



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. clxxx.

An Act to incorporate a Company for making a Railway from the *Bishop Auckland* Branch of the *North-eastern* Railway in the Township of *Elvet* to the Township of *Brandon and Byshottles*, all in the County of *Durham*, to be called "*The Dearness Valley Railway*"; and for other Purposes. [30th July 1855.]

WHEREAS the making of a Railway from the *Bishop Auckland* Branch of the *North-eastern* Railway in the Township of *Elvet* to and into the Township of *Brandon and Byshottles*, all in the County of *Durham*, would be of public and local Advantage: And whereas the several Persons herein-after named, with others, are willing at their own Expense to carry such Undertaking into execution; but the same 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:

[*Local.*]

32 L

I. That

The Dearness Valley Railway Act, 1855.

8 & 9 Vict.
cc. 16., 18.,
& 20. incor-
porated.

I. That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, and with the same shall be construed as One Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Dearness Valley* Railway Act, 1855."

Subscribers
incorporated.

III. That *James Pulleine, George Leeman, George Dodsworth, Nathaniel Plews, Joseph Pease, Joseph Whitwell Pease, and Isaac Wilson*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after mentioned, and for such Purpose shall be incorporated by the Name of "The *Dearness Valley* Railway Company," and by that Name shall be a Body Corporate with perpetual Succession, and have a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

Capital.

IV. That the Share Capital of the Company shall be Forty thousand Pounds, which shall be divided into One thousand six hundred Shares of Twenty-five Pounds each, and all and every Part of the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

Calls.

V. That Twenty Pounds *per Centum* on the nominal Amount of a Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls.

Interest not
to be paid on
Calls paid up.

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

VII. That

The Dearness Valley Railway Act, 1855.

VII. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised, 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 Company to construct any other Railway or execute any other Work or Undertaking.

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

VIII. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Thirteen thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Forty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, and all and every Part of the Monies so to be borrowed on Mortgage or Bond shall be applied only in carrying into execution the Objects and Purposes of this Act.

Power to borrow on Mortgage.

IX. That the Number of Directors shall be Eight, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares at the least in the said Undertaking.

Number and Qualification of Directors.

X. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Five.

Power to reduce Number of Directors.

XI. That *James Pulleine, George Leeman, George Dodsworth, Nathaniel Plews, William Charles Copperthwaite, Joseph Pease, Joseph Whitwell Pease, and Isaac Wilson* shall be the First Directors of the Company.

First Directors.

XII. That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Election of Directors at First Ordinary Meeting.

XIII. That at the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall, agreeably to the Provision in "The Companies Clauses Consolidation Act, 1845," contained, elect Persons to supply the Places of the Directors then retiring from Office; and the Persons elected at such Meeting, being neither removed nor disqualified, nor having

Subsequent Election of Directors.

The Dearness Valley Railway Act, 1855.

having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said last-mentioned Act.

Quorum. XIV. That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors. XV. That the Quorum of any Committee of Directors shall be Two.

Newspapers for Advertisements. XVI. That every Advertisement relating to the Affairs of the Company shall be inserted in some Newspaper published in the City or County of *Durham*.

Line of Railway. XVII. That it shall be lawful for the Company to make and maintain the Railway herein-after mentioned, with all proper Works and Conveniences connected therewith ; (that is to say,)

A Railway commencing by a Junction with the *Bishop Auckland* Branch of the *North-eastern* Railway in a Field numbered 23 on the Plans of such Branch deposited with the Clerk of the Peace for the County of *Durham* in the Year One thousand eight hundred and fifty-one, in the Parish of *Saint Oswald* and Township of *Elvet* in the County of *Durham*, in the Occupation of *Peter Robson*, and thence passing from, in, through, or into the several Parishes, Townships, and Extra-parochial or other Places following, or some of them, (that is to say,) *Saint Oswald, Elvet, Esh, Lanchester, Broom, Brandon and Byshottles*, and *Brancepeth*, and terminating in a Field in the Township of *Brandon and Byshottles*, belonging to the Right Honourable Viscount *Boyne*, and in the Occupation of *Thomas Button* and *William Button*, or One of them, situate about One Quarter of a Mile Westwards of a Farmhouse called *High Water Houses*.

Deposit of original Plan.

XVIII. And whereas a Plan and Section of the said proposed Railway showing the Line and Level thereof, and also a Book of Reference thereto containing the Names of the Owners, Lessees, and Occupiers of the Lands through which the same was intended to pass, or which might be required for the Purposes thereof, were, on or before the Thirtieth Day of *November* last, deposited with the Clerk of the Peace for the County of *Durham*: And whereas, since the Deposit of the said original Plan, Section, and Book of Reference, an Alteration or Deviation in the Line or Course of Part of the said Railway has been deemed expedient, and a Plan and Section, with a Book of Reference thereto, herein called "the altered Plan, Section, and Book of Reference," describing the said proposed Deviation, has also been deposited with the said Clerk of the Peace for

Deposit of altered Plan and Description of deviated Part of Railway.

The Dearness Valley Railway Act, 1855.

for the County of *Durham*, which Deviation commences at a Point marked A on the said altered Plan in a Field in the Township of *Brandon and Byshottles* and Parish of *Brancepeth* numbered 19 on the said Plan, and passes thence through or into the Parishes, Townships, and Chapelries of *Brancepeth, Brandon and Byshottles, Lanchester, and Esh*, and terminates at a Point marked B on the said Plan in a Wood in the said Township of *Brandon and Byshottles* numbered 59 on the said Plan, all in the County of *Durham*, and the Line of the *Dearness Valley Railway* as so proposed to be altered, and intended to be constructed, is in this Act referred to as "the amended Line of Railway:" Be it enacted, That the said altered Plan, Section, and Book of Reference so deposited with the said Clerk of the Peace as last aforesaid shall be kept by the said Clerk of the Peace along with the said original Plan, Section, and Book of Reference, and shall be deemed Part thereof respectively, and with the said original Plan, Section, and Book of Reference shall constitute the Plan, Section, and Book of Reference of the amended Line of Railway; and it shall be lawful for the Company, subject to the Provisions in this and the said Acts incorporated herewith contained, to make and maintain the amended Line of Railway and the Works thereof in the Line and upon the Lands delineated on the said Plan, and described in the said Book of Reference, and according to the Level defined on the said Section, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Altered Plan to be kept by Clerk of the Peace.

Power to construct Railway according to amended Plan.

XIX. That it shall not be lawful for the Company to purchase, take, or interfere with any Part of the Property belonging to the Honourable *Hannah Jane Cochrane* and others in the Parish of *Saint Oswald* and Township of *Broom*, numbered 8 on the Plans deposited as herein-before mentioned, without the Consent in Writing of the Owners for the Time being thereof first had and obtained.

Property of the Hon. H. J. Cochrane and others not to be taken without Consent.

XX. That the prescribed Quantity of Land which the Company may purchase for extraordinary Purposes under "The Railways Clauses Consolidation Act, 1845," shall not exceed Twenty Acres.

Lands for extraordinary Purposes.

XXI. 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 Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

XXII. That the Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said Acts incorporated herewith granted to the Company for executing the Railway, or otherwise in relation

Period for Completion of Works.

[*Local.*]

32 M

thereto,

The Dearness Valley Railway Act, 1855.

thereto, shall cease to be exercised except as to so much of the Railway as shall then be completed, and except as to any additional Works in connexion therewith which may be found necessary for the proper working and Management of the said Undertaking.

Deposit
Money not
to be repaid
unless the
Line is
opened with-
in a limited
Time, &c.

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

The Dearness Valley Railway Act, 1855.

Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been imposed.

Power to Board of Trade to direct a Road either over or under Railway to be made.

XXVI. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time either before or after the Railway by this Act authorized to be made shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the before-mentioned Road either under or over the Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, and to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Tolls.

XXVII. That it shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following ; (that is to say,)

Tonnage on Articles of Merchandise.

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

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding Three Halfpence ; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Jet, Gypsum, and all Materials, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Sheet Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding Three Halfpence ; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Sugar, Grain, Corn, Flour, tanned Hides, Dyewoods, Timber, Staves and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Twopence Halfpenny ; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

For

The Dearness Valley Railway Act, 1855.

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

XXIV. That, subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company in the Construction of the Railway by this Act authorized to be made to carry the same across and on the Level of the Road numbered 70 in the Parish of *Brancepeth* and Township of *Brandon and Byshottles* on the Plans deposited as herein-before mentioned.

Power to cross a certain Road on the Level.

XXV. That, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Point where the said Railway crosses the before-mentioned Road on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds,

Station or Lodge may be erected in lieu of level Crossing.

The Dearness Valley Railway Act, 1855.

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence Halfpenny; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

For every Carriage, of whatever Description, having more than Two Wheels, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Sixpence; and if having only Two Wheels, Fourpence; and a Sum of One Penny Halfpenny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to or provided by the Company, an additional Sum *per Mile* not exceeding Twopence:

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

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

Tolls for Passengers or Cattle.

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

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

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

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

XXVIII. That, except as herein-before otherwise provided, the Tolls which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed Three Farthings *per*
 [Local.] 32 N Mile

Tolls for propelling Power.

The Dearness Valley Railway Act, 1855.

Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, and One Penny Halfpenny *per* Mile for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations
as to Tolls.

XXIX. That the following Provisions and Regulations shall be applicable to the fixing of the Tolls and Charges by this Act authorized to be taken and made ; (that is to say,)

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

For a fractional Part of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein ; and if there be a Fraction of a Quarter of a Mile, such Fraction shall be deemed a Quarter of a Mile ; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile :

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction ; and if there 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 Articles
of great
Weight.

XXX. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following ; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) on the Railway or any Part thereof, as follows :

For any Parcel not exceeding Seven Pounds in Weight,
Fourpence ;

For any Parcel not exceeding Fourteen Pounds in Weight,
Eightpence ;

For any Parcel not exceeding Twenty-eight Pounds in Weight,
One Shilling ;

For

The Dearness Valley Railway Act, 1855.

For any Parcel not exceeding Fifty-six Pounds in Weight,
One Shilling and Sixpence ;

And for any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Five Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding One Shilling *per Ton per Mile* :

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

XXXI. That no Carriage shall carry or bear at any One Time upon the Railway or any Part thereof, including the Weight of such Carriage, more than the Weight of Eight Tons, without the special Licence of the Company. Limits of Weights to be carried on the Railway.

XXXII. That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway by this Act authorized than Threepence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, Twopence *per Passenger per Mile* in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per Passenger per Mile* in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power and all other Charges incidental to such Conveyance. Limiting Charge for the Conveyance of Passengers.

XXXIII. That it shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance (except a reasonable Charge for the Expense of loading and unloading, collecting, receiving, or delivering, or for providing Covers for Minerals, Goods, Articles, or Animals, where such Service is performed by the Limiting Charge for Conveyance of Goods and Cattle.

The Dearness Valley Railway Act, 1855.

the Company, than the several Sums herein-after mentioned; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile Twopence* :

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Jet, Gypsum, and all Minerals, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Sheet Iron, and other Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile Twopence* :

For all Sugar, Grain, Corn, Flour, tanned Hides, Dyewoods, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile Threepence* :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, and Things, *per Ton per Mile not exceeding Fourpence Halfpenny* :

For every Carriage, of whatever Description, having more than Two Wheels, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile not exceeding Sixpence* ; and if having only Two Wheels, *per Mile Fourpence* :

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

For every Ox, Cow, Bull, or Neat Cattle, *per Mile*, if only One, *Threepence* ; if more than One, *Twopence per Head* :

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

Passengers
Luggage.

XXXIV. That every Passenger travelling upon the Railway may take with him his ordinary personal Luggage, not exceeding One hundred and twelve 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.

Power to
charge extra
for Goods by
Agreement
with the
Owner.

XXXV. That, notwithstanding anything in this Act contained, it shall be lawful for the Company and they are hereby authorized and empowered, by Agreement with the Owner or Owners of or Person or Persons in charge of any Minerals, Goods, Articles, or Animals, to take and receive, and in such Case to demand and recover, either in respect of the Conveyance of such Minerals, Goods, Articles, (other than small Parcels,) or Animals by Passenger Trains, or by reason of any other special Service to be performed by the Company
in

The Dearness Valley Railway Act, 1855.

in relation thereto, any increased Tolls, Rates, or Charges over and above the Tolls, Rates, and Charges by this Act limited or authorized to be received and taken for or in respect of any such Minerals, Goods, Articles, or Animals.

XXXVI. That, notwithstanding anything in this Act contained, it shall be lawful for the Company and they are hereby authorized and empowered to demand, receive, and take any reasonable Sum for the Use of Engines and Carriages for Special Trains by or on the said Railway, or any Part or Parts thereof, other than Ordinary or Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway, and for loading and unloading, collecting, receiving, or delivering, or for providing Covers for Goods, Articles, or Animals.

Power to charge extra for Special Trains.

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

Power to lay down Electric Telegraph.

XXXVIII. That it shall not be lawful for the Company or for any other Person in the Execution of this Act in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the *North-eastern* Railway Company, or in any Manner to alter, vary, or interfere with the Lines of Railway belonging to that Company or any of the Works appertaining thereto, save only so far as may be necessary for the Purpose of forming Junctions with the Rails of the *Bishop Auckland* Branch of the said *North-eastern* Railway at the Point shown on the said Plans, or as may be otherwise mutually agreed upon between and by the said Two Companies under the Provisions in this Act contained.

Company not to interfere with the *North-eastern* Railway or Works.

XXXIX. That all Communications between the Railway hereby authorized to be made and the said Branch Railway of the *North-eastern* Railway Company, and all such Openings in the Ledges or Flanches of the said last-mentioned Railway as may be necessary or convenient for effecting such Communications, shall be made and effected by and at the Expense of the Company hereby incorporated in a substantial and workmanlike Manner by means of Connexion Rails and Points, and shall be constructed under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time being of the *North-eastern* Railway Company, or of some other Person duly authorized by them for that Purpose, and shall

Communications with *North-eastern* Railway to be made under the Direction of their Engineer.

[*Local.*]

32 O

for

The Dearness Valley Railway Act, 1855.

for ever afterwards be maintained and kept in good and proper Repair by and at the Expense of the Company by this Act incorporated.

Company to be at the Expense of maintaining and watching the Points.

XL. That the Company shall from Time to Time and at all Times hereafter maintain and keep in good and proper Order and Condition the Switches or Points at the Places of Communication between the Railway hereby authorized to be made and the said Branch Railway of the *North-eastern* Railway Company, and shall at their sole Expense hire and employ proper and sufficient Persons to watch and regulate the same, or such Switches or Points and Persons shall, at the Option of the *North-eastern* Railway Company, be in the first instance so maintained, kept, hired, and employed by them, in which Case the Company hereby incorporated shall on Demand, from Time to Time, repay to the *North-eastern* Railway Company the Costs and Expenses thereby incurred by them.

Power to enter into Traffic Arrangements.

XLI. That the *North-eastern* Railway Company and the Company hereby incorporated may from Time to Time enter into Agreements with respect to the following Purposes or any of them; (that is to say,)

The Use and working by the *North-eastern* Railway Company of all or any Part of the Railway of the Company hereby incorporated, and the Use of the Works and Conveniences belonging thereto:

The Conveyance by the *North-eastern* Railway Company of the whole or any Part of the Traffic upon the said Railway:

The Division and Apportionment of such Traffic between the said Companies:

The Supply of any Rolling or Working Stock required for such Purposes:

The Use or Purchase by the *North-eastern* Railway Company of any Rolling or Working Stock belonging to the Company hereby incorporated, or any Part thereof:

The Management, Maintenance, and Repair of the said Railway:

The Costs and Expenses of such working, Management, Maintenance, and Repairs:

The forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies of any Passenger or other Traffic which may be conveyed upon and from the Railway of the *North-eastern* Railway Company to and along the *Dearness Valley* Railway or any Part thereof, or which may be conveyed upon and from the *Dearness Valley* Railway to and along the *North-eastern* Railway or any Part thereof:

The Collection, Delivery, and general Conduct of such Traffic:

The

The Dearness Valley Railway Act, 1855.

The fixing of the Tolls, Rates, and Charges to be levied or taken by the said Companies in respect of the Traffic conveyed over their several Railways, or any Part thereof respectively, not exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways respectively:

The Collection, taking, and levying of the said Tolls, Rates, and Charges:

The Division between the said Companies of the Receipts arising from the Traffic upon their respective Railways, or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the said Companies to the other of them by virtue of the said Agreements.

XLII. That any such Agreement shall not be for more than Ten Years, and no such Agreement shall have any Operation until the same shall have been approved of by the Board of Trade, and no such Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company; but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement had been entered into: Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by Three Fifths of the Votes of the Shareholders of the several Companies Parties thereto in Special Meeting assembled for that Purpose: Provided also, that nothing in this Act contained shall prevent the Company hereby incorporated from entering into any Agreement without such Approval as aforesaid for the Hire of any Engines, Carriages, or Trucks, with the Drivers, Guards, and Persons in charge of the same, which the said Company may require for the Purposes of the said Railway.

Agreement not to affect Use of Railway by other Parties.

XLIII. That the said Companies may by any such Agreement as aforesaid appoint a joint Committee composed of such Number of Directors of the said Companies as the said Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary for carrying

Appointment of joint Committee for carrying the Agreement into effect.

The Dearness Valley Railway Act, 1855.

carrying into effect the Purposes of such Agreement ; and every such joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them, in like Manner as the same might have been had and exercised by said Companies respectively or their respective Directors.

Agreement may be renewed, with the Approval of the Board of Trade, but public Notice to be given of the same.

XLIV. That at the Expiration of the said Agreement the said Companies, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid: Provided, that before such Companies shall enter into any such further Agreement as aforesaid, they shall give Notice of their Intention to enter into such Agreement by Advertisements, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway or Railways to which such proposed Agreement relates is situated, and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade, and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Agreement inoperative until approved by the Board of Trade.

Working Arrangements, &c. not to take effect unless approved by Three Fifths of the Shareholders.

XLV. That none of the Powers and Provisions of this Act with respect to the Use, working, or managing of the Railway by the *North-eastern* Railway Company, or with respect to the Interchange of Traffic between the Company and the *North-eastern* Railway Company, shall have any Operation or Effect unless and until the Contracts or Arrangements intended to be made for such Purposes respectively shall have been submitted to and approved by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of the Company specially convened for that Purpose.

Meetings, how to be convened.

XLVI. That such Meeting shall be called by Advertisement, inserted once at least in Two successive Weeks in a Morning Newspaper published in *London*, and in some Newspaper in the County in which the principal Office of the Company is situate, the last of which Advertisements shall be published not less than Seven Days before such Meeting, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the Company, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

XLVII. That

The Dearness Valley Railway Act, 1855.

XLVII. That if any Difference or Dispute shall arise between the Company hereby incorporated and the *North-eastern* Railway Company as to the Provisions in this Act contained, or as to the Execution, Maintenance, and Support, Costs, Charges, or Expenses of any of the Works, Matters, or Things by this Act required to be made, done, executed, performed, maintained, kept in repair, and paid by the Company hereby incorporated, or under any Contract, Arrangement, or Agreement entered into by the said Two Companies under the Powers of this Act, or as to the Terms or Conditions of any such Contract, Arrangement, or Agreement, then and in any such Case every such Difference or Dispute shall and may from Time to Time when and as the same shall arise, unless otherwise provided by any such Contract or Agreement, be settled by Arbitration in the Manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Disputes between the Two Companies, how to be settled.

XLVIII. That in estimating the Tolls or Charges to be paid during the Continuance in force of any such Contract or Agreement as aforesaid in respect of Articles or Persons conveyed for short Distances partly upon the *North-eastern* Railway and partly upon the Railway by this Act authorized, it shall not be lawful to demand and take such Tolls or Charges as for Six entire Miles in respect of the Distance traversed on the *North-eastern* Railway, and also as for Four entire Miles in respect of the Distance traversed on the Railway by this Act authorized, but such Tolls or Charges may be taken as for Six Miles in respect of short Distances of less than Six Miles traversed on Portions of both the said Railways.

Regulating Traffic on both Lines for short Distances.

XLIX. That nothing in this Act contained shall extend or be deemed or construed to extend in any way to defeat or take away, alter, vary, prejudice, or affect any Rights, Powers, or Privileges of the *North-eastern* Railway Company, except only so far as the same are respectively by this Act expressly altered, varied, or affected.

North-eastern Railway Company not to be affected by Act, except where specially provided.

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

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

The Dearness Valley Railway Act, 1855.

Expenses of
Act.

LI. That all the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act, and preparatory thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1855.