full costs of suit, by action in any court of competent jurisdiction.

Alterations may be made in the works, with the consent of the commissioners.

22. It shall be lawful for the said commissioners and company to agree with each other for carrying of the said railway over the road in any other manner than is herein-before mentioned or provided for, and for the making, doing, and maintaining by the company of all such works as may be necessary or expedient for the purposes aforesaid; and in case of any such agreement it shall not be binding on the company to do such of the works, matters, and things required to be done by them as shall be by the said agreement expressly dispensed with by the said commissioners.

As to crossing London and North-western Railway.

23. The railway shall be carried over the London and North-western Railway, and its lands adjoining thereto, in the line shown on the deposited plans, according to plans to be reasonably approved in writing by and executed under the superintendence and to the

reasonable satisfaction in all respects of the principal engineer for the time being of that company in all things at the expense of the company, and by means of a girder bridge having three spans, the centre opening of not less than fifty feet in the clear measured on the square, and the other openings on each side of such centre opening each of not less than fifteen feet in the clear measured on the square, and each with a clear headway of fifteen feet for the entire width, and such railway and works shall be so carried over and executed respectively by such means and in such manner only as not to interfere with the free, uninterrupted, and safe user of the London and North-western Railway, or the working of the traffic thereon.

Maintenance of works.

24. The company shall at all times maintain the bridge and other works by which the railway shall be so carried over the London and North-western Railway and the said lands in substantial repair and good condition to the reasonable satisfaction in all respects of such last-mentioned engineer, and if and whenever the company fail so to do the London and North-western Railway Company may make or do, in and upon as well the lands of the company as their own lands, all such works and things as such engineer may reasonably think requisite in that behalf, and the sum from time to time certified by him to be the reasonable amount of the expenditure of the London and North-western Railway Company in that behalf shall be repaid to them by the company, and in default of payment may be recovered by the London and North-western Railway Company from the company, with full costs, in any court of competent jurisdiction.

Interference with lands of London and North-western Company.

25. The company shall not take, use, enter upon, or interfere with the London and North-western Railway or its works, or any of the lands or property belonging to or under the power of the London and North-western Railway Company, or which that company has power to purchase or take, without obtaining in every case the previous consent in writing of that company under their common seal, except only so far as shall be absolutely necessary for executing and maintaining the bridge and other works by which the railway is so to be carried over the London and North-western Railway.

To acquire easements only as regards London and North-western Company.

26. With respect to the London and North-western Railway, and the lands or property of the London and North-western Railway Company which the company are by this Act authorized to use, enter upon, or interfere with, the company shall not purchase or take the same, but they may purchase and take, and the London and North-

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western Railway Company may and shall sell and grant accordingly, an easement or right of using the same respectively for the purposes for which but for this enactment the company might purchase and take the same respectively.

Saving rights of London and North-western Company.

27. Except as by this Act is expressly provided, nothing herein contained shall extend to prejudice, diminish, alter, take away, or interfere with any of the rights, privileges, powers, or authorities vested in or enjoyed by the London and North-western Railway Company.

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

28. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of two thousand two hundred and fifty pounds, being five per centum upon the amount of the estimate in respect of the railway authorized by this Act, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum of two thousand two hundred and fifty pounds so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the said company shall, previously to the expiration of the period limited by this Act for completion of the railway hereby authorized to be made, either open the said railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said 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 this Act a sum equal in amount to such one half of the said capital, and if the said period shall expire before the said company shall either have opened the said railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the lords of the said committee, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the lords of the said committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application of deposit.

29. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be

applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them; provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of railway.

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

Tolls.

31. The company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

For passengers.

In respect of passengers and animals conveyed upon the railway or any part thereof, as follows:

For every person twopence per mile; and if conveyed in or upon a carriage belonging to the company an additional sum of one penny per mile:

For animals.

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 of one penny per mile:

Class 2. For every ox, cow, bull, or head of neat cattle, twopence per head per mile; and if conveyed in or upon a carriage be-

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longing to the company an additional sum of one penny per mile:

Class 3. For every calf, pig, sheep, lamb, and other small animal, one penny each per mile; and if conveyed in or upon a carriage belonging to the company an additional sum of one halfpenny per mile.

For goods.

In respect of goods conveyed on the railway or any part thereof, as follows:

Class 4. For all dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, coal, cinders, coke, culm, cannel, ironstone, iron ore, limestone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile one penny halfpenny; and if conveyed in a carriage belonging to the company an additional sum per ton per mile of one halfpenny:

Class 5. For all pig iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, charcoal, chalk, lime, bricks, salt, sand, fire-clay, slag, and stone, except as aforesaid, per ton per mile twopence; and if conveyed in a carriage belonging to the company an additional sum per ton per mile of one halfpenny:

Class 6. For all sugar, grain, corn, flour, hides, dye woods, earthenware, timber, staves, deal, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile twopence halfpenny; and if conveyed in a carriage 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 a carriage belonging to the company an additional sum per ton per mile of one penny:

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 belonging to the company, sixpence per mile, 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 may weigh.

Tolls for propelling power.

32. The toll 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, in addition to the several other tolls or sums by this Act authorized to be taken.

Regulations as to tolls.

33. 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, or goods conveyed on the railway for a less distance than two miles, the company may demand tolls and charges as for two miles:

Fractional parts of a mile.

For a fraction of a mile beyond two miles or beyond any greater number of miles the company may demand tolls and charges on animals and goods for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile, and 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 usual 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 in proportion for any smaller quantity.

Tolls for small parcels and articles of great weight.

34. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding 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, as follows:

For any parcel not exceeding seven pounds in weight, threepence:

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

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

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

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

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

For the carriage of single articles of great weight, as follows:

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

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the company may demand such sum as they think fit.

Maximum rates for passengers.

35. The maximum rate of charge to be made by the company for the conveyance of passengers upon the railway, 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, 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 halfpenny per mile.

Maximum rates for animals and goods.

36. The maximum rate of charge to be made by the company for the conveyance of animals and goods, except such small parcels and single articles of great weight as aforesaid, on the railway, 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 one penny halfpenny per mile:

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

For everything in Class 5 twopence halfpenny 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, carried on a truck or platform, per mile sixpence, and for every quarter of a ton beyond one ton one halfpenny.

Passengers luggage.

37. 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.

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

Restrictions as to charges not to apply to special trains.

39. 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 make increased charges by agreement.

40. 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.

Interest not to be paid on calls paid up.

41. The company shall not, out of any money by this Act authorized to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

42. The company shall not, out of any money by this Act authorized 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 authorizing the company

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to construct any other railway or to execute any other work or undertaking.

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

43. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorized to be made from the provisions of any general Act relating to railways, or the better or more impartial audit of the accounts of railway companies, now in force, or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorized by this Act.

Expenses of Act.

44. 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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