



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxxviii.

An Act for authorizing the *Stockton and Darlington* Railway Company to make new Works, and for other Purposes, and of which the Short Title is “*The Stockton and Darlington Railway Act, 1854.*” [3d July 1854.]

WHEREAS by the (Local) Act of the First and Second of *George* the Fourth, Chap. 44, the *Stockton and Darlington* Railway Company were incorporated, and were authorized to raise a Share Capital of Eighty-two thousand Pounds in Eight hundred and twenty Shares of One hundred Pounds each, and to raise Twenty thousand Pounds by borrowing: And whereas the (Local) Act of the Fourth of *George* the Fourth, Chap. 33, was passed relating to that Company: And whereas by the (Local) Act of the Fifth of *George* the Fourth, Chap. 48, that Company were authorized to raise the further Sum of Fifty thousand Pounds by Shares or by borrowing: And whereas by the (Local) Act of the Ninth of *George* the Fourth, Chap. 60, that Company were authorized to raise the further Sum of One hundred thousand Pounds by Shares or by borrowing: And whereas under those Acts or some of them that Company created One thousand Shares of the nominal

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Value of One hundred Pounds each, and Two thousand Shares of the nominal Value of Fifty Pounds each, making an aggregate Share Capital of Two hundred thousand Pounds, and borrowed Fifty-two thousand Pounds: And whereas that Company expended the whole of the Monies so raised for Purposes of their Undertaking: And whereas the Company borrowed the further Sum of Three hundred and forty thousand Pounds, and expended the same for Purposes of their Undertaking: And whereas the Company borrowed the further Sum of One hundred and sixty thousand Pounds, and advanced the same towards the Construction of the *Middlesbrough* Dock: And whereas by the (Local) Act of the Twelfth and Thirteenth of Her Majesty, Chap. 54, (in this Act called the Act of 1849) the first Four recited Acts were repealed, and that Company were dissolved and were re-incorporated by the original Name of the *Stockton and Darlington* Railway Company, and with their previous Share Capital of Two hundred thousand Pounds, but divided into Eight thousand Shares of Twenty-five Pounds each, and were authorized to raise the further Sum of Five hundred and twenty-five thousand Pounds as follows, to wit, Three hundred and eighty-two thousand seven hundred and fifty Pounds, Part thereof, by Shares of Twenty-five Pounds each, and One hundred and forty-two thousand two hundred and fifty Pounds, Residue thereof, by Shares of Twenty-five Pounds each, or by borrowing, and were required to expend Five hundred thousand Pounds, Part of such Five hundred and twenty-five thousand Pounds, in paying off the Sums of Three hundred and forty thousand Pounds and One hundred and sixty thousand Pounds so borrowed by the dissolved Company, and Twenty-five thousand Pounds, Residue thereof, for the Purposes of their Undertaking: And whereas in pursuance of the Act of 1849 the *Middlesbrough* Dock is vested in and forms Part of the Undertaking of the *Stockton and Darlington* Railway Company (in this Act called "the Company"): And whereas under "The *Wear Valley* Railway Act, 1845," and the Act of the Tenth and Eleventh of Her Majesty, Chap. 292, relating to the *Wear Valley* Railway Company, the Company are Lessees of the *Wear Valley* Railway: And whereas under "The *Middlesbrough and Redcar* Railway Act, 1845," the Company are Lessees of the *Middlesbrough and Redcar* Railway: And whereas by "The *Stockton and Darlington* Railway Act, 1851," (in this Act called the Act of 1851), the Company were authorized to guarantee a preferential Dividend, not exceeding Four Pounds *per Centum per Annum* on any Shares created under the Act of 1849, for discharging the Company's Debt of Five hundred thousand Pounds, and to raise, for paying off further Debts of the Company, the further Sum of Ninety-eight thousand Pounds by Shares, with a preferential Dividend not exceeding Four Pounds *per Centum per Annum*, the preferential Dividend on such Shares respectively
(making

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(making the aggregate Sum of Five hundred and ninety-eight thousand Pounds) to be paid next after the Interest on the Company's original Debt of Fifty-two thousand Pounds, and were authorized to raise for paying off that original Debt the further Sum of Fifty-two thousand Pounds by Shares, with a preferential Dividend not exceeding Four Pounds *per Centum per Annum*, to be paid *pari passu* with the preferential Dividend on the Shares in that aggregate Sum of Five hundred and ninety-eight thousand Pounds: And whereas by the Act of 1851 the Company were required to pay to the *Wear Valley Railway Company* the Interest from Time to Time payable by that Company on Forty thousand Pounds, borrowed on Mortgage of their Undertaking: And whereas, in order to raise the several Sums of Five hundred thousand Pounds, Ninety-eight thousand Pounds, and Fifty-two thousand Pounds (making together the aggregate Sum of Six hundred and fifty thousand Pounds) for paying off the Debts of the Company, the Company, under the Authority of their Acts of 1849 and 1851 respectively, created a further Share Capital of Six hundred and fifty thousand Pounds, in Twenty-six thousand Shares of Twenty-five Pounds each, with preferential Dividends thereon, as authorized by the Act of 1851, the Dividend on Sixteen thousand of those Shares being a permanent Dividend of Four Pounds *per Centum per Annum*, with a contingent further Dividend not exceeding One Pound *per Centum per Annum*, after Payment of a Dividend of Four Pounds *per Centum per Annum* on the ordinary Share Capital, and the Dividend on the remaining Ten thousand Shares being a permanent Dividend of Four Pounds *per Centum per Annum* without such contingent further Dividend: And whereas, under "The *Stockton and Darlington Railway Act, 1852*," (in this Act called the Act of 1852), the aggregate Share Capital of the Company is One million and fifty thousand Pounds, consisting of their Preference Share Capital of Six hundred and fifty thousand Pounds, created under the Authority of their Acts of 1849 and 1851, and their ordinary Share Capital of Four hundred thousand Pounds, that ordinary Share Capital consisting of their original Share Capital of Two hundred thousand Pounds, and the further Share Capital of Two hundred thousand Pounds, in Eight thousand new Shares of Twenty-five Pounds each, created by the Act of 1852, and which under that Act were to be deemed paid up to the Extent of Sixteen Pounds Five Shillings a Share: And whereas by the Act of 1852 the Company were prohibited from raising any Part of the Twenty-five thousand Pounds by the Act of 1849 authorized to be raised for the Purposes of their Undertaking: And whereas the Debts and Liabilities of the Company under the recited Acts are as follows:

Their original Debt of Fifty-two thousand Pounds, or such Part thereof as is not yet paid off, and the Interest thereon;

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Their further Debt of Five hundred thousand Pounds, or such Part thereof as is not yet paid off, and the Interest thereon ;

Their further Debt of Ninety-eight thousand Pounds, or such Part thereof as is not yet paid off, and the Interest thereon ;

The yearly Rent of Forty-seven thousand and thirty-seven Pounds, reserved by the Lease to them of the *Wear Valley* Railway, and their Liabilities under and with respect to that Lease ;

The yearly Rent of Three thousand nine hundred and sixty Pounds, reserved by the Lease to them of the *Middlesbrough and Redcar* Railway, and their Liabilities under and with respect to that Lease ;

The Interest payable in respect of the *Wear Valley* Railway Company's Debt of Forty thousand Pounds ; and

The Interest payable on the *Middlesbrough and Redcar* Railway Company's Debt of Twenty-two thousand Pounds :

And whereas those several Debts and Liabilities have Preference over the Dividends payable to the Holders of the ordinary Share Capital of the Company : And whereas the Share Capital of the Company under the recited Acts is as follows :

First, their Share Capital of Six hundred and fifty thousand Pounds, consisting of Four hundred thousand Pounds Class A. Share Capital, and Two hundred and fifty thousand Pounds Class B. Share Capital, bearing as to the whole thereof a permanent Dividend of Four Pounds *per Centum per Annum*, and as to the Four hundred thousand Pounds Class A. Share Capital a contingent further Dividend not exceeding One Pound *per Centum per Annum*, and respectively payable in respect of so much thereof as is for the Time being actually called and paid up :

Secondly, their ordinary Share Capital of Four hundred thousand Pounds, which entitles the Holders thereof to ordinary Dividends, payable in respect of so much thereof as is for the Time being actually paid up rateably out of the surplus Revenue of the Company applicable for Dividends :

And whereas that Share Capital is not yet fully paid up : And, whereas some Parts of the *Wear Valley* Railway which were originally the *Wear and Derwent* Railway and the *Weardale* Extension Railway respectively are held only on Wayleaves, and it is expedient that the Company be authorized to purchase or take on Lease the Lands on which those Portions of the *Wear Valley* Railway are made : And whereas it is expedient that the Company be authorized to make and maintain the Branch Railway and Works by this Act authorized, and to purchase for the Purposes of their Undertaking the Lands specified in the Schedules to this Act annexed : And whereas Plans showing the Line of the proposed Branch Railway, and the Lands on which the same is proposed to be made, and Plans of the Lands proposed to be purchased compulsorily, and Sections showing the Levels of that Branch Railway,

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way, and a Book of Reference thereto, have been deposited for the Purposes of this Act with the Clerk of the Peace for the County Palatine of *Durham*: And whereas it is expedient that the Company be authorized to raise the further Sum of Two hundred thousand Pounds for executing the Works by this Act authorized, and providing Stock and other Purposes of their Undertaking: And whereas by the Act of One thousand eight hundred and fifty-two it was enacted, that if Application to Parliament should be made by or on behalf of the Company in any future Session for an Act to repeal, alter, or amend that Act, or any other Local or Local and Personal Act relating exclusively or chiefly to the Company, the Bill for the Act so applied for should, when deposited according to the Standing Orders of the Two Houses of Parliament or either of them, contain Provisions repealing that Act and all other Local or Local and Personal Acts relating exclusively or chiefly to the Company: Provided always, that such Bill might contain any Clauses or Provisions for re-enacting the Acts so to be repealed, or any of them, or any Part thereof respectively: And whereas the several 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, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

- I. That this Act may be cited for any Purpose as “The *Stockton and Darlington Railway Act, 1854.*” Short Title.
- II. That this Act shall commence and have Effect on and from the Sixth *Friday* next after the passing thereof. Commence-
ment of Act.
- III. That, subject to the Provisions of this Act, “The Companies Clauses Consolidation Act, 1845,” “The Lands Clauses Consolidation Act, 1845,” and “The Railways Clauses Consolidation Act, 1845,” and the Provisions “with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls” of “The Company's Clauses Consolidation (*Scotland*) Act, 1845,” are incorporated with this Act. Provisions of
8 & 9 Vict.
cc.16.18. and
20. incorpo-
rated.
- IV. That the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in the Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction. As to Mean-
ings of cer-
tain Terms.
- V. That from and after the passing of this Act, but subject to the Provisions thereof, the Acts of One thousand eight hundred and Repeal of
certain Acts
herein
named;

[*Local.*]

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forty-

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forty-nine, One thousand eight hundred and fifty-one, and One thousand eight hundred and fifty-two are by this Act respectively repealed.

but not to
prejudice
Rights under
them.

VI. Provided always, That this Act or anything therein contained shall not take away, lessen, alter, or prejudice any Right, Privilege, Liberty, Power, Easement, Accommodation, or Exemption which by the repealed Acts or any of them is saved to or for any Person other than the Company.

Company to
remain in-
corporated.

VII. That, notwithstanding such Repeal, the Company shall for the Purposes of this Act, and as from the Commencement of the Act of One thousand eight hundred and forty-nine, remain incorporated by the Name of "The *Stockton and Darlington* Railway Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and shall continue to be liable for all Acts, Matters, and Things in the same Manner and to the same Extent as they would have been if this Act had not passed.

Company to
remain en-
titled to their
Property.

VIII. That, notwithstanding such Repeal, the Company shall remain and be seised and possessed of and entitled to all the Railways, Stations, Docks, and other Works and Conveniences, Lands, Buildings, Estates, Plant, Stock, Shares, Moneys, Property, Effects, Claims, and Demands whatsoever of or to which the Company are by virtue of the recited Acts or any of them, or otherwise howsoever, immediately before the Commencement of this Act, seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act were not passed.

Company to
continue en-
titled to
Powers, &c.
under other
Acts.

IX. That, notwithstanding such Repeal, the several Sections and Provisions whatsoever in favour of, relating to, or affecting the Company, or their Directors, Officers, or Servants, contained in any Act or Acts besides the repealed Acts, and which are immediately before the Commencement of this Act in force, shall on and from the Commencement of this Act apply to the Company and their Directors, Officers, and Servants, and shall continue and be in full Force accordingly; and the Company, and their Directors, Officers, and Servants, may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, and enjoy, under or by virtue of those Sections and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges whatsoever as, if this Act were not passed, they respectively under or by virtue of the same might be entitled to, or might have, exercise, or enjoy.

X. That

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X. That, notwithstanding such Repeal, all Works which under the Provisions of the recited Acts or any of them are required or authorized to be executed or completed by the Company, and which at the Commencement of this Act are not executed or completed, may be executed or completed by the Company, and the Company shall have all such Powers for executing the same as if the Company were by this Act authorized to execute the same: Provided always, that where any particular Time is by the recited Acts or any of them limited for the Execution or Completion of such Works, they shall not be executed or completed contrary to any such Limitation of Time.

Works not completed under repealed Acts may be executed under this Act.

XI. That, notwithstanding such Repeal, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the Commencement of this Act done, entered into, executed, or instituted under or by virtue of the recited Acts or any of them, or with reference to the Purposes of the same respectively, shall be as valid and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as if this Act had not passed, and may be proceeded on and enforced accordingly.

Conveyances &c. to remain in force.

XII. That, notwithstanding such Repeal, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the Commencement of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against the Company, in like Manner in all respects as the same would continue and take effect if this Act were not passed, and all Offences against the Provisions of the recited Acts or any of them committed before the Commencement of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act were not passed.

Actions, &c., not to abate.

XIII. That, notwithstanding such Repeal, the several Persons who immediately before the Commencement of this Act are Shareholders of the Company, their Heirs, Executors, Administrators, Successors, and Assigns respectively, shall pay the Amount subscribed by them respectively, or so much thereof as at the Commencement of this Act is not paid, with all Interest due or to accrue due thereon, to the Company, and as the same is before or after the Commencement of this Act called up by the Company.

Shareholders to pay Calls.

XIV. That, notwithstanding such Repeal, all Persons who immediately before the Commencement of this Act owe any Sum of Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest, if any, due or to accrue due for the same, to the Company;

Debts due to and by the Company to be paid to and by them.

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Company; and all Debts and Money which immediately before the Commencement of this Act are due or owing by or recoverable from the Company, or for the Payment whereof the Company are, or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Company.

Penalties to be recoverable.

XV. That, notwithstanding such Repeal, all such Penalties, Damages, Money, Costs, and Expenses as, in case this Act were not passed, would, under the recited Acts or any of them, become payable or recoverable by the Company, or any other Person, shall be payable and recoverable in like Manner as if this Act were not passed.

Maps, &c., to remain in Custody of Clerks of the Peace.

XVI. That, notwithstanding such Repeal, all Maps, Plans, Sections, and Books of Reference, and all Corrections and Certificates of Corrections thereof respectively, deposited for the Purposes of the recited Acts or any of them with any Clerks of the Peace, shall remain in their respective Custody as if they had been deposited for the Purposes of this Act according to the Provisions of the Act of the First Year of Her Majesty, Chapter Eighty-three, and those Clerks of the Peace respectively shall accordingly permit the same to be inspected, and Copies thereof and Extracts therefrom to be taken respectively.

As to Monies paid by Company into Bank.

XVII. That, notwithstanding such Repeal, in every Case in which, under the Provisions of the recited Acts or any of them, any Money is, before the Commencement of this Act, paid by the Company into the Bank of *England*, or to any Trustees or Trustee, as Purchase or Compensation Money, or on any other Account, such Money, or the Stocks, Funds, or Securities in or upon which the same is or shall be invested by the Order of the Court of Chancery or otherwise, and the Interest, Dividends, and annual Produce thereof, shall after the Commencement of this Act be applied and disposed of pursuant to those Acts respectively.

Byelaws, &c. to remain in force.

XVIII. That, notwithstanding such Repeal, all Rules, Regulations, and Byelaws made under the recited Acts, or any of them, and in force on the Commencement of this Act, shall continue in full Force, and such Regulations, Rules, Byelaws, and Orders, and all Penalties and Forfeitures incurred under those Acts, or any of them, may and shall be enforced, recovered, and applied, in like Manner in all respects as the same respectively might be enforced, recovered, and applied in case the same were made and imposed respectively by or under this Act.

Certificates and Trans-

XIX. That, notwithstanding such Repeal, all Certificates, Sales, Transfers, and Dispositions before the Commencement of this Act
made

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made or executed under the recited Acts or any of them, of or with respect to any Shares in the Company, shall remain in full Force, and continue and be available in all respects.

fers of Shares to remain in force.

XX. That, notwithstanding such Repeal, the Eight thousand Shares in the Two hundred thousand Pounds ordinary Share Capital by the Act of 1852 created shall be deemed paid up, as by that Act provided, to the Extent of Sixteen Pounds Five Shillings a Share.

Shares created by Act of 1852 to be deemed paid up to a certain Extent.

XXI. That, notwithstanding such Repeal, all Books and other Documents by the recited Acts or any of them directed or authorized to be kept, or to be receivable in Evidence, and which if the repealed Acts were not repealed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Books, &c. to remain Evidence.

XXII. That, notwithstanding such Repeal, but subject to the Provisions of this Act, the several Persons who on the Commencement of this Act are the Directors of the Company shall remain in Office until they respectively cease, according to the Provisions of this Act, to be Directors.

Directors to remain in Office.

XXIII. That, notwithstanding such Repeal, every Officer and Servant appointed by virtue of or acting under the Authority of the recited Acts or any of them shall hold and enjoy his Office and Employment, and the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever as if he were appointed under this Act.

Officers to continue.

XXIV. That the First Ordinary Meeting of the Company after the Commencement of this Act shall be held within Nine Months after the passing of this Act, and a General Meeting shall be held in *February* and *August* in every Year, and the General Meetings shall be held at *Darlington* or at such other Place as the Directors from Time to Time appoint.

First and other Meetings.

XXV. That the Quorum of a General Meeting shall be Ten or more Shareholders holding in Person or by Proxy Shares or Stock, or both, to not less in the aggregate than Twenty thousand Pounds.

Quorum of Meeting.

XXVI. That at every General Meeting every Shareholder shall have One Vote for every Share up to Twenty, and an additional Vote for every Five Shares beyond the first Twenty held by him.

Votes.

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Number and
Qualification
of Directors.

XXVII. That the Number of Directors shall be Thirteen, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares.

Number of
Directors
may be re-
duced.

XXVIII. That the Company may from Time to Time reduce the Number of Directors, so as the reduced Number be not less than Six, and the reduced Number shall retire from Office as nearly as may be in the Rotation fixed by this Act, but in an Order determined among themselves by Agreement, or failing Agreement by Ballot before the Ordinary Meeting next following the Reduction.

Rotation of
Directors.

XXIX. That, except as by this Act otherwise provided, the Directors shall retire from Office in the Rotation in which they would retire if this Act were not passed.

Quorum of
Directors
and Com-
mittees.

XXX. That the Quorum of a Meeting of Directors shall be Five, and of a Committee of Directors Three.

Newspaper
for Adver-
tisements.

XXXI. That the Newspaper for Advertisements relating to the Affairs of the Company shall be any Newspaper published in the County Palatine of *Durham*.

Capital of
Company.

XXXII. That from and after the passing of this Act the aggregate Share Capital of the Company shall be the aggregate of their Preference Share Capital of Six hundred and fifty thousand Pounds in Twenty-six thousand Shares of Twenty-five Pounds each, created under the Acts of One thousand eight hundred and forty-nine and One thousand eight hundred and fifty-one, and consisting of the Four hundred thousand Pounds Class A. Share Capital and the Two hundred and fifty thousand Pounds Class B. Share Capital, and their ordinary Share Capital of Four hundred thousand Pounds in Sixteen thousand Shares of Twenty-five Pounds each, as provided by the Act of One thousand eight hundred and fifty-two, and their Share Capital from Time to Time created under this Act.

Power to
raise Money
by new
Shares.

XXXIII. That under this Act the Company from Time to Time may raise by new Shares any Sums not exceeding in the whole Two hundred thousand Pounds in Shares of Twenty-five Pounds each.

Terms on
which new
Shares may
be created.

XXXIV. That the Company from Time to Time may fix as they think fit the Amount and Times of Payment of the Calls on the new Shares.

New Capital
to be subject
to same In-
cidents as
ordinary
Capital.

XXXV. That, except as is by this Act otherwise provided, the new Share Capital created by this Act, and the Shares therein, and the Holders of those Shares respectively, shall be subject and entitled to the same Powers, Provisions, Forfeitures, Liabilities, Right, Privileges, and Incidents whatsoever in all respects as if that new Capital were

Part

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Part of the now existing ordinary Share Capital, and those Shares were Shares in that ordinary Capital.

XXXVI. That if at the Time of raising any Capital by the Creation under this Act of new Shares the Shares in the ordinary Share Capital be at a Premium, the new Shares so created shall be offered to the Persons who at the Time of such Creation are the Holders of the Shares in the ordinary Share Capital in such Proportion and Manner as a General Meeting of the Company shall direct, and such Offer shall be made by Letter under the Hand of the Secretary of the Company given to every such Shareholder according to his Address at the Time of such Creation in the Share Register Book, or left for him at his usual or then last known Place of Abode in *England*.

New Shares to be offered to Holders of original Capital.

XXXVII. That if any such Shareholder fail for Two Months after such Offer of new Shares to accept the same, the new Shares not so accepted shall, within Six Months after such Creation, be again offered, in like Manner as by this Act provided with respect to the First Offer, to such of the Holders of the Shares in the ordinary Share Capital as accepted new Shares on the First Offer thereof, and who at the Time of the Acceptance of the new Shares first offered to them expressed their Wish to have such Second Offer of new Shares made to them.

New Shares not accepted to be again offered to Shareholders.

XXXVIII. That the new Shares so secondly offered shall be so offered to the Shareholders desirous of taking the same, in, as nearly, as may be, proportion to their respective Shares in the ordinary Share Capital: Provided always, that if the new Shares to be so secondly offered be insufficient in Number to admit of their being offered in that Proportion, they shall be offered to such last-mentioned Shareholders in such Proportions and Manner as the Company at any General Meeting direct.

Proportion in which Second Offer to be made.

XXXIX. That every Offer of new Shares made by Letter sent by Post shall be considered as made on the Day on which the Letter, in the due Course of Delivery, ought to reach the Place to which it is addressed; and every such Offer made by Letter addressed to a Shareholder according to his Address at the Time of such Creation in the Share Register Book shall be considered as duly made.

Provision as to Offer of such Shares.

XL. That all Executors, Administrators, Husbands, Guardians, and Trustees, and all Committees of the Estates of Lunatics or Idiots, in whose respective Names any of the Shares in the ordinary Share Capital from Time to Time stand, or who in such respective Capacity are entitled to the Receipt of the Dividends thereon, may, on behalf of their respective Cestuique Trust, Wives, Wards, Lunatics, and Idiots, accept the new Shares offered under this Act, and such Acceptance of new Shares shall be as valid as if such Executors and other Persons respectively

Power for Executors, &c. to accept new Shares.

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respectively were absolutely entitled in their own respective Right to such Shares in the ordinary Share Capital, and shall enure for the Benefit of and bind such Cestuique Trust, Wives, Wards, Lunatics, and Idiots accordingly: Provided always, that all Executors, Administrators, Husbands, Guardians, Trustees, and Committees respectively who shall accept any such new Shares shall be bound to sell and dispose thereof within One Month after the same shall have become vested in them respectively.

New Shares to vest in Shareholders accepting.

XLII. That the new Shares so respectively offered shall vest in and belong to the Shareholders who accept the same.

New Shares not accepted may be disposed of to others.

XLIII. Provided always, That if any Shareholder fail for Two Months after such Second Offer of new Shares to accept the same, the Company may dispose of the same to any other Persons.

Power to enlarge Time for accepting new Shares.

XLIII. Provided always, That the Directors, if they think proper, but not otherwise, may permit any Shareholder who from Absence abroad or other Cause satisfactory to the Directors omits to signify within the respective Time limited by this Act his Acceptance of the new Shares offered to him to accept such new Shares notwithstanding such respective Time have elapsed.

General Power to dispose of new Shares.

XLIV. That, except as by this Act otherwise provided, the Company may from Time to Time dispose of the new Shares to such Persons and on such Terms and Conditions as the Company think fit.

New Shares to be subject to same Trusts as old.

XLV. That all Persons in whom any of the new Shares created by this Act become vested under the Provisions thereof shall be possessed of such new Shares respectively upon the same Trusts, and subject to the same Powers, Provisions, Charges, and Liabilities, as those upon and to which their respective Shares in the ordinary Share Capital in respect whereof they are by this Act entitled to the Offer of such new Shares are at the Time or respective Times of their respective Acceptance of such Offer subject, and the new Shares so vested shall accordingly pass or be affected by any Will or other Testamentary Instrument disposing of or affecting such Shares in the ordinary Share Capital.

Dividends on new Shares.

XLVI. That every Person who becomes entitled to a new Share created under this Act shall in respect of the same be a Shareholder in the ordinary Share Capital, and shall be entitled to a Dividend with the other Holders of that Capital proportioned to the whole Amount from Time to Time called and paid on such new Shares.

Votes, &c. in respect of new Shares.

XLVII. That the new Shares shall confer on the Holders thereof Right of voting and Qualifications in proportion to the whole Amount for the Time being paid up thereon respectively.

XLVIII. That

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XLVIII. That the Directors shall from Time to Time, when thereunto requested, issue to the Holders of the new Shares Certificates thereof, and shall cause such new Shares to be numbered in progressive Order, beginning with Number 16,001.

Directors to issue Certificates of new Shares.

XLIX. That a Person shall not be entitled to vote at any General Meeting in respect of any Share of which at the Time of holding the Meeting he has not been for Two Months a registered Holder or entitled to be registered as a Holder.

Restriction as to Votes for newly acquired Shares.

L. That with respect to any Share to which several Persons are jointly entitled, all Notices by this Act directed to be given to the Shareholders shall be given to the Person whose Name stands first in the Register of Shareholders, and Notice thus given shall be sufficient Notice to all the Proprietors of such Share.

Notices to joint Holders of Shares.

LI. That, except as by this Act otherwise provided, the greatest Amount of a Call on the new Shares shall be Two Pounds Ten Shillings a Share, and the Interval between Two successive Calls shall be Three Months at least, and the greatest aggregate Amount of Calls in a Year shall be Ten Pounds a Share.

Calls.

LII. Provided always, That with respect to the Shares already and hereafter issued in such Part of the aggregate Capital as was by the Act of 1849 authorized to be raised, the greatest Amount of a Call shall be Five Pounds a Share.

Calls on Shares under Act of 1849.

LIII. That the net Revenues of the Company, after Payment of the Interest on their several Debts of Fifty-two thousand Pounds, Five hundred thousand Pounds, and Ninety-eight thousand Pounds respectively, or such Part thereof respectively as from Time to Time is not paid off, remaining applicable for Payment and Discharge of the following Rents, Liabilities, and Dividends, shall be applied as follows:

Order of Payment of Interests, Rents, and Dividends.

First, in Payment of the preferential Dividend of Four Pounds *per Centum per Annum* on their Preference Share Capital of Six hundred and fifty thousand Pounds, or such Part thereof as from Time to Time is paid up:

Secondly, in Payment and Discharge rateably of the yearly Rents of Forty-seven thousand and thirty-seven Pounds and Three thousand nine hundred and sixty Pounds reserved by the Leases to them of the *Wear Valley* Railway, and the *Middlesbrough and Redcar* Railway respectively, and the Interest from Time to Time payable in respect of the *Wear Valley* Railway Company's Debt of Forty thousand Pounds, and the *Middlesbrough and*
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Redcar Railway Company's Debt of Twenty-two thousand Pounds respectively, and the Liabilities of the Company under and with respect to those Leases respectively :

Thirdly, in Payment of a Dividend on their ordinary Share Capital of Four hundred thousand Pounds, and their Share Capital from Time to Time created under this Act, or such Parts thereof respectively as are from Time to Time actually paid up, the aggregate Amount of such Dividend being equal to Four Pounds *per Centum per Annum* on their ordinary Share Capital of Four hundred thousand Pounds, or such Part thereof as is from Time to Time actually paid up :

Fourthly, in Payment of a further Dividend on their Preference Class A. Share Capital of Four hundred thousand Pounds, and of a further Dividend on their ordinary Share Capital of Four hundred thousand Pounds, and their Share Capital from Time to Time created under this Act, or such Parts thereof respectively as are from Time to Time actually paid up, the aggregate yearly Amount of such Dividend on the Class A. Share Capital not to exceed Four thousand Pounds, and the aggregate Amount of such Dividend on the ordinary Share Capital and the Capital created under this Act, or the Parts thereof respectively paid up, to be equal to the aggregate Amount of such Dividend on the Class A. Share Capital :

Fifthly, as to all Surplus, in Payment of a Dividend on their ordinary Share Capital of Four hundred thousand Pounds and their Share Capital from Time to Time created under this Act, or such Parts thereof respectively as are from Time to Time actually paid up.

Power to borrow and reborrow for Payment of Debt.

LIV. That inasmuch as Portions of the Debt of the Company were borrowed on the Terms of the Repayment thereof at fixed Periods, and those Periods may not coincide with the Periods for the Payment by Calls of Monies applicable for paying off those Portions of Debt, therefore the Company from Time to Time may borrow and reborrow the Amount requisite for paying off those Portions of Debt: Provided always, that the Money so borrowed shall be applied exclusively in or towards paying off those Portions of Debt; provided also, that when any such Portion of Debt is paid off, the Powers of the Company to borrow and reborrow shall be proportionately extinguished; provided also, that such Power of reborrowing shall not be exercised after Twenty Years after the passing of the Act of One thousand eight hundred and fifty-two.

Application of Monies.

LV. Provided always, That all and every Part of the Money raised under this Act shall be applied only for the Purposes authorized by this Act.

LVI. That

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LVI. That the Company shall not, out of any Money by this Act authorized 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: Provided always, that this Act shall not prevent the Company from paying Interest on Money paid in anticipation of Calls, in conformity with "The Companies Clauses Consolidation Act, 1845."

Interest not to be paid on Calls paid up.

LVII. That the Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now or hereafter in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any other Railway or execute any other Work or Undertaking.

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

LVIII. That, subject to the Provisions of this Act, the Company may make and maintain the Branch Railway and Works by this Act authorized in the Line and upon the Lands delineated on the Plans and described in the Book of Reference, and according to the Levels described in the Sections respectively deposited for the Purposes of this Act, and may enter upon, take, and use such of those Lands as they think necessary for that Purpose.

Power to make Branch Railways, and to take Lands shown on deposited Plans.

LIX. That the Company from Time to Time may enter upon, take, and use, for Station Accommodation, Sidings, Passing Places, Standage of Waggon, and other Purposes of their Undertaking, the Lands specified in the Schedule (A.) to this Act annexed, or such Parts thereof as they think fit.

Power to take Lands in Schedule (A.)

LX. That the Company from Time to Time may take the Lands specified in the Schedule (B.) to this Act annexed, or such Parts thereof as they think fit: Provided always, that, unless the *Wear Valley* Railway Company, by Writing under their Common Seal, otherwise consent, the Company shall take those Lands subject to the Rights affecting the same of the *Wear Valley* Railway Company: Provided always, that nothing in this Act contained shall prejudice or affect the Proceedings in certain Suits now pending in Her Majesty's High Court of Chancery, wherein *Thomas Meynell* the younger, *Joseph Pease*, and *John Castell Hopkins*, by Original Bill, are Plaintiffs, and *John Oliver Surtees* and *Robert Woodhouse* are Defendants, and wherein the said *Thomas Meynell* the younger, *Joseph Pease*, and *John Castell Hopkins*, by Amended Supplemental Bill, are Plaintiffs, and the said *John Oliver Surtees*, *Robert Woodhouse*, *Ralph Walters*, the *Wear Valley* Railway Company, *William Backhouse*, *Edward Richardson*, *Charles Bragg*, *Caleb Richardson*, *William Richardson*,

Power to take Lands in Schedule (B.), without Prejudice to Rights of *Wear Valley* Railway Company.

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Richardson, Robert Wilson, William Smith, and the said Stockton and Darlington Railway Company, are Defendants.

Lands for extraordinary Purposes.

LXI. That the Company from Time to Time may, by Agreement, purchase, in addition to the Lands by this Act vested in them, and the Lands by this Act authorized to be taken by them compulsorily, any Quantity of Land not exceeding Twenty Acres.

Description of Branch Railway.

LXII. That the Branch Railway and Works by this Act authorized comprise the following :

First, a Branch Railway to commence by a Junction with the Main Line of the *Stockton and Darlington Railway* at or near the Junction therewith of the *Hagger Leases Branch* thereof in the Township or Chapelry of *St. Helen's Auckland*, in the Parishes of *St. Andrew Auckland* and *St. Helen's Auckland*, or the One of them, thence to pass in, through, or into the several Parishes, Chapelries, and Townships of *St. Helen's Auckland, Shildon, West Auckland, and St. Andrew Auckland*, or some of them, and to terminate by a Junction with the Part of the *Wear Valley Railway* originally called the *Bishop Auckland and Weardale Railway* at or near the Telegraph Station of that Railway near the North End of the *Shildon Tunnel* in the Township and Parish of *St. Andrew Auckland*, all in the County Palatine of *Durham* :

Secondly, all such Stations, Warehouses, Sheds, Buildings, Sidings, Platforms, Yards, Conduits, Cisterns, Wells, Pumps, Engines, Apparatus, Works, and Conveniences connected with that Branch Railway as the Company from Time to Time think fit.

Period for compulsory Purchases limited.

LXIII. That 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 Eighteen Months after the Commencement of this Act.

Period for Completion of Works.

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

Dividends or ordinary Capital to be suspended if Branch Railway not

LXV. That if the Branch Railway by this Act authorized be not completed within Two Years after the Commencement of this Act, the Payment by the Company of any Dividend on their ordinary and unguaranteed Capital shall, after the Expiration of such Two Years, be

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be suspended until that Branch Railway be completed and opened for public Traffic. completed in Two Years.

LXVI. And whereas the Company are possessed of Lands near to the North End of the *Shildon* Tunnel, and may acquire, under the Provisions of this Act, other Lands near to the Eastern Terminus of the Branch Railway by this Act authorized; and it is expedient that Provision should be made for the better and more beneficial working of the said Branch Railway in connexion with the *Stockton and Darlington* and *Wear Valley* Railways respectively: Therefore the Company shall, before opening the said Branch Railway for public Traffic, construct at or near the Junction of the said Branch Railway with the *Wear Valley* Railway a Station, Sidings, and other Conveniences for the Accommodation of the Traffic passing upon the said Branch Railway or upon the *Stockton and Darlington* and *Wear Valley* Railways, or either of them, and shall make all necessary Arrangements for the taking up and setting down of Passengers, and the receiving, loading, and unloading of Goods at such Station; and with regard to Passengers or Goods which shall have been conveyed along the *Stockton and Darlington* Railway and the Branch Railway hereby authorized, or either of them, for a less Distance than Six Miles, and in respect of which the Company shall have charged Tolls as for Six Miles, the Company shall be entitled to charge Tolls for the actual Distance only which such Passengers or Goods shall be conveyed over the *Wear Valley* Railway or any Part thereof (except through the *Shildon* Tunnel); and that with regard to Passengers or Goods which shall have been conveyed along the *Wear Valley* Railway for a less Distance than Six Miles, and in respect of which the Company shall have charged Tolls as for Six Miles, the Company shall be entitled to charge Tolls for the actual Distance only which such Passengers or Goods shall be conveyed over the *Stockton and Darlington* Railway and the Branch Railway hereby authorized, or any Part thereof respectively. Joint Station, &c. to be constructed before opening of Branch Railway.

LXVII. That the Company may demand and take, in respect of Passengers, Animals, and Goods conveyed on the Railway, whether in Carriages belonging to the Company or otherwise, any Tolls not exceeding the following; (that is to say, Tolls for Goods, Passengers, and Animals:)

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads and Highways, *per Ton per Mile* One Penny Halfpenny: For Goods.

For all Ironstone, Iron, or Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Sheet Iron, and all other similar Descriptions of Wrought Iron not manufactured into Utensils or into other Articles of Merchandise, and for Lead Ore, pitching and paving Stones, and other Kinds
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of Stone, Bricks, Tiles, Slates, Clay, and Sand, *per Ton per Mile* Twopence :

For all Sugar, Grain, Corn, Flour, Hides, Hemp, Dyewoods, Earthenware, Timber; Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence Three Farthings :

For all Coals, Coke, Culm, and Cinders (except as by this Act otherwise provided) conveyed for Ten Miles or for a greater Distance than Ten Miles, *per Ton per Mile* One Penny Three Farthings :

For the like Articles, Goods, and Things (except as by this Act otherwise provided) conveyed for a less Distance than Ten Miles, *per Ton per Mile* Twopence :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, and Things not before enumerated, *per Ton per Mile* 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, and conveyed for a Distance exceeding Fifteen Miles, *per Mile* Fivepence :

For every such Carriage conveyed for only Fifteen Miles, or for a less Distance than Fifteen Miles, for the whole Distance Seven Shillings and Sixpence ;

And *per Mile*, for every additional Quarter of a Ton or a fractional Part of a Quarter of a Ton which any such Carriage weighs, Twopence :

For Passengers :

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

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

For every Passenger conveyed in a Third-class Carriage, except by the Government Trains, *per Mile* One Penny Farthing :

For Animals.

For every Horse, Mule, Ass, or other Beast of Draught or Burden, conveyed for a Distance exceeding Twelve Miles, *per Mile* Fivepence :

For every such Animal conveyed for Twelve Miles or a less Distance, for the whole Distance Five Shillings :

For every Ox, Cow, Bull, or Neat Cattle conveyed for a Distance exceeding Twelve Miles, *per Head per Mile*, if One, Threepence, if more than One, Twopence :

For every such Animal conveyed for Twelve Miles or a less Distance, for the whole Distance Two Shillings :

For

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For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed for a Distance exceeding Twelve Miles, *per Head per Mile* One Penny :

For every such Animal conveyed for Twelve Miles or a less Distance, for the whole Distance One Shilling.

LXVIII. Provided always, That those Tolls include the Charge for the Use of Engines for propelling Carriages on the Railway, and any Charge beyond those Tolls shall not be made by the Company for the Use of such Engines. Toll for Propelling Power.

LXIX. Provided always, That the Company may charge, in addition to those Tolls, any reasonable Sum for loading and unloading, and for Covers for Animals or Goods, when such Covers are provided by the Company. Charges for loading, unloading, and Covers.

LXX. Provided always, That for Coals, Coke, Culm, and Cinders shipped on board Vessels for Exportation, whether Foreign or Coastwise, the Company shall not charge any Tolls exceeding the following ; (that is to say,) Tolls for Coals, &c. for Exportation.

For all such Coals, Coke, Culm, and Cinders, *per Ton per Mile* Three Farthings :

Or if conveyed in Carriages belonging to the Company, but not propelled by Engines or other Power belonging to the Company, *per Ton per Mile* Three Farthings and One Eighth of a Penny, in lieu of such last-mentioned Toll :

Or if propelled by Engines or other Power belonging to the Company, but not conveyed in Carriages belonging to the Company, *per Ton per Mile* One Penny and One Eighth of a Penny, in lieu of the before-mentioned Tolls :

Or if propelled by Engines or other Power, and conveyed in Carriages respectively belonging to the Company, *per Ton per Mile* One Penny Farthing, in lieu of the before-mentioned Tolls, such Toll of One Penny Farthing to include all incidental Expenses, except a reasonable Charge for loading and unloading, where such Service is performed by the Company.

LXXI. That the following Regulations shall be applicable to the fixing of all the Tolls ; (that is to say,) Regulations as to Tolls.

For Passengers or Goods conveyed on the Railway for a less Distance than Six Miles (except Passengers or Goods conveyed either through the *Shildon* Tunnel or over the *Black Boy* Inclined Plane, or the *Etherley* Inclined Plane, or the *Brusselton* Inclined Plane,) the Company may demand and take the same Tolls as for Six Miles:

For

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For a Fraction of a Mile less than a Mile or beyond any integral Number of Miles the Company may demand and take Tolls on 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 and take Tolls according to the Numbers 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.

LXXII. That with respect to small Packages, and single Articles of great Weight, and notwithstanding the Rates of Tolls by this Act prescribed, the Company may demand and take the Tolls following; (that is to say,)

For any Parcel not exceeding Fourteen Pounds in Weight, for any Distance Sixpence:

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, for any Distance Two Shillings:

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, for any Distance Two Shillings and Sixpence:

And for Parcels exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight, any Sum which the Company think fit:

Provided always, that Parcels 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 that Term applies 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 Truck or Carriage, exceeds Four Tons but does not exceed Eight Tons, such Sum as the Company think fit, not exceeding Sixpence *per Ton per Mile*:

For

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

LXXIII. That every Passenger travelling on the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty Pounds in Weight for First-class Passengers and One hundred Pounds in Weight for Second and Third Class Passengers, without any extra Charge for the Carriage thereof.

Passengers
Luggage.

LXXIV. That the Company may demand and take, in respect of all Goods which pass over or along both Sides of or which are delivered on or discharged at the Summit of One or more of the *Black Boy* Inclined Plane, *Brusselton* Inclined Plane, and the *Etherley* Inclined Plane, such Tolls as the Company from Time to Time appoint, not exceeding Sixpence *per* Ton for each of those Inclined Planes, over and above other Tolls by this Act authorized: Provided always, that the Company shall not charge in respect of any Goods conveyed along a Portion only of the *Black Boy* Inclined Plane, and which pass through the *Shildon* Tunnel, such Sixpence *per* Ton or any Part thereof, or any Toll exceeding the Tolls by this Act authorized for the other Parts of the Railway.

Tolls for
Inclined
Planes.

LXXV. That after the Thirty-first Day of *July* One thousand eight hundred and fifty-six the Company shall not charge the Toll of Sixpence *per* Ton, or any exceptional or additional Toll, for Goods, Articles, and Things passing up or down or over or upon any Portion of the *Brusselton* Inclined Plane, except in respect of Traffic which after the Railway by this Act authorized shall have been completed and opened to the Public shall be delivered at such a Point of the Railway as to render the Use of such Inclined Plane or some Portion of it indispensable for the Conveyance of such Traffic.

Company
not to charge
the Toll of
6d. for the
Brusselton
Inclined
Plane after
31st July
1856, except
for certain
Traffic.

LXXVI. Whereas by the said recited Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Two hundred and ninety-two, the *Wear Valley* Railway Company are authorized to charge a Toll of Sixpence *per* Ton for Articles, Goods, and Things passing through the said *Shildon* Tunnel, in addition to the Tolls therein-before authorized to be demanded and received: And whereas the *Stockton and Darlington* Railway Company are Lessees of the said *Shildon* Tunnel: And whereas it is expedient that the said last-mentioned Toll should be reduced: Be it enacted, That it shall not be lawful for the Company, either directly or indirectly, to charge the said additional Toll of Sixpence *per* Ton in respect of Articles, Goods,

Regulating
Charge in
respect of the
Shildon
Tunnel.

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and

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and Things passing through the said *Shildon* Tunnel, but the Company may charge, in lieu of such Toll of Sixpence *per* Ton, any Tolls not exceeding Twopence *per* Ton for such Articles, Goods, and Things as aforesaid passing through the said *Shildon* Tunnel.

Tolls for passing Passage or Bridge across the Tees.

LXXVII. That the Company may demand and take, for the Tonnage of all Coals, Culm, Cinders, Stone, Lime, and Manure whatsoever conveyed upon or over the Passage or Bridge erected by the Company across the River *Tees*, such Sum as they from Time to Time appoint, not exceeding Twopence *per* Ton over and above the other Tolls by this Act authorized.

Restrictions as to Tolls not to extend to Special Trains.

LXXVIII. That the Restrictions of this Act as to the Tolls and Charges to be taken by the Company do not extend to any Special Trains required on the Railway, but apply only to the Express and Ordinary Trains from Time to Time appointed by the Company for the Conveyance of Passengers, Animals, and Goods on the Railway.

Company may take increased Charges, by Agreement.

LXXIX. That the Company from Time to Time, by Agreement with the Passengers or the Owners or Persons in charge of Animals or Goods, may take, in respect of the Conveyance of all such Goods, except small Parcels, by Passenger or other Trains, or by reason of any special Service performed by the Company in relation thereto, any increased Charge over and above the Tolls and Charges by this Act limited.

10 & 11 Vict. c. 27. incorporated.

LXXX. That "The Harbours, Docks, and Piers Clauses Act, 1847," is incorporated with this Act, and applies to the *Middlesbrough* Dock as if it were made under this Act.

Accommodation for Custom House Officers.

LXXXI. Provided always, That the Provisions "with respect to the Construction of Works for the Accommodation of the Officers of Customs" of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be in force for the Purposes of this Act, except so far as from Time to Time the Commissioners of Her Majesty's Customs, by Notice in Writing to the Company, require them to provide any Works according to those Provisions.

Life Boats and Tide and Weather Gauge need not be provided, except ordered by the Admiralty.

LXXXII. Provided always, That the Provisions "with respect to Life Boats," and "with respect to keeping a Tide and Weather Gauge, of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be in force for the Purposes of this Act, except so far as from Time to Time the Lords of the Admiralty, by Notice in Writing to the Company, require them to provide any Works or Conveniences according to those Provisions respectively.

LXXXIII. That

The Stockton and Darlington Railway Act, 1854.

LXXXIII. That from and after the Commencement of this Act the Company may demand and take, in respect of the *Middlesbrough* Dock, any Tolls or Rates not exceeding the following; (that is to say,) Dock Rates.

For every Vessel using or entering the Dock, Twopence for every Ton Register Burthen thereof:

For all Coals, Lime, Coke, Culm, or Cinders loaded or unloaded, or shipped or discharged or landed, at or within the Dock or the Entrance thereto, Twopence Halfpenny a Ton:

For all Lead, Iron, Ironstone, or any other Ores, Timber, Stone, Bricks, Tiles, or other Things, loaded or unloaded, or shipped or discharged or landed, at or within the Dock or the Entrance thereto, Fourpence a Ton, and so in proportion for any Weight less than One Ton, but for any fractional Part of Half a Ton the Toll may be taken as for Half a Ton:

For the Wharfage and Portage of all such Coals and other Articles and Lead and other Articles respectively, Ninepence a Ton, and so in proportion for any Weight less than One Ton, but for any fractional Part of a Quarter of a Ton the Toll may be taken as for a Quarter of a Ton; and for every Parcel not exceeding Twenty Pounds in Weight, Sixpence; if Twenty Pounds in Weight and not exceeding Fifty Pounds in Weight, One Shilling; if Fifty Pounds in Weight and not exceeding One hundred Pounds in Weight, Three Shillings; and if One hundred Pounds in Weight but not exceeding Five hundred Pounds in Weight, Four Shillings:

For every Vessel towed by the Company into or out of the Dock from or to the Sea, for every Ton Register Burthen thereof, if unladen or in Ballast, One Penny Halfpenny, and if laden or partly laden, Threepence Halfpenny.

LXXXIV. That this Act or anything therein shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any Shares or Debt, or of any Rent granted by the Company in pursuance of or confirmed by any previous Act, or otherwise at the Commencement of this Act lawfully subsisting. Existing Preference of Interest, Dividends, and Rents not to be prejudiced.

LXXXV. That this Act or anything therein shall not take away, lessen, or prejudice any of the Rights, Powers, Authorities, and Privileges of the Mortgagees, Bondholders, and other Creditors of the Company, or any of them, or any of the Rights, Powers, Authorities, or Privileges of the *Wear Valley* Railway Company, and the *Middlesbrough and Redcar* Railway Company, or either of those Companies. Saving Rights of Mortgagees, &c., and certain Railway Companies.

LXXXVI. That

The Stockton and Darlington Railway Act, 1854.

Act not to prejudice Arrangements of Stockton and Darlington Railway Company with their Lessors.

Act not to affect Wear Valley and Middlesbrough and Redcar Railway Acts.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98. 3 & 4 Vict. c. 97. 5 & 6 Vict. c. 55. 7 & 8 Vict. c. 85. 9 & 10 Vict. c. 57. and 14 & 15 Vict. c. 64.

Railway not exempt from Provisions of future General Acts.

LXXXVI. That this Act shall be subject and without Prejudice to any Arrangements made between the Company and the *Wear Valley Railway Company* and the *Middlesbrough and Redcar Railway Company* respectively with respect to the Times or Mode of Payment of the Rents and Sum reserved and payable by and under the Leases of their respective Undertakings to the Company.

LXXXVII. That this Act or anything therein shall not, except so far as is expressly provided by this Act, alter, interpret the Meaning of, or in any other Way affect the *Wear Valley Railway Act, 1845*, the *Wear Valley Railway Act, 1847*, or the *Middlesbrough and Redcar Railway Act, 1845*, or any of the Powers or Provisions of those Acts respectively.

LXXXVIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways, authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the Company and their said Railways, so far as the same shall be applicable thereto.

LXXXIX. That this Act or anything therein shall not exempt the Railway from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the Tolls for small Parcels and the maximum Rates of Fares and Charges by this Act authorized.

XC. That

The Stockton and Darlington Railway Act, 1854.

XC. That this Act and the *Middlesbrough* Docks shall be subject to the Provisions of any General Act now in force or hereafter to be passed relating to Docks and Harbours, or to the Tolls, Dues, and Charges on Shipping.

Docks to be subject to Provisions of General Acts relating to Docks.

XCI. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

Expenses of Act.

XCII. That, notwithstanding the Repeal of the Acts of 1849 and 1851, under the Provisions of this Act, the several Sections and Provisions of those Acts which are cited in this Section shall (so far as the same respectively shall at the Time of the Repeal of those Acts respectively be in force) remain in full Force, and this Act, and the several Powers and Provisions thereof, shall in all respects be subject and without Prejudice to those cited Sections and Provisions, and this Act or anything therein contained shall not alter or interpret the Meaning of or otherwise affect those cited Sections and Provisions, or any of them:

Provision for Sections of the repealed Acts which are to remain in force.

The Act of 1849, Section LXIV.

“And be it enacted, That as soon as the *Clarence* Railway Company shall have provided sufficient and proper Station Room, Sidings, Booking Places, or other Conveniences at or near to the Junction of the *Clarence* Railway with the *Stockton and Darlington* Railway at *Sim Pasture*, to the Satisfaction of the Commissioners of Railways, the *Stockton and Darlington* Railway Company shall thenceforth, at all seasonable and proper Times, deliver at and take from such Stations, Sidings, or Booking Places, by locomotive Power in the ordinary Course of Railway Traffic, any Waggons, empty, or laden with Coals or other Minerals, or with Merchandise, which may be required by any Person or Persons whomsoever to be left at or taken from such Station, Sidings, or Booking Places, to or from any Station, Siding, or Booking Place on the said *Stockton and Darlington* Railway: Provided always, that nothing herein contained shall make the said *Stockton and Darlington* Railway Company liable to take any such Waggons unless the same shall have been before collected for that Purpose at the Station, Siding, or Booking Place from which the same shall be required to be taken, to the Number of not less than Thirty-two at any One Time; provided also, that if any Difference shall at any Time arise between the said Companies relating to the Use or Management of the said Station Room, Siding, or Booking Places so to be provided at or near *Sim Pasture*, the same may be from Time to Time referred by either of the said Companies to the Commissioners of Railways, whose Order thereon shall be binding and conclusive between the Parties.”

As soon as Clarence Company have provided a Station, &c. at Sim Pasture, Stockton and Darlington Railway Company required to deliver at and take from such Station, &c., Waggons, &c.

The Stockton and Darlington Railway Act, 1854.

Section LXV. of the same Act.

Saving
Rights of
the Leeds
and Thirsk
Railway
Company.

“And be it enacted, That nothing in this Act contained shall prejudice, affect, or alter the Rights, Powers, and Privileges which may now be exercised or enjoyed by the *Leeds and Thirsk* Railway Company under or by virtue of the several Acts relating to such Company.”

The Act of 1851, Section III.

As to Divi-
dends on
Shares to be
created for
for discharg-
ing existing
Liabilities of
Stockton and
Darlington
Railway
Company.

“And whereas the Sum of Fifty-two thousand Pounds has been borrowed on Mortgage, under the Authority of the recited Act relating to the *Stockton and Darlington* Railway Company, or of the Acts thereby repealed, and is still due and owing by the Company: And whereas the Sums of Five hundred thousand Pounds and Ninety-eight thousand Pounds (making together the Sum of Five hundred and ninety-eight thousand Pounds), by the recited Acts and this Act respectively authorized to be raised, are required for paying off and discharging certain Sums of Money or Liabilities now due and owing by the Company, and are intended to be applied by them exclusively in Payment and Discharge of such Sums of Money and Liabilities, in respect of which Sums of Money and Liabilities Interest is now payable by the Company: Be it enacted, That the Dividends that may from Time to Time be assigned to and shall be payable in respect of Shares to be created under the Authority of the said recited Act and this Act respectively, for raising the said aggregate Sum of Five hundred and ninety-eight thousand Pounds, shall be paid to the Holders thereof next and immediately after the Interest for the Time being payable in respect of the said Mortgage Debt of Fifty-two thousand Pounds, and in preference to all other Claims and Demands whatsoever on the said Company.”

Section VI. of the same Act.

Power to the
Wear Valley
Railway
Company to
borrow
Money on
Mortgage.

“And whereas the Capital in Shares of the *Wear Valley* Railway Company amounts in the whole to the Sum of Seven hundred and eighty-three thousand nine hundred and seventy-two Pounds, Shares for the whole of which have been taken, and more than One Half of which has been paid up: And whereas that Company has no Power, under the Acts relating to such Company, or under any other Act, to borrow any Money, the Company having converted into Shares the Money which they were authorized to borrow: Be it enacted, That it shall be lawful for the *Wear Valley* Railway Company, at any Time after the passing of this Act, to borrow on Mortgage, for the Purpose of more effectually carrying the Objects of the several Acts relating to such Company into execution, any Sum not exceeding Forty thousand Pounds, and to secure the Payment of the Sum so to be borrowed, with Interest, by Mortgage of their Undertaking, in the Manner provided by “The Companies Clauses Consolidation Act, 1845;” and the

The Stockton and Darlington Railway Act, 1854.

the Money so to be raised by the said Company shall be applied exclusively in carrying into execution the Purposes of the Acts relating to the same Company."

Section VII. of the same Act.

"And whereas at the Time when the *Wear Valley* Railway was leased to the *Stockton and Darlington* Railway Company, it was agreed between the *Wear Valley* Railway Company and the *Stockton and Darlington* Railway Company, that, in addition to the Rent reserved by the said Lease, the *Stockton and Darlington* Railway Company should pay to or reimburse the *Wear Valley* Railway Company the Amount of the Interest from Time to Time payable on all Sums of Money that might thereafter be borrowed by the *Wear Valley* Railway Company on the Security of their Undertaking, with the Consent of the *Stockton and Darlington* Railway Company: And whereas the *Stockton and Darlington* Railway Company are consenting to the Power by this Act proposed to be conferred on the *Wear Valley* Railway Company to borrow the further Sum of Forty thousand Pounds on Mortgage of their Undertaking: Be it enacted, That the *Stockton and Darlington* Railway Company shall, within Twenty-one Days after Demand in Writing from the *Wear Valley* Railway Company, pay to such last-mentioned Company so much Money as shall be equal to the Interest payable by the *Wear Valley* Railway Company on the then next half-yearly Day of Payment of such Interest upon or in respect of the Mortgages granted by the same Company by virtue of this Act, and then subsisting; and in case of Default in Payment of the said Sum of Money or any Part thereof, for such Period of Twenty-one Days, it shall be lawful for the *Wear Valley* Railway Company to sue for and recover the same from the *Stockton and Darlington* Railway Company by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*."

As to Interest on Mortgages to be granted by *Wear Valley* Railway Company.

Section VIII. of the same Act.

"That it shall be lawful for the *Middlesbrough and Redcar* Railway Company to raise, for the Purpose of more effectually carrying the Object of the Act relating to such Company into execution, any Sum of Money not exceeding Eighteen thousand Pounds by the Creation of new Shares, in addition to the Sums which they are already authorized to raise or may have raised by Shares under the Authority of the said Act; and the new Shares to be created by virtue of this Act shall be considered Part of the general Capital of the Company, and shall be issued at such Times, in such Manner, and to such Persons as the Company may determine; and the Money to be received by the said Company upon or in respect of such Shares shall be applied exclusively in carrying into execution the Purposes of the Act relating to the same Company."

Power to the *Middlesbrough and Redcar* Railway Company to raise a further Sum by Shares.

Section

The Stockton and Darlington Railway Act, 1854.

Section IX. of the same Act.

As to Calls
in respect of
Middles-
brough and
Redcar
Shares.

“ Provided always, That Twenty Pounds *per Centum* on the Amount of a Share shall be the greatest Amount of any One Call which the *Middlesbrough and Redcar* Railway Company may make on the Shareholders in respect of the Shares to be created by them as aforesaid, and Two Months at the least shall be the Interval between successive Calls; and that the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Four Fifths of the Amount of any such Share.”

Section X. of the same Act.

Power to the
Middles-
brough and
Redcar Rail-
way Com-
pany to bor-
row Money.

“ That when and so soon as the whole of the Capital by the recited Act relating to the *Middlesbrough and Redcar* Railway Company and this Act authorized to be raised by the *Middlesbrough and Redcar* Railway Company in Shares shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for that Company from Time to Time to borrow on Mortgage, for the Purpose of more effectually carrying the Objects of the said Act relating to that Company into execution, any Sum of Money not exceeding in the whole the Sum of Twenty-two thousand Pounds, and to secure the Payment of the Sum so to be borrowed by Mortgage of their Undertaking in the Manner provided by “ The Companies Clauses Consolidation Act, 1845:” Provided always, that the total Amount of Money which the Company shall at any One Time owe on Mortgages under the Authority of the recited Act relating to the Company and this Act shall not exceed One Third of the Capital of the Company in Shares for the Time being; and the Money so to be raised by the said Company shall be applied exclusively in carrying into execution the Purposes of the Act relating to the same Company.”

Section XI. of the same Act.

Former
Mortgages
and Bonds to
have
Priority.

“ That all Mortgages and Bonds granted by the *Wear Valley* Railway Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages and Bonds to be granted by the same Company under or by virtue of this Act; and all Mortgages and Bonds granted by the *Middlesbrough and Redcar* Railway Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over all Mortgages and Bonds to be granted by the same Company under or by virtue of this Act.”

Section XII. of the same Act.

Interest not
to be paid on
Calls.

“ That it shall not be lawful for the *Stockton and Darlington* Railway Company, or for the *Middlesbrough and Redcar* Railway Company

The Stockton and Darlington Railway Act, 1854.

Company, out of any Money by this Act or any other Act relating to either of the said Companies 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 the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised by either of the said Companies: Provided always, that nothing herein-before contained shall be deemed to prevent either of the said Companies 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."

Section XIII. of the same Act.

"That it shall not be lawful for the *Stockton and Darlington Railway Company*, the *Wear Valley Railway Company*, or the *Middlesbrough and Redcar Railway Company*, out of any Money by this Act or any other Act relating to either of the said Companies authorized to be raised for the Purposes of such Act or Acts, 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 any Act authorizing the said Companies or any or either of them to construct any other Railway, or execute any other Work or Undertaking."

Deposits for
future Bills
not to be
paid out of
Companies
Capital.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

Lands which the Company may take for any Purposes of their Undertaking.

Lands in the Township of East Thickley and Parish of Saint Andrew Auckland in the County Palatine of Durham, adjoining or near to that Part of the Stockton and Darlington Railway which lies between the East Side of the Highway leading from Redworth to Elden where it is crossed by the Stockton and Darlington Railway in the Township of East Thickley, and the West Side of the Boundary Line which divides the Townships of East Thickley and Middridge in the Parish of Saint Andrew Auckland where the Stockton and Darlington Railway crosses that Boundary Line.

SCHEDULE B.

Lands which the Company may take without Prejudice to the Rights therein of the Wear Valley Railway Company.

The Lands on which those Portions of the Railways belonging to the Wear Valley Railway Company, and now under Lease to the Stockton and Darlington Railway Company, which were formerly called the Wear and Derwent Railway and Weardale Extension Railway respectively, and the Works and Appurtenances thereof, are situate.

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