ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. lxxxvii.

An Act for authorizing the Construction of Railways in the County of *Northumberland*, to be called "The *Hexham and Allendale* Railway;" and for other Purposes. [19th *June* 1865.]

WHEREAS the Construction of a Railway commencing by a Junction with the *Newcastle-upon-Tyne and Carlisle* Line of the *North-eastern* Railway in the Parish of *Hexham*, and terminating in the Parish of *Allendale*, (in this Act defined as "Railway No. 1,") and of another Railway commencing by a Junction with the Terminus of the Railway firstly described, and terminating in the said Parish of *Allendale* near the Village of *Allenheads*, (in this Act defined as "Railway No. 2,") all in the County of *Northumberland*, (and which Railways are in this Act called "the Railway,") and the Incorporation of a Company (in this Act called "the Company") for that Purpose, would be of public and local Advantage: And whereas it is expedient that the Company to be so incorporated and the *North-eastern* Railway Company (in this Act called "the *North-eastern* Company") be empowered to enter into such Working and other Agreements as by this Act provided, and that the *North-eastern* Company be authorized to

subscribe to the Undertaking, and to raise Monies for the Purpose: And whereas it is expedient that certain Powers in relation to the Undertaking be conferred upon the Corporation of Commissioners of *Greenwich Hospital* as herein-after provided: And whereas Plans and Sections of the Railway, and a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which may be taken for the Purposes of the Undertaking, were deposited with the Clerk of the Peace for the County of *Northumberland* on or before the Thirtieth Day of *November* One thousand eight hundred and sixty-four: And whereas the Objects proposed to be attained 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 for all Purposes be cited as "The *Hexham and Allendale* 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," and Part I. (relating to Cancellation and Surrender of Shares), Part II. (relating to additional Capital), and Part III. (relating to Debenture Stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway) and Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act: Provided always, that the Word "Company" in the Sections of "The Companies Clauses Consolidation Act, 1845," numbered from 6 to 64 both inclusive, and 161 and 162, and in the said Parts I. and II. of "The Companies Clauses Act, 1863," includes the *North-eastern* Company: Provided also, that the 88th Section of "The Companies Clauses Consolidation Act, 1845," "with respect to the Rotation of Directors," shall not be applicable to the Directors appointed by the *North-eastern* Company and by the Commissioners of *Greenwich Hospital* respectively as herein-after provided.

Same Meaning to Words in incorporated Acts as in this Act.

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

4. The

As to Superior Courts, &c.

4. The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act and the Acts incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a Simple Contract Debt, and not a Debt or Demand created by Statute.

Interpretation of the Expression Commissioners of Greenwich Hospital.

5. The Expression "Commissioners of *Greenwich Hospital*" in this Act includes any Corporation, Commissioners, or Persons in whom the Estates, Lands, and Hereditaments of *Greenwich Hospital* may for the Time being be vested in trust for that Hospital.

Incorporation of Company.

6. *Wentworth Blackett Beaumont*, *Joseph Dinning*, *George Lee*, *Thomas Sopwith*, 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 Purposes of this Act by the Name of "The *Hexham and Allendale* Railway Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, hold, and dispose of Lands and other Property for the Purposes of this Act.

First Ordinary Meeting.

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

Quorum of Meetings.

8. The Quorum of a General Meeting of the Company shall be Five Shareholders present personally or by proxy, holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Scale of voting at General Meetings.

9. At any General Meeting of the Company every Proprietor present in person or by proxy shall have One Vote for every Share held by him in the Capital of the Company: Provided always, that no Proprietor shall be entitled to vote at any General Meeting in respect of any Share on which any Call then due shall remain unpaid.

Number and Qualification of Directors.

10. The Number of Directors shall be Seven, of whom Five shall be appointed by the Shareholders in the Company other than and except the *North-eastern* Company and the Commissioners of *Greenwich Hospital* (in this Act called "the general Shareholders"), and One shall be appointed by the *North-eastern* Company, and One by the Commissioners of *Greenwich Hospital*, when and so soon as they respectively think proper after they have respectively subscribed to the Undertaking as herein provided; and the Qualification of a Director appointed by the general Shareholders shall be the Possession

session in his own Right, or in right of his Wife, of Twenty-five Shares in the Company.

Power to reduce Number of Directors.

11. The Company from Time to Time may reduce the Number of Directors so that the Number be not reduced below Three, exclusive of the Directors (if any) appointed by the *North-eastern* Company and the Commissioners of *Greenwich Hospital* respectively.

Quorum of Directors.

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

First Directors.

13. *Wentworth Blackett Beaumont*, *Joseph Dinning*, *George Lee*, *Thomas Sopwith*, and One other Person to be elected at the First General Meeting of the Company after the passing of this Act, or at some subsequent General Meeting, as representing the general Shareholders, and a Director to be appointed by the *North-eastern* Company, and a Director to be appointed by the Commissioners of *Greenwich Hospital*, when and so soon as that Company and those Commissioners respectively think proper after they have respectively subscribed to the Undertaking as herein provided, shall be the First Directors of the Company.

Providing for First Election of Directors after passing of the Act.

14. The Directors appointed by this Act as representing the general Shareholders shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the general Shareholders present personally or by proxy may either continue in Office the Directors appointed by this Act as representing the general Shareholders or any Number of them, or may elect a new Body of such Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

As to Appointment of Directors by the North-eastern Company and Commissioners of Greenwich Hospital.

15. Every Appointment of a Director by the *North-eastern* Company or by the Commissioners of *Greenwich Hospital* respectively shall be made in Writing, and shall be deposited with the Secretary of the Company, and may in like Manner be revoked and renewed, and every Director so appointed shall enter upon Office immediately upon his Appointment, and shall remain in Office until his Appointment be revoked, or until he die or resign, and need not be a Shareholder in the Undertaking hereby authorized; but the Neglect of the *North-eastern* Company or of the Commissioners of *Greenwich Hospital* respectively from Time to Time to appoint a Director shall not invalidate the Acts of the Directors of the Company.

Provisions with respect to such Directors.

16. Provided, That if any Director appointed by the *North-eastern* Company or by the Commissioners of *Greenwich Hospital* respectively shall die or resign, or cease to act as a Director of the

the Company, that Company or those Commissioners may, in his Stead, appoint another Director.

Condition of Appointment.

17. Provided always, That until and unless the *North-eastern* Company and the Commissioners of *Greenwich Hospital* respectively subscribe and continue to hold Shares in the Capital of the Company to the Extent of Ten thousand Pounds at least they shall not be entitled to appoint or be represented by (as the Case may be) a Director of the Company.

Capital.

18. The Capital of the Company shall be One hundred and twenty thousand Pounds in Shares of Ten Pounds each; that is to say, Seventy-five thousand Pounds in respect of Railway No. 1, and Forty-five thousand Pounds in respect of Railway No. 2.

Calls.

19. Two Pounds a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and no greater Sum than Three Fourths of the Amount of any Share shall be called up in respect of any Share in any One Year.

Shares not to vest until One Fifth paid up.

20. The Company shall not 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.

21. The Company from Time to Time may borrow on Mortgage any Sum not exceeding in the whole Forty thousand Pounds, but no Portion thereof shall be borrowed until the whole of the Capital of One hundred and twenty thousand Pounds is subscribed for or taken, and One Half thereof is paid up: Provided always, that if the Company see fit, having reference to the Expediency of constructing the Railway in Sections, they may borrow such Sum of Forty thousand Pounds in manner following; that is to say, they may borrow any Sums not exceeding in the whole Twenty-five thousand Pounds when Seventy-five thousand Pounds, the Capital by this Act authorized in respect of Railway No. 1, shall have been subscribed for, and One Half thereof shall have been paid up, and they may borrow any further Sums not exceeding in the whole Fifteen thousand Pounds when Railway No. 1 shall have been completed, and when Forty-five thousand Pounds, the Capital by this Act authorized in respect of Railway No. 2, shall have been subscribed for, and One Half thereof shall have been paid up: Provided always, that no such borrowing shall take place until the Company have proved to the Justice who is to certify under the 40th Section of

"The Companies Clauses Consolidation Act, 1845," before he so certifies, that such respective 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 the Subscribers or their Assigns, and that for such Capital such Subscribers or their Assigns are legally liable; and the Certificate of such Justice shall be sufficient Evidence of such Proofs having been given.

Debenture Stock.

22. The Company may create and issue a Debenture Stock.

Application of Monies.

23. 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, and for no other Purpose.

Power to North-eastern Company to raise additional Monies.

24. The *North-eastern* Company may at any Time and from Time to Time, by an Order of any Ordinary or Extraordinary Meeting of that Company, raise such Sums of Money as they shall from Time to Time deem expedient, not exceeding in the whole the Sum of Ten thousand Pounds, exclusive of the Monies which they are or may be authorized to raise by any other Act or Acts of Parliament.

Such Shares not to issue until One Fifth paid up.

25. The *North-eastern* Company shall not 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.

Such additional Monies may be raised by Preference Shares.

26. For the Purpose of raising such Sums of Money the *North-eastern* Company may, with the Consent of Three Fifths of the Votes of the Shareholders present in person or by proxy at any Extraordinary Meeting of that Company, issue such and so many distinct Shares, of such Amount, and to be appropriated and disposed of in such Manner and to such Persons and on such Conditions, and with such Preference or Priority of Dividend not exceeding the Rate of Five Pounds *per Centum per Annum*, and either redeemable or not, and generally on such Terms, as by the Order of any such Meeting of that Company shall be determined: Provided always, that, except as by this Act is otherwise specially provided, all new Shares issued under the Powers of this Act shall, in proportion to the aggregate Amount thereof from Time to Time held by the same Person at the same Time, entitle the respective Holders thereof to the same Dividends and Profits, and confer on them the like Qualifications and the like Rights of voting, as the like Amount of existing Ordinary Share or Stock of that Company.

27. If

Power to raise Capital under any other Act of this Session and this Act by new Shares of One Class.

27. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the *North-eastern* Company be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, that Company may, if they think fit, raise by the Creation and Issue of new Shares of One and the same Class all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares.

Calls.

28. Provided, That Twenty Pounds *per Centum* on the nominal Amount of each of such new Shares shall be the greatest Amount of any One Call which the Directors of the *North-eastern* Company may make on the Shareholders in respect of the Money by this Act authorized to be raised by that Company, and Two Months at the least shall be the Interval between successive Calls; and the aggregate Amount of Calls on any One Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

Application of Monies.

29. All and every Part of the Money to be raised under this Act by the *North-eastern* Company shall be applied to the Purposes of this Act, and to no other Purpose.

Power to North-eastern Company to subscribe and to apply their Funds for that Purpose.

30. It shall be lawful for the *North-eastern* Company from Time to Time to subscribe towards and become Shareholders in the Undertaking hereby authorized to any Extent not exceeding in the whole Ten thousand Pounds, and the *North-eastern* Company may, with the Authority of Three Fifths of their Shareholders present personally or by proxy at an Extraordinary Meeting of that Company, contribute and apply in Payment of their said Subscription any Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking, and also any Monies which they are by this Act authorized to raise; and the *North-eastern* Company shall, in respect of the said Sums to be subscribed and the corresponding Shares of the Company to be held by them, have all the Powers, Rights, and Privileges (except in regard to voting at General Meetings which shall be regulated by the special Provisions herein-after contained), and be subject to all the Obligations and Liabilities, of Proprietors of Shares in the Company: Provided always, that the *North-eastern* Company shall not sell or dispose of any Shares in the Company which may be acquired by them under the Authority of this Act.

As to the Votes at General Meeting.

31. The *North-eastern* Company and the said Commissioners respectively, if they subscribe to the Undertaking, may, by Writing, from Time to Time appoint some Person to attend any Meeting of the

the Company, and every such Person shall have all the Privileges and Powers attaching to other Shareholders at such Meetings, and may vote thereat in respect of the Capital held by the *North-eastern* Company and the Commissioners respectively: Provided always, that during the Time that the *North-eastern* Company or the said Commissioners are respectively represented by a Director appointed by them as aforesaid they shall not be entitled to vote at any Meeting of the Company in regard to the Election of Directors, nor shall their respective Directors be entitled to vote at the Election of any Director to fill up any Vacancy which may occur among any of the other Directors of the Company.

Power to take Lands.

32. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans, and described in the deposited Books of Reference.

Powers for compulsory Purchases limited.

33. 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.

34. The Company may purchase by Agreement, in addition to the Lands by this Act authorized to be purchased compulsorily, any Quantity of Land for the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," not exceeding Ten Acres.

Notice to be given of taking of Houses of Labouring Classes.

35. The Company shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same 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 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 herein-before required.

Power to construct Works.

36. The Company, subject to the Provisions in this and the incorporated Acts contained, may make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations, in the Lines and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels described on the said Sections.

37. The

Description of Works.

37. The Railways by this Act authorized are as follows:

A Railway (No. 1.) in the County of *Northumberland* commencing in the Parish of *Hexham* by a Junction with the *Newcastle-upon-Tyne and Carlisle* Line of the *North-eastern* Railway at a Point about midway between the Dwelling Houses known respectively as "*The Spital*" and "*Kingshaw Green*," and at or near to a Milepost on the said *Newcastle-upon-Tyne and Carlisle* Line indicating the Distance from *Newcastle-upon-Tyne* to be Twenty-two Miles, and thence extending in, through, or into the said Parish and the Parishes of *Warden*, *Whitfield*, and *Allendale*, and terminating in the said Parish of *Allendale* at or near to the Path Foot in a certain Orchard or Garden belonging to *John Crozier*, and occupied by *James Pears*:

A Railway (No. 2.) in the said County commencing in the said Parish of *Allendale* by a Junction with the said Railway No. 1. at the Terminus thereof in that Parish, and thence extending in, through, or into the said Parish of *Allendale*, and terminating in the said Parish of *Allendale* at or near the Village of *Allenheads* in a Piece of Waste Ground known as "*The Dead Heap*" or "*The Wood Hill*" belonging to and in the Occupation of *Wentworth Blackett Beaumont* Esquire.

Inclination of certain Roads.

38. The Company may make the several Roads next herein-after mentioned, when altered for the Purposes of this Act, of any Inclination not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads:

Description of Road.	Number on Plans.	Parish.	Intended Inclination of Road.
		Railway No. 1.	
Turnpike - -	17	Hexham -	1 in 23 on one Side, 1 in 30 on the other.
Public - -	23	Warden -	1 in 10 on one Side, level on the other.
Public - -	38	Warden -	1 in 14.
Public - -	43	Warden -	1 in 14 on one Side, level on the other.
Turnpike - -	140	Warden -	1 in 9 on one Side, level on the other.
Public - -	159	Warden -	1 in 10 on one Side, level on the other.
Public - -	10	Allendale -	1 in $9\frac{3}{4}$ on one Side, level on the other.
Turnpike - -	75	Allendale -	1 in 18 on one Side, level on the other.

The Hexham and Allendale Railway Act, 1865.

Description of Road.	Number on Plans.	Parish.	Intended Inclination of Road.
		RAILWAY No. 2.	
Public - -	100	Allendale -	1 in $7\frac{1}{4}$ on one Side, level on the other.
Public - -	191	Allendale -	1 in 14 on one Side, level on the other.
Public - -	235	Allendale -	1 in 9 on one Side, level on the other.
Public - -	257	Allendale -	1 in 8 on one Side, level on the other.
Public - -	279	Allendale -	1 in 16 on one Side, level on the other.
Public - -	303	Allendale -	1 in $7\frac{1}{2}$ on one Side, level on the other.
Public - -	336	Allendale -	1 in 20 on one Side, 1 in 44 on the other.

Span of certain Bridges or Arches.

39. The Company may construct the Bridges or Arches for carrying the Railway over or under the Roads numbered as after mentioned on the said deposited Plans of such Dimensions as they may think fit, not being less than the following; (that is to say,)

No. on Plans.	Parish.	Span of Arch or Width of Road, as the Case may be.	Height of Arch.	Description of Road.
		RAILWAY No. 1.		
		Feet.	Feet.	
17	Hexham -	30	- -	Turnpike.
17*a*	Hexham -	30	- -	Turnpike.
27*a*	Hexham -	20	15	Public.
23	Warden -	20	- -	Public.
140	Warden -	26	16	Turnpike.
159	Warden -	20	14	Public.
10	Allendale -	16	14	Public.
64	Allendale -	20	15	Public.
75	Allendale -	30	16	Turnpike.
		RAILWAY No. 2.		
100	Allendale -	20	14	Public.
152	Allendale -	20	- -	Public.
191	Allendale -	20	14	Public.
235	Allendale -	20	14	Public.
257	Allendale -	20	14	Public.
279	Allendale -	20	- -	Public.
303	Allendale -	20	14	Public.
336	Allendale -	20	14	Public.
409	Allendale -	20	15	Public.

Power to stop up certain Portions of Roads.

40. The Company may stop up and discontinue as public Thoroughfare so much of the Road numbered 43 (Railway No. 1.) in the Parish of *Hexham*, and (except only as public Footpath) so much of the Road numbered 346 (Railway No. 2.) in the Parish of *Allendale* as respectively lie within the Limits of Deviation defined upon the Plans deposited as aforesaid.

41. The

Limiting Time for Completion of Works.

41. The Railway 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 executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Deposit Money not to be repaid until Line opened or Half the Capital paid up and expended, except on Execution of Bond, &c.

42. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of the Reign of Her present Majesty, Chapter Twenty, a Sum of Nine thousand six hundred Pounds, being Eight *per Centum* on the Sum of One hundred and twenty thousand Pounds, the Amount of the Estimate of the Expense of the Railway by this Act authorized, has been deposited with the Court of Chancery in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum so deposited as aforesaid, or the Interest or Dividends thereof, 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 the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the 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 the said Capital; and if the said Period shall expire before the Company shall either have opened their 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 Sum so deposited as aforesaid, and the Interest or 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 Sum so deposited shall have been executed by the Company, with One or more Surety or 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 the Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited if the Company shall not, within the Time limited

limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the 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 Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the 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.

Tolls.

43. The Company may demand and take in respect of the Use of the Railway any Tolls not exceeding the following:

For Passengers and Animals.

First, in respect of Passengers and Animals conveyed upon the Railway:

For every Person, the Sum of Twopence *per* Mile; and if conveyed in a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile.

For Goods, &c.

Second, in respect of Goods, Minerals, Animals, Carriages, and other Things, as follows:

Class 1. For all Coals and Cinders, and all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads and Highways, *per* Ton *per* Mile One Penny; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

Class 2. For all Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Sheet Iron, and all other similar Descriptions of Wrought Iron not manufactured into Utensils or into other Articles of Merchandise, and for Lead, Lead Ore, Pitching and Paving Stones, and other Kinds of Stone, Bricks, Tiles, Slates, Clay, and Sand, *per* Ton *per* Mile One Penny Halfpenny; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

Class

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Hemp, Dyewoods, Earthenware, Timber, Deals, and Metals (except Iron and Lead), and for Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of Three Farthings:

Class 4. For all Coke and Culm, *per* Ton *per* Mile One Penny; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of Three Farthings:

Class 5. For all Cotton and other Wools, Drugs, and manufactured Goods, and all other Wares, Merchandise, Articles, Matters, and Things not before enumerated, *per* Ton *per* Mile Twopence Halfpenny; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

Class 6. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed for a Distance exceeding Fifteen Miles, Threepence Halfpenny *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 7. For every such Animal which shall be conveyed for Fifteen Miles or a less Distance, Four Shillings for the whole Distance; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Shilling and Sixpence:

Class 8. For every Ox, Cow, Bull, or Neat Cattle conveyed for a Distance exceeding Fifteen Miles, *per* Mile:

If One, Twopence; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

If more than One and less than Four, *per* Head *per* Mile Three Halfpence; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Halfpenny *per* Head *per* Mile:

If Four or more than Four, *per* Head *per* Mile One Penny Farthing; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Halfpenny *per* Head *per* Mile:

Class 9. For every such Animal which shall be conveyed for Fifteen Miles or for a less Distance, for the whole Distance One Shilling and Fourpence; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of Eightpence:

Class 10. For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed for a Distance exceeding Fifteen Miles, *per* Head *per* Mile One Halfpenny; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Farthing *per* Head *per* Mile:

Class 11. For every such Animal which shall be conveyed for Fifteen Miles or a less Distance, for the whole Distance Eightpence; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of Fourpence:

Class 12. For every Waggon or Truck capable of containing Six Beasts of an ordinary Size, or Thirty Sheep, which shall be hired and taken by any Person for the Conveyance of his Cattle or Sheep solely, for a Distance exceeding Fifteen Miles, Sixpence *per* Mile:

Class 13. 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 upon a Truck or Platform, and which shall be conveyed for a Distance exceeding Fifteen Miles, Threepence Halfpenny *per* Mile; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum of One Penny Halfpenny *per* Mile:

Class 14. For every such Carriage which shall be conveyed for only Fifteen Miles or for a less Distance than Fifteen Miles, for the whole Distance Five Shillings, and *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh, One Penny Halfpenny; and if such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum of Two Shillings and Sixpence, and for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh, One Halfpenny *per* Mile.

Tolls for propelling Power.

44. The Company may demand for the Use of Engines for propelling Carriages on the Railway any Sum not exceeding One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles.

Maximum Rate of Charges for Passengers.

45. The maximum Fares and Charges which the Company from Time to Time may demand and take for or in respect of Passengers conveyed as follows on the Railway, including the Tolls for the User of the Railway, and for the User of Carriages and Locomotive Engines or other Power supplied by the Company thereon, and all other Charges with respect to the Conveyance of Passengers thereon, and including also the Government Duty on Passengers, shall not exceed the following; (that is to say,)

First-class Passengers, Threepence *per* Mile:
Second-class Passengers, Twopence *per* Mile:
Third-class Passengers, One Penny Farthing *per* Mile.

46. Pro-

Restriction as to Charges not to apply to Special Trains.

46. Provided always, That the Limitation of Fares and Charges does not extend to Fares and Charges for the Conveyance of Passengers by Special Trains on the Railway, but applies only to Passengers conveyed by the Express and Ordinary Trains from Time to Time appointed by the Company to run on the Railway.

Passengers Luggage.

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

Maximum Rates of Charge for Goods, &c.

48. The maximum Rates and Charges to be made by the Company for the Conveyance of Goods, Animals, and other Things on the Railway, including the Tolls for the Use of the Railway and Carriages 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 delivering 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 everything in Class 1, One Penny Halfpenny *per* Ton *per* Mile:

For everything in Class 2, Twopence *per* Ton *per* Mile:

For everything in Class 3, Twopence Three Farthings *per* Ton *per* Mile;

For everything in Class 4, One Penny Three Farthings *per* Ton *per* Mile:

For everything in Class 5, Threepence Halfpenny *per* Ton *per* Mile:

For every Animal in Class 6, Fourpence *per* Mile:

For every Animal in Class 7, Five Shillings for the whole Distance:

For every Animal in Class 8, as follows:

If One, Threepence *per* Mile:

If more than One and less than Four, Twopence Halfpenny *per* Head *per* Mile:

If Four or more than Four, Three Halfpence *per* Head *per* Mile:

For every Animal in Class 9, Two Shillings for the whole Distance:

For every Animal in Class 10, Three Farthings *per* Head *per* Mile:

For every Animal in Class 11, One Shilling for the whole Distance;

For every Waggon or Truck in Class 12, Sixpence *per* Mile;

For every Carriage in Class 13, Fivepence *per* Mile;

For every Carriage in Class 14, Seven Shillings and Sixpence for the whole Distance; and for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh, Twopence *per* Mile:

Provided always, that inasmuch as the Gradient on more than One Half of the Railway is 1 in 100 or steeper, the Company may therefore charge in respect of Goods conveyed upon the Railway Westwards or Southwards (the Directions of the ascending Gradient) an additional Sum of One Farthing *per* Ton for every Mile and Fraction of a Mile which such Goods may be carried upon an ascending Gradient.

Allowance to be made where Persons use their own Waggons.

49. Provided always, That if any Person shall employ his own Waggons or Trucks for the Carriage or Conveyance of Goods, Animals, or Minerals on the Railway, the Company shall in each such Case make an Abatement to such Person from the Tolls, Rates, and Charges authorized to be demanded and taken in respect of such Goods, Animals, or Minerals equal in Amount to the Sum which shall for the Time being be allowed by or according to the Railway Clearing House Regulations to one Company for the Use by another Company of the like Waggons or Trucks belonging to such first-mentioned Company employed for a similar Purpose.

Regulations as to Tolls.

50. The following Provisions and Regulations shall be applicable to the fixing of the Tolls, Fares, Rates, and Charges by this Act authorized to be demanded and taken by the Company:

A. For Passengers, Animals, or Goods conveyed on the Railway for a Distance less than Four Miles Charges are to be payable as for Four Miles:

B. In respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles is to be deemed a Mile:

C. In respect of Animals and Goods, for a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles Charges are to be payable in proportion to the Number of Quarters of a Mile contained in that Fraction; and a Fraction of a Quarter of a Mile is to be deemed a Quarter of a Mile:

D. For a Fraction of a Ton Charges are to be payable according to the Number of Quarters of a Ton in that Fraction; and a Fraction of a Quarter of a Ton is to be deemed a Quarter of a Ton:

E. Except as to Stone and Timber, Weight is to be determined according to Avoirdupois Weight:

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

51. With

Tolls for small Parcels and single Articles of great Weight.

51. With respect to small Packages and single Articles of great Weight, notwithstanding the Tolls, Rates, and Charges herein-before prescribed, the Company may demand and take the Tolls, Rates, and Charges following; (that is to say,)

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

For any Parcel exceeding Seven Pounds in Weight and 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:

For Parcels exceeding Fifty-six Pounds but not exceeding Five hundred Pounds in Weight, any Sum the Company think fit:

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

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which including the Truck or Carriage shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand and receive any Sum 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 and receive such Sum as they may think fit.

Terminal Station.

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

Company may take increased Charges by Agreement.

53. 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, other than small Parcels, either in respect of the Conveyance thereof by Passenger or other Trains, or by reason of any other special Service performed by the Company in relation thereto.

Power to enter into Traffic Arrangements.

54. The Company on the one Part and the *North-eastern* Company on the other Part may, subject to the Provisions and Restrictions contained in Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," from Time to Time enter into

into and carry into effect Contracts or Agreements for or in respect of the following Objects and Purposes:

First, the Maintenance and Management of the Railway and the Works and Conveniences connected therewith:

Second, the running over, Use, and working of such Railway, Works, and Conveniences, and the Conveyance of Traffic thereon:

Third, the Supply of Rolling Stock and of Machinery, and of Officers and Servants for the Purposes of such Railway, Works, and Conveniences:

Fourth, the running over, working, or using by the Company of the Railway, Stations, Works, and Conveniences of the *North-eastern* Company, or a Portion thereof:

Fifth, the fixing, collecting, and Apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, or arising in respect of Traffic, whether arising upon or from the Railway, or upon or from the *North-eastern* Railway, or both, or Points beyond those Railways respectively:

Sixth, the Appointment of a Joint Committee for carrying into effect any such Agreement.

Saving Rights of North-eastern Company.

55. Except as by this Act expressly provided, nothing in this Act shall prejudice or affect the Property, Powers, and Privileges of the *North-eastern* Company.

Interest not to be paid on Calls paid up.

56. The Companies respectively shall not, out of any Money by this Act or any other Act relating to them respectively authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of 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 Companies, or any of them, from paying Interest on Money paid in anticipation of Calls in conformity with "The Companies Clauses Consolidation Act, 1845."

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

57. The Companies respectively shall not, out of any Money by this or any other Act relating to them respectively authorized to be raised for the Purposes of such Act or Acts, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Companies respectively to construct any other Railway, or execute any other Work or Undertaking.

Railways not exempt from Provi-

58. Nothing herein contained shall be deemed or construed to exempt the Railways of the Companies respectively from the Provisions

visions 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 authorized by this Act, or the Rates for small Parcels. sions of present and future General Acts.

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

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