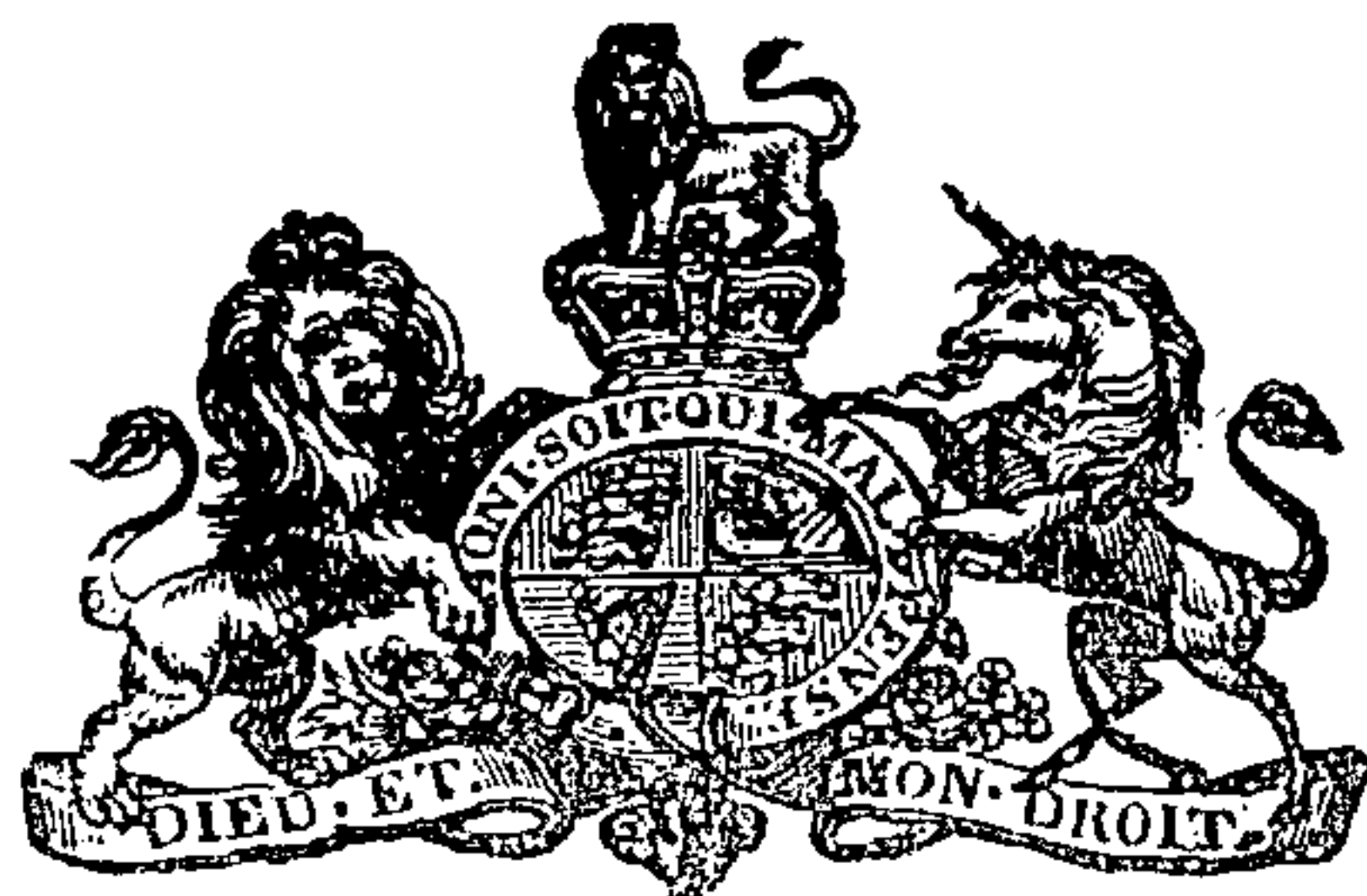




CHAPTER clxx.

An Act for authorising the construction of Railways in the county of Lincoln to be called the Sutton and Willoughby Railway and for other purposes. A.D. 1884.
—
[28th July 1884.]

WHEREAS the construction of the railways herein-after described would be of public and local advantage :

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

And whereas it is expedient that the Company so to be incorporated (in this Act called "the Company") and all companies and persons working or using their railways be authorised to run over work and use the portions of railway herein-after in that behalf mentioned :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the parts of Lindsey in the county of Lincoln and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Sutton and Willoughby Railway Act 1884. Short title.

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Incorporation of
Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the Company incorporated by this Act the expressions "the railway" or "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised For the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Charles Brenton Basden Richard Brooks and Edmund Davy and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the railways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Sutton and Willoughby Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make
railways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all necessary and convenient stations sidings junctions approaches bridges roads yards buildings communications and other works connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act are—

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1. A Railway (No. 1) seven miles three chains in length commencing in the parish of Sutton-le-Marsh in the parts of Lindsey in the county of Lincoln in a field belonging or reputed to belong to and in the occupation of Mr. Richard Brooks on the east side of and adjoining the public road leading from the village of Sutton-le-Marsh to Huttoft at a point sixteen and a half chains or thereabouts from the west end of the parish church of the parish of Sutton-le-Marsh measuring in a northerly direction and twelve and a half chains or thereabouts measuring in a north-westerly direction from the centre of Church Lane and terminating in the parish of Willoughby in the parts of Lindsey in the county of Lincoln in a field belonging or reputed to belong to the Honourable Baroness Willoughby d'Eresby and in the occupation of Anthony Dring and Richard Bradshaw and situate on the east side of the East Lincolnshire Railway (leased to the Great Northern Railway Company) and on the north side of the public road between Claxby and Willoughby at a point one and a half chains or thereabouts east of the centre of the said railway and one and a half chains or thereabouts north of the centre of the said road ;
2. A Railway (No. 2) one furlong and two chains in length commencing in the parish of Willoughby aforesaid by a junction with the said intended Railway No. 1 in a field belonging or reputed to belong to the Honourable Baroness Willoughby d'Eresby and in the occupation of William Hurdman at a point twenty-three chains or thereabouts measuring in a northerly direction from the centre of the level crossing at Willoughby Station and three and a half chains or thereabouts east of the centre of the East Lincolnshire Railway (leased to the Great Northern Railway Company) at a point twenty-three chains or thereabouts measured in a northerly direction along that railway and terminating in the parish of Willoughby aforesaid by a junction with the East Lincolnshire Railway at a point eleven and a-half chains or thereabouts from the centre of the level crossing measuring in a northerly direction along the same railway ;
3. A Railway (No. 3) three furlongs and four and a-half chains in length commencing by a junction with the said intended Railway No. 1 in the parish of Willoughby aforesaid in a field belonging to the Honourable Baroness Willoughby d'Eresby and in the occupation of John Wright Belton at a point fifty-four chains or thereabouts measuring in a north-easterly direction from the centre of the level crossing aforesaid and twenty-eight chains or thereabouts east of the centre of the East Lincolnshire Railway (leased to the Great Northern Railway

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Company) and terminating in the parish of Willoughby aforesaid by a junction with the same railway at a point fifty-five chains or thereabouts from the centre of the said level crossing measuring in a northerly direction along the said railway.

Diversion
of roads.

6. The Company may divert within the limits of deviation shown on the deposited plans the public road numbered on the said last-mentioned deposited plans 13 in the parish of Bilsby commencing at a point five chains or thereabouts measured in a southerly direction from the culvert carrying the said road over the stream along the centre of which runs the parish boundary and terminating by a junction with the said last-mentioned road numbered 13 and they may divert within the limits of deviation shown on the deposited plans the public road numbered on the said last-mentioned deposited plans 7 in the parish of Sutton-le-Marsh commencing at a point eight chains or thereabouts from the east end of the parish church measuring in a north-easterly direction and terminating by a junction with the main road from Huttoft to Sutton at a point half a chain or thereabouts from the point described as the commencement of the said railway measuring in a northerly direction.

For the
protection
of the Great
Northern
Railway
Company.

7. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of the railways by this Act authorised and the junction thereof with the Great Northern Railway and with respect to the making and maintaining of those railways shall unless with the previous consent of the Great Northern Railway Company (herein-after called the Great Northern Company) in writing under their common seal be exercised only subject to and in accordance with the following provisions:—

Limiting
interference
with land
&c.

(1.) The Company shall not without in every case the previous consent of the Great Northern Company in writing under their common seal take use enter upon or interfere with the East Lincolnshire Railway or any land railway siding or other work connected therewith except only so far as shall be necessary for the purpose of making and maintaining the said railways as the same are according to this Act to be constructed;

Company
to acquire
easement
only.

(2.) With respect to any land of the East Lincolnshire Railway Company or of the Great Northern Company as the case may be which the Company is by this Act authorised to take use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Great Northern Railway Company or the East Lincolnshire Railway Company (as the case may be) may and shall sell and grant accordingly an easement or right of using

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the same for the purposes for which but for this enactment the Company might purchase and take the same ;

(3.) The junction of Railway No. 2 with the East Lincolnshire Railway near Willoughby shall be effected at such point and in such manner and according to such mode of construction as shall be reasonably approved of by Mr. Richard Johnson or other the engineer for the time being of the Great Northern Company before the commencement of the work ;

(4.) The said railways by this Act authorised where the same will be made upon or across or will otherwise interfere with the East Lincolnshire Railway or with any railway siding or other work belonging to or worked by the Great Northern Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be submitted to and previously approved by the said Richard Johnson or other the engineer for the time being of the Great Northern Company who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided ;

Plans, &c.,
of works
to be ap-
proved.

(5.) The Company shall not in any manner in the execution of any of their works remove or disturb any of the rails of the East Lincolnshire Railway sidings or other works or obstruct or interfere with the free uninterrupted and safe use of the East Lincolnshire Railway or any traffic thereon ;

Traffic not
to be
obstructed.

(6.) The Company shall bear and on demand pay to the Great Northern Company the expense of the employment by that Company during the execution of any work affecting the East Lincolnshire Railway siding or other work of the Great Northern Company of a sufficient number of inspectors watchmen and signalmen to be appointed by that Company for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employ of the Company or of their contractors with reference thereto or otherwise ;

Company
to pay costs
of inspec-
tion during
progress of
works.

(7.) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors or otherwise any railway siding or other work

Compensa-
tion for
injury.

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—

of the East Lincolnshire Railway or of the Great Northern Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Great Northern Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction. And if any interruption or delay shall be occasioned to the traffic of or upon any such railway siding or other work of the East Lincolnshire Railway or of the Great Northern Company by reason of any of the matters or causes aforesaid the Company shall pay to the Great Northern Company all costs and expenses to which that Company may be thereby put as well as full compensation for all loss and inconvenience sustained by them by reason of any such interruption or delay such costs expenses and compensation to be recoverable with full costs by the Great Northern Company from the Company in any court of competent jurisdiction;

Bridges, &c.,
to be main-
tained.

(8.) The Company shall at all times maintain the bridges arches openings or other works by which their railways are carried across the railway sidings or other works of the East Lincolnshire Railway or of the Great Northern Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said Richard Johnson or other the engineer for the time being of that Company. And if and whenever the Company fail so to do the Great Northern Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the Great Northern Company may reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by the Great Northern Company from the Company in any court of competent jurisdiction;

(9.) If the Great Northern Company shall at any time hereafter be desirous for the purpose of forming branches or sidings of constructing bridges under or over the said railways the Company shall afford to the Great Northern Company all reasonable and proper facilities for the construction of such bridges according to plans to be agreed on between the respective engineers for the time being of the two companies or in case of difference to be determined by arbitration as hereafter provided;

(10.) If any difference shall arise between the Company and the Great Northern Company or their respective engineers as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration ;

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Arbitration.

(11.) In order to facilitate the transmission of traffic between all places upon or beyond the Great Northern Railway and places on the railways by this Act authorised the Company and any other railway company lawfully using or working their railways shall at all times hereafter afford to the Great Northern Company all proper reasonable and necessary facilities for the convenient working forwarding and conveyance of such traffic including among other things through booking through tickets and invoices through rates and fares and so far as reasonably may be through carriages and waggons and shall perform and provide at the several stations upon the railways hereby authorised all proper and sufficient facilities and services in the reception forwarding transmission conveyance and delivery of such traffic and shall accommodate manage and forward the said traffic and give such facilities and services as effectually regularly and expeditiously as if it were their own proper traffic and the rates and charges for such traffic and the payment of tolls rates and charges and the arrangements to be made in respect of such traffic shall be agreed on between the two companies or failing agreement shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859 ;

(12.) And in order to facilitate the transmission of traffic between all places upon or beyond the railways and the Great Northern Railway the Great Northern Company shall at all times hereafter afford to the Company proper reasonable and necessary facilities for the convenient working forwarding and conveyance of such traffic including among other things through booking through tickets and invoices through rates and fares and so far as reasonably may be through carriages and waggons and shall perform and provide at the several stations upon the railways hereby authorised all proper and sufficient facilities and services in the reception forwarding transmission conveyance and delivery of such traffic and shall accommodate manage and forward the said traffic and give such facilities and services as effectually regularly and expeditiously as if it were their own proper traffic and the rates

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and charges for such traffic and the payment of tolls rates and charges and the arrangements to be made in respect of such traffic shall be agreed on between the two companies or failing agreement shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859.

For protection of the Skegness Chapel St. Leonards and Alford Tramway Company.

8. The Company shall at a point marked about four miles on the deposited plans in the parish of Bilsby provide a station and shall afford to the Skegness Chapel St. Leonards and Alford Tramway Company convenient means of access thereto so as to facilitate the interchange of traffic from the tramway to the railway and vice versa.

Capital.

9. The capital of the Company shall be sixty thousand pounds in three thousand shares of twenty pounds each.

Shares not to be issued until one-fifth paid.

10. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

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

Receipt in case of persons not sui juris.

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

Power to borrow.

13. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty thousand pounds but no part thereof shall be borrowed until the whole capital of sixty thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns

are legally liable for the same And upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof. A.D. 1884.

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

15. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

16. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable. Application of moneys.

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

18. The number of directors shall be three. Number of directors.

19. The qualification of a director shall be the possession in his own right of not less than fifteen shares. Qualification of directors.

20. The quorum of a meeting of directors shall be two. Quorum.

21. Charles Brenton Basden Richard Brooks and Edmund Davy shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in First directors ; Election of directors.

A.D. 1884. — person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extra-ordinary purposes.

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

Period for compulsory purchase of lands.

23. 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 three years from the passing of this Act.

Power to cross certain roads on the level.

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

No. on Deposited Plan.	Parish.	Description of Road.
	RAILWAY No. 1.	
18 - -	Sutton-le-Marsh - -	Public.
36 - -	Sutton-le-Marsh - -	Public.
19 - -	Huttoft - -	Public.
30 - -	Huttoft - -	Public.
18 - -	Farlsthorne - -	Public.
3 - -	Willoughby - -	Public.

Saving rights of the Commissioners of Sewers for the county of Lincoln.

25. Except as herein expressly provided nothing in this Act contained shall be deemed or construed to extend to prejudice diminish alter abridge or take away any of the jurisdictions rights powers or authorities vested in the Commissioners of Sewers for the county of Lincoln under whose jurisdiction or control the marshes levels and lands through which the railway may pass and all the jurisdictions rights powers and authorities vested in them shall be as good valid and effectual to all intents and purposes as if this Act had not been passed.

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

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Power to
take ease-
ments &c.
by agree-
ment.

27. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of two thousand four hundred and seventy-two pounds three shillings and ninepence Consolidated Three Pounds per Centum Annuities equal to five per centum upon the amount of the estimate in respect of the railways has been deposited with Her Majesty's Paymaster-General on account of the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as the deposit fund) Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

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

A.D. 1884.

Application
of deposit
fund.

28. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for
completion
of works.

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

Tolls.

30. It shall be lawful for the Company to demand and take any tolls for the use of the railway not exceeding the following (that is to say) :—

In respect of passengers and animals conveyed on the railway :— A.D. 1884.

Class 1. For every person conveyed in a first class carriage per mile threepence ;

Class 2. For every person conveyed in a second class carriage per mile twopence ;

Class 3. For every person conveyed in a third class carriage per mile one penny halfpenny ;

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

Class 5. For every ox cow bull or neat cattle conveyed in or upon any carriage per mile twopence ;

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

In respect of goods conveyed on the railway—

Class 7. For all coals coke culm slack cannel cinders lime limestone sand clay fireclay pitwood chalk dung compost and all sorts of common manure and all undressed materials for the repair of highways ironstone and iron ore per ton per mile one penny halfpenny ;

Class 8. For all pig iron bar iron and all other similar descriptions of iron and iron castings not manufactured into utensils or other articles of merchandise guano and artificial manures undressed stones for building pitching and paving bricks tiles common slates charcoal bats copper tin lead and other ores per ton per mile twopence ;

Class 9. For all sugar grain corn flour potatoes hides (dried and salted) dyewoods timber staves and deals metals (except iron) tinned plates nails anvils vices hoop-iron sheet-iron and chains per ton per mile threepence ;

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

In respect of carriages conveyed on the railway—

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

A.D. 1884. — and one penny per mile in addition if the same have only two wheels.

Tolls for
carriages
&c.

31. For carriages supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand and take for or in respect of goods articles matters or things persons or animals comprised in either of the classes herein-before specified any tolls not exceeding the tolls next herein-after mentioned in connexion with the class in which such goods articles matters or things persons or animals are respectively comprised (to wit) :—

- For Class 1 for each person per mile one penny ;
- For Class 2 for each person per mile three farthings ;
- For Class 3 for each person per mile one halfpenny ;
- For Class 4 for each animal per mile one penny ;
- For Class 5 for each animal per mile one penny ;
- For Class 6 for each animal per mile one halfpenny ;
- For Class 7 per ton per mile one penny ;
- For Class 8 per ton per mile one penny ;
- For Class 9 per ton per mile one penny ;
- For Class 10 per ton per mile one penny halfpenny ;
- For Class 11 for each carriage per mile twopence.

Tolls for
propelling
power.

32. The tolls which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations
as to tolls.

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

- For all passengers animals or goods conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles ;
- For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile ;
- For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if

there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton ; A.D. 1884.

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.

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

For the carriage of small parcels on the railway—

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

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight five-pence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight seven-pence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight nine-pence ;

For any parcel exceeding fifty-six pounds the Company may demand any sum they think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

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

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

35. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including the tolls for the use of the railways and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say) :— Maximum rates for passengers.

For every passenger conveyed in a first class carriage the sum of threepence per mile ;

For every passenger conveyed in a second class carriage the sum of twopence per mile ;

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

Maximum
rates for
animals and
goods.

36. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say) :—

Class 4. For each animal fourpence per mile ;

Class 5. For each animal threepence per mile ;

Class 6. For each calf or pig one penny per mile and for every other small animal three farthings per mile ;

Class 7. One penny halfpenny per ton per mile ;

Class 8. Twopence per ton per mile ;

Class 9. Threepence per ton per mile ;

Class 10. Fourpence per ton per mile ;

Class 11. For every carriage if having more than two wheels and not weighing more than one ton and a half sixpence and one penny halfpenny for every additional quarter of a ton and if having only two wheels fourpence per mile and one penny for every additional quarter of a ton.

Passengers
luggage.

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

Terminal
station.

38. No station is to be considered a terminal station in regard to any goods conveyed on the railways which have not been received thereat direct from the consignor of such traffic or are not directed to be delivered thereat to the consignee.

Foregoing
charges not
to apply to
special
trains.

39. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways.

40. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners of or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

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Company
may take
increased
charges by
agreement.

41. The Company and all companies and persons lawfully working or using the railways of the Company or any part thereof may by agreement or otherwise run over work and use with their engines carriages and waggon and officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of traffic of every description:—

Running
powers
over other
railways.

So much of the Great Northern Railway as is situated between the said intended point of junction of the intended railways and the station at Willoughby including Willoughby Station.

The sidings authorised by the North Sea Fisheries (East Lincolnshire) Harbour and Dock Company's Act 1884.

Together with the use of all terminal and other stations approaches sidings platforms telegraphs points signals junctions water watering-places engines engine sheds standing room for engines and carriages booking and other offices warehouses machinery coal tips works and conveniences of or connected with such portions of railway and stations And as regards traffic conveyed by them the Company and any such company and persons as aforesaid may demand and take the same tolls and charges upon and in respect of the said portions of railway and stations as they would be entitled to demand and take if such portions of railway and stations were part of the railways by this Act authorised.

42. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or any such other company or persons as aforesaid for and in respect of the use of the said portions of railway stations works and conveniences shall be such as are from time to time agreed upon between them and the company or companies for the time being owning or working the respective portions of railway run over or used or failing such agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any or either of the companies or persons interested and the cost of the arbitration shall be in his discretion and the decisions of the arbitrator shall be final and binding on all parties.

Terms of
such user.

A.D. 1884.

Tolls on
traffic con-
veyed partly
on the
railways and
partly on
other
railways.

43. During the exercise of the running powers hereby granted the railways of the Company and of any other company or companies concerned shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways of such other company or companies for a less distance than three miles tolls and charges may be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railways of the Company and partly on the railways of such other company or companies.

Classifica-
tion table
of goods;

44. The book tables or other document in use for the time being containing the general classification of goods carried by goods or other merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal
charges (if
any) to be
specified on
application;

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

Interest not
to be paid
on calls
paid up.

45. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls

made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

A.D. 1884.

46. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect to any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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

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

Provision as
to general
railway
Acts.

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

Costs of
Act.

