CHAPTER lxix.

An Act for incorporating the Newark and Ollerton Railway Company and authorising them to make and maintain the Newark and Ollerton Railway and for other purposes. A.D. 1887.

[5th July 1887.]

WHEREAS the making and maintaining of a railway from North Muskham near Newark in the county of Nottingham to Ollerton in the said county would be of public and local advantage:

And whereas the persons in that behalf in this Act named with others are willing at their own expense to carry the undertaking into execution on being incorporated into a company with adequate powers for the purpose and it is expedient that they be incorporated accordingly and empowered to make and maintain the railway as by this Act provided:

And whereas it is expedient that the Company and the Great Northern Railway Company be empowered to enter into working and other agreements as by this Act is provided:

And whereas it is expedient that the Company be authorised subject to the provisions of this Act to pay interest upon the amount paid up from time to time in respect of shares in their capital as by this Act is provided:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books 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 clerk of the peace for the county of Nottingham and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

[*Price* 1*s*. 3*d*.]

A.D. 1887.

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 :—

Short title.

1. This Act may be cited as the Newark and Ollerton Railway Act 1887.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 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.

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 The expression "the Company" means the Company incorporated by this Act the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised and 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. The Most Noble William John Arthur Charles James Duke of Portland the Most Noble Henry Pelham Archibald Douglass Pelham-Clinton Duke of Newcastle the Right Honourable Sydney William Herbert Earl Manvers Augustus William Savile Robert Walter Wordsworth Joseph Askew Bell and Joel Haslam 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 railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Newark and Ollerton 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.

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 proper stations sidings approaches junctions works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railway herein-before referred to and authorised by this Act is wholly situate in the county of Nottingham and is—

A railway ten miles two furlongs and three chains in length commencing in the parish or township of North Muskham by a junction with the main line of the Great Northern Railway at a point on and measured along such railway one hundred and seventy yards or thereabouts south of the mile or distance post on the said railway denoting one hundred and twenty-three miles distant from London and terminating at or near the village of Ollerton in the township of Ollerton in the parish of Edwinstowe in a certain field known as Field-at-top-of-Croft belonging to Augustus William Savile and in the occupation of John Tom Wagstaff.

Capital and number and amount of shares.

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

Shares not to be issued until one fifth part thereof shall have been 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 two months at the 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.

Receipts on behalf of incapacitated persons.

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.

10. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in

A.D. 1887.

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 called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until 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 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 the 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 but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such 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 half shares.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors 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 half shares not to be cancelled surrendered.

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 are attached and are incident to an entire share.

Power to borrow.

18. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole fifty thousand pounds but no part thereof shall be borrowed until the whole capital of one hundred and fifty 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 think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

A.D. 1887.

For appointment of a receiver.

19. The mortgagees of the undertaking 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 five thousand pounds in the whole.

Power to create debenture stock.

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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First and subsequent meetings.

22. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

Number of directors.

23. The number of directors shall be five but the Company may from time to time reduce and again increase the number provided that the number be never more than five or less than three.

Qualification of directors.

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

Quorum of directors.

25. The quorum of a meeting of directors shall be three unless the number of the directors is three and then the quorum shall be two.

First directors;

26. The Most Noble Henry Pelham Archibald Douglass Pelham-Clinton Duke of Newcastle the Right Honourable Sydney William Herbert Earl Manvers Augustus William Savile Robert Walter Wordsworth and Joseph Askew Bell shall be the first directors of the Company and shall continue in office until the first ordinary

A.D. 1887.

Election of directors.

meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying 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 removed or 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.

For protection of the Great Northern Railway Company.

27. In constructing the railway by this Act authorised the Company shall conform to the following provisions for the protection of the Great Northern Railway Company (in this section called "the Great Northern Company"):—

(1.) The junction of the railway with the railway of the Great Northern Company shall be made at such points within the limits of deviation as shown on the deposited plans as shall be required by the principal engineer of the Great Northern Company;

(2.) If by reason of the construction of the said railway it shall be necessary to add to or alter the signal or signals upon the railway of the Great Northern Company the same shall be so added to or altered by that company and the reasonable expense thereof shall be repaid to them by the Company;

(3.) All works both temporary and permanent affecting the lands railway or other property of the Great Northern Company shall be constructed according to plans and sections and of such quality and strength of materials and in every other respect as shall be previously submitted to and approved by and to the reasonable satisfaction of the principal engineer of the Great Northern Company Provided always that if the said engineer shall for the space of one month neglect or refuse to approve the said plans and sections or shall disapprove the same then according to such plans and sections as shall be approved by an engineer to be appointed by the Board of Trade on the application of either the Company or the Great Northern Company;

(4.) The Company shall construct and at all times maintain the railway and works by this Act authorised so as in no way to obstruct impede or interfere with the free and uninterrupted

A.D. 1887.

and safe use of the railway of the Great Northern Company or the works connected therewith or the traffic thereon;

(5.) The Company shall at all times maintain the junction and other works herein-before provided for in substantial repair and good order and condition to the reasonable satisfaction in all respects of the principal engineer of the Great Northern Company and if and whenever the Company fail so to do the Great Northern Company may make and do in and upon as well the lands and works of the Company as on their own lands and works all such works and things as they may reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in case of any difference between the Company and the Great Northern Company under this sub-section the same shall be determined by an engineer to be appointed as herein-before provided;

(6.) The said portion of railway and other works shall after commencement thereof be proceeded with with all practicable despatch and if in the opinion of the said principal engineer (or in case of difference in the opinion of an engineer to be appointed as aforesaid) the Company shall not be proceeding in the construction and execution of the said portion of the said railway and other works with all despatch as aforesaid it shall be lawful for the Great Northern Company without let or hindrance from the Company their contractors or servants to enter upon the land and property acquired or occupied by the Company and to do all acts and things and to take possession of and use all materials or plant necessary for the execution and completion of the said portion of railway and the said works or so much thereof as the said principal engineer may consider desirable or expedient for the safety of their railway property and works or for preventing or removing any obstruction or interference with the safe and convenient user or occupation thereof in as free and commodious a manner as they might have used or occupied the same if the said portion of railway and the said works had not been commenced or constructed and the Company shall on demand repay to the Great Northern Company all payments costs damages and expenses which they may incur become liable or be put to in or about the matters aforesaid;

(7.) The Company shall not without in every case obtaining the previous consent of the Great Northern Company in writing under their common seal take use enter upon or interfere with

any of the lands railways works or property from time to time belonging to or in the possession or under the power of the Great Northern Company except only such part or parts of their said lands as it shall be absolutely necessary for the Company to enter upon or interfere with for the purposes of constructing and maintaining the works for effecting the junction aforesaid and with respect to such part or parts of the said lands as aforesaid the Company shall not purchase or take the same but the Company may purchase and take and the Great Northern Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same;

(8.) The cost of all works both temporary and permanent on or affecting lands of the Great Northern Company shall be paid by the Company;

(9.) Nothing in this Act contained shall prejudice take away diminish or interfere with any of the property rights interests powers and privileges of the Great Northern Company otherwise than is hereby expressly provided.

Lands for extraordinary purposes.

28. 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 three acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

Period for compulsory purchase of lands.

29. 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 take easements &c. by agreement.

30. 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.

Restriction on taking houses of

31. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in

A.D. 1887.

labouring class.

any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which at any time after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or in part by persons belonging to the labouring class For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Limiting amount of commonable land to be acquired.

32. Notwithstanding anything in this Act the Company shall not for the purpose of the railway by this Act authorised purchase more of the common herein-after mentioned than the amount herein-after mentioned in connexion with such common :

Name by which the Lands are known.	Parish in which the Lands are situate.	Estimated Quantity to be taken.
Kneesall Green - -	Kneesall -	Three acres and two roods.

For the protection of Kneesall Green.

33. In reference to Kneesall Green (herein-after referred to as the Green) the following provisions shall have effect :—

(*a.*) In constructing the railway and its incidental works by this Act authorised the Company shall not be at liberty to take any more land from the Green than three acres two roods or thereabouts or as near thereto as may be actually required for the purposes of the said railway ;

(*b.*) The Company shall construct such accommodation works as may be necessary for giving convenient access between the severed portions of the common lying on the north-east and south-west sides of the railway when completed and at such point or points as may be determined failing agreement by some person to be nominated by one of Her Majesty's Principal Secretaries of State ;

(*c.*) The Company will acquire three acres two roods of land adjoining the Green and will lay it into the Green removing any intervening hedge or fence provided that if less than three acres two roods shall be taken by the Company from

the Green it shall not be necessary to acquire more than the same amount of enclosed land for addition to the Green.

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

34. 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 thousand four hundred pounds Three Pounds per Centum Consolidated Bank Annuities being equal in value to five per centum upon one hundred and twenty-six thousand six hundred and seventy-eight pounds the amount of the estimate in respect of the railway has been transferred into the name of the Paymaster General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act which sum is in this Act referred to 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 or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for the 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 High Court of Justice in England 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.

35. If the Company do not previously to the expiration of the period limit by this Act 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

A.D. 1887.

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 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 Court thinks fit to order on the application of the solicitor to 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 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.

36. 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.

37. 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 threepence;

Class 2. For every person conveyed in a second-class carriage per mile twopence;

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 and minerals 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 per ton per mile one penny halfpenny;

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 twopence;

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 threepence;

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 fourpence.

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 if having more than two wheels per mile sixpence and if having only two wheels per mile fourpence and for every additional quarter of a ton up to four tons which any such carriage weighs one penny halfpenny per mile in addition if such carriage have more than two wheels and one penny per mile in addition if the same have only two wheels.

Tolls for carriages.

38. 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

A.D. 1887.

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 penny;
For Class 9 per ton per mile one penny;
For Class 10 per ton per mile one penny halfpenny;
For Class 11 for each carriage per mile twopence.

Tolls for propelling power.

39. 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.

Regulations as to tolls;

40. 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 articles of great weight.

41. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :—

For the carriage of small parcels on the railway or any part thereof :

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 but not exceeding one hundred and twelve pounds in weight one shilling and four pence ;

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight one shilling and eightpence ;

For any parcel exceeding two hundred and fifty pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit ;

Provided always that articles sent in large aggregate quantities although made up 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 per ton per 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.

42. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including the tolls for the use of the railway and of 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 ;

A.D. 1887.

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.

43. 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 services 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 pig or sheep one penny per mile and for every other small animal three farthings 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 two wheels fourpence per mile and one penny for every additional quarter of a ton.

Passengers luggage.

44. 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.

45. 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.

46. 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.

47. 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.

Classification table to be open for inspection and copies to be sold.

Terminal charges if any to be specified on application.

48. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

Penalty.

Agreements with the Great Northern Railway Company.

49. 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 management use working and maintenance by the Great Northern Railway Company of the railway or any part thereof;

A.D. 1887.

The supply during the continuance and for the purposes of any agreement for the working or use of the railway by the Great Northern Railway Company of any rolling or working stock and of officers and servants for the conduct of the traffic on the railway;

The payments to be made and the conditions to be performed with respect to the matters aforesaid;

The interchange accommodation conveyance and delivery of the traffic coming from or destined for the respective undertakings of the contracting Companies;

The fixing and division between the contracting Companies of the receipts arising from such traffic;

The payments allowances rebates and drawbacks to be paid made or allowed by either of the contracting Companies to the other of them for or on account of any of the matters to which the respective agreement relates.

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

50. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway of the Company by the Great Northern Railway Company the railways 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 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 and partly on the Great Northern Railway.

Payment of interest out of capital.

51. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 the Company may out of any moneys by this Act authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to the shareholders on the amount from time to time paid up on the shares held by them respectively from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine subject to the following conditions (that is to say):—

(a.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by the shareholders who or whose executors administrators successors or assigns are legally liable for the same;

(b.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear;

(c.) The aggregate amount so payable for interest shall not exceed six thousand pounds and shall not be deemed to be capital within the meaning of section eighteen of this Act and the amount by that section authorised to be borrowed shall be reduced by one third of the aggregate amount so payable for interest;

(d.) Notice that the Company have power to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares;

(e.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which such interest has been paid in pursuance of this section:

And except as aforesaid no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the 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.

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

52. 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.

Provision as to general railway Acts.

53. Nothing in this Act shall exempt the Company or the Great Northern Railway Company or the railway of either company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now

A.D. 1887.

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 any Act relating to either company.

Costs of Act.

54. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

London: Printed for Her Majesty's Stationery Office,
By Eyre and Spottiswoode, Printers to the Queen's most Excellent Majesty.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
ADAM AND CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.