



**CHAPTER cci.**

An Act for incorporating the Skipton and Kettlewell Railway Company, and authorising them to make and maintain the Skipton and Kettlewell Railway; and for other purposes. [26th August 1880.]

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**W**HEREAS the making and maintaining of the railway by this Act authorised would be of public and local advantage:

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

And whereas it is expedient that the Company so to be incorporated (in this Act called "the Company") be authorised to run over, work, and use the portions of the railway in that behalf mentioned:

And whereas it is expedient that the Company and the Midland Railway Company be empowered to enter into and carry out agreements as herein-after provided, and that provision be made for facilitating the conveyance of traffic to and from the railway by this Act authorised:

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 West Riding of Yorkshire, 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

A.D. 1880. with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as the Skipton and Kettlewell Railway Act, 1880.

Incorporation of general Acts.

8 & 9 Vict. c. 18.  
26 & 27 Vict.  
c. 118.  
32 & 33 Vict. c. 43.  
8 & 9 Vict. c. 18.  
23 & 24 Vict.  
c. 106.  
32 & 33 Vict. c. 18.  
8 & 9 Vict. c. 20.  
26 & 27 Vict. c. 92.

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

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such a construction. For the purposes of this Act the expressions "superior courts," or "courts 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 demand or debt created by statute.

Incorporation of Company.

4. Robert Tennant, James Balfour Wemyss, and Percy Kelham Langdale, 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 Skipton and Kettlewell Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all necessary and convenient stations, approaches, bridges, roads, communications, and other works connected therewith, and

may enter upon and 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—

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A railway, nine miles three furlongs in length, commencing by a junction with the Midland (Little North-western) Railway, at a point measuring 567 yards or thereabouts in a south-easterly direction along that railway from the centre of the first bridge from Skipton carrying the said railway over the River Aire, and terminating at a point measuring 148 yards or thereabouts in a north-easterly direction from a house known as Lowfield, in the north-east corner of a field in the occupation of William Topham, and belonging or reputed to belong to the Reverend Thomas Whitaker Nowell, which said field is in the township of Threshfield, in the parish of Linton.

6. The powers of this Act with respect to so much of the railway as lies to the north of the point marked nine miles three furlongs on the deposited plans shall be and they are hereby suspended, and in the event of the Company in the next or some subsequent session of Parliament applying for an Act authorising them to make a deviation of the railway, or a new railway, in order to complete the continuous communication between Skipton and Kettlewell, provision shall be made in such Act that the deviated or new line of railway shall not approach Netherside Hall, situate on the estate of Netherside, in the parishes of Linton and Burnsall, in the west riding of the county of York, nearer than two hundred and sixty yards, and shall be kept on the west side of the road leading from Threshfield to Kilnsey until it has left the said estate; and upon the passing of such an Act the said powers of this Act shall cease and determine.

Suspension  
of powers to  
make por-  
tion of rail-  
way.

7. For the protection of the company of proprietors of the canal navigation from Leeds to Liverpool (hereafter in this Act called "the Leeds and Liverpool Canal Company"), the following provisions shall have effect; (to wit,)

Provisions  
for the  
Leeds and  
Liverpool  
Canal  
Company.

(A.) The railway shall be carried across the canal and towing-path, works, and lands of the Leeds and Liverpool Canal Company in the line and at the point of such crossing as shown on the deposited plans, and (unless with the consent of the Leeds and Liverpool Canal Company under their common seal) not elsewhere:

(B.) In carrying the railway across the canal, towing-path, works, and lands of the Leeds and Liverpool Canal Company, the

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Company shall not, otherwise than by agreement with the Leeds and Liverpool Canal Company, deviate from the line as shown on the deposited plans, or from the levels or mode of construction shown on the deposited sections :

- (c.) The Company shall not purchase or take any land of the Leeds and Liverpool Canal Company, but the Company may purchase and take, and the Leeds and Liverpool Canal Company may and shall sell and grant accordingly, an easement or right of using the land required for the construction of the railway across the said canal and towing-path (with not more than two lines of rail) in the line shown on the deposited plans, but the Company shall not take or interfere with any of the canal, towing-path, or lands of the said canal company at or near the place marked "A" on the said deposited plans, near the junction with the said Midland (Little North-western) Railway :
- (d.) Nothing herein contained shall prevent the Company from entering upon the lands and works of the Leeds and Liverpool Canal Company when and for such periods as may be necessary for the fulfilment of the Company's obligations under this section :
- (e.) The railway shall be carried over the canal and towing-paths of the Leeds and Liverpool Canal Company, and any approaches thereto, by means of a good and substantial bridge of brick, stone, wood, or iron, to be constructed by the Company at their own expense :
- (f.) The bridge shall be constructed with perpendicular foundation walls, and its opening shall be 45 feet span on the square over the width of the canal and towing-path, and the clear height of the underside of the arch or (as the case may be) beams or girders of the bridge above the top-water level of the canal shall, throughout the whole breadth of the span, be not less than eleven feet ; and the Company shall not begin the construction of the bridge until they shall have furnished to the engineer for the time being of the Leeds and Liverpool Canal Company working plans and sections of such bridge, subject to the provision for arbitration herein-after contained :
- (g.) The space between the piers of the bridge (except so much thereof as the towing-path will occupy) shall at all times after the completion of the bridge (except during necessary repairs or reconstruction) be left and preserved an open and uninterrupted navigable waterway :
- (h.) The Company shall, at their own expense, maintain the bridge and the works thereof of the height and width aforesaid,

and in perfect repair at all times, unless they abandon the railway, or the portion thereof which crosses the canal, and in either of those cases they shall (if required so to do by the Leeds and Liverpool Canal Company, but not otherwise) remove the said bridge and works at their own expense :

- (I.) If and whenever the height of the bridge or works shall, by subsidence of the ground, be lowered below the height herein-before prescribed, the Company shall at their own expense restore the same to that height as soon as reasonably may be :
- (K.) The Company shall make good all damage that may be occasioned to the works or property of the Leeds and Liverpool Canal Company by the construction, renewal, or want of repair of any of the Company's works, or by any such subsidence as aforesaid ; but
- (a.) In every case of pressing necessity, and
- (b.) In every other case, if for seven days after notice in writing thereof given to the Company by the Leeds and Liverpool Canal Company, the Company neglect to proceed with due diligence to make good such damage, the Leeds and Liverpool Canal Company may, if they think fit, make good the damage, and the amount expended by them in so doing shall be repaid to them by the Company :
- (L.) If and whenever, by any act or omission of the Company, the traffic upon any part of the canal or towing-path shall be obstructed or rendered dangerous to boats, barges, or other vessels navigating or using the canal, the Company shall pay to the Leeds and Liverpool Canal Company, as or by way of ascertained damages, the sum of fifty pounds for every day during which the obstruction or danger shall continue, and so in proportion for any less time than a day :
- (M.) Provided that nothing in this Act contained shall prevent the Leeds and Liverpool Canal Company, or any owner of boats or barges, from recovering from the Company (in addition to the ascertained damages herein-before mentioned) any special damage that may be sustained by the Leeds and Liverpool Canal Company or such owner in consequence of the stoppage or hindrance of the traffic upon the canal, or in consequence of any works to be executed by the Company, or by the Leeds and Liverpool Canal Company for the Company, under the provisions herein-before contained, or by reason of any water oozing or escaping from the canal (in consequence of any works to be executed by the Company), or on account of any other act or omission of the Company :

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(N.) If and whenever any damages or other sums payable by the Company to the Leeds and Liverpool Canal Company or to such owner as aforesaid are not paid on demand made on the secretary or clerk of the Company, the same may, together with costs of suit, be recovered against the Company in any court of competent jurisdiction :

(O.) All questions and differences which may at any time arise between the Company and the Leeds and Liverpool Canal Company as to the construction or effect of sub-sections A, B, D, E, or F of this section, or the performance, observance, non-performance, or non-observance of any of the provisions thereof, or any matters connected therewith or consequent thereon, shall be determined by an arbitrator to be appointed by the Company and the Leeds and Liverpool Canal Company, or (if for 14 days after the question or difference arises those two Companies do not agree upon an arbitrator) by the Board of Trade, upon the application in writing of both or either of those Companies ; and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon both the parties in difference, and the costs of the arbitration shall be in his discretion :

(P.) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the rights, privileges, property, powers, or authorities of the Leeds and Liverpool Canal Company.

Capital.

8. The capital of the Company shall be seventy-two thousand pounds in seven thousand two hundred shares of ten pounds each.

Shares not to be issued until one fifth paid.

9. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the persons or corporations 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.

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

Receipt in case of persons not sui juris.

11. 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.

12. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty-four thousand pounds, but no part thereof shall be borrowed until the whole capital of seventy-two thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue and 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 deem sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

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Power to borrow on mortgage.

13. 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 three thousand pounds in the whole.

Appoint-  
ment of  
receiver.

14. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything herein 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.

Debenture  
stock.

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

Application  
of moneys.

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

First  
ordinary  
meeting.

17. The number of directors shall be three.

Number of  
directors.

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Qualifica-  
tion of  
directors.  
Quorum.

**18.** The qualification of a director shall be the possession in his own right of not less than forty shares.

**19.** The quorum of a meeting of directors shall be two.

First  
directors.

**20.** Robert Tennant, James Balfour Wemyss, and Percy Kelham Langdale 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 retain in office the directors appointed by this Act, or any of them, or may elect a new body of directors to supply the place of those not retained in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held 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 died or resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Election of  
directors.

Lands for  
extraor-  
dinary pur-  
poses.

**21.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed three acres.

Period for  
compulsory  
purchase of  
land.

**22.** The powers of the Company for the compulsory purchase of land for the purposes of the Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to  
take ease-  
ments by  
agreement.

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

Inclination  
of roads.

**24.** In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any



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inclinations not steeper than the inclinations herein-after mentioned in connexion therewith; (that is to say,) A.D. 1880.

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
20	Township of Stirton with Thorlby, parish of Skipton.	Deturnpiked road -	1 in 15.5.

**25.** The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,) Width of certain roadways.

No. on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
36	Township of Linton, parish of Linton.	Public road -	20 feet.
42	Township of Threshfield, parish of Linton.	Public road -	20 feet.

**26.** 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 four thousand six hundred and forty pounds consolidated three pounds per cent. annuities, being equal in value to five per centum upon the amount of the estimate in respect of the undertaking originally proposed to be authorised by the Bill for this Act, has been transferred into the name of Her Majesty's Paymaster General, on account of the Chancery Division of the High Court of Justice in England, in respect of the application to Parliament for this Act: And whereas, inasmuch as part of the undertaking so originally proposed has been abandoned, and the estimate of expense of the railway originally proposed to be authorised has been thereby reduced to the sum of fifty-eight thousand pounds: Be it enacted, that, notwithstanding anything contained in the said Act, the sum of two thousand nine hundred and ninety-one pounds consolidated three pounds per cent. annuities, being equal in value to five per centum upon the estimate of the railway hereby authorised, and which sum of two thousand and nine hundred and ninety-one pounds is referred to in this Act as the deposit fund, shall not be paid or

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

A.D. 1880. transferred to or on 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, which persons, survivor, or survivors are in this Act referred to as the depositors, unless the Company shall, previously to the expiration of the period limited by this Act for the completion of the railway, open the same for the public conveyance of passengers: Provided, that if within such period as aforesaid the Company open any portion of the said railway for the public conveyance of passengers, then on the production of a certificate of the Board of Trade specifying the length of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Chancery Division shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application  
of deposit  
fund.

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

thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided, that until the deposit fund has been re-transferred to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

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

Period for  
completion  
of works.

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

Tolls.

In respect of passengers and animals conveyed on the railway, or on any part thereof:

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

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

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

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

Class 5. For every ox, cow, bull, or neat cattle conveyed in or upon any carriage, per mile one penny halfpenny:

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

In respect of goods conveyed on the railway:

Class 7. For all coals, ironstone, and iron ore, per ton per mile one halfpenny:

Class 8. For all pig iron, bar iron, and all other similar descriptions of iron, and iron castings not manufactured

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into utensils or other articles of merchandise, coke, culm, slack, cannel, cinder, lime, limestone, sand, chalk, dung, compost, and all sorts of common manure, and all undressed materials for the repair of highways, clay, undressed stones for building, pitching, and paving, bricks, tiles, common slates, fire-clay, charcoal, bats, copper, tin, lead, and other ores, per ton per mile one penny :

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

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

In respect of carriages conveyed on the railway :

Class 11. For every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, if having more than two wheels, per mile fourpence, and if having only two wheels, per mile threepence; and for every additional quarter of a ton up to four tons which any such carriage weighs, one penny per mile in addition, if such carriage have more than two wheels, and three farthings per mile in addition if the same have only two wheels.

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

For Class 1, for each person, per mile one penny :

For Class 2, for each person, per mile three farthings :

For Class 3, for each person, per mile one halfpenny :

For Class 4, for each animal, per mile one penny :

For Class 5, for each animal, per mile one penny :

For Class 6, for each animal, per mile one halfpenny :

For Class 7, per ton per mile one eighth of a penny :

For Class 8, per ton per mile one eighth of a penny :  
For Class 9, per ton per mile three farthings :  
For Class 10, per ton per mile one penny :  
For Class 11, for each carriage, per mile twopence.

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**31.** The tolls which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed three eighths of a penny per ton per mile for coals, iron ore, and iron, or one penny per mile for each passenger or animal, or for each ton of goods other than coal, iron ore, or iron, in addition to the several tolls or sums by the Act authorised to be taken.

Tolls for  
propelling  
power.

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

Regulations  
as to tolls.

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

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

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 on in proportion for any smaller quantity.

**33.** 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,)

Tolls for  
small parcels  
and articles  
of great  
weight.

For the carriage of small parcels on the railway :

For any parcel not exceeding seven pounds in weight, three-pence :

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

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

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

For any parcel exceeding fifty-six pounds but not exceeding one hundredweight, three shillings; and for every additional one hundredweight beyond one hundredweight up to five hundredweight, ninepence :

Provided 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 only apply to single parcels in separate packages.

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

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

Maximum  
rates for  
passengers.

**34.** 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 the carriages and locomotive power, and every other expenses incidental to such conveyance, shall not exceed the following; (that is to say,)

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

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

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

Maximum  
rates for  
animals and  
goods.

**35.** 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 expenses incidental to the conveyance, except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier (where any such service is

performed by the Company), shall not exceed the following sums; that is to say, A.D. 1880.

- Class 4. For each animal, fourpence per mile :
- Class 5. For each animal, twopence per mile :
- Class 6. For every calf or pig, one penny per mile ; and for every other small animal, three farthings per mile :
- Class 7. One penny per ton per mile :
- Class 8. One penny halfpenny per ton per mile :
- Class 9. Threepence per ton per mile :
- Class 10. Fourpence per ton per mile :
- Class 11. For every carriage, if having more than two wheels, and not weighing more than one ton and a half, sixpence, and one penny halfpenny for every additional quarter of a ton ; and if having only two wheels, fourpence per mile, and one penny for every additional quarter of a ton.

**36.** 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. Passengers luggage.

**37.** 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. Terminal stations.

**38.** 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 only apply to the ordinary and express trains employed from time to time by the Company for the conveyance of passengers and goods upon the railway. Foregoing charges not to apply to special trains.

**39.** The Company, in addition to any tolls, rates, or charges which they are by this Act authorised to demand and take, may demand and take a reasonable sum for the warehousing or wharfage of goods (other than those herein excepted) when delivered into or placed upon the yards or sidings belonging to or in the occupation of the Company, after the Company has given due notice to the consignee, and allowed a reasonable time for the removal of the same : Provided that for all coal, culm, slack, cannel, coke, cinders, lime, limestone, sand, or chalk wharfed or deposited for any period not longer than four days (Sundays, Good Friday, Christmas Day,

A.D. 1880. and Bank holidays excepted) upon any yard or siding belonging to the Company, the Company may demand or take in respect thereof any sum or sums not exceeding threepence per ton, and for any period beyond the said four days such further and additional sum as may be reasonable.

Company may take increased charges by agreement.

40. 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 and goods of any description, by agreement with the owners or persons in charge of the same, either by reason of any special service performed by the Company in relation thereto, or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to enter into traffic arrangements.  
36 & 37 Vict. c 73.

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

The use by the Midland Railway Company of the railways, or any part or parts thereof :

The regulation, interchange, collection, transmission, and delivery of traffic coming from or destined for the railways of the contracting companies, or either of them :

The fixing, collection, payment, appropriation, apportionment, and distribution of the tolls, rates, income, and profits arising from such traffic :

The payment to be made and the conditions to be performed with respect to the purposes aforesaid.

Tolls on traffic conveyed partly on the railway and partly on other railways.

42. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway or any part thereof by any other company or companies, the railway of the Company and of such other company or companies shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railway of such other company or companies for a less distance than three miles, tolls and charges may only be demanded and taken as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile



only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway of the Company and partly on the railway of such other company or companies. A.D. 1880.

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

44. 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.

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

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

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