

[51 & 52 VICT.]

*Collingbourne and Avon Valley  
Railway Act, 1888.*

[Ch. cxci.]



### CHAPTER cxci.

An Act for making a Railway to be called "the Collingbourne and Avon Valley Railway," and for other purposes.

A.D. 1888.

[7th August 1888.]

**W**HEREAS the making and maintaining of a railway from Collingbourne Ducis to Fittleton, in the county of Wilts, would be of public and local advantage :

And whereas the persons in this Act named, with others, are willing at their own expense to construct the railway, and are desirous of being incorporated into a company for the purpose :

And whereas it is expedient that such agreements should be authorised with the Midland and South Western Junction Railway Company as are hereinafter provided :

And whereas plans and sections showing the lines and levels of the railway, as 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 county of Wilts, and are hereinafter respectively referred to as the deposited plans, sections and books of reference :

And whereas the objects 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 Collingbourne and Avon Valley Railway Act, 1888. Short title.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares), and Part III. Incorporation of general Acts.

[Price 1s.]

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A.D. 1888. (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, 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.

Interpreta-  
tion.

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" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised; the expression "the Midland and South Western Company" means the Midland and South Western Junction Railway Company; and 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. The Right Honourable Sir Michael Edward Hicks-Beach, Baronet, Ambrose Dennis Hussey-Freke, and all other persons and corporations who have already subscribed to, or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "the Collingbourne and Avon Valley 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 rail-  
way and  
works.

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 railway hereinafter described, with all proper stations, sidings, approaches, works and conveniences 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 railway hereinbefore referred to and authorised by this Act is :— A.D. 1888.

A railway, seven miles two furlongs six chains in length, commencing in the parish of Collingbourne Ducis by a junction with the Midland and South Western Junction Railway, at a point thereon opposite the south end of the platform of Collingbourne Ducis passenger station of that railway, and terminating in the Parish of Fittleton, in a field belonging or reputed to belong to the Right Honourable Sir Michael Edward Hicks-Beach, Baronet, and in the occupation of Mr. Henry Charles Notley, and No. 98 on the Ordnance survey  $\frac{1}{2500}$  scale.

6. Notwithstanding anything herein contained it shall not be lawful for the Company, nor for any person acting under or in execution of this Act, to enter upon, occupy or use, either permanently or temporarily, any of the lands, works or property of the Midland and South Western Company, or in any manner to alter, vary or interfere with the railway of that Company, or the works of or connected therewith, without the consent of that Company, under their common seal, save only for the purposes of effecting the junction by this Act authorised. Not to take lands or interfere with Midland and South Western Junction Railway, except for the purposes of junction.

7. The capital of the Company shall be twenty-four thousand pounds, in two thousand four hundred shares of ten pounds each. Capital.

8. 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. Shares not to be issued until one-fifth paid.

9. One-fifth of the amount of a share shall be the greatest amount of a call, and two 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. Calls.

10. 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. Receipt clause in case of persons not sui juris.

11. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole eight thousand pounds, but no part thereof shall be borrowed until the whole capital of twenty-four thousand pounds is issued and accepted, Power to borrow.

A.D. 1888.

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.

**12.** The mortgagees of the undertaking 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 one thousand pounds in the whole.

Debenture  
stock.

**13.** 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. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application  
of moneys.

**14.** 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.

First ordi-  
nary meet-  
ing.

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

- 16.** The number of directors shall be four. Number of directors.
- 17.** The qualification of a director shall be the possession in his own right of not less than twenty shares. Qualification of directors.
- 18.** The quorum of a meeting of directors shall be three. Quorum of directors.
- 19.** The Right Honourable Sir Michael Edward Hicks-Beach, Baronet, Ambrose Dennis Hussey-Freke, and two other persons to be nominated by 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 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.
- 20.** The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, any quantity of land not exceeding five acres; but nothing in this Act shall exempt the Company from any indictment, action or other proceeding for nuisance, in the event of any nuisance being caused by them upon any land taken under the powers of this section. Lands for extraordinary purposes.
- 21.** 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.
- 22.** 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 Power to cross certain roads on the level.

A.D. 1888. 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.
3	Everley	Public Road
5	Fittleton	Public Road
12	Fittleton	Public Road
15	Fittleton	Public Road

Provided always that, inasmuch as the said roads numbered 3 in the parish of Everley, and 5, 12 and 15, in the parish of Fittleton are not regularly formed roads, but merely grass tracks over the Downs, and are only used for the purposes of wheel traffic intermittently and upon rare occasions, the Company shall not be required, notwithstanding anything in the Railways Clauses Consolidation Act, 1845, and in the Railways Clauses Act, 1863, contained, to erect and permanently maintain a lodge at the point where the railway crosses each of the said roads, but the Company shall erect and at all times maintain good and sufficient gates across each of the said roads on either side of the railway, and such gates shall be so constructed and maintained as to close automatically: Provided also that a low bridge suitable for the passage of sheep and horses shall be constructed under the railway at some point near each of the said level crossings.

Inclinations  
of certain  
roads.

**23.** In altering for the purposes of this Act the roads next hereinafter mentioned, the Company may make the same of any inclinations not steeper than the inclinations hereinafter mentioned in connection therewith respectively (that is to say):—

No. on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
15	Collingbourne Ducis	Public Road	1 in 20
22	Collingbourne Ducis	Public Road	1 in 20

Height and  
span of

**24.** The Company may make the arches of the bridges for carrying the railway over the roads next hereinafter mentioned of any

heights and spans not less than the heights and spans hereinafter mentioned in connection therewith respectively (that is to say) :—

A.D. 1888,  
certain  
bridges.

No. on Deposited Plan.	Parish.	Description of Road.	Height.	Span.
9	Collingbourne Ducis	Public Road	14 feet	12 feet
15	Collingbourne Ducis	Disturnpiked Road	15 feet	20 feet

25. The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof, as the Company think fit, not being less than the width hereinafter mentioned (that is to say) :—

Width of a  
certain road-  
way.

No. on Deposited Plan.	Parish.	Description of Road.	Width of Roadway.
22 and 24	Collingbourne Ducis	Public Road	18 feet

26. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections, and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use, may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

Power to  
divert roads  
as shown on  
deposited  
plans.

Parish.	No. of Road on Plan.
Collingbourne Ducis	{ 22 24
Collingbourne Ducis	28

and when, so soon as each of the said roads is so stopped up, all rights of way over the same shall cease, and the Company may, subject to the provisions of the Railways Clauses Consolidation Act, 1845, with respect to mines lying under or near to the railway, appropriate and use for the purposes of their undertaking the site of

A.D. 1888. — the road stopped up, as far as the same is bounded on both sides by lands of the Company.

Power to  
take ease-  
ments by  
agreement.

**27.** 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 rent-charges, 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.

Deposit  
money not  
to be repaid  
unless rail-  
way is opened  
within time  
limited.

**28.** 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 one thousand two hundred and sixty-two pounds, nineteen shillings and twopence Three pounds per centum Consolidated Bank Annuities, being equal to five per centum upon the amount of the estimate in respect of the railway, has been transferred to 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 stock 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 completion of the railway, open the same for the public conveyance of passengers; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application  
of deposit.

**29.** If the Company do not, previously to the expiration of the period limited for the completion of the railway, complete the same and open it for the public conveyance of passengers, then and in 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, con-



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struction or abandonment of the railway, or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property, conferred upon the Company by this Act, and for which injury 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 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 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 hereinbefore 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.

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

Period for  
completion  
of works.

**31.** The Company shall not, under the powers by this Act granted, without the consent of the Local Government Board, purchase or acquire by compulsion or agreement 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.

Restriction  
as to houses  
of labouring  
class.

For the purposes of this section, the expression "labouring class" includes mechanics, artisans, labourers and others working for

A.D. 1888: 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.

Tolls.

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

Passengers.

In respect of passengers and animals conveyed in carriages upon the railway, or any part thereof, as follows:—

For every person conveyed in or upon any such carriage, per mile two pence; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny;

Animals.

Class I.—For every horse, mule, ass or other beast of draught or burden, conveyed in or upon such carriage, per mile three pence; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny;

Class II.—For cattle conveyed in or upon any such carriage, per head per mile two pence; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny;

Class III.—For every calf, pig, sheep or other small animal, conveyed in or upon any such carriage, per mile one penny; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one halfpenny;

Goods.

In respect of goods conveyed on the railway:—

Class IV.—For all coal, dung, compost, and all sorts of manure, lime and limestone, and all undressed materials for the repair of public roads or highways, all stones for building, pitching and paving, tiles, slates, clay, ironstone iron ore and pig iron, per ton per mile one penny halfpenny; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one halfpenny;

Class V.—For all coke, culm, charcoal and cinders, sheet iron, bar iron, rod iron, hoop iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils, bricks, salt, sand, fireclay and stone, per ton per mile two pence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one halfpenny;

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Class VI.—For sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves and deals, nails, anvils, vices and chains, per ton per mile two pence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny;

Class VII.—For cotton and other wools, drugs, manufactured goods and metals (except iron and tin), and all other wares, merchandise, fish, articles, matters or things, per ton per mile three pence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny;

Class VIII.—And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, per mile six pence; and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

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

Limiting charges for propelling power.

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

Regulations as to tolls.

For all passengers, animals, minerals or goods, conveyed on the railway for a less distance than three miles, the Company may demand and receive the before-mentioned tolls as for three miles;

Short distances.

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;

Fractional parts of a mile.

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

Fractional parts of a ton.

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General  
weight.Weight of  
stone and  
timber.Tolls for  
small parcels  
and articles  
of great  
weight.Maximum  
rates for  
passengers.

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.

**35.** 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):—

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 and not exceeding fourteen pounds in weight, five pence;

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

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

And for any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight, 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 articles in separate packages:

For the carriage of single articles of great weight—

For the carriage of any single article the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, the Company may demand any sum not exceeding six pence per ton per mile;

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

**36.** The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and for 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 three pence per mile;

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

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

**37.** The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other services 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) :—

For every animal mentioned in Class I., per mile, four pence;

For every animal mentioned in Class II., per mile, three pence;

For every animal mentioned in Class III., except lambs and other small animals, per mile, one penny halfpenny; and for lambs and other small animals, per mile, three farthings;

For the articles and goods mentioned in Class IV., per ton per mile, one penny halfpenny;

For the articles and goods mentioned in Class V., per ton per mile, two pence;

For the articles and goods mentioned in Class VI., per ton per mile, three pence;

For the articles and goods mentioned in Class VII., per ton per mile, four pence;

For any carriage mentioned under Class VIII., not weighing more than one ton, six pence per mile; if weighing more than one ton one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

**38.** 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.

**39.** No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

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Foregoing charges not to apply to special trains.

Company may take increased charges by agreement.

Working and traffic arrangements with Midland and South Western Junction Railway Company.

Tolls on traffic conveyed partly on the railway and partly on the railway of Midland and South Western Company.

**40.** The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall 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 railway.

**41.** 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.

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

The maintenance and management by the Midland and South Western Company of the railway of the Company, or any part thereof, and of the works connected therewith;

The use or working of the railway, or of any part thereof, and the conveyance of traffic thereon, and the employment of officers and servants for the conduct of the traffic;

The supply and maintenance, under any agreement for the railway being worked and used by the Midland and South Western Company, of engines, stock and plant necessary for and during the continuance of such agreement;

The fixing and collection and apportionment of the tolls, rates, charges, receipts and revenues levied, taken or arising in respect of traffic;

The payments and allowances to be made, and the conditions to be performed, with respect to the matters aforesaid.

**43.** During the continuance of any agreement to be entered into under the provisions of this Act for the working and use of the railway by the Midland and South Western Company, the railway of the Company and of the Midland and South Western Company shall, for the purposes of short distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of such other Company for a less distance than three miles,

tolls and charges may only 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 railway and partly on the railway of such other Company.

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44. The book, tables, or other document in use for the time being, containing the general classification of goods carried by goods or merchandise train on the railway 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 railway, 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 railway 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 provisions of this section they shall for each offence, and in 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.

Classification table to be open to inspection and copies to be sold.

Accounts to be rendered as to terminal charge.

Penalty.

45. No interest or dividend shall be paid out of any share or loan capital, which the Company are by this 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.

Interest not to be paid on calls paid up.

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 of any application

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

A.D. 1888. — 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.

**47.** Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better 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.

Expenses of  
Act.

**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.

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