CHAPTER lxxxvii.

An Act for making a Railway from the Great Northern Railway to Market Deeping; and for other purposes. A.D. 1878.

[17th June 1878.]

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

And whereas the persons herein-after named, with others, are willing to carry the undertaking into execution, and it is expedient that they be incorporated into a Company, and that the requisite powers be conferred upon them:

And whereas it is intended that the railway shall be constructed and worked as a light railway, subject to the provisions respecting light railways contained in the Regulation of Railways Act, 1868: 31 & 32 Vict. c. 119.

And whereas it is expedient that the Company and the Great Northern Railway Company be empowered to enter into and carry into effect working and other agreements as herein-after provided:

And whereas plans and sections showing the line and levels of the railway, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerks of the peace for the liberty of Peterborough, the county of Northampton, and the parts of Kesteven, in the county of Lincoln, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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Short title.

1. This Act may be cited as the Market Deeping Railway Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation Act, 1845; Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869; the Lands Clauses Consolidation Acts, 1845, 1860, and 1869; the Railways Clauses Consolidation Act, 1845; and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) 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 have the same respective meanings, unless there be something in the subject or context repugnant to such construction. For the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. William Holland, John Molecey Twigge Molecey, George Linnell, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railways and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Market Deeping Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all necessary and convenient stations, approaches, bridges, roads, communications, and other works connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be

required for that purpose. The railway herein-before referred to and authorised by this Act is—

A railway, three miles two chains and twenty links in length, commencing in the parish of Helpstone, in the liberty of Peterborough, in the county of Northampton, by a junction with the main up line of the Great Northern Railway Company, nearly opposite the northern end of their Helpstone signal box, and terminating in the parish of Market Deeping, in the parts of Kesteven, in the county of Lincoln, in a pasture field belonging or reputed to belong to and in the occupation of John Thorpe the elder, situated on the north side of and adjoining the main public highway leading from Market Deeping to Stamford.

As to junction with Great Northern Railway.

Provided always, that, notwithstanding anything contained in the deposited plans and sections, the junction with the Great Northern Railway, and the works in connexion therewith, shall not be made at the point of junction shown on the said plans, but the junction shall be made in conformity with a plan signed on behalf of the Company by Walrond Smith, civil engineer, and on behalf of the Great Northern Railway Company by Richard Johnson, civil engineer.

Capital.

6. The capital of the Company shall be fifteen thousand pounds, in one thousand five hundred shares of ten pounds each.

Shares not to issue until one fifth part paid up.

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

Calls.

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

Receipt in case of persons not sui juris.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares into half shares.

10. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be

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called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until asum not less than sixty per centum upon such share has been paid up; and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate, not exceeding six pounds per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of profits of the year only.

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118.

15. The provisions of the Companies Clauses Consolidation Act, 1845, and Part I. of the Companies Clauses Act, 1863, with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled, &c.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

17. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole five thousand pounds, but no part thereof shall be borrowed until the whole capital of fifteen thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators; successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall

8 & 9 Vict. c. 16.

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think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a receiver.

19. 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. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four hundred pounds in the whole.

Debenture stock. 26 & 27 Vict. c. 118.

20. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

21. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Number of directors.

23. The number of directors shall be three.

Qualification of directors.

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

Quorum.

25. The quorum of a meeting of directors shall be two.

First directors.

26. William Holland, John Molecey Twigge Molecey, and George Linnell 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 powers herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither

Election of directors.

8 & 9 Vict. c. 16.

removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes. 8 & 9 Vict. c. 20.

27. 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 half an acre.

Period for compulsory purchase of lands.

28. 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.

Power to cross certain roads on the level. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

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

No. on deposited Plan.	Parish.	Description of Road.
19	Maxey.	Public.
28	Maxey.	Public.
7	Deeping Gate.	Public.
6	Market Deeping.	Public.

Restricting weight of engines and speed of trains on railway.

30. Provided always, that the traffic shall not be worked by engines exceeding eight tons in weight on each pair of wheels, nor at a higher maximum speed than twenty-five miles an hour, unless the Board of Trade by license authorise engines of greater weight and trains of a higher rate of speed on the railway, and then only by engines and trains not exceeding the weight and speed specified in any such license; and if the Company, or any company working or using the railway, or any person, fails to comply with or acts in contravention of this provision or of any such license, or directs anyone so to fail or act, every such company or person shall be liable to a penalty for each offence not exceeding twenty pounds, and to a like penalty for every day during which the offence continues, and every such person, on conviction or indictment for any offence relating to the weight of engines or the speed of trains on the railway, shall also be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

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Power to take easements, &c. by agreement. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

31. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

For protection of Drainage Board of the Maxey District of Drainage.

32. For the protection of the Drainage Board of the Maxey District of Drainage, the following provisions shall have effect; that is to say, In constructing the line of railway over the north and south drains, and the meadows lying between the same, in the parishes of Etton and Maxey, in the county of Northampton, which meadows are subject to sudden and continued floods, the Company shall provide an area for the passage of water above the level of the meadow land equal to the area for the passage of water provided by the existing arches at Northborough Bridges, above the level of the meadow land at that point near to the intended line of railway, and in case of difference between the Company and the Drainage Board of the Maxey District of Drainage as to whether the area proposed by the Company is of the required dimensions, or as to the form or situation of the arches for the purpose, such difference shall be settled by an engineer to be nominated by the Board of Trade at the cost of the Company, and the Company shall in all respects abide by the determination of such engineer.

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

33. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of six hundred and six pounds eleven shillings and ninepence consolidated three per cent. annuities, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, which persons, survivors, or survivor are in this Act referred to as the depositors, unless the Company shall, previously

to the expiration of the period limited by this Act for completion of the railway, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Court shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit fund.

34. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in

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part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Period for completion of works.

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

Tolls.

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

In respect of passengers and animals conveyed on the railway:

Class 1. For every person conveyed in a first-class carriage, per mile twopence;

Class 2. For every person conveyed in a second-class carriage, per mile one penny halfpenny;

Class 3. For every person conveyed in a third-class carriage, per mile one penny;

Class 4. For every horse, mule, or ass, or other beast of draught or burden, conveyed in or upon any carriage, per mile threepence;

Class 5. For every ox, cow, bull, or neat cattle conveyed in or upon any carriage, per mile twopence;

Class 6. For every calf, pig, sheep, or lamb, or other small animal, conveyed in or upon any carriage, per mile one penny.

In respect of goods conveyed on the railway:

Class 7. For all coals, coke, culm, slack, cannel, cinders, lime, limestone, sand, clay (except fireclay), chalk, dung, compost, and all sorts of common manure, and all undressed materials for the repair of highways, clay, per ton per mile one penny;

Class 8. For all pig-iron, bar-iron, ironstone, iron ore, and all other similar descriptions of iron, and heavy iron castings, undressed stones for building, pitching, and paving, bricks, tiles, common slates, fireclay, charcoal, bats, copper, tin, lead, and other ores, per ton per mile one penny halfpenny;

Class 9. For all sugar, grain, corn, flour, potatoes, guano, and artificial manures, hides (dried and salted), dyewoods, timber, staves, and deals, metals (except iron), tinned plates, nails, anvils, vices, hoop-iron, sheet-iron, light iron castings, and chains, per ton per mile twopence;

Class 10. For lace, furs, silk, drapery, millinery, china, glass, cotton, wool, manufactured goods, drugs, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence.

In respect of carriages conveyed on the railway:

Class 11. For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, per mile sixpence, and for every additional quarter of a ton up to four tons which any such carriage weighs, one penny halfpenny per mile in addition.

Tolls for carriages, &c.

37. For carriages supplied by the Company, the Company may (in addition to the other tolls by this Act authorised) demand or take for or in respect of goods, articles, matters, or things, persons, or animals comprised in either of the classes herein-before specified, any tolls not exceeding the tolls next herein-after mentioned in connexion with the class in which such goods, articles, matters, or things, persons, or animals are respectively comprised; (to wit,)

For Class 1, for each person per mile one penny;
For Class 2, for each person per mile three farthings;
For Class 3, for each person per mile one halfpenny;
For Class 4, for each animal per mile one penny;
For Class 5, for each animal per mile one penny;
For Class 6, for each animal per mile one halfpenny;
For Class 7, per ton per mile one penny;
For Class 8, per ton per mile one halfpenny;
For Class 9, per ton per mile one penny;
For Class 10, per ton per mile one penny;
For Class 11, for each carriage per mile twopence.

Tolls for propelling power.

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

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Regulations as to tolls.

39. 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 three miles, the Company may demand tolls and charges as for three miles:

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile:

Fractional parts of a ton.

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton:

General weight.

With respect to all articles, except stone and timber, the weight shall be determined according to the 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 single articles of great weight.

40. 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:

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:

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

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee,

meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of any single thing, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, the Company may demand and take any sum not exceeding sixpence a ton a mile:

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

Maximum rates for passengers.

41. The maximum rate of 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 for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

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

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

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

Maximum rates for animals and goods.

42. 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 of 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,)

Class 4. For each animal, fourpence per mile;

Class 5. For each animal, threepence per mile;

Class 6. For every calf or pig or other small animal, one penny per mile;

Class 7. One penny halfpenny per ton per mile;

Class 8. Twopence per ton per mile;

Class 9. Threepence per ton per mile;

Class 10. Fourpence per ton per mile;

Class 11. For every carriage, if having more than two wheels and not weighing more than one ton, sixpence, and one penny halfpenny for every additional quarter of a ton; and if having only

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two wheels, fourpence per mile, and one penny for every additional quarter of a ton.

Passengers luggage.

43. 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.

44. 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.

Foregoing charges not to apply to special trains.

45. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

46. 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 of the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to enter into traffic arrangements. 26 & 27 Vict. c. 92. 36 & 37 Vict. c. 76.

47. The Company and the Great Northern Railway Company may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into and carry into effect agreements with respect to the following purposes or any of them; (that is to say,)

The working, use, management, and maintenance of the railway;

The supply and maintenance of engines, stock, and plant during the continuance and for the purposes of such agreement, and the employment of officers and servants for the conveyance and conduct of traffic on the railway;

The payments to be made and the conditions to be performed with respect to such working, use, management, and maintenance;

The interchange, accommodation, and conveyance of traffic coming from or destined for the railway;

The division and appropriation of the tolls, rates, income, and profits arising from such traffic. A.D. 1878.

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

48. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway by the Great Northern Railway Company, the railway of the Company and of the Great Northern Railway Company shall for the purposes of short-distance tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the Great Northern Railway for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway of the Company and partly on the Great Northern Railway.

Interest not to be paid on calls paid up.

49. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845. 8 & 9 Vict. c. 16.

Deposit for future Bills not to be paid out of capital.

50. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

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

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

A.D. 1878.

Expenses of Act.

52. 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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