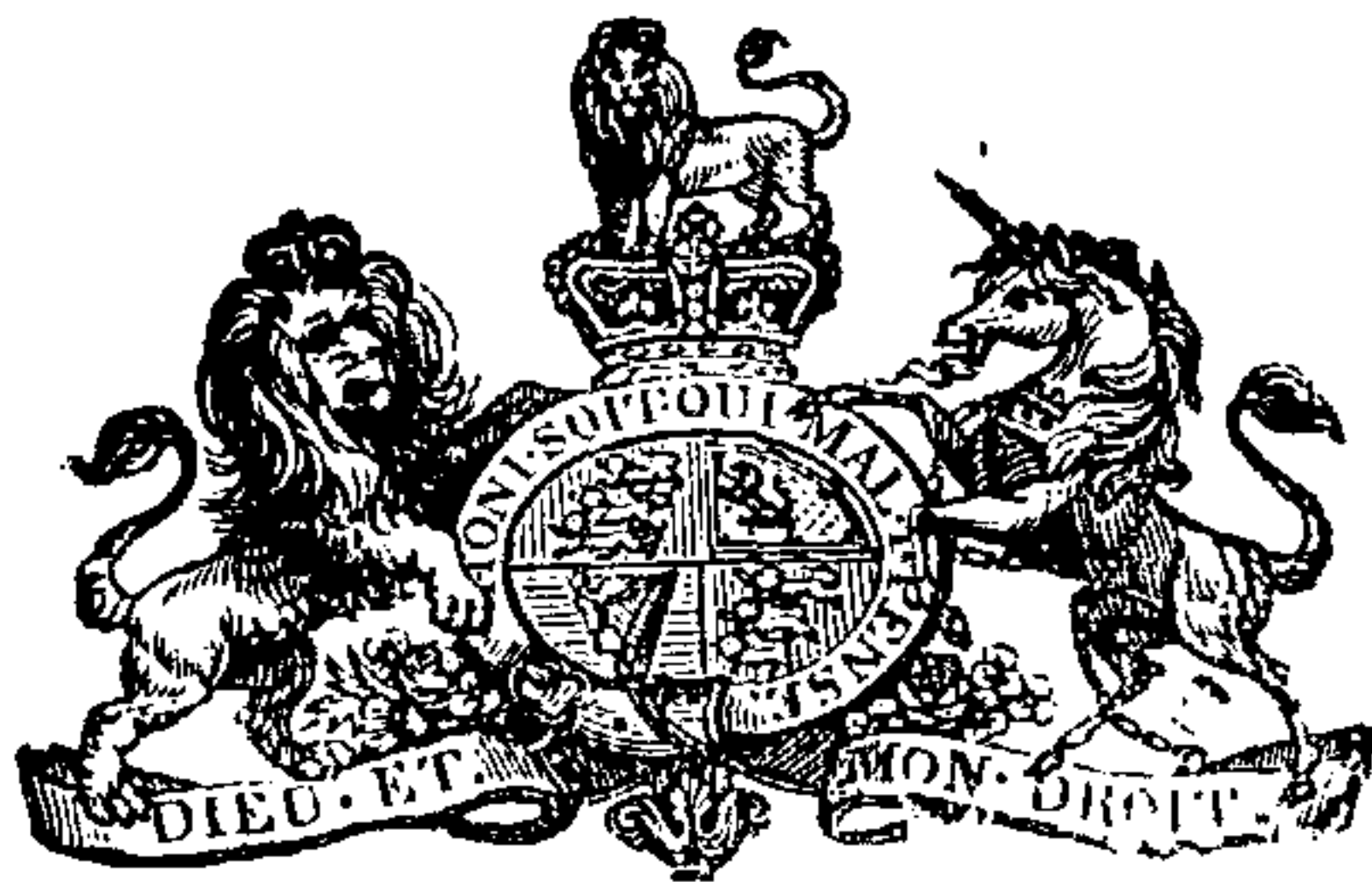




CHAPTER liv.

An Act for authorising the construction of Railways in the Isle of Axholme in the county of Lincoln to be called the Isle of Axholme Railway and for other purposes. A.D. 1885.
[25th June 1885.]

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 may be incorporated into a company and that the requisite powers be conferred upon them for that purpose :

And whereas by the Isle of Axholme and Marshland Tramways Order 1882 (herein-after referred to as "the Tramway Order") confirmed by the Tramways Orders Confirmation (No. 2) Act 1882 certain promoters therein named (herein-after referred to as "the promoters") were authorised to construct and maintain certain tramways and works therein described in the county of Lincoln (herein-after referred to as "the tramways") and which tramways were to have commenced at or near Haxey in the county of Lincoln and proceeding in a northerly direction through Crowle to and terminating at Eastoft in the same county :

And whereas the railways herein-after described will pass through the same district as the tramways and will better accommodate the traffic of that district and when made will render the construction of the tramways unnecessary and the tramways if made could not successfully compete with these railways :

And whereas no part of the work authorised by the Tramway Order has been executed and none of the powers vested in the promoters have been exercised and it is expedient that the tramways should be abandoned and the money deposited by the promoters under the provisions of the Tramways Act 1870 should be paid to them :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference

A.D. 1885. — 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:

Short title. 1. This Act may be cited as the Isle of Axholme Railway Act 1885.

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) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation. 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. John William Denne Johnson Thomas Harsley Carnochan and John Elwis 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 Isle of Axholme 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. A.D. 1885.

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:— Power to make railways.

Railway (No. 1.) 6 miles 6 furlongs and 9·25 chains in length commencing in the parish of Haxey in the county of Lincoln (parts of Lindsey) by a junction with the joint line of the Great Northern and Great Eastern Railway (Doncaster and Gainsboro' Line) near the Haxey Station and terminating in the parish of Belton in the said county at the south side of the public highway leading from Grey Green to Westgate.

Railway (No. 2.) 2 miles 2 furlongs and 2·85 chains in length commencing in the said parish of Belton by a junction with Railway (No. 1) at the south side of the public highway leading from Grey Green to Westgate and terminating in the parish of Crowle in a field called Nettle Common or Eighteen Acres belonging or reputed to belong to George Robinson.

Railway (No. 3.) 5 furlongs and 1·10 chains in length wholly in the said parish of Crowle commencing by a junction with Railway (No. 2) in the said field called Nettle Common or Eighteen Acres and terminating by a junction with the Manchester Sheffield and Lincolnshire Railway (Doncaster and Keadby Line) near the down platform of the Crowle Station on that railway.

Railway (No. 4) 6 furlongs, 7·3 chains in length wholly in the said parish of Crowle commencing by a junction with Railway (No. 2) in the said field called Nettle Common or Eighteen Acres and terminating on the south side of Godknow Road leading from Crowle to Godknow Bridge

6. The capital of the Company shall be eighty-eight thousand pounds in eight thousand eight hundred shares of ten pounds each. Capital.

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Shares not
to be issued
until one
fifth paid.

7. 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.

8. 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 per-
sons not sui
juris.

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

Power to
borrow.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty-nine thousand three hundred pounds but no part thereof shall be borrowed until the whole capital of eighty-eight 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.

For appoint-
ment of a
receiver.

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

Debenture
stock.

12. 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. A.D. 1885.

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

14. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three. Number of directors.

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

16. The quorum of a meeting of directors shall be three. Quorum.

17. John William Denne Johnson Thomas Harsley Carnochan John Elwis and two other persons to be nominated by them or a majority of them and consenting to such nomination 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 nominated as aforesaid or any 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 or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (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. First directors.

Election of directors.

18. 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. Lands for extraordinary purposes.

19. 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. Period for compulsory purchase of lands.

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Power to
cross certain
roads on the
level.

20. 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 a railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.
Railway No. 1—72 -	Haxey - - -	} Public roads.
228 -	Haxey - - -	
25 -	Epworth - - -	
57 -	Epworth - - -	
15 -	Belton - - -	
25 -	Belton - - -	
Railway No. 2—26 -	Belton - - -	}
2 -	Crowle - - -	

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

21. 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.

Restriction
on taking
houses of
labouring
class.

22. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression “labouring class” includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week

and the families of any of such persons who may be residing with them. A.D. 1885.

23. In constructing the railways by this Act authorised the Company shall conform to the following provisions for the protection of the Great Northern Railway Company and the Great Eastern Railway Company in this section called "the joint companies" (so far as regards their Doncaster and Gainsborough Line herein-after called "the Gainsborough Line").

For protection of the Great Northern and Great Eastern Railway Companies.

- (1) The junction of Railway No. 1 with the railway of the joint companies shall be made with the existing siding situate on the north-east side of the main line and at such points within the limits of deviation shown on the deposited plans as shall be agreed upon by the principal engineer of the joint companies and the engineer of the Company and in case of difference by an engineer to be appointed by the Board of Trade on the application of the joint companies or of the Company and the Company shall not without obtaining the consent of the joint companies in writing under the common seal of the committee of the joint companies make any other junction with the railway of the joint companies nor shall the Company without such consent use or occupy the existing Haxey Station of the railway of the joint companies for the purposes of the undertaking.
- (2) If by reason of the construction of Railway No. 1 it shall be necessary to add to or alter the signal or signals upon the railway of the joint companies the same shall be so added to or altered by those companies respectively and the reasonable expense thereof shall be repaid to them by the Company.
- (3) All works both temporary and permanent affecting the lands railways or other property of the joint companies shall be constructed by their engineer according to plans and sections and of such quality and strength of materials and in every other respect as shall be previously submitted by the engineer of the Company to and approved by and to the reasonable satisfaction of the principal engineer of the joint companies Provided always that if the said principal engineer shall for the space of one month neglect or refuse to approve the said plans and sections or shall disapprove the same then according to such plans and sections as shall be approved by an engineer to be appointed by the Board of Trade on the application of either the Company or the joint companies as the case may be.
- (4) The Company shall construct and at all times maintain the railways and works by this Act authorised so as in no way to obstruct impede or interfere with the free and uninterrupted

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and safe use of the railways of the joint companies or the works connected therewith or the traffic thereon.

- (5) The Company shall at all times maintain the junctions and other works herein-before provided for in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the joint companies and if and whenever the Company fail so to do the joint companies may make and do in and upon as well the lands and works of the Company as on their own lands and works all such works and things as they may reasonably think requisite in that behalf and the sum from time to time certified by their engineers to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in case of any difference between the Company and the joint companies under this subsection the same shall be determined by an engineer to be appointed as herein-before provided.
- (6) The said portions of railway and other works shall after commencement thereof be proceeded with with all practicable despatch and if in the opinion of the said principal engineer (or in case of difference in the opinion of an engineer to be appointed as aforesaid) the Company shall not be proceeding in the construction and execution of the said portions of the said railway and other works with all despatch as aforesaid it shall be lawful for the joint companies without let or hindrance from the Company their contractors or servants to enter upon the land and property acquired or occupied by the Company and to do all acts and things and to take possession of and use all materials or plant necessary for the execution and completion of the said portions of railway and the said works or so much thereof as the principal engineer may consider desirable or expedient for the safety of their railway property and works or for preventing or removing any obstruction or interference with the safe and convenient user or occupation thereof in as free and commodious a manner as they might have used or occupied the same if the said portions of railways and the said works had not been commenced or constructed and the Company shall on demand repay to the joint companies all payments costs damages and expenses which they may incur become liable or be put to in or about the matters aforesaid.
- (7) The Company shall not without in every case obtaining the previous consent of the joint companies in writing under the common seal of the committee of the joint companies take use enter upon or interfere with any of the lands railways works or property from time to time belonging to or in the possession or

under the power of the joint companies respectively except only such part or parts of their said lands as it shall be absolutely necessary for the Company to enter upon or interfere with for the purposes of constructing and maintaining the works for effecting the junctions aforesaid and with respect to such part or parts of the said lands as aforesaid the Company shall not purchase or take the same but the Company may purchase and take and the joint companies may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same.

- (8) The cost of all works both temporary and permanent on or affecting lands of the joint companies shall be paid by the Company.
- (9) Nothing in this Act contained shall prejudice take away diminish or interfere with any of the property rights interests powers and privileges of the joint companies otherwise than is hereby expressly provided.

24. In carrying the intended Railway No. 2 by this Act authorised (herein-after referred to as "the railway") over the railway and canal of the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Sheffield Company") and also with respect to the junction to be made between Railway No. 3 by this Act authorised (herein-after referred to as "the junction") and the railway of the Sheffield Company the following provisions for the protection of the Sheffield Company shall (unless otherwise agreed in writing between the Sheffield Company and the Company) apply to and be obligatory upon the Company :—

For the protection of the Manchester Sheffield and Lincolnshire Railway Company.

- (1) The Company shall carry the railway over the railway and canal of the Sheffield Company at the proposed crossings thereof as shown on the deposited plans and the junction shall be made at such point within the limits of deviation according to plans and sections to be reasonably approved by and to be executed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Sheffield Company and in all things at the expense of the Company.
- (2) The railway shall be carried over the railway of the Sheffield Company by means of a girder bridge the piers or abutments whereof shall be parallel with that railway and shall have a single span of not less than fifty feet measured at right angles with the abutments thereof and shall have a clear height or headway over the rails of the railway of the Sheffield Company of not less than fifteen feet.

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- (3) The railway shall be carried over the canal of the Sheffield Company by means of a bridge having one opening span on the swivel principle of at least forty feet clear width measured at right angles with the abutments thereof and with a clear headway above the ordinary water level of the canal of at least twenty feet and the piers of the said bridge shall be parallel with the centre line of the canal.
- (4) The Company shall at all times and for ever after the completion of the bridge over the canal of the Sheffield Company cause to be hung out or exhibited in a conspicuous situation on each side of the opening span of that bridge every night from sunset to sunrise a good and sufficient light to be kept burning by and at the expense of the Company for the navigation and safe guidance of boats and vessels using or navigating the said canal which lights shall if necessary be from time to time altered by the Company in such manner and be of such description and be so used and placed as the principal engineer for the time being of the Sheffield Company shall reasonably require and in case the Company shall neglect to exhibit and keep any such light burning as aforesaid they shall for every such neglect be liable to a penalty not exceeding ten pounds which may with full costs be recovered by the Sheffield Company from the Company in any court of competent jurisdiction.
- (5) The Company or any person or persons acting under them shall not detain at the said bridge over the canal of the Sheffield Company any vessel barge or boat navigating that canal and having masts or chimneys from any cause not then capable of being lowered with safety to the vessel or without risk of damage to the cargo and in case the Company or any person or persons acting under them shall wilfully or negligently detain any such vessel barge or boat contrary to the provisions of this Act or demand take or receive any toll or charge for the passage of any person or persons vessel barge or boat through or under the said bridge the Company and every person so offending shall for every offence be liable to a penalty not exceeding the sum of ten pounds which penalty shall be recoverable by summary process in the manner directed by the Railways Clauses Consolidation Act 1845 for the recovery of penalties incurred by the Company but nothing in this Act shall prevent any remedy for damages which any party may sustain in respect of any such detention as aforesaid.
- (6) During the construction of the railway over the railway and canal of the Sheffield Company the Company will bear and on

demand pay to the Sheffield Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their said railway and canal with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations of the Company or from the acts or defaults of the contractors or of any person or persons in their employment or otherwise.

- (7) The Company shall at all times maintain the bridges and other works by which the railway shall be so carried over the railway and canal of the Sheffield Company in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of the Sheffield Company and if and whenever the Company fail so to do the Sheffield Company may make or do in and upon as well the lands of the Company as their own lands such repairs and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to the Sheffield Company by the Company and in default of payment may be recovered by them from the Company with full costs in any court of competent jurisdiction.
- (8) The Company and their contractors agents servants or workmen shall not in constructing or repairing the railway works over the railway and canal of the Sheffield Company obstruct impede or interfere with the free and uninterrupted and safe use of the railway and canal or other works of the Sheffield Company or any traffic thereon or if any such obstruction or interference shall be caused or take place contrary to this enactment the Company shall pay to the Sheffield Company all costs and expenses to which that company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable with full costs by that company in any court of competent jurisdiction.
- (9) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Sheffield Company all costs losses damages and expenses which may be occasioned to that company or to any of the works or property thereof or to the traffic thereon or otherwise by reason of the execution or failure of the railway and the works in connexion therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless

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the Sheffield Company from all claims and demands upon or against them by reason of such execution or failure and of any act or omission.

(10) The Company shall not in any case without the previous consent in writing under the common seal of the Sheffield Company take use enter upon or interfere with the railways works lands or property at any time belonging to or in the possession or under the power of the Sheffield Company except only such part or parts thereof respectively as it shall be necessary for the Company to take use enter upon or interfere with for making and maintaining the bridges and other works by which the railway is under the provisions of this Act to be carried across the railway and canal of the Sheffield Company and for effecting the junction between the railways as shown on the deposited plans and sections in this Act referred to.

(11) With respect to the railway and canal works lands or property of the Sheffield Company which the Company are by this Act authorised to take use enter upon or interfere with the Company shall not purchase and take the same but they may purchase and take and the Sheffield Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same.

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

(13) If any question or difference shall at any time arise between the Company and the Sheffield Company touching any plans prepared by the Company for the construction of any of the works herein-before provided or as to the reasonableness or sufficiency of such plans or works the same shall be settled

and determined by the engineers of the Company and the Sheffield Company or failing agreement by an engineer to be appointed by the President for the time being of the Institute of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive. A.D. 1885.

(14) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the Sheffield Company otherwise than is herein expressly provided.

25. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of four thousand six hundred and ninety-nine pounds nine shillings two pounds ten shillings per centum annuities being equal to five per centum upon the amount of the estimate in respect of the railways has been deposited with the Paymaster General for and on behalf of the Supreme Court of Judicature 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 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 Chancery Division of the High Court of Justice in England herein-after referred to as 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.

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Application
of deposit
fund.

26. 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such [proportions as to the Court 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 Court thinks fit to order on the application of the Solicitor to 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.

27. 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.

Making of
tramways to
be aban-
doned.

28. The promoters of the Tramway Order may and shall abandon the making of the tramways and on and after the passing of this Act those promoters shall be absolutely freed from all obligations with respect to the making and maintaining of the tramways.

29. Subject to the rules of the Board of Trade with reference to tramways provisional orders made under the provisions of the Tramways Act 1870 with respect to compensation to road authorities and for the protection of creditors the Chancery Division of the High Court of Justice may and shall at any time after the passing of this Act on the application of the depositors of the sum of one thousand eight hundred and seventy-four pounds being the fund paid in accordance with those rules into the said Chancery Division in respect of the application for the Tramway Order or the survivors or survivor of the said depositors or the executors or administrators of such survivor order that so much of the said sum deposited as aforesaid and the interest if any thereon as shall remain deposited and unpaid shall be paid to the depositors and on such order being made the said sum of one thousand eight hundred and seventy-four pounds and any interest accrued or to accrue thereon shall be paid accordingly.

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For repayment to depositors of deposit under Tramway Order.

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) :—

Tolls for passengers animals and goods.

In respect of passengers and animals conveyed on the railway :

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 ;

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 and minerals conveyed on the railway or any part thereof :

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

Class 8. For all coke pig iron bar iron and all other similar descriptions of iron and iron castings not manufactured into utensils or other articles of merchandise lime bricks

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salt fireclay stone guano and artificial manures undressed stones for building pitching and paving bricks tiles slates charcoal bats antimony and manganese copper tin lead and other ores per ton per mile twopence ;

Class 9. For all sugar corn grain cornflour potatoes hides (dried and salted) dyewoods timber staves and deal metals (except iron) turned 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 and one penny per mile in addition if the same have only two wheels.

Tolls for
carriages.

31. For carriages supplied by the Company the Company may (in addition to 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. A.D. 1885.

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

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

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

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

With respect to all articles except stone and timber the weight shall be determined according to the imperial 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 railways or any part thereof:—

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

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

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

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

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

A.D. 1885. — 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.

Maximum
rates for
passengers.

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) :—

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

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

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

Maximum
rates for
animals and
goods.

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 pig or sheep one penny per mile and for every 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. A.D. 1885.

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

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. Terminal station.

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. Foregoing charges not to apply to special trains.

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 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. Company may take increased charges by agreement.

41. 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 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 If the Company fail to comply with the Classification table of goods. Terminal charges (if any) to be specified on application. Penalty.

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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.

42. 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.

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

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

Provision as
to general
Railway
Acts.

44. 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.

Costs of Act.

45. 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.