



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cli.

An Act to incorporate a Company for making a Railway from near the *Picton* Station of the *Leeds Northern* Railway to near the *Grosmont* Station on the *Whitby and Pickering* Branch of the *York and North Midland* Railway ; and for other Purposes. [10th July 1854.]

WHEREAS the making of a Railway from near the *Picton* Station on the *Leeds Northern* Railway to or near to the *Grosmont* Station on the *Whitby and Pickering* Branch of the *York and North Midland* Railway, in the North Riding of the County of *York*, would be of public and local Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry such Undertaking into execution, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

[*Local.*]

27 I

I. That

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8 & 9 Vict.
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rated.

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

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The North Yorkshire and Cleveland Railway Act, 1854.*"

Subscribers
incorporated.

III. That *Ralph Ward Jackson, James Kitson, Newman Cash, Charles Gascoigne Maclea, Thomas Tredwell, Alfred William Bean, Charles Barrett, John Slater Pratt*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after mentioned, and for such Purpose shall be incorporated by the Name of "*The North Yorkshire and Cleveland Railway Company*," and by that Name shall be a Body Corporate with perpetual Succession, and have a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

Capital.

IV. That the Share Capital of the Company shall be One hundred and eighty thousand Pounds, and all and every Part of the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

Number and
Amount of
Shares.

V. That the Number of Shares into which the said Capital shall be divided shall be Eighteen thousand, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and that Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

Interest not
to be paid on
Calls paid up.

VII. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls, in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall

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shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

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

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

Power to borrow Money on Mortgage.

X. That the Number of Directors shall be Ten, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares at the least in the said Undertaking.

Number and Qualification of Directors.

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

Power to reduce the Number of Directors.

XII. That *Ralph Ward Jackson, Cuthbert Wigham, James Kitson, Newman Cash, Charles Gascoigne Maclea, Thomas Tredwell, Alfred William Bean, Charles Barrett, Thomas Jackson, and John Slater Pratt* shall be the First Directors of the Company.

First Directors.

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

Election of Directors at First Ordinary Meeting.

XIV. That

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Subsequent
Election of
Directors.

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

As to Votes
of Share-
holders.

XV. That at all General Meetings of the Company every Shareholder shall be entitled to vote according to the Scale following; (that is to say,)

For One and under Twenty Shares he shall have One Vote :

For Twenty and up to Forty Shares, Two Votes; and he shall have an additional Vote for every Twenty Shares beyond the First Forty Shares held by him up to Two hundred, and an additional Vote for every Fifty Shares held by him beyond the First Two hundred Shares :

Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then due upon the Shares held by him.

Quorum.

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

Committees
of Directors.

XVII. That the Quorum of any Committee of Directors shall be Two.

Remunera-
tion of
Directors
and Au-
ditors.

XVIII. That the Remuneration of the Directors, and also of the Auditors to be appointed under the Provisions of "The Companies Clauses Consolidation Act, 1845," shall from Time to Time be fixed by a General Meeting of the Company, and be paid out of the Funds of the Company.

Newspapers
for Adver-
tisements.

XIX. That every Advertisement relating to the Affairs of the Company shall be inserted in some Newspaper published in the City or County of *York*.

Power to
make Rail-
way and
Branch
Railways.

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

A Railway commencing upon the *Leeds Northern* Railway at or near to the *Picton* Station upon the said Railway, and in the Township of *Picton* and Parish of *Kirkleavington* in the North Riding of the County of *York*, and terminating by a Junction with
the

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the *Whitby and Pickering* Branch of the *York and North Midland* Railway, near to the *Grosmont* Station in the Township of *Eskdaleside* and in the Parish of *Whitby* in the said North Riding of the County of *York*.

XXI. And whereas Plans and Sections of the intended Railway, showing the Line and Levels thereof, and also Books of Reference, containing the Names of the Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the North Riding of the County of *York*: Be it enacted, That it shall be lawful for the Company, subject to the Provisions in this and the said Acts incorporated herewith contained, to make and maintain the said Railway and Works in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands respectively as shall be necessary for such Purpose.

Power to make Railway according to deposited Plans.

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

Lands for extraordinary Purposes.

XXIII. That the Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said Acts incorporated herewith granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Period for Completion of Works.

XXIV. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Thirteen thousand five hundred Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England*, in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Thirteen thousand five hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company hereby incor-

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porated shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall, immediately from and after the Expiration of the said Period, be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested, to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided that, at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Thirteen thousand five hundred Pounds shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Thirteen thousand five hundred Pounds if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that

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that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

XXV: That, subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the Railway by this Act authorized to be made, to carry the same across and on the Level of the several Roads numbered on the Plans deposited as herein-before mentioned as follows; (that is to say,)

No. on Plan.	Parish.	Township or Chapelry.	Description of Roads.
2	Rudby - -	East Rounton - -	Public Highway.
6	Rudby - -	Hutton - -	Turnpike Road.
29	Rudby - -	Hutton - -	Public Highway.
5	Whorlton - -	Potto - -	Public Highway.
3	Carlton - -	Carlton - -	Public Highway.
23	Stokesley - -	Great Busby - -	Public Highway.
15	Kirby - -	Kirby - -	Public Highway.
34	Kirby - -	Great Broughton - -	Public Highway.
11	Ingleby Greenhow	Ingleby Greenhow	Public Highway.
31	Ingleby Greenhow	Battersby - -	Public Highway.
31B	} Kildale - -	Kildale - -	Public Highways.
47A			
60			
19	Guisbrough - -	Commondale - -	Public Highway.
112	} Danby - -	Danby - -	Public Highways.
132			
186	Danby - -	Glazedale - -	Public Highway.
54	Lyth - -	Egton - -	Public Highway.
78	Lyth - -	Egton - -	Public Highway.

XXVI. That for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the several Points where the said Railways cross the before-mentioned Roads on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been imposed.

XXVII. That

Power to cross certain Highways on a Level.

Company to erect a Station or Lodge at Points of Crossing, and abide by Rules, &c. of Board of Trade.

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Board of Trade may require a Bridge to be erected in lieu of level Crossing.

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

Power to alter the Rates of Inclination of certain Roads.

XXVIII. That at or near the Points at which the said Railway is intended to cross the Roads numbered as herein-after mentioned in the said deposited Plans of the said Railway, the Rates of Inclination of such Roads may be altered so that the same when altered shall not exceed the respective Rates of Inclination herein-after mentioned; that is to say,

No. on Plan.	Parish.	Township.	Description of Road.	Rate of Inclination.
132	Danby -	Danby -	Highway -	One in Eighteen.
210	Danby -	Glazedale -	Highway -	One in Six.
3	Whitby -	Eskdaleside	Highway -	One in Fourteen.
6	} Kildale -	Kildale -	Public Highways	One in Ten.
50				
45	} Danby -	Danby -	Public Highways	One in Nine.
65				
81	Danby -	Danby -	Public Highway	One in Fifteen.

Tonnage on Articles of Merchandise.

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

Tolls.

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

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

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand,

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Sand, Iron stone, Iron Ore, Jet, Gypsum, and all Materials, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Sheet Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile*, not exceeding Three Halfpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

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

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

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

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

Tolls for
Passengers
or Cattle.

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

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

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

For every Calf or Pig, Sheep or Lamb, or other small Animal, conveyed in or upon any such Carriage, *per Mile* not exceeding One Penny; and if conveyed in or upon any Carriage belonging to

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the Company, an additional Sum *per* Mile not exceeding One Farthing.

Tolls for
propelling
Power.

XXX. That, except as herein-before otherwise provided, the Tolls which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed Three Farthings *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, and One Penny Halfpenny *per* Mile for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulation
of Tolls.

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

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

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

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction ; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for
small Parcels
and Articles
of great
Weight.

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

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

For any Parcel not exceeding Seven Pounds in Weight, Sixpence :
For

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For any Parcel not exceeding Fourteen Pounds in Weight, One Shilling:

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Sixpence:

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings:

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

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

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

XXXIII. That no Carriage shall carry or bear at any One Time upon the Railway or any Part thereof, including the Weight of such Carriage, more than the Weight of Eight Tons, without the special Licence of the Company.

Limits of Weights to be carried on the Railways.

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

Limiting Charge for the Conveyance of Passengers.

XXXV. That it shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railways by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, (except a reasonable Charge for the Expense of loading and unloading,

Limiting Charge for Conveyance of Goods and Cattle.

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unloading, collecting, receiving, or delivering, and for providing Covers for Goods, Articles, or Animals, where such Service is performed by the Company, and also except as is by this Act otherwise provided), than the several Sums herein-after mentioned; (that is to say,)

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

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

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

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

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

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

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

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

Company not to charge for more than Twelve Miles between certain Points.

XXXVI. Provided always, That it shall not be lawful for the Company to charge for the Conveyance of Passengers, Animals, Goods, or other Traffic to or from the Point marked "Eight Miles and Two Furlongs" on the deposited Plans of the Railway, from or to the *Preston Junction* on the *Leeds Northern Railway*, or from or to the Station of the *Leeds Northern Railway* at *Stockton*, or from or to the Junction of the *Leeds Northern Railway* with the *West Hartlepool Railway*, or any or either of them, any Tolls exceeding the Tolls by this Act authorized to be charged for a Distance of Twelve Miles, including the Tolls to be paid to the *Leeds Northern Railway Company* for the Passage of such Passengers, Animals, Goods, or other Traffic over their Line of Railway between the Point of Junction of the Railway hereby authorized with the *Leeds Northern Railway* at *Picton*, and the said *Preston Junction*, or *Stockton Station*,

or

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or *West Hartlepool Railway* respectively: Provided also, that in respect of Coals, Coke, Culm, Charcoal, Ironstone, Iron Ore, and other Minerals conveyed between the said Point and the said *Preston Junction* or *Leeds Northern Railway Station* or *West Hartlepool Railway* respectively, the maximum Charge for the Conveyance of such Coals, Coke, Culm, Charcoal, Ironstone, Iron Ore, and other Minerals, including the Charges for locomotive Power, but not including the Charges for Waggon or Trucks, shall not exceed One Shilling *per* Ton for the whole Distance.

XXXVII. That every Passenger travelling upon the Railway may take with him his ordinary personal Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Passengers
Luggage.

XXXVIII. That, notwithstanding anything in this Act contained, it shall be lawful for the Company, and they are hereby authorized and empowered, by Agreement with the Owner or Owners of or Person or Persons in charge of Goods of any Description, to take and receive, and in such Case to demand and recover, either in respect of the Conveyance of such Goods, other than small Parcels by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto, any increased Rates or Charges over and above the Rates and Charges by this Act limited or authorized to be received and taken for or in respect of any such Goods.

Power to
charge extra
for Goods
by Agree-
ment with
the Owner.

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

Power to
charge extra
for Special
Trains.

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

Power to
lay down
Electric
Telegraph.

XLI. That it shall not be lawful for the Company hereby incorporated, or for any other Person in the Execution of this Act, in any

Company
not to inter-
fere with

[Local.]

27 M

Manner,

The North Yorkshire and Cleveland Railway Act, 1854.

the Leeds
Northern
and York
and North
Midland
Railways or
Works.

Manner, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the *Leeds Northern* Railway Company, and the *York and North Midland* Railway Company, or either of them, or in any Manner to alter, vary, or interfere with the Lines of Railway belonging to the *Leeds Northern* Railway Company, and *York and North Midland* Railway Company, respectively, or any of the Works appertaining thereto, save only so far as may be necessary for the Purpose of forming Junctions with the *Leeds Northern* Railway near *Picton* and the *Whitby and Pickering* Branch of the *York and North Midland* Railway respectively, as shown on the said Plans, or as may be otherwise mutually agreed upon between and by the said Two Companies under the Provisions in this Act contained.

Communica-
tion with
Leeds
Northern
and York
and North
Midland
Railway to
be made
under the
Diréction of
their Engi-
neers.

XLII. That all Communications between the Railway hereby authorized to be made and the Railways of the *Leeds Northern* Railway Company and the *York and North Midland* Railway Company, and all such Openings in the Ledges or Flanches of the said last-mentioned Railways or either of them, as may be necessary or convenient for effecting such Communication, shall be made and effected at the Expense of the Company hereby incorporated, in a substantial and workmanlike Manner, by means of Connexion Rails and Points, and shall be constructed under the Direction and Superintendence and to the Satisfaction of the Engineers for the Time being respectively of the *Leeds Northern* Railway Company and the *York and North Midland* Railway Company, or of some other Person duly authorized by them respectively for that Purpose, and shall for ever afterwards be maintained and kept in good and proper Repair by and at the Expense of the Company by this Act incorporated.

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

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

XLIV. That

The North Yorkshire and Cleveland Railway Act, 1854.

XLIV. That the *Leeds Northern* Railway Company, the *York and North Midland* Railway Company, and the *West Hartlepool* Harbour and Railway Company, or any One or more of them, and the *North Yorkshire and Cleveland* Railway Company, may from Time to Time enter into Agreements with respect to the following Purposes or any of them; (that is to say,)

Powers to enter into Traffic Arrangements.

The Use and Working by the *Leeds Northern* Railway Company, the *York and North Midland* Railway Company, and the *West Hartlepool* Harbour and Railway Company, or any One or more of them, of all or any Part of the Railway of the *North Yorkshire and Cleveland* Railway Company, and the Use of the Works and Conveniences belonging thereto:

The Conveyance by the *Leeds Northern* Railway Company, the *York and North Midland* Railway Company, and the *West Hartlepool* Harbour and Railway Company, or any One or more of them, of the whole or any Part of the Traffic upon the said Railway:

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

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

The Use or Purchase by the *Leeds Northern* Railway Company, the *York and North Midland* Railway Company, and the *West Hartlepool* Harbour and Railway Company, or any One or more of them, of the Rolling or Working Stock belonging to the *North Yorkshire and Cleveland* Railway Company or any Part thereof:

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

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

The forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies of any Passenger or other Traffic which may be conveyed upon and from the Railway of the *Leeds Northern* Railway Company, the *York and North Midland* Railway Company, and the *West Hartlepool* Harbour and Railway Company, or any One or more of them, to and along the *North Yorkshire and Cleveland* Railway or any Part thereof, or which may be conveyed upon and from the *North Yorkshire and Cleveland* Railway to and along the *Leeds Northern* Railway, the *York and North Midland* Railway, and the *West Hartlepool* Harbour and Railway, or any One or more of them or any Part thereof:

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

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

The North Yorkshire and Cleveland Railway Act, 1854.

exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways respectively :
The Collection, taking, and levying of the said Tolls, Rates, and Charges :

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

Duration of Agreement.

XLV. That any such Agreement shall not be for more than Ten Years, and no such Agreement shall have any Operation until the same shall have been approved of by the Board of Trade ; and no such Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Company shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement had been entered into : Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the several Companies Parties thereto, in Special Meeting assembled for that Purpose.

Agreement to be approved by the Board of Trade, and not to affect Persons not Parties thereto.

Appointment of Joint Committee for carrying the Agreement into effect.

XLVI. That the said Companies may, by any such Agreement as aforesaid, appoint a joint Committee, composed of such Number of Directors of the said Companies, Parties to the said Agreement, as the said Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively, as may be necessary for carrying into effect the Purposes of such Agreement ; and every such joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them in like Manner as the same might have been had and exercised by the said Companies respectively, or their respective Directors.

Agreement may be renewed with the Approval of the Board of Trade.

XLVII. That at the Expiration of the said Agreement the said Companies, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes

The North Yorkshire and Cleveland Railway Act, 1854.

Purposes aforesaid, provided that before such Companies shall enter into any such further Agreement as aforesaid they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted Once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway or Railways to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Agreement shall be valid at Law or in Equity, until the same shall have been approved of by the Board of Trade.

Public Notice to be given of the Intention to enter into Agreements, and to be inoperative until approved by the Board of Trade.

XLVIII. That none of the Powers and Provisions of this Act with respect to the Use, working, or managing of the Railway by the *Leeds Northern Railway Company*, the *York and North Midland Railway Company*, and the *West Hartlepool Harbour and Railway Company*, or any One or more of them, (or with respect to the Interchange of Traffic between the Company and the *Leeds and Northern Railway Company*, the *York and North Midland Railway Company*, and the *West Hartlepool Harbour and Railway Company*, or any One or more of them,) shall have any Operation or Effect, unless and until the Contracts or Arrangements intended to be made for such Purposes respectively shall have been submitted to and approved by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of the Company specially convened for that Purpose.

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

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

Meeting, how to be convened.

L. That the Interest of the Company hereby incorporated, and the Interest of the *Leeds Northern Railway Company*, or any Company into or with which they or either of them may become amalgamated, and also the Interest of the *West Hartlepool Harbour and Railway Company* under any Contract or Arrangement entered into under the Powers of this Act, for the Time being in force, shall, subject to the

Interest of Company under Contracts.

[Local.]

27N—O

Terms

The North Yorkshire and Cleveland Railway Act, 1854.

Terms and Conditions thereof and the Provisions of this Act, in each Case be Part of the Undertaking of the Company so interested.

Power to
Leeds
Northern
Company to
subscribe
and hold
Shares.

LI. That the *Leeds Northern* Railway Company may, with the Consent of Three Fifths of the Shareholders of the Company present at a Special Meeting of the Company convened for the Purpose, subscribe towards the Undertaking, and be Shareholders in the Company hereby incorporated, to any Extent not exceeding Thirty thousand Pounds, and that Company may apply for that Purpose any Monies which they shall have Power to raise by the Acts of that Company, and which may not be required under such Acts for any specific Purpose thereby authorized.

Power to
West Har-
tlepool
Harbour and
Railway
Company to
subscribe
and hold
Shares.

LII. That the *West Hartlepool* Harbour and Railway Company may, with the Consent of Three Fifths of the Shareholders of the Company present at a Special Meeting convened for the Purpose, subscribe towards the Undertaking, and be Shareholders in the Company hereby incorporated, to any Extent not exceeding Fifty thousand Pounds, and that Company may apply for that Purpose any Monies which they shall have Power to raise by the Acts of that Company, and not required by such Acts for any specific Purpose by such Acts authorized.

In the event
of Leeds
Northern
and York
and North
Midland
Railway
Companies
being amal-
gamated
with any
other Com-
pany, Powers
of this Act
to extend to
Company so
formed.

LIII. That the several Powers and Provisions of this Act applicable to the *Leeds Northern* Railway Company and the *York and North Midland* Railway Company respectively shall, in the event of those Companies, or either of them, being amalgamated with or into any other Company, or of the Undertaking of the *Leeds Northern* Railway Company and the *York and North Midland* Railway Company, or any Part thereof respectively, being amalgamated with or into all or any Part of the Undertaking of any other Company, apply to the Company formed by or in consequence of such Amalgamation; and from and after any such Amalgamation, the Expression "the *Leeds Northern* Railway Company," and "the *York and North Midland* Railway Company," in this Act, as the Case may be, shall extend to or include the Company so formed.

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

LIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the*
Construction

The North Yorkshire and Cleveland Railway Act, 1854.

Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways; 14 & 15 Vict. c. 54. and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways and Works, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Works, and Company, so far as the same are applicable.

L.V. That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to such Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration under the Authority of Parliament of the Rates for small Parcels, or of the maximum Rates of Fares and Charges authorized by this Act. Railway not exempt from Provisions of future General Acts.

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

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