ANNO VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap.* xci.

**An Act to incorporate a Company for making a Railway from the *South Durham and Lancashire Union* Branch of the *North-eastern* Railway at *Lartington* to *Middleton in Teesdale*; Working Arrangements with the *North-eastern* Railway Company; Powers to that Company to subscribe; and for other Purposes.**

[19th *June* 1865.]

WHEREAS the making of a Railway from the authorized Line of the *South Durham and Lancashire Union* Branch of the *North-eastern* Railway in the Parish of *Romaldkirk* in the North Riding of the County of *York* to *Middleton in Teesdale* would be of great public and local Advantage: And whereas a Plan and Section of the said intended Railway, showing the Lines and Levels thereof, together with a Book of Reference thereto, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands proposed to be taken for the Purposes of the Undertaking, have been deposited with the Clerk of the

the Peace for the North Riding of the County of *York:* And whereas the Persons herein-after named, with others, are willing, at their own Expense, to carry the said Undertaking into execution, if authorized by Parliament so to do, and are desirous of being incorporated into a Company (in this Act called "the Company") for that Purpose: And whereas it is expedient that the Company and the *North-eastern* Railway Company should be empowered to enter into Contracts and Arrangements as herein-after provided: And whereas the several Objects 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; (that is to say,)

Short Title.

**1.** In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Tees Valley* Railway Act, 1865."

8 & 9 Vict. cc. 16. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

**2.** "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Parts I. and III. of "The Railways Clauses Act, 1863," (save as to such Parts thereof respectively as are varied, altered, or excepted by this Act,) shall be incorporated with and form Part of this Act.

Interpretation of Terms.

**3.** In construing this Act the Expressions "the Undertaking" or "the Railway" mean the Railway by this Act authorized and the Works connected therewith; the Expression "the Company" means the Company by this Act incorporated, unless in any of the said Cases there be in the Subject or Context thereof something repugnant to or inconsistent with such Construction; and the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act or in the Acts incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a Simple Contract Debt, and not a Debt or Demand created by Statute.

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

**4.** The several Words and Expressions to which by the Acts or Parts of Acts incorporated with this Act Meanings are assigned have in construing this Act the same respective Meanings, unless there be in the Subject or Context thereof something repugnant to or inconsistent with such Construction, or other Meanings be expressly assigned to them by this Act.

Incorporation of Company.

**5.** The Persons following, (that is to say,) *Thomas Witham*, *Henry Pease*, *William Thomas Scarth*, *Henry Fell Pease*, *John Dixon*,

*Dixon*, *William Thompson*, *Thomas Macnay*, *Thompson Richardson*, *Robert Thompson*, *George Brown*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking, their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Works hereby authorized, and for carrying into effect the Purposes of this Act, and such Company shall be incorporated by the Name of "The *Tees Valley* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, hold, and sell Lands for the Purposes of the Undertaking, within the Restrictions herein and in the incorporated Acts contained.

Capital.

**6.** The Capital of the Company shall be Fifty thousand Pounds, divided into Two thousand Shares of Twenty-five Pounds each.

Calls.

**7.** Two Pounds *per* Share shall be the greatest Amount of any One Call to be made on any Share created under the Powers of this Act, and One Half of a Share shall be the utmost aggregate Amount of Calls made in any One Year upon any Share, and Two Months at least shall be the Interval between successive Calls.

Shares not to issue until 20 per Cent. paid up.

**8.** 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 Twenty *per Centum* of the Amount of such Share, shall have been paid up in respect thereof.

Power to borrow on Mortgage.

**9.** The Company may from Time to Time borrow and reborrow on Mortgage any Sums not exceeding Sixteen thousand six hundred Pounds, but no Money shall be so borrowed by the Company under the Powers of this Act until the whole of the Capital of the Company by this Act authorized to be raised shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such Capital has been subscribed for *bonâ fide* and issued, and that One Half thereof has been paid up, and that not less than Twenty *per Centum* of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and such Justice shall grant his Certificate accordingly, upon such Evidence as he shall think fit, which Certificate shall be sufficient Evidence that the Matters aforesaid have been duly proved.

**10.** The

Application of Monies.

**10.** The Monies by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Arrears may be enforced by Appointment of a Receiver.

**11.** The Mortgagees of the Company may enforce the Payment of the Arrears of Interest or the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall be not less than One thousand five hundred Pounds in the whole.

First Ordinary Meeting of Company.

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

Quorum of Meetings of Company.

**13.** The Quorum of every Meeting of the Company shall be Ten Proprietors, holding in the aggregate not less than One Twentieth of the nominal Capital of the Company; and the prescribed Number of Shareholders who may require the Directors to call an Extraordinary Meeting of the Company shall be Ten Shareholders, holding in the aggregate not less than One Fortieth Part of the nominal Capital of the Company.

Number and Qualification of Directors.

**14.** The Number of the Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Quorum of Meeting of Directors.

**15.** The Quorum of a Meeting of Directors shall be Three.

First Directors.

**16.** The said *Thomas Witham*, *Henry Pease*, *William Thomas Scarth*, *Henry Fell Pease*, *John Dixon*, *Thomas Macnay*, *Thompson Richardson*, *Robert Thompson*, and *George Brown* shall be the First Directors of the Company.

Provision for Directors retiring at First Ordinary Meeting, and for future Elections.

**17.** The First Directors shall continue in Office until the First Ordinary Meeting of the Company, and at that Meeting the Shareholders present, personally or by proxy, may either continue in Office the First Directors, or any of them, or may elect a new Body of Directors, or a new Director to supply the Places of those not continued in Office, the First Directors being eligible for Re-election; and at the First Ordinary Meeting of the Company in the Year One thousand eight hundred and sixty-six, and at their First Ordinary Meeting in every subsequent Year, the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of

"The Companies Clauses Consolidation Act, 1845," and of this Act in that Behalf; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue Directors until others are elected in their Stead, as in "The Companies Clauses Consolidation Act, 1845," provided.

Power to construct Railway and Works.

**18.** Subject to the Provisions in this Act and the Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the Railway herein-after described, with all proper Works, Stations, Approaches, and Conveniences connected therewith, in the Line and upon the Lands delineated on the said Plan, and described in the said Book of Reference, and according to the Levels shown on the said Section, and to enter upon, purchase, take, and use such of the Lands delineated on the said Plan, and described in the said Book of Reference thereto, as shall be necessary for such Purposes.

Description of Works.

**19.** The Works by this Act authorized comprise the following; (that is to say,)

A Railway, with all necessary Stations, Bridges, Sidings, Works, and Conveniences connected therewith and Approaches thereto, commencing by a Junction with the Rails of the *South Durham and Lancashire Union* Branch of the *North-eastern* Railway in the Township of *Cotherstone* in the Parish of *Romaldkirk* in the North Riding of the County of *York*, and passing through the Townships of *Cotherstone*, *Hunderthwaite*, *Romaldkirk*, *Mickleton*, *Lune* or *Lunedale*, and *Holwick*, all in the Parish of *Romaldkirk* in the North Riding of the County of *York*, and terminating near *Middleton in Teesdale* on the East Side of the *Middleton and Brough* Turnpike Road, and on the West Side of a Field called *Wood Top Field* in the said Township of *Holwick* belonging to *John Bowes*, and in the Occupation of *Charles Raine* and *John Raine*.

Level Crossings.

**20.** Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," contained, in reference to the crossing of Roads on the Level, the Company, in the Construction of the Railway by this Act authorized, may carry the same, while single with One Line, and while double with Two Lines of Rails, across and on the Level of the Road numbered on the said deposited Plan as follows; (that is to say,)

| | No. on Plan. | Township. | |
|---|---|---|---|
| | 144 | Romaldkirk. | |

Inclinations of Roads.

**21.** The Company may construct the Bridges for carrying either over or under the Railway the Roads numbered on the deposited Plan and described as follows, with any Rate of Inclination not steeper than the following; (that is to say,)

| No. on Plan. | Parish. | Description of Road. | Rate of Inclination. |
|---|---|---|---|
| 38 | Romaldkirk - | Public Road - | 1 in 11. |
| 98 | Romaldkirk - | Public Road - | 1 in 15 on one Side and level on the other. |
| 124 | Romaldkirk - | Public Road - | 1 in 12 on one Side. |
| 236 | Romaldkirk - | Public Road - | 1 in 17. |

Height and Span of Bridges.

**22.** Notwithstanding anything contained in "The Railways Clauses Consolidation Act, 1845," the Company may construct the Bridges for carrying the Railway over the Roads numbered on the deposited Plan, and described as follows, of the respective Heights and Spans following; (that is to say,)

| No. on Plan. | Parish. | Description of Road. | Height. | Span. |
|---|---|---|---|---|
| 98 | Romaldkirk - | Public Road - | 16 Feet - | 20 Feet. |
| 246 | Romaldkirk - | Public Road - | 16 Feet - | 15 Feet. |

As to Width of Bridges when Roads are widened.

**23.** Provided always, That if at any Time after the Construction of the Railway the average available Width of any of the said Roads respectively shall be increased beyond the Width of the Bridge provided for the same respectively on either Side thereof, the Company shall be bound at their own Expense to increase the Span or Width of that Bridge to such an Extent as may be required by the Trustees or Surveyors of such Road, not exceeding the Width of such Road as so widened, or the maximum Width required for a Bridge in the like Case by "The Railways Clauses Consolidation Act, 1845."

Land for extraordinary Purposes.

**24.** The Quantity of Land to be purchased by the Company by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres.

Limiting Time for Completion of Works.

**25.** The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed,

pleted, and also except those Powers which are by the same Acts or any of them declared to be continued, or which may lawfully be exercised for a longer Period.

Security for Completion of Works.

**26.** Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Four thousand Pounds, being Eight *per Centum* on the Sum of Fifty thousand Pounds, the Amount of the Estimate of the Expense of the Undertaking authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said last-recited Act, the said Sum of Four thousand Pounds so deposited as aforesaid, or the Interest or Dividends of such Sum, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivor or Survivors of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway hereby authorized to be made, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares for the Purposes of the Railway, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of such Capital; and if the said Period shall expire before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest or Dividends thereof, shall, immediately from and after the Expiration of the said Period, be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Four thousand Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Four thousand Pounds if the Company shall not, within the Time limited for

Release of Money deposited.

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

Tolls.

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

Tonnage on Articles of Merchandise.

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

Class 1. For all Coal, Coke, Culm, Charcoal, and Cinders, Dung, Compost, and unpacked Manure, Lime and Limestone, and all undressed Materials for the Repair of the public Roads or Highways, *per* Ton *per* Mile One Penny; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

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

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves and Deals, Metals (except Iron), Nails,

Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Threepence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding 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, carried or conveyed on a Truck or Platform belonging to or provided by the Company, *per* Mile Sixpence; and a Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh:

For every Engine or Carriage adapted for travelling on a Railway, and using the said Railway as a Means of Transit, not exceeding One Shilling *per* Mile for each Engine, and not exceeding Threepence *per* Mile for each Carriage.

Tolls for Passengers and Animals.

**28.** In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in any Carriage belonging to or provided by the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in any Carriage belonging to or provided by the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Ox, Cow, Bull, or Neat Cattle, conveyed in any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in any Carriage belonging to or provided by the Company, an additional Sum *per* Mile not exceeding One Penny:

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

Tolls for propelling Power.

**29.** 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 or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Maximum Rate of Charge for Passengers.

**30.** 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 for locomotive Power, and every other Expense incidental thereto, shall not exceed the following Sums; (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: and,

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

Restriction as to Charges not to apply to Special Trains.

**31.** Provided always, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Trains that may be required to be run 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.

Passengers Luggage.

**32.** 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.

Maximum Rate of Charge for Goods and Cattle.

**33.** The maximum Rate of Charge to be made by the Company for the Conveyance of Goods and Animals conveyed on the Railway, including Tolls for the Use of the Railway, and the Charges for Carriages, Waggons, or Trucks and locomotive Power, and all other Charges incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Duty and Business of a Carrier, where any such Services are performed by the Company, shall not exceed the following; that is to say,

For Coal, Dung, or other Articles in Class 1, *per* Ton *per* Mile One Penny Halfpenny:

For Stones for building or other Articles in Class 2, *per* Ton *per* Mile Twopence:

For Sugar or other Articles in Class 3, *per* Ton *per* Mile Twopence Three Farthings:

For

For Cotton or other Articles in Class 4, *per* Ton *per* Mile not exceeding Threepence Halfpenny:

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

For every Horse, Mule, Ass, or other Beast of Draught or Burden, Fourpence *per* Mile:

For every Ox, Cow, Bull, or Neat Cattle, Threepence *per* Mile:

For every Calf, Pig, Sheep, Lamb, or other small Animal, One Penny Halfpenny *per* Mile.

Regulations as to Tolls.

**34.** The following Provisions and Regulations shall be applicable to the fixing of Tolls and maximum Charges by this Act authorized to be taken; that is to say,

For Articles, Persons, or Animals conveyed on the Railway for a less Distance than Four Miles the Company may demand the Tolls and Charges by this Act prescribed 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 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:

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

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

Tolls for small Parcels and single Articles of great Weight.

**35.** With respect to small Packages and single Articles of great Weight the Company, notwithstanding the Rate of Tolls prescribed by this Act, may lawfully demand the Tolls following; (that is to say,)

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:

And for any Parcel exceeding Fifty-six Pounds in Weight the Company may demand any Sum which they think fit:

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

For the Carriage of any One Boiler, Cylinder, 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 Five Tons, but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

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

Terminal Station.

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

Company may take increased Charges by Agreement.

**37.** Nothing herein contained shall prevent the Company from taking an increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods or Animals of any Description, by Agreement with the Owners of or Persons in charge of such Goods or Animals, either in respect of the Conveyance thereof (excepting small Parcels and Animals) by Passenger Trains, or by reason of any special Service performed by the Company in relation thereto.

Power to enter into Working Arrangements.

**38.** It shall be lawful for the Company and the *North-eastern* Railway Company to agree with respect to all or any of the following Purposes; namely,

The Maintenance and Management of the Railway by this Act authorized, or any Part thereof, and of the Works connected therewith;

The Use and working of the said Railway and the Conveyance of Traffic thereon, and the providing of Rolling Stock for the same; and

The

The fixing, collecting, and Apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, or arising in respect of such Traffic.

If Railways worked together One Short-Distance Charge only to be made.

**39.** During the Continuance of such Working Agreement the Railway and the *North-eastern* Railway shall, for the Purpose of computing Tolls and Charges, be deemed One continuous Railway; and with respect to the Tolls or Charges for Traffic conveyed partly on the Railway and partly on the *North-eastern* Railway for a less Distance than Four Miles during the Time the Railway shall be worked by the *North-eastern* Railway Company that Company shall be entitled to charge as for Four Miles and no more, and it shall not be lawful for that Company to make a Short-Distance Charge for any Traffic conveyed for a longer Distance than Four Miles partly on the Railway and partly on the *North-eastern* Railway, and that Company may charge for each Fraction of a Mile beyond Four Miles as for One Mile in respect of Passengers, and for each Fraction of a Mile less than a Quarter as for a Quarter of a Mile in respect of Minerals, Animals, and Goods.

Power to North-eastern Company to subscribe.

**40.** It shall be lawful for the *North-eastern* Railway Company from Time to Time to subscribe towards and become Shareholders in the Undertaking hereby authorized to any Extent not exceeding in the whole Twenty-five thousand Pounds, and to contribute and apply in Payment of such Subscription any Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertakings.

Interest not to be paid on Calls paid up.

**41.** It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposit for future Bills not to be paid out of Company's Capital.

**42.** It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company

to construct any other Railway, or to execute any other Work or Undertaking.

Power to lay down Electric Telegraph.

**43.** It shall be lawful for the Company, if they shall think fit, from Time to Time to establish and lay down and to maintain, or to contract with any Company or Person for laying down and maintaining along the Line of Railway by this Act authorized, One or more Line or Lines of Electric Telegraph.

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

**44.** Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates for small Parcels, or of the maximum Rates of Fares and Charges, authorized by this Act.

Expenses of Act.

**45.** All the Costs, Charges, and Expenses of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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