CHAPTER clxxxiv.

An Act for making a Railway from the town of Wisbech in the county of Cambridge to Upwell in the county of Norfolk; and for other purposes. [21st July 1873.] A.D. 1873.

WHEREAS the making of a railway from the town of Wisbech in the county of Cambridge to Upwell in the county of Norfolk would be of public and local advantage:

And whereas the persons herein-after named, with others, are willing at their own expense to construct and maintain such railway and the several works connected therewith:

And whereas it is expedient that the Company herein-after incorporated and the Great Eastern Railway Company should be empowered to make and enter into such agreements as are herein-after authorised with respect to the use of the said intended railway, and the terms of such use:

And whereas plans and sections showing the lines and levels of the railway 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 Isle of Ely at Wisbech in the county of Cambridge, with the clerk of the peace for the county of Cambridge at Cambridge, and with the clerk of the peace for the county of Norfolk at Norwich, 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:

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,

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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 be cited as "The Upwell, Outwell, and Wisbech Railway Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I. (relating to cancellation and surrender of shares) and III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Parts I. (relating to construction of railway) and III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; 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 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.

Subscribers incorporated.

4. John Farmery Ollard, Isaac Dennithorne Walker, William Milner Crowe, 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 Upwell, Outwell, and Wisbech Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences

connected therewith, 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,—

A railway six miles two furlongs four chains and ten yards in length or thereabouts, commencing by a junction with the Great Eastern Railway at a point seventy-two yards or thereabouts measured in an easterly direction from the east end of the platform of the passenger station of the Great Eastern Railway at the town of Wisbech in the parish of Wisbech St. Peter, and terminating at the north side of the turnpike road leading from Wisbech to Ely about ninety-five yards west from Three Holes Bridge in the parish of Upwell.

Capital.

6. The capital of the Company shall be forty thousand pounds, in shares of ten pounds each.

Share not to issue till one fifth 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 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 calls to be made in any year upon any share.

Receipt clause in case of persons not sui juris.

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

Newspapers for insertion of advertisements.

10. The newspapers in which advertisements relating to the affairs of the Company are to be inserted shall be some newspaper published in London, and some newspaper published in the counties of Cambridge and Norfolk.

Power to borrow on mortgage.

11. The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirteen thousand three hundred pounds, but no part thereof shall be borrowed until the whole capital of forty 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

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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.

Arrears may be enforced by appointment of a receiver.

12. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

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

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

16. The number of directors shall be three.

Qualification of directors.

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

Quorum.

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

First directors and election of directors.

19. John Farmery Ollard, Isaac Donnithorne Walker, and William Milner Crowe shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting

to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall 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 nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Lands for extraordinary purposes.

20. 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 one acre.

Powers for compulsory purchases limited.

21. 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 two years from the passing of this Act.

Power to cross certain roads on the level.

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

No. on deposited Plan.	Parish.	Description of Road.
29	Wisbech St. Peter - -	Public road.
36	Elm - - -	Public road.
59	Elm - - -	Public road.
70	Elm - - -	Public road.
94	Elm - - -	Public road.
107	Elm - - -	Public road.
10	Outwell - - -	Public road.
11	Outwell - - -	Public road.
36	Outwell - - -	Public road.
141	(Cambridge) Upwell - -	Public road.
24	(Norfolk) Upwell - -	Public road.
47	(Norfolk) Upwell - -	Public road.
110	(Norfolk) Upwell - -	Public road.

Provision as to junction with the Great Eastern Railway.

23. The junction of the railway with the Great Eastern Railway shall be effected subject to and in accordance with the following provisions, and not otherwise; (that is to say,)

(1.) The junction shall be effected at such a point within the limits of deviation delineated on the deposited plans, and

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in all respects in such manner as shall previously have been approved of by the engineer for the time being to the Great Eastern Railway Company, and the junctions and the works connected therewith shall be executed by them, and the cost thereof shall upon demand be repaid to them by the Company, and in default thereof may be recovered in any court of competent jurisdiction:

(2.) The Company shall not, except by agreement, use, enter upon, or interfere with, or acquire any right, title, or interest to or in any lands belonging to the Great Eastern Railway Company, except such as may be required for the purposes of effecting the said junction, nor shall the Company, with respect to such lands of the Great Eastern Railway Company as may be so required, purchase and take the same, but the Company may purchase and take, and the Great Eastern Railway Company may and shall sell and grant accordingly, an easement or right of using the same for the purposes of the said junction:

(3.) The Great Eastern Company may from time to time erect such signals and conveniences incident to the junction, either on their own lands or on the lands of the Company, and may from time to time appoint and remove such watchmen, switchmen, or other persons, as may be necessary for the prevention of danger to or interference with the traffic at and near the junction; the working and management of such signals and conveniences wherever situate shall be under the exclusive regulation of the Great Eastern Railway Company, and all the expenses of erecting and maintaining those signals and conveniences, and of employing those watchmen, switchmen, and other persons, and all incidental current expenses incurred by the Great Eastern Railway Company, shall at the end of every half year be repaid by the Company, and in default thereof may be recovered from the Company in any court of competent jurisdiction.

For protection of the drainage and navigation of the Middle Level.

24. Inasmuch as the railway is intended to pass over certain parts of the Middle Level of the Fens, therefore, in constructing and maintaining the railway or any of the bridges or works connected therewith, it shall not be lawful (without the consent in writing of the Middle Level Commissioners as to any works maintained by or belonging to them, or as to any works maintained by or belonging to any other drainage commissioners or public bodies in the Middle Level, without the consent in writing of such com-

missioners or public bodies respectively,) to contract or diminish the breadth, depth, or capacity of the waterway of any drain, river, watercourse, or work of drainage within the Middle Level, or to do any act whereby the free passage of water or ice through and along any such river, drain, or watercourse shall during floods or at any other time be in any manner impeded; and it shall not be lawful for the Company, without the consent in writing as aforesaid, to lower or vary the line or dimensions, or to injure or weaken the security of any bank maintained for protecting any of the lands within the Middle Level from inundation; and every bridge to be erected for carrying the railway over any such navigable river, drain, or watercourse, whether the navigation thereof be public or private, shall, unless with such consent in writing as aforesaid, be so constructed as not to obstruct or impede the navigation, or the use and enjoyment of the towing-paths thereof.

Mode of executing works across banks.

25. In the formation of such part of the railway as is intended to pass over, across, or along any bank of any of the rivers, drains, or watercourses within the Middle Level, it shall not be lawful (without the respective consents in writing of the owners or commissioners or other public bodies liable to maintain the said banks) for the Company, or their officers or contractors, at any time or times to cut or interfere with, or place or drive down any piles, or to erect any pier or building into or upon or within the water side of any such bank, or to cut or carry away earth or soil, or open any hole or trench within twenty yards from the land side of any bank.

Before works commenced Company to widen banks if required.

26. Previously to any works being commenced upon or over any bank, the Company shall, at their own costs and charges, well and sufficiently and in a proper and workmanlike manner widen and strengthen such bank to the extent of not less than two yards in thickness on the outer or land side, and for a distance of not less than twenty yards in length on either side of the proposed line of railway over such bank, if the same shall be required by the Middle Level Commissioners, or other commissioners or public bodies respectively liable to the maintenance of such bank.

Works of Company not to unite drainage of districts.

27. It shall not be lawful for the Company to execute any works within the Middle Level in such manner as will unite the drainage of any district or fen in the Middle Level with the drainage of any other district or fen, or as will extend any public or private drainage in the Middle Level to any land not previously drained thereby.

Land taken by the Company to be

28. Any lands within the Middle Level which may be required to be taken or used by the Company, and which at the time of the

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subject to drainage taxes.

passing of this Act shall, under or by virtue of any Act of Parliament, be subject to any drainage taxes, shall remain and be subject to all such drainage taxes as now are or hereafter shall be imposed on the said lands under or by virtue of such Act, or any Act which may hereafter be passed for amending such Act, in the same manner but not to a greater extent than and with the same remedies for recovering such taxes, and any charges and penalties that may be incurred for nonpayment thereof, and as against the Company as a person named in the Acts by which such rates are recoverable, as if this Act had not been passed, or as if such lands had not been taken or used by the Company.

Preserving right to alter or divert works of drainage.

29. Nothing herein contained shall tend to lessen or control any rights or powers now vested in or enjoyed by any commissioners of drainage or other body or person for altering or diverting any existing bridge, river, drain, or watercourse used for the drainage of any lands within the Middle Level, or to prevent the making of any new bridge, river, drain, or watercourse for improving the drainage thereof, or of altering or enlarging any existing bridge, river, drain, or watercourse; but all such rights and powers shall remain in as full force as if this Act had not passed; and the said commissioners of drainage, or other body or person, shall not be liable to make any compensation for any damage or injury occasioned by altering, enlarging, or diverting any existing bridge, river, drain, or watercourse, or making any new bridge, drain, or watercourse, to any greater extent or amount than they would have been liable to if the railway had not been made.

As to crossing River Nene.

30. The railway shall be carried over the River Nene in the parish of Upwell by a good and substantial bridge, having one span or opening of not less than twenty-five feet wide, square with the line of direction of the river, and the soffit or underside of the girder or arch of such bridge shall be of not less than eighteen feet six inches clear height above the Middle Level datum line.

Alteration in towing-paths or droves.

31. If in the making and constructing of the railway it shall be necessary to alter the course of any of the towing-paths of any navigable river, drain, or watercourse used for navigation within the Middle Level, or any roadway or drove upon, along, or under any of the banks, or otherwise, the Company shall make such alterations in a proper and efficient manner, and so as not to impede the navigation of any such river, drain, or watercourse, or the passage of any roadway or drove, and for the purpose of preventing any interruption to hauling along the towing-path of the said River Nene by the erection of the said intended bridge over the same, the Company

shall make and maintain a safe and sufficient platform or galiery five feet wide at the least and eleven feet four inches in height above the Middle Level datum line in lieu of and on the same side of the river as the present towing-path, so as to afford a free passage for horses hauling along the same towing-path, and to prevent the necessity of detaching the horses from the hauling lines; and the navigation and passage of waters through the said rivers, drains, or watercourses, and the passage of every such roadway or drove, shall not, during the construction of the railway or the repair thereof when made, be hindered, impeded, or obstructed for a longer period than shall be absolutely necessary.

Company to uphold works executed by them.

32. The Company shall at all times hereafter substantially maintain and support all bridges and other works made or constructed by the Company, and which in any way protect or affect the drainage or navigation or other works intended for the security of the Middle Level, or any district therein.

Company to make good unforeseen injury to drainage and navigation.

33. If at any time after the railway shall have been completed any injury shall arise to any river, canal, drain, or watercourse within the Middle Level, or to the navigation thereof, or to any bank or towing-path, or land, building, crops, produce, or goods within the Middle Level, from the formation of any bridge, embankment, ditch, culvert, or other work by the Company, or by or in consequence of any works of the Company which may not have been foreseen or provided for by this Act, the Company shall at their own costs make good and repair and take all proper steps to prevent the recurrence of any such injury immediately after the discovery thereof.

Company to keep certain parts of banks and towing-paths in repair.

34. The Company shall at their own expense for ever hereafter maintain and keep in perfect repair for the space of not less than fifty yards on each side of the railway such banks and towing-paths by the side of any navigable or other river, drain, or watercourse within the Middle Level as shall be crossed, altered, or interfered with by the Company.

Works in Middle Level to be executed under the superintendence of the engineer of the parties interested, if required.

35. The details and mode of constructing the several works herein directed to be executed for protecting or affecting the interests of the Middle Level Commissioners, and of any other commissioners of drainage or bodies or persons within the Middle Level, with all necessary and contingent works, whether temporary or permanent, and as well those which are as those which are not, not specifically mentioned, but which are necessarily consequent on or fairly implied by the several stipulations and conditions herein provided for, shall, so far as concern works affecting the Middle

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Level Commissioners, be executed in a proper and efficient manner, to the reasonable satisfaction of the engineer of those commissioners, and so far as concern works affecting the interests of any such other commissioners of drainage or body or person, shall in like manner be executed to the reasonable satisfaction of the engineer of such several commissioners, body, or person respectively, and the cost of such superintendence shall be borne by the Company.

Penalty in default of Company as to works for protection of Middle Level.

36. If the Company shall by any act or default offend against any provision of this Act touching or concerning the drainage or protection of the lands within the Middle Level, or the navigation of any such navigable river, drain, or watercourse as aforesaid, and shall for the space of ten days after due notice thereof from the Middle Level Commissioners, or other commissioners or body aggrieved, fail to repair any injury which shall be occasioned thereby, or to prevent further or continuing injury, or on the reasonable apprehension of injury to adopt due precautionary remedies against the occurrence of actual injury, the said Company shall for every such offence forfeit to the commissioners or other body injured the sum of one hundred pounds for every day during which such offence shall continue, which said sum may be recovered, with full costs of suit, in any of Her Majesty's courts of record at Westminster: Provided that nothing in this Act contained shall prevent any bodies or persons recovering from the said Company special damages for any injury that may be done or occasioned to the drainage of any of the lands within the Middle Level, or the works for protecting or preserving the same, or to the navigation of the said rivers, drains, or watercourses, by or through the act or neglect or default of the Company, or by reason of the effect or operation of any works to be executed by the Company.

Special damages.

Reserving the rights of the Middle Level and other Commissioners.

37. Nothing herein contained shall in any manner diminish, alter, affect, or take away any of the rights, privileges, powers, and authorities now exercised or capable of being exercised by or vested in the Middle Level Commissioners, or any other commissioners of drainage, or body acting in execution of any Act of Parliament affecting any fen lands or low grounds within the Middle Level, or any part thereof, save and except so far as the same rights, privileges, or authorities are expressly altered or interfered with by this Act.

Deposit money not to be repaid until line opened, or half the

38. 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 one thousand seven hundred and two pounds nineteen shillings, being five per cent.

upon the amount of the estimate in respect of the railway, 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 Act, the said sum so deposited as aforesaid in respect of the application for this Act 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, unless the Company shall, previously to the expiration of the period limited by this Act for 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 authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so 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.

Capital paid up and expended.

39. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may 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 shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required

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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 of Chancery in England thinks fit to order, on the application of the solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in 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 said sum of money 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 person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

40. If the railways are not completed within four 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.

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

Passengers.

In respect of passengers and animals conveyed upon the railway:

For any person conveyed in or upon any carriage, per mile twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny halfpenny:

Animals.

For every horse, mule, ass, or other beast of draught or burden conveyed in or upon any such carriage, per mile fivepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny halfpenny:

For every ox, cow, bull, or neat cattle conveyed in or upon any such carriage, per mile threepence; if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny halfpenny:

For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, per mile one penny halfpenny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one halfpenny:

In respect of the tonnage of goods conveyed on the railway : Tonnage on articles of merchandise.

For all coals, dung, compost, and all sorts of manure, lime, and limestone, and all undressed materials for the repair of public roads or highways, per ton per mile one penny halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one penny :

For all coke, culm, charcoal, cinders, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone, and 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 twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one penny :

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, and deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one penny :

For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile fourpence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one penny halfpenny :

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 belonging to the Company, per ton 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.

Tolls for propelling power.

42. The toll 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.

43. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railway for a less distance than four miles, the Company may demand tolls and charges as for four miles :

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For a fraction of a mile beyond four 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 numbers 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.

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

For the carriage of small parcels on the railway:

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, ninepence:

For any parcel exceeding fifty-six pounds in weight 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 single articles of great weight on the railway:

For the carriage of any one boiler, cylinder, bob, or single piece of machinery, or single piece of timber or stone, or any 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 from time to time may 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, or which on account of the length thereof may require more than one carriage, the Company may demand such sum as they think fit.

Maximum rates for passengers.

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

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

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

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

Maximum rates for animals and goods.

46. 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 goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums; (that is to say,)

For all coals, dung, compost, and all sorts of manure, lime, and limestone, and all undressed materials for the repair of public roads or highways, per ton per mile one penny halfpenny:

For all coke, culm, charcoal, cinders, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone, and iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar description of wrought iron, and iron castings not manufactured into utensils or other articles of merchandise, per ton per mile twopence:

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, and deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile threepence;

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For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile fourpence:

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 belonging to or provided by the Company, per mile sixpence, and twopence for every additional quarter of a ton which such carriage may weigh:

For every horse, mule, ass, or other beast of draught or burden conveyed in or upon any carriage, per mile fivepence:

For every ox, cow, bull, or neat cattle conveyed in or upon any carriage, per mile threepence:

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

Passengers luggage.

47. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

48. 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.

Restrictions as to charges not to apply to special trains.

49. 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.

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

Power to enter into agreements with Great

51. The Company on the one hand, and the Great Eastern Railway Company on the other hand, may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, from time to time

enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The use of the railway or any part thereof by the Great Eastern Railway Company, and of the works connected therewith, and the terms of such use. — Eastern Railway Company.

52. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway by the Great Eastern Railway Company, the railways of the Company and of the Great Eastern 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 railway of the Great Eastern Railway Company 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, 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 four 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 railway of the Great Eastern Railway Company. — Tolls on traffic conveyed partly on the railway and partly on the railway of the Great Eastern Railway Company.

53. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of 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. — Interest not to be paid on calls paid up.

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

55. Nothing in this Act contained shall exempt the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates — Railway not exempt from provisions of present and future general railway Acts.]

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of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

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

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