ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

* *

Cap. cclxxii.

An Act for making a Railway from *Scarborough* to *Whitby*. [5th *July* 1865.]

WHEREAS the making of the several Lines of Railway by this Act authorized would be of local and public Advantage: And whereas the several 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 (in this Act called "the Company") for the Purpose: And whereas the Railway by this Act authorized will communicate directly with the Railway of the *North-eastern* Railway Company (in this Act called "the *North-eastern* Company"), and it is expedient that Traffic and other Arrangements between the Company and the *North-eastern* Company be authorized: And whereas Plans and Sections of the Railway by this Act authorized showing the Lines and Levels thereof, and a Book of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace for the North Riding of the County of *York*, and those Plans, Sections, and Book of Reference are in this Act referred to as the deposited Plans, Sections, and Book of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament:

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 *Scarborough and Whitby* 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, of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," "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," (save so far as any of the Sections and Provisions of those Acts and Parts respectively are expressly excepted or varied by this Act,) are incorporated with this Act.

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

3. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context; provided that the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act or any of the Acts in whole or part incorporated with this Act, shall for the Purposes of this Act be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Incorporation of Company.

4. *William Henry Hammond*, *William Forster*, and *Charles Bell*, and all other Persons who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purpose of making and maintaining the *Scarborough and Whitby* Railway, and for all other the Purposes of this Act, and for those Purposes are by this Act incorporated by the Name of "The *Scarborough and Whitby* Railway Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act.

Capital.

5. The Capital of the Company shall be Two hundred and seventy-five thousand Pounds in Twenty-seven thousand five hundred Shares of Ten Pounds each.

6. Two

Calls on Shares.

6. Two Pounds Ten Shillings 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 the Share shall be the utmost aggregate Amount of the Calls payable in any One Year on any Share.

Shares not to issue until One Fifth paid up.

7. It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid in respect thereof.

Power to borrow on Mortgage.

8. The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole Ninety-one thousand six hundred Pounds, but no Part thereof shall be borrowed until the whole of the Capital of Two hundred and seventy-five thousand Pounds by this Act authorized is subscribed for or taken *bonâ fide*, and One Half of the Amount thereof is actually paid up, and the Justice who certifies in accordance with Section Forty of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act, is satisfied that the whole of the Capital is *bonâ fide* subscribed for or taken, and that all the Shares are issued, and One Half of the whole Capital has been paid up, and One Fifth Part at least has been paid on account of each separate Share on or before the Issue and Acceptance thereof, and that each Share is held by registered Holders thereof, who or whose Assigns are legally liable for the Payment of so much thereof as from Time to Time is unpaid; and of his Satisfaction in that Behalf his Certificate under that Section shall be sufficient Evidence.

Arrears may be enforced by Appointment of a Receiver.

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

Application of Monies.

10. All and every Part of the Monies raised by the Company under this Act, whether by Shares or by borrowing, shall be applied only for the Purposes of the Company's Undertaking: Provided always, that the Company shall and they are hereby required to expend so much of the Capital as shall be raised under this Act, and as shall be required for the Purpose, simultaneously in the Construction of that Part of the Railway which will be situate between *Whitby* and the *Peak*, and in the Construction of that Part of the Railway which will be situate between *Scarborough* and the *Peak*.

First Ordinary Meeting of the Company.

11. The First Ordinary Meeting of the Company shall be held within Four Months next after the passing of this Act, and the subsequent

sequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August*, or such other Months as the Directors from Time to Time appoint; and Ten or more Shareholders present personally or by proxy holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company shall form a Quorum at any such Meeting.

Number and Qualification of Directors.

12. The Number of Directors shall not be more than Five nor less than Three, and the Qualification of a Director shall be the Possession by him in his own Right of Shares to the aggregate nominal Amount of Five hundred Pounds.

Quorum of Directors.

13. The Quorum of a Meeting of Directors shall be Three so long as the Number shall be more than Three, but if the Number be Three then the Quorum of a Meeting of Directors shall be Two.

First Directors.

14. *William Henry Hammond*, *William Forster*, and *Charles Bell* shall be the First Directors of the Company.

Election of Directors at First Ordinary Meeting.

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

Subsequent Election of Directors.

16. At the First Ordinary Meeting to be held every Year after the Year in which the First General Meeting shall be held the Shareholders present personally or by proxy may elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Newspaper for Advertisements.

17. The Newspaper for the Advertisement of all Notices required to be given by the Company shall be any Newspaper published in the County of *York*.

Power to take Lands.

18. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think fit.

19. The

Powers for compulsory Purchases limited.

19. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands for extraordinary Purposes.

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

Power to construct Works.

21. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain, on the Lands shown on the deposited Plans and specified in the deposited Books of Reference, the Lines of Railway and Works by this Act authorized, and, so far as the Lines and Levels thereof are shown on the deposited Plans and Sections, may, subject as aforesaid, make the same in the Lines and in accordance with the Levels so shown.

Description of Works.

22. The Lines of Railway and Works by this Act authorized comprise the following Lines of Railway (all in the North Riding of the County of *York*), with all proper and sufficient Sidings, Stations, Buildings, Yards, Bridges, Viaducts, Roads, Approaches, and other Works and Conveniences whatsoever:

No. 1. a Railway commencing near *Seamer Lane* in the Parish of *Scarborough*, and terminating in the Parish of *Whitby* in a Field called the *Poor House Field*:

No. 2. a Railway commencing at the Commencement of Railway No. 1., and terminating in the Parish of *Scarborough* by a Junction with the *North-eastern* Railway at the West End of the Bridge carrying that Railway over the public Highway numbered 28 on the deposited Plans:

No. 3. a Railway commencing in the Parish of *Whitby* in a certain Field in the Occupation of *Joseph Wilkinson* and *John Wilkinson* near "*New Gardens*," and terminating by Junctions with the *North-eastern* Railway near the Boundary between the Parishes of *Sneaton* and *Whitby*.

As to Junctions with the North-eastern Railway.

23. The Junctions with the *North-eastern* Railway shall be made at such Points, in such Manner, and with such connecting Lines of Approach as have been or shall be approved by the Engineer of the *North-eastern* Company, and the several Provisions in "The Railways Clauses Act, 1863," as to Junctions, shall extend and apply as well to those connecting Lines as to the said Junctions with the *North-eastern* Railway; and, save only so far as may be necessary for the Purpose of forming those Junctions and connecting Lines of Approach, the Company, or any Person in the Execution of

this Act, shall not in any Manner, either temporarily or permanently, enter upon, take, or use any of the Lands or Property of the *North-eastern* Company, except with their Consent in Writing.

Inclination of Roads.

24. In carrying the Roads herein-after specified, and mentioned on the deposited Plans, as follows, over, under, or across the Railways, the Company may make those Roads respectively of any Inclination not steeper than as follows ; *viz.*,

No. on Plan.	Parish.	Description of Road.	Rate of Inclination.
35 a	Whitby - -	Public Highway -	1 in 16 and level.
176 a	Whitby - -	Public Highway -	1 in 12½ „
48	Whitby - -	Public Highway -	1 in 10 „
115	Whitby - -	Public Highway -	1 in 6 „

Authorizing Sale of Lands belonging to the Duchy of Lancaster, and providing for Application of Purchase Money.

25. And whereas Part of the Lands which may be required for the Purposes of this Act belong to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster* : Be it enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being to agree with the said Company for the absolute Sale in Fee Simple of the Lands or any Part thereof of or belonging to Her said Majesty in right of Her said Duchy which shall be required for the Purposes of this Act, at or for such Price or Compensation in Money and upon such Terms and Conditions as shall be settled and agreed upon between the said Chancellor and Council and the said Company, and upon Payment of such Price or Compensation, by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey the same Lands and the Fee Simple and Inheritance thereof to the said Company, their Successors and Assigns, for the Purposes of this Act; and the Purchase Money or Consideration for the same Lands shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same either shall and may be invested in the Purchase of Bank Annuities, according to the Powers and Provisions contained or referred to in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in* England *and also of His Majesty's Duchy of* Lancaster, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy under the therein-recited Acts, or the same or any Part thereof may, either without any previous Investment or after such, and either alone or together with any other Monies which shall for the Time being have arisen or shall hereafter arise from the Sale of Lands and Hereditaments

48 G. 3. c. 73.

Hereditaments Part of the Possessions of the said Duchy, be laid out according to the Provisions of an Act passed in the Fifty-seventh Year of His said Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable* Henry Hale *Viscount* Gage, *and the Commissioners of His Majesty's Woods and Forests and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown*, or the said Monies, and also any such other Monies, whether previously invested or not, or any Part thereof respectively, may be laid out in the Purchase of Lands which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held with any Possession of the said Duchy, as the Chancellor and Council for the Time being of the said Duchy shall direct by any Order or Orders in that Behalf; and the said Chancellor and Council shall for the Purposes of this Act have and be entitled to all such Powers and Provisions in reference to the Monies (if any) so invested in Bank Annuities, and so to be laid out and invested as aforesaid, as under or by virtue of the said recited Act of the Fifty-seventh Year of King *George* the Third they are entitled to concerning any Sums or Funds of or belonging to the Duchy of *Lancaster* in the same Act particularly mentioned or referred to; and the Lands and Hereditaments (if any) so purchased on behalf of the said Duchy as aforesaid shall be conveyed and assured to the Use of Her Majesty, Her Heirs and Successors, in right of Her said Duchy of *Lancaster*, and shall vest in Her said Majesty, Her Heirs and Successors, in the same Right and as fully and effectually as the Lands to be conveyed to the said Company were vested in Her immediately before such Conveyance, and be held with the like Incidents and be subject to the same Application to all Intents and Purposes as the said Lands so to be conveyed to the said Company were held by Her immediately before such Conveyance; and every such Conveyance to the Use of Her Majesty, Her Heirs and Successors, may be in the Form marked X. in the Schedule to this Act annexed, or as near thereto as may be. 57 G. 3. c. 97.

26. And every Deed or Writing whereby any Lands, Hereditaments, Estate, Right, or Interest shall be conveyed or assured by the said Chancellor and Council of Her said Majesty's Duchy of *Lancaster* by virtue of the Powers of this Act shall be inrolled in the Court of the Duchy Chamber of *Lancaster* within Six Calendar Months from the Date thereof. For Enrolment of all Deeds of Conveyance of Land belonging to the Duchy of Lancaster.

27. The Railway by this Act authorized shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers of the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. Period for Completion of Railway.

28. Whereas,

Bond for Completion of Railway.

28. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Twenty-two thousand Pounds, being Eight *per Centum* upon Two hundred and seventy-five thousand Pounds, the Amount of the Estimate in respect of the Railway by this Act authorized, has been paid in to the Name of the Accountant General of the Court of Chancery with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything in that Act contained, the said Sum of Twenty-two thousand Pounds, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of the Bond 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 that Act, or the Survivors or Survivor of them, unless the Company, before the Expiration of the Period limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to that One Half; and if the Period expire before the Company either open the Railway for the public Conveyance of Passengers, or give the Proof to the Satisfaction of the Board of Trade, the said Sum of Twenty-two thousand Pounds so paid as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then 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: Provided that at any Time after the passing of this Act if a Bond in double the Amount of the Sum of Twenty-two thousand Pounds be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum of Twenty-two thousand Pounds if the Company do not, within the Period limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then the said Sum so paid as aforesaid, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons named in the Warrant

Warrant or Order, or the Survivor or Survivors of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies recovered on the Bond shall be dealt with in the like Manner as the said Portion of the said Sum so transferred as aforesaid, and the Interest or Dividends thereof, would be dealt with under this Act if the Bond were not so executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

29. The Company may demand and take for the Use of the Railway, and for the Supply of Carriages, Waggons, or Trucks, any Tolls not exceeding the following; (that is to say,)

For Passengers.

First, in respect of Passengers conveyed upon the Railway or any Part thereof, as follows:

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

For Animals.

Secondly, in respect of Animals conveyed upon the Railway or any Part thereof, as follows:

Class 1, for every Horse, Mule, or other Beast of Draught or Burden, Threepence *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 2, for every Ox, Cow, Bull, or Neat Cattle, Twopence *per* Head *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 3, for every Calf, Sheep, Pig, Lamb, and other small Animal, Three Farthings each *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Farthing *per* Mile:

Tonnage on Articles of Merchandise.

Thirdly, in respect of Goods conveyed upon the Railway or any Part thereof, as follows:

Class 4, for all Dung, Compost, and all Sorts of Manure, other than Guano and artificial Manures, and all undressed Materials for the Repair of public Roads or Highways, Coals, Culm, Cinders, Cannel, Ironstone, Iron Ore, Limestone, Chalk, Sand, Slag, and Clay (except Fireclay), carried in Bulk, *per* Ton *per* Mile One Penny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

Class 5, for all Coke, Charcoal, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Wrought Iron, heavy

Iron Castings, Railway Chairs, Slabs, Billets, and Rolled Iron, Lime, Bricks, Tiles, Slates, Salt, Fireclay, and Stone, *per* Ton *per* Mile One Penny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

Class 6, for all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, and Metals (except Iron), Nails, Anvils, Vices, and Chains, and for light Iron Castings, *per* Ton *per* Mile Twopence Halfpenny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

Class 7, for Cotton and other Wools, Drugs, and manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Threepence; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, conveyed on a Truck or Platform belonging to the Company, Sixpence *per* Mile;

And a like Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

Tolls for propelling Power.

30. 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 Charge for Passengers.

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

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

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

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

Restrictions as to Charges not to apply to Special Trains.

32. Provided also, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required upon the Railway, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

33. Every

Passengers Luggage.

33. Every Passenger travelling upon the Railway may cause to be carried in the same Train 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.

Maximum Rate of Charge for Cattle and Goods.

34. And with respect to the Conveyance of Goods, Carriages, and Animals, the Company may lawfully demand and receive, as a maximum Rate of Carriage, for the Conveyance thereof along the Railway, including the Tolls for the Use of the Railway and Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance (except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any 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), any Rates or Sums not exceeding the Rates or Sums following; (that is to say,)

For every Animal in Class 1, Fourpence *per* Mile:

For every Animal in Class 2, Threepence *per* Mile:

For every Animal in Class 3, One Penny *per* Mile:

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

For everything in Class 5, Twopence *per* Ton *per* Mile:

For everything in Class 6, Threepence *per* Ton *per* Mile:

For everything in Class 7, Fourpence *per* Ton *per* Mile:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence; and if weighing more than One Ton One Penny Halfpenny for every additional Quarter of a Ton or Fraction of a Quarter of a Ton which such Carriage may weigh.

Regulations as to Tolls.

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

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand Tolls and Charges as for Four Miles:

For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles the Company may demand Tolls on Animals and Merchandise 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:

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

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

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

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

Tolls for small Parcels and single Articles of great Weight.

36. And with respect to small Packages and single Articles of great Weight, be it enacted, That, notwithstanding the Rates of Tolls prescribed by this Act, the Company may lawfully demand Tolls not exceeding the following; (that is to say,)

For the Carriage on the Railway or any Part thereof of any Parcel not exceeding Seven Pounds in Weight, Threepence:

For the like Carriage of any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Fivepence:

For the like Carriage of any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Sevenpence:

For the like Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Ninepence:

And for the like Carriage of any Parcel exceeding Fifty-six Pounds but 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 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 Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

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

Defining Terminal Station.

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

38. Pro-

Company may take increased Charges by Agreement.

38. Provided always, That 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, either in respect of the Conveyance thereof (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Power to enter into Traffic and Station Arrangements.

39. The Company on the one hand, and the *North-eastern* Company on the other hand, may from Time to Time enter into and carry into effect, and from Time to Time alter, rescind, or renew, any Contracts with respect to the following Purposes or any of them, and all Matters incidental thereto; (that is to say,)

The Maintenance, Management, and working by the *North-eastern* Company of all or any Part of the Railway of the Company, and of all or any of the Stations, Works, and Conveniences belonging to the Company, and the Costs and Expenses thereof:

The Collection, Regulation, Management, Interchange, Protection, Transmission, and Delivery by the *North-eastern* Company of the whole or any Part of the Traffic upon the Railways or any Part of the Railway of the Company:

The Division and Apportionment of such Traffic:

The Supply, Maintenance, and Use of any Rolling or Working Stock and Plant required for such Purposes, and the Employment of Officers and Servants:

The Collection and fixing of the Tolls, Rates, and Charges to be levied or taken in respect of the Traffic conveyed over the Railway of the Company, or any Part thereof, not exceeding the maximum Tolls, Rates, and Charges authorized by this Act:

The Division, Appropriation, and Distribution of the Tolls and other Receipts arising from the Traffic of the Railway of the Company, or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by the *North-eastern* Company by virtue of such Contract:

The Rent and other Payments and Allowances, periodical or otherwise, to be paid or allowed by or to the *North-eastern* Company, and the Appropriation thereof.

Tolls during Contract.

40. During the Continuance of any Contract or Agreement which may be entered into under the Authority of this Act, the Railways of the Companies Parties to such Agreement shall for the Purposes of Tolls and Charges be considered as One Railway, and such Tolls and Charges shall be the Tolls and Charges of this Act; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway and partly on the Railway of any other Company

pany Party to such Agreement for a less Distance than Four Miles, Tolls and Charges may only be charged as for Four Miles, and in respect of Passengers for every Mile or Fraction of a Mile beyond Four Miles as for One Mile only, and in respect of Animals, Minerals, and Goods for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Four Miles Tolls and Charges as for a Quarter of a Mile only; and no other Charge in respect of short Distances traversed on the Railway or Railways shall be made for the Conveyance of Passengers, Animals, and Goods, or other Matters, partly on the Railway and partly on the Railway of any other such Railway Company as aforesaid.

Saving Rights of North-eastern Company.

41. Except only as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Authorities of the *North-eastern* Company.

Saving Rights of the Crown.

42. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and as incidental to any such Consent as aforesaid the Company may enter into any Agreement with the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, who respectively may, with the Approval of the Commissioners of Her Majesty's Treasury, join in every such Agreement; and the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, with the like Approval, and the Company, may respectively execute all necessary Conveyances, Leases, Licences, or other Deeds of or relating to any Land, Hereditaments, or Rights belonging to Her Majesty in right of Her Crown; and every Agreement so entered into as aforesaid shall be performed by the same Commissioners and the Company respectively; and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Crown

43. Provided always, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges,

Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*. and the Duchy of Lancaster.

44. The Company or any other Railway Company to which this Act relates shall not, out of any Money by this Act or any other Act relating to the respective Company authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him; provided that the respective Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act. Interest or Dividend not to be paid on Calls.

45. The Company or any other Railway Company to which this Act relates shall not, out of any Money by this Act or any other Act relating to the respective Company authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for obtaining an Act authorizing the Company or the said other Railway Company to make any Railway, or execute any other Work or Undertaking. Deposit for future Bills not to be paid out of Company's Capital.

46. Nothing in this Act contained shall be deemed or construed to exempt the Railway or any Railway Company to which this Act relates from the Provisions of any present or future General Acts relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or from any Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Tolls and Charges by this Act or any other Act relating to the respective Railway authorized, or of the Rates for small Parcels thereby authorized. Railway not exempt from Provisions of present and future General Acts.

47. All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Company. Expenses of Act.

SCHE-

SCHEDULE herein-before referred to.

X.

Conveyance to Her Majesty in right of Her Duchy of Lancaster.

THESE are to witness, That in consideration of the Sum of £ paid to *A.B.* of by *C.D.*, the Receiver General of the Revenues of the Duchy of Lancaster, on behalf of Her Majesty, he the said *A.B.* doth by these Presents grant, convey, and assure unto the said *C.D.*, his Heirs and Assigns, all that to have and to hold the same unto the said *C.D.*, his Heirs and Assigns, to the Use of Her said Majesty, Her Heirs and Successors, in right of Her said Duchy.

In witness, *&c.*

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