ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. ccxliv.

An Act for incorporating a Company; and for making and maintaining the *Hawes and Melmerby* Railway; and for other Purposes.

[5th *July* 1865.]

WHEREAS the making and maintaining Railways from *Hawes* to *Leyburn*, and from the *Bedale* and *Leyburn* Branch of the *North-eastern* Railway Company in the Parish of *Fingall* to a Junction with their Railway near *Melmerby* in the County of *York*, would be of public and local Advantage: And whereas the several Persons in that Behalf in this Act named with others are willing at their own Expense to execute the Undertaking: And whereas Plans and Sections showing the Lines and Levels of the Railways and Works by this Act authorized to be made and the Lands to be taken for the Purposes thereof, and Books of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands have been deposited with the Clerk of the Peace for the North Riding of the County of *York*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas it is expedient that the *North-eastern* Railway Company (herein-after called the *North-eastern* Company) be authorized to subscribe towards the Funds of the

the Company, and to enter into Agreements as herein-after provided: And whereas the Objects of this Act cannot be attained 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 for all Purposes be cited as "The *Hawes and Melmerby* 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," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of "The Railways Clauses Act, 1863," (relating to the Construction of a Railway and to Working Agreements,) and Part II. of "The Companies Clauses Act, 1863," (relating to additional Capital,) save so far as any of the Clauses and Provisions of those Acts respectively are varied or excepted by or are inconsistent with this Act, are incorporated with this Act.

Same Meaning of Words as in incorporated Acts.

3. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Incorporation of Company.

4. Colonel *Henry Van Straubenzee*, *Lightly Simpson*, *George Lightfoot*, and all other Persons or Corporations who have already subscribed or shall hereafter subscribe to the Undertaking or take Shares in the Capital of the Company, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purposes of the Undertaking by this Act authorized, and for those Purposes are by this Act incorporated by the Name of "The *Hawes and Melmerby* Railway Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, sell, and otherwise dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and to exercise the other Powers by this Act conferred upon them.

Capital.

5. The Capital of the Company shall be Three hundred and fifty thousand Pounds in Thirty-five thousand Shares of Ten Pounds each.

6. It

Shares not to issue until One Fifth paid up.

6. 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.

Calls.

7. Two Pounds a Share shall be the greatest Amount of any One 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 Calls in any One Year on any Share.

Power to borrow on Mortgage.

8. When the whole of the Capital of Three hundred and fifty thousand Pounds has been subscribed, and One Half thereof paid up, the Company may borrow on Mortgage any further Sum or Sums of Money not exceeding in the whole One hundred and sixteen thousand Pounds, but no Part of such last-mentioned Sum of One hundred and sixteen thousand Pounds shall be borrowed until the whole of the said Capital of Three hundred and fifty thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify, under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said Capital of Three hundred and fifty thousand Pounds 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 the Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Arrears may be enforced by Appointment of a Receiver.

9. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages, by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Six thousand Pounds.

Application of Monies.

10. All and every Part of the Monies by this Act authorized to be raised by the Company by Shares and by borrowing respectively shall be applied only to the Purposes of this Act.

First Ordinary Meeting of the Company.

11. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August*, or such other Months as the Directors shall from Time to Time appoint.

12. The

Newspapers for Advertisements.

12. The Newspapers for Advertisements shall be any Newspapers published and circulating in the County or City of *York*.

Number and Qualification of Directors.

13. Subject to the Provisions herein contained for reducing the Number of the Directors, the Number of Directors shall be Eight, and the Qualification of a Director shall be the Possession of not less than Fifty Shares in the Undertaking.

Quorum of Directors.

14. The Quorum of a Meeting of Directors shall be Five, and if the Number be reduced to Five the Quorum shall be Three.

First Directors.

15. Colonel *Henry Van Straubenzee*, *Lightly Simpson*, *George Lightfoot*, *Harry Stephen Thompson*, *George Leeman*, *Henry Pease*, *Isaac Wilson*, and *William Rutherford Hunter* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting of the Company after the passing of this Act.

Election of Directors at First Ordinary Meeting.

16. At the First Ordinary Meeting of the Company the Shareholders present personally or by proxy may continue in Office the First Directors or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the First Directors appointed as aforesaid being eligible to be elected as Members of such new Body.

Subsequent Election of Directors.

17. At the First Ordinary Meeting to be held every Year after the Year in which the First General Meeting shall be held, the Shareholders present personally or by proxy shall 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 the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Power to reduce Number of Directors.

18. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Five.

Power to take Lands for Works authorized by Act.

19. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands and Property shown on the deposited Plans and described in the deposited Books of Reference as the Company may from Time to Time require for the Construction of the Railways by this Act authorized, and of Works necessarily incidental thereto.

20. The

Powers for compulsory Purchases limited.

20. 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 after the passing of this Act.

Lands for extraordinary Purposes.

21. The Company, by Agreement, from Time to Time may purchase any Quantity of Land not exceeding in the whole Five Acres for any of the extraordinary Purposes expressed in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Period for Completion of Railways and Works.

22. The Railways shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for making the same respectively or otherwise in relation thereto shall cease to be exercised, except as to so much of the same respectively as is then completed.

Power to make Works authorized by Act.

23. Subject to the Provisions of this Act and of the Acts and Parts of Acts incorporated herewith the Company from Time to Time may make the several Works by this Act authorized in the Lines and according to the Levels respectively shown on the deposited Plans and Sections and in and upon the Lands delineated on those Plans and described in the deposited Books of Reference.

Works authorized.

24. The Works by this Act authorized comprise the following Railways, with all proper Stations, Sidings, Bridges, Roads, Approaches, or Communications, and other incidental Works and Conveniences; (that is to say,)

A Railway commencing in the Township of *Hawes* in the Parish of *Aysgarth* in the North Riding of the County of *York* in a Field belonging to *Thomas Metcalfe* and others, and numbered 103. on the deposited Plans, and terminating in the Parish of *Wensley* in the said North Riding by a Junction with the *Bedale* and *Leyburn* Branch of the *North-eastern* Railway:

A Railway commencing in the Parish of *Fingall* by a Junction with the said *Bedale* and *Leyburn* Branch, and terminating in the Parish of *Wath* in a Field belonging to the Marquis of *Ailesbury* numbered 16. on the deposited Plans:

A Railway, wholly in the said Parish of *Wath*, commencing at the Termination of and by a Junction with the Railway secondly authorized in a Field belonging to the Marquis of *Ailesbury* and occupied by *Francis Wells*, and terminating by a Junction with the *North-eastern* Railway near the *Melmerby* Station.

Level Crossing.

25. Subject to the Provisions of this Act, the Company may carry the Railway with not more than One Line so long as the Railway is a single Line, and not more than Two Lines of Railway when the

Railway is a double Line, across and on the Level of the Road numbered on the said deposited Plans as follows; to wit,

No. on Plan.	Parish.	Description of Road.
21	Kirklington with Upsland -	Public Road.

Inclination of Roads.

26. As regards the Roads herein-after mentioned, the Company may make those Roads when altered of any Inclinations not steeper than the respective Inclinations following; namely,

No. on Plan.	Parish.	Description of Road.	Rate of Inclination.
251	Aysgarth -	Public Road -	1 in 8 on one Side and level on the other.
341	Aysgarth - -	Turnpike Road -	1 in 8.
453	Aysgarth -	Public Road -	1 in 11 on one Side.
16b	Wensley - -	Public road -	1 in $8\frac{1}{2}$ on one Side and level on the other.
104	Wensley - -	Turnpike Road -	1 in 15 on one Side and level on the other.
168	Wensley - -	Public Road -	1 in 11 on one Side and level on the other.
22	Thornton Steward	Public Road -	1 in 12 on one Side and level on the other.
4	Thornton Watlass	Public Road -	1 in 14 on one Side and level on the other.
2a	Masham - -	Public Road -	1 in 14 on one Side and level on the other.
66	Masham - -	Public Road -	1 in 13 on one Side and level on the other.
51	West Tanfield -	Public Road -	1 in 15 on one Side and level on the other.

Height and Span of Arches.

27. In carrying the Railway over the several Roads numbered on the said Plans as follows, the Company may make the Arches for carrying the Railway over the Roads respectively of Height and Span not greater than as follows; (that is to say,)

No. on Plan.	Parish.	Description of Road.	Height of Arch.	Span of Arch.
			Feet.	Feet.
341	Aysgarth - -	Turnpike Road -	15	25
104	Wensley - -	Turnpike Road -	15	25
60	Masham - -	Turnpike Road -	15	25

Money deposited in the Court of Chancery to be forfeited to the

28. 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, the Sum of Forty-five thousand two hundred Pounds Bank New Three Pounds *per Centum* Annuities, being

being equal to a Sum of Forty thousand Pounds, and being Eight *per Centum* on the Amount of the Estimate of Expense of the Railways originally proposed to be authorized by this Act, has been transferred into the Name and with the Privity of the Accountant General of the Court of Chancery in *England*, pursuant to the said Act, in respect of the Application to Parliament for this Act; but, inasmuch as Part of the Undertaking originally proposed is abandoned, the Estimate of Expense of the Railways authorized by this Act is reduced to the Sum of Three hundred and fifty thousand Pounds: Be it enacted, That, notwithstanding anything contained in the said recited Act, so much of the said Sum of Forty-five thousand two hundred Pounds Bank New Three *per Centum* Annuities as was at the Time of the Transfer thereof equal to the Sum of Twenty-eight thousand Pounds (being Eight *per Centum* on the said reduced Estimate) so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as hereinafter mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivor or Survivors of them, unless the Company shall previously to the Expiration of the Period limited by this Act for the Completion of the Railways. either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of such 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 Lords of the said Committee, such Portion of the said Sum of Money transferred as aforesaid as was at the Time of such Transfer equal to the Sum of Twenty-eight thousand Pounds 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 Kingdon 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 Twenty-eight thousand 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

Crown in a certain Event.

Payment

Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Twenty-eight thousand Pounds if the Company shall not within the Time limited for the Completion of the Railways either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners then such Portion of the said Sum of Money so transferred as aforesaid as was equal to the Twenty-eight thousand Pounds at the Time of such Transfer, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest and 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 Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Court of Chancery may order Payment of surplus Deposit.

29. The Court of Chancery may order that so much of the said Sum of Forty-five thousand two hundred Pounds Bank New Three Pounds *per Centum* Annuities as was at the Time of the said Transfer equal to the Sum of Twelve thousand Pounds, and any Dividends thereon, may be transferred and paid to the Company, or to such Persons or Person as the Company may appoint, and upon such Order being made such Portion of the said Sum of Forty-five thousand two hundred Pounds Bank New Three Pounds *per Centum* Annuities as was at the Time of the said Transfer equal to the Sum of Twelve thousand Pounds, and the Dividends thereon, shall be transferred and paid to the Company, or to such Person or Persons as the Company shall appoint.

Tolls.

30. It shall be lawful for the Company to demand and take any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

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

Class 1. For all Coal, Dung, Compost, and all Sorts of Manure other than Guano and artificial Manures, Lime and Limestone,

and

and all undressed Materials for the Repair of public Roads or Highways, carried in Bulk, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 2. For all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, and Lead Ore, carried in Bulk, and for all Pig Lead, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

Class 4. For all Coke, Culm, and Cinders carried in Bulk, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

Class 5. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Threepence; and if conveyed in Carriages provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

Class 6. And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway and not weighing more than One Ton, carried and conveyed on a Truck or Platform belonging to the Company, *per* Mile not exceeding Sixpence, and a Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

In respect of Animals conveyed in Carriages upon the Railway: Tolls for Animals.

Class 7. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any Carriage belonging to the Company, *per* Mile not exceeding Threepence:

Class 8. For every Ox, Cow, Bull, or Head of Neat Cattle conveyed in or upon any Carriage belonging to the Company, *per* Mile not exceeding Twopence:

Class 9. For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage provided by the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

Tolls for Passengers.

In respect of Passengers conveyed in Carriages upon the Railway:

For every Person conveyed in or upon any Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage provided by the Company, an additional Sum *per* Mile not exceeding One Penny Halfpenny.

Tolls for propelling Power.

31. The Toll which the Company may demand and take for the Use of Engines for drawing or propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls by this Act authorized to be taken.

Maximum Charges for Passengers.

32. The maximum Charges to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and of Carriages and for locomotive Power, and for every other Expense incidental to such Conveyance, shall not exceed the following Rates; (that is to say,)

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

For every Passenger conveyed in a First-class Carriage by an Ordinary Train, Twopence Halfpenny *per* Mile:

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

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

Passengers Luggage.

33. Every Passenger travelling by the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Restriction as to Charges not to apply to Special Trains.

34. The Restrictions as to the Charges to be made for Passengers do not extend to any Special Train that is required to run on the Railway, but apply only to the Ordinary and Express Trains from Time to Time appointed by the Company for the Conveyance of Passengers, Animals, and Things on the Railway.

Maximum Charges for Goods and Animals.

35. The maximum Rate of Charge to be made by the Company for the Conveyance of Goods and Animals, including the Tolls for the Use of the Railway, and Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any

any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company, shall not exceed the following Sums; (that is to say,)

For all Articles comprised in Class 1, *per* Ton *per* Mile One Penny Halfpenny:

For all Articles comprised in Class 2, *per* Ton *per* Mile Twopence:

For all Articles comprised in Class 3, *per* Ton *per* Mile Threepence:

For all Articles comprised in Class 4, *per* Ton *per* Mile One Penny Three Farthings:

For all Articles comprised in Class 5, *per* Ton *per* Mile Threepence Halfpenny:

For every Carriage comprised in Class 6, and not weighing more than One Ton, carried and conveyed on a Truck or Platform, *per* Mile Sixpence, and for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton beyond One Ton which any such Carriage may weigh the further Sum of Twopence *per* Mile; and if conveyed for less than Fifteen Miles, for the whole Distance Seven Shillings and Sixpence:

For every Animal comprised in Class 7, *per* Mile Fourpence Halfpenny; and if for less than Fifteen Miles, for the whole Distance Five Shillings:

For every Animal comprised in Class 8, *per* Mile Threepence if only One, and if more than One, Twopence:

For every Calf or Pig, *per* Mile One Penny; and if for less than Twelve Miles, for the whole Distance One Shilling:

For every other Animal comprised in Class 9, *per* Mile Three Farthings; and if for less than Fifteen Miles, for the whole Distance One Shilling:

Regulations as to Tolls.

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

In respect of Passengers, Animals, and Articles conveyed upon the Railway for a less Distance than Four Miles the Company may demand Tolls and Charges as for Four Miles:

For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles the Company may, with respect to Goods, Minerals, and Animals, demand Tolls for such Fraction in proportion to the Numbers of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and with respect to Passengers, every Fraction of a Mile beyond Four Miles or any greater Number of Miles shall be deemed a Mile:

For every Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and

and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

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

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

Tolls for small Parcels and single Articles of great Weight.

37. 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 and take any Tolls not exceeding the Tolls following; (that is to say,)

For the Carriage of small Parcels on the Railway or any Part thereof, as follows:

If not exceeding Seven Pounds in Weight, Fourpence:

If exceeding Seven Pounds in Weight but not exceeding Fourteen Pounds in Weight, Sixpence:

If exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, Sevenpence:

If exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, Ninepence:

If exceeding Fifty-six Pounds in Weight but not exceeding One hundred and twelve Pounds in Weight, One Shilling and Fourpence:

If exceeding One hundred and twelve Pounds in Weight but not exceeding Two hundred and fifty Pounds in Weight, One Shilling and Eightpence:

And for Parcels exceeding Two hundred and fifty Pounds in Weight but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which including the Carriage provided by the Company shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which with the Carriage shall exceed Eight Tons, the Company may demand such Sum as they think fit.

38. No

Definition of Terminal Station.

38. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway 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.

39. Nothing in this Act contained shall prevent the Company from taking any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of the Goods, either with respect to the Conveyance thereof except small Parcels by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Power to Company and North-eastern Company to enter into Agreements.

40. The Company and the *North-eastern* Company may from Time to Time after the passing of this Act enter into and carry into effect all such Agreements for any of the Purposes for which they respectively are by this Act authorized to enter into Agreements as they from Time to Time think fit.

Purposes for which the Agreement may be made.

41. The Purposes for which such Agreements may be entered into between the said Companies, under the Authority of this Act, include the following Purposes, and all incidental Matters; (that is to say,)

First, the Maintenance, Management, working, and using by the *North-eastern* Company of the Railway and Works of the Company, and the Terms and Conditions thereof:

Secondly, the Traffic Facilities to be afforded by the *North-eastern* Company to the Company, and by the Company to the *North-eastern* Company, and the Terms and Conditions for the same:

Thirdly, the Interchange of Traffic between the Companies.

Railways to be continuous.

42. During the Continuance of such Agreement, in estimating the Tolls and Charges to be paid in respect of Articles or Persons conveyed partly on the Railway of the Company and partly on the Railway of the *North-eastern* Company, the Distances traversed shall be reckoned continuously as if the Railways were One Railway, and the Charges to be made in respect of the Railways so made continuous shall be the Tolls and Charges by this Act authorized; and if the Distance traversed by any such Traffic be for a less Distance than Four Miles, Tolls and Charges may only be charged as for Four Miles, and for each Mile or Fraction of a Mile beyond Four Miles as for One Mile, in addition to such Four Miles for Passengers, and for each Quarter of a Mile or Fraction thereof beyond Four Miles as for a Quarter of a Mile in addition to such Four Miles for Animals, Minerals, or Goods; and no other Short-distance Charge than one for Four Miles shall be made for traversing the Railway of the

Company and the Railway of the *North-eastern* Company, when united together under the Provisions herein-before contained.

Running Powers over Portion of Bedale and Leyburn Railway and Use of Stations.

43. The Company may run over, work, and use, with their Engines, Carriages, and Servants, or those of any other Company or Person, and for the Purposes of Traffic of all Kinds, so much of the *Bedale* and *Leyburn* Branch Railway of the *North-eastern* Company as lies between the Points of Junction with it of the Railways firstly and secondly by this Act authorized; and may also use all Stations between those Points and the *Leyburn*, *Spennithorne*, and *Melmerby* Stations, and the Booking Offices, Sidings, Works, and Conveniences, and Accommodations of or connected with those Stations.

Running Powers to North-eastern Company over Company's Railways.

44. The *North-eastern* Company may run, work, and use any Engines, Carriages, and Waggons, with their Servants properly accompanying the same, and may carry thereby Traffic of all Kinds over or along all or any Part of the Railways by this Act authorized, and may also use all the Stations, Booking Offices, Sidings, Works, Conveniences, and Accommodations connected therewith respectively, including the necessary Supply of Water and Gas.

Terms for such Use.

45. The Terms, Conditions, and Regulations for or in respect of the Use by the Company of the said Portion of the *Bedale and Leyburn* Railway, and the said Stations, Conveniences, and Accommodations connected, therewith or any Part thereof respectively, and by the *North-eastern* Company of the Railways by this Act authorized, and the Stations, Conveniences, and Accommodations connected therewith, or any Part thereof respectively, and for the Supply of Water and Gas by the one Company to the other, and the Tolls or other Considerations to be paid for the same respectively shall, if not agreed upon between the Company and the *North-eastern* Company, be from Time to Time determined by an Arbitrator to be appointed by the President for the Time being of the Institution of Civil Engineers: Provided that neither Company shall, without the Consent of the other, carry or interfere with any Traffic arising at any one Station and destined for Delivery at any other Station on the Railway of the other Company.

The North-eastern Company may subscribe for Shares.

46. The *North-eastern* Company may subscribe for or take and hold Shares in the Capital of the Company to any Amount not exceeding in the whole One hundred and seventy-five thousand Pounds, and may guarantee any Interest or Dividend, not exceeding the Rate of Five *per Centum per Annum*, on all or any Part of the Capital of the Company, and may appropriate and apply to the Purposes of this Act any of the Monies which under or by virtue of their existing Acts or of any other Act of the present Session of Parliament

Parliament they have raised or are or may be authorized to raise, and which shall not be wanted for the Purposes of those Acts: Provided that no such Subscription shall be made by the *North-eastern* Company without the Sanction of at least Three Fifths of the Votes of the Shareholders present in person or by proxy at an Extraordinary General Meeting of that Company specially convened for the Purpose; provided also, that it shall not be lawful for the *North-eastern* Company to transfer or part with any of the Shares in the Company held by them.

North-eastern Company may raise additional Capital either by new Stock or new Shares.

47. The *North-eastern* Company may raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to their Undertaking, or in part by each of those Means, the Sum of One hundred and seventy-five thousand Pounds in addition to and if thought fit along with the Sums of Money they are authorized to raise by any of their former Acts or may be authorized to raise by any other Act to be passed during the present Session of Parliament and which have not been raised; and all and every Part of the Money so to be raised shall be applied to the Purposes of this Act and to no other Purpose whatsoever; and the Monies or Capital by this Act authorized to be raised by the *North-eastern* Company may be raised by new Stock or Shares of that Company, either ordinary or preference, or both, and either alone or together with any other Monies or Capital which they may be then authorized so to raise.

Shares not to vest until Twenty per Cent. paid up.

48. The *North-eastern* Company shall not issue any such new Shares or Stock, nor shall any such new Shares or Portion of Stock vest in the Person accepting the same, until a Sum not being less than Twenty *per Centum* of the Amount of such new Shares or Portion of Stock shall have been paid up in respect thereof.

Rights of voting for new Shares or Stock to be in proportion to the nominal Amount thereof.

49. The new Shares or Stock by this Act authorized to be raised by the *North-eastern* Company shall, unless otherwise provided by the prescribed Terms of Issue or Creation, confer on the respective Holders or Proprietors thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Shares or Amount of such Stock, and not in proportion to the Number of such Shares, and for such Purposes every entire Sum of Fifty Pounds of such nominal Value of Shares or Amount of Stock shall be equivalent to One Share of Fifty Pounds in the original Capital of the *North-eastern* Company; and no Shareholder shall vote or be entitled to be present at the Meetings of that Company in respect of any Number of such new Shares or any Amount of such new Stock which shall constitute a less Interest in the Capital of that Company than Fifty Pounds.

50. The

New Shares or Stock may rank pari passu with others, if so determined, and the Dividends to be a Charge against joint Revenue.

50. The *North-eastern* Company may, by Resolution at the Meeting creating any of the new Shares or Stock by this Act authorized, determine that such new Shares or Stock shall rank *pari passu* with any other Shares or Stock of that Company created at that Meeting or subsequently, and also, if so determined, with any other Shares or Stock which shall have been created and issued subject to such a Contingency, and the Dividends thereon shall be payable accordingly, and shall be a Charge upon and payable out of the joint net Revenue of the *North-eastern* Company.

New Shares or Stock may be created subject to Redemption.

51. The *North-eastern* Company may, by Resolution at the Meeting creating any of the new Shares or Stock by this Act authorized, attach thereto a Condition that the same may be redeemed on the Terms then determined; and for the Purpose of such Redemption that Company may from Time to Time create and issue new Shares or Stock to an Amount not exceeding the aggregate Amount of the Shares or Stock proposed to be redeemed: Provided that the *North-eastern* Company may, subject to the Provisions of this Act, attach to the new Shares or Stock to be created for such Redemption any Rights or Privileges which by this Act they may attach to the Shares or Stock for which such new Shares or Stock are to be substituted, but so that the Dividend payable in respect thereof shall, in case such new Shares or Stock are made preferential, not exceed Four Pounds Ten Shillings *per Centum per Annum*.

Votes for North-eastern Company.

52. The *North-eastern* Company from Time to Time while holding Shares in the Capital of the Company may appoint any Person, whether a Shareholder of the Company or not, to vote on their Behalf at Meetings of the Company, and from Time to Time may revoke the Appointment, and appoint another Person in that Behalf; and every Person so appointed shall during his Appointment have the like Right of voting at the Meetings of the Company in right of the Shares from Time to Time so held by the *North-eastern* Company as if those Shares were held by him in his own Right.

Instruments of Appointment and Removal by the North-eastern Company.

53. Every such Appointment and Removal by the *North-eastern* Company of a Person to vote at Meetings of the Company shall be by Writing under the Hand of their Chairman or Secretary; and every such Instrument shall be transmitted to the Company, and an Entry thereof shall be made in the Minutes of the Proceedings of the Company.

Validity of the Instruments and Acts thereunder.

54. Unless and until the contrary be shown, every Instrument purporting to be the Instrument of any such Appointment or Revocation, and under the Hand of the Chairman or Secretary of the *North-*

North-eastern Company, and without any Proof except of his Signature thereto, shall be Evidence of the Appointment or Revocation purporting to be thereby made: Provided always, that notwithstanding it be afterwards discovered that there was some Defect in the Appointment of any such Person all his Votes and Acts as a Nominee of the *North-eastern* Company, and all Proceedings consequent thereon or relating thereto respectively, shall be as valid as if he were duly appointed.

Interest not to be paid on Calls paid up.

55. The Company and the *North-eastern* Company respectively shall not, out of any Money by this Act or any Act relating to the *North-eastern* Company authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made on the Shares held by him: Provided that the Company and the *North-eastern* Company respectively may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

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

56. The Company and the *North-eastern* Company respectively shall not, out of any Money by this Act or any Act relating to the *North-eastern* Company authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money 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 or the *North-eastern* Company to make any other Railway or execute any other Work or Undertaking.

Saving Rights of North-eastern Company.

57. Except only so far as is by this Act provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Estates, Rights, Interests, Powers, Privileges, or Authorities of the *North-eastern* Company.

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

58. Nothing in this Act shall exempt the Railway by this Act authorized or the Railways of the *North-eastern* Company 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or the Rates for small Parcels by this Act authorized.

Saving Rights of the Crown.

59. Nothing contained in this Act, or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of Act.

60. All the 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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