



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. clxi.

An Act for making a Railway from the *Lancaster and Carlisle* Railway in the Parish of *Kendal* in the County of *Westmoreland* to the *North-western* Railway at or near *Ingleton* in the West Riding of the County of *York*, with a Branch therefrom; and for other Purposes.

[25th August 1857.]

WHEREAS for the Purposes as well of local and other Traffic as of Through Traffic between *Carlisle* and the Southern, Midland, Eastern, and other Parts of *England*, the Construction of a Railway Communication between the *Lancaster and Carlisle* Railway and the *North-western* Railway would be of public and local Advantage, and such Object would be best attained by a Railway commencing by a Junction with the *Lancaster and Carlisle* Railway at or near *Scufton House* in the Township of *Dillicar* in the Parish of *Kendal* otherwise *Kirkby Kendal*, and terminating by a Junction with the Northerly Branch of the *North-western* Railway at or near the Station thereof at *Ingleton*, and by a Branch therefrom at or near *Day-bank* otherwise *Davy-bank Farm* in the Parish of
 [Local.] 29 R *Kirkby*

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Kirkby Lonsdale, to unite with the *Lancaster and Carlisle* Railway near the Quarter-mile Post indicating Twenty-seven and a Quarter Miles from the Junction of the *Lancaster and Carlisle* Railway with the *Lancaster and Preston Junction* Railway (now vested in the *Lancaster and Carlisle* Railway Company) near *Lancaster*: And whereas the *Lancaster and Carlisle* Railway Company (in this Act called "the Company") are willing to construct such Railways and to raise additional Capital for the Purpose: And whereas the Capital of the Company in Shares is One million seven hundred and six thousand Pounds, of which there remained unexpended on the First Day of *January* last the Sum of Two hundred and fifty-two thousand six hundred and thirty-six Pounds or thereabouts, and of the prescribed Amount of Four hundred and thirty-three thousand Pounds which the Company are authorized to borrow there remained on the First Day of *January* last the Sum of Two hundred and seventy-one thousand three hundred and sixty Pounds or thereabouts unborrowed, the whole of which several Sums will be required by the Company for providing Plant and Rolling Stock, and enlarging and rebuilding Stations, and for other Purposes connected with their Undertaking: And whereas there are no existing Preference Shares in the Capital of the Company: And whereas it is expedient that some of the Powers and Provisions of the existing Acts relating to that Company should be altered, amended, or enlarged, but such Objects 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; (that is to say,)

Short Title. I. In citing this Act it shall be sufficient to describe it as "*The Lancaster and Carlisle and Ingleton Railway Act, 1857.*"

8 & 9 Vict.
cc. 18. & 20.
incorporated. II. "*The Lands Clauses Consolidation Act, 1845,*" and "*The Railways Clauses Consolidation Act, 1845,*" shall be incorporated with and form Part of this Act.

Powers to
make Rail-
ways, &c.
according to
deposited
Plans. III. And whereas Plans and Sections of the proposed Railways showing the Lines and Levels thereof, and also Books of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Westmoreland*, with the Clerk of the Peace for the West Riding of the County of *York*, and with the Clerk of the Peace for the County of *Lancaster* respectively: Be it enacted, That subject to the Provisions in this Act contained, the Company may make and maintain the Railways herein-after mentioned, with all necessary Works and Conveniences connected therewith, in the Lines and according to the

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the Levels shown upon the said Plans and Sections, and upon the Lands delineated on the said Plans and described in the said Books of Reference, and may enter upon, take, and use all or such of the said Lands as may be necessary for those Purposes ; (that is to say,)

A Railway commencing by a Junction with the *Lancaster and Carlisle* Railway at or near *Scufton House* in the Township of *Dillicar* in the Parish of *Kendal* otherwise *Kirkby-in-Kendal* in the County of *Westmoreland*, and terminating by a Junction with the Northerly Branch or Line of the *North-western* Railway at or near the Station thereof at *Ingleton* in the West Riding of the County of *York* :

Also a Railway diverging from the said intended new Railway at or near *Day-bank* otherwise *Davy-bank Farm* in the Parish of *Kirkby Lonsdale*, and terminating by a Junction with the *Lancaster and Carlisle* Railway near the Quarter-mile Post indicating Twenty-seven and a Quarter Miles from the Junction of the *Lancaster and Carlisle* Railway with the *Lancaster and Preston Junction* Railway near *Lancaster* :

And the new Lines of Railway and Works by this Act authorized shall for all Purposes whatsoever be and be deemed to be Part of the Undertaking of the *Lancaster and Carlisle* Railway Company, so as to afford all reasonable Facilities for all Traffic for which the Line by this Act authorized would form the shortest and most convenient Route ; and if Complaint shall be made to the Court of Common Pleas that the Company are acting in contravention of this Enactment, or so working their Trains or otherwise acting as to discourage Traffic from passing over the Line by this Act authorized, when it forms Part of the shortest and most convenient Route, it shall be lawful for the said Court to take all such Proceedings, and to make such Inquiry into the Reasonableness of such Complaint, and to enforce all such Orders against the Company, as if this Enactment had been contained in "The Railway and Canal Traffic Regulation Act, 1854."

IV. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained in reference to the crossing of Roads on the Level, it shall be lawful for the Company, in the Construction of the first-mentioned Railway by this Act authorized, to carry the same with a double Line of Railway across and on the Level of the Public Highway in the Parish of *Kirkby Lonsdale*, numbered 324 on the deposited Plans.

Power to cross certain Roads on the Level.

V. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Point where the Railway crosses the before-mentioned Road on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of

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

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of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, 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.

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

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

Inclination of Roads.

VII. It shall be lawful for the Company, for the Purpose of carrying the Roads numbered as after mentioned on the Plans deposited as aforesaid over, under, and across the said Railways, to alter the Inclinations of the said Roads to such an Extent as they may think fit, not exceeding the Inclinations following respectively; (that is to say,)

| No. on Plan. | Parish. | Description of Road. | Proposed Inclination. |
|--------------|----------------------|----------------------|-----------------------|
| 6 | Kirkby Lonsdale | Turnpike Road | 1 in 13. |
| 47 | Ditto | Public Road | 1 in 6. |
| 86a | Ditto | Turnpike Road | 1 in 12. |
| 143 | Ditto | Public Highway | 1 in 11. |
| 145 | Ditto | Ditto | 1 in 11. |
| 253 | Ditto | Public Road | 1 in 9½. |
| 335 | Ditto | Public Highway | 1 in 10. |
| 352 | Ditto | Ditto | 1 in 12. |
| 385 | Ditto | Ditto | 1 in 17. |
| 405 | Ditto | Ditto | 1 in 10. |
| 47 | Tunstall | Turnpike Road | 1 in 21 and 1 in 18. |
| 77 | Ditto | Public Highway | 1 in 15. |
| 122 | Thornton in Lonsdale | Ditto | 1 in 18 and 1 in 18. |
| 26 | Sedburgh | Ditto | 1 in 7. |

Lands for extraordinary Purposes.

VIII. It shall be lawful for the Company to purchase by Agreement any Quantity of Land for the extraordinary Purposes mentioned in

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in "The Railways Clauses Consolidation Act, 1845," and either adjoining or near to their Railway or otherwise, as shall seem convenient, not exceeding Thirty Acres, in addition to the Land which they are already authorized to take for such Purposes.

IX. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of the said new Lines of Railway shall not be exercised after the Expiration of Two Years from the passing of this Act. Powers for compulsory Purchases limited.

X. The Company may, in the Construction of the Bridges for carrying the Railway over the Roads herein-after mentioned, construct such Bridges respectively of the Height and Span as follows: Construction of Bridges.

| No. on Plan. | Parish. | Height. | Span. |
|--------------|------------------------|-----------|----------|
| 26 | Sedbergh - - - | 15 Feet - | 20 Feet. |
| 41 | Ditto - - - | 16 Feet - | 30 Feet. |
| 50 | Ditto - - - | 16 Feet - | 30 Feet. |
| 143 | Kirkby Lonsdale - - | 15 Feet - | 20 Feet. |
| 253 | Ditto - - - | 15 Feet - | 20 Feet. |
| 335 | Ditto - - - | 15 Feet - | 20 Feet. |
| 385 | Ditto - - - | 15 Feet - | 20 Feet. |
| 416 | Ditto - - - | 15 Feet - | 20 Feet. |
| 37 | Tunstall - - - | 15 Feet - | 20 Feet. |
| 77 | Ditto - - - | 15 Feet - | 20 Feet. |
| 54 | Thornton in Lonsdale - | 14 Feet - | 20 Feet. |
| 79 | Ditto - - - | - - | 20 Feet. |

XI. The Railways hereby authorized shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed. Limiting Time for Completion of Railways.

XII. If the Railways by this Act authorized to be constructed shall not be completed and opened for Public Traffic within Four Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to pay any Dividend on the ordinary or unguaranteed Capital of the Company until the said Railways shall have been completed and opened for Public Traffic. Dividends suspended if Railways not opened within a limited Period.

XIII. All Communications between the Railway hereby authorized and the *North-western* Railway shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points of the Construction and laid in the Manner most approved from Time to Time and to the entire Satisfaction of the Engineer for the Time being of the *North-western* Railway Company, and of the Engineer of As to Communication with the North-western Railway.

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the *Midland* Railway Company, during the Subsistence of any Agreement between them and the *North-western* Railway Company for the Working and Management of the *North-western* Railway.

Power to
arrange with
North-
western
Railway
Company as
to making
Station at
Ingleton.

XIV. And whereas the public Convenience may require that at or near the Junction between the Railway by this Act authorized and the *North-western* Railway at *Ingleton* Station and other Arrangements should be made between the Company and the *North-western* Railway Company: Be it enacted, That it shall be lawful for the said Two Companies from Time to Time, with the Consent of the *Midland* Railway Company under their Common Seal, during the Subsistence of any Agreement between them and the *North-western* Railway Company for the Working and Management of the *North-western* Railway, to enter into such Contracts and Arrangements as they shall think fit for the making, constructing, maintaining, and working a Station and all proper Works and Conveniences at *Ingleton* aforesaid, and for the making of all other needful or convenient Arrangements in connexion therewith or in relation thereto: Provided always, that subject as herein-after provided the Lands belonging to the *North-western* Railway Company South of the Road numbered in the Plans deposited in reference thereto Fourteen, in the Parish of *Bentham*, shall not be taken or used for any other Purpose than that of effecting a Junction with the Rails of the said *North-western* Railway, unless with the Consent of the *North-western* Railway Company and of the *Midland* Railway Company during the Subsistence of any such Agreement as aforesaid; and if a Contract for the Purposes aforesaid be not so made within One Year after the passing of this Act, the Company may take as much of the Land of the *North-western* Railway Company in the Parish of *Bentham* aforesaid as shall be needful for effecting such Junction as aforesaid, and for effecting convenient Communication by double Lines of Railway between the Railway by this Act authorized and the Land in the same Parish (not being the Property of the *North-western* Railway Company), which by this Act the *Lancaster and Carlisle* Railway Company are authorized to take, interfering as little as reasonably may be with the Line and Station of the *North-western* Railway Company; and any Difference as to the Mode of effecting such Communication, or as to the Price to be paid for the Land required for the same, shall be settled by Arbitration, under the Provisions of "The Railways Clauses Consolidation Act, 1845."

As to certain
Land and
Works of
North-
western
Railway
Company.

XV. And whereas a Railway was formerly authorized to be constructed by the *North-western* Railway Company from the said *Lancaster and Carlisle* Railway in the Township of *Dillicar* to a Road marked Fourteen, in the Parish of *Bentham*, on the deposited Plans of the Railway hereby authorized, and some Portion of the
Works

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Works thereof has been constructed and some Land purchased by the said *North-western* Railway Company which will be required for the Railway hereby authorized: The Company shall, within Six Months after the passing of this Act, at the Request of the *North-western* Railway Company, take and purchase from the *North-western* Railway Company all such Works as have been executed by them North-west of the said Road, and all the Land now vested in them which is shown in the deposited Plans as traversed by the Railway hereby authorized, and the Price to be paid for such Land and Works shall be determined by Arbitration, as provided by "The Lands Clauses Consolidation Act, 1845;" and with respect to any other Lands which the *North-western* Railway Company have become liable to purchase, and which are traversed by the Railway hereby authorized, as shown in the said Plans, the Liability to complete such Purchases shall be and is hereby transferred to the *Lancaster and Carlisle* Railway Company, subject nevertheless to any Remedies which the Owners of the said Lands may, in the first instance, have against the *North-western* Railway Company.

XVI. The Company may from Time to Time lawfully demand and receive from other Parties in respect of their Right to use the Railways by this Act authorized, and in respect of Carriages and Engines employed by such other Parties thereon respectively, any Tolls not exceeding the Tolls which the Company may by their existing Acts be for the Time being authorized to demand and receive upon the *Lancaster and Carlisle* Railway, and in calculating such Tolls the Railways by this Act authorized and the *Lancaster and Carlisle* Railway shall be deemed One continuous Line of Railway.

Maximum
Tolls.

XVII. The Company may from Time to Time lawfully demand and receive for the Conveyance by them of Passengers upon the said Railways, including every Expense incidental to such Conveyance, except Government Duty, any Sums not exceeding the maximum Rate of Charge which the Company may by their existing Acts be for the Time being authorized to demand and receive upon the *Lancaster and Carlisle* Railway.

Maximum
Rates of
Charges for
Passengers.

XVIII. The Company may from Time to Time lawfully demand and receive for the Conveyance by the Company of Goods and Cattle upon the said Railways, including every Expense incidental to such Conveyance, any Sums not exceeding the maximum Charges which the Company may by their existing Acts be for the Time being authorized to demand and receive upon the *Lancaster and Carlisle* Railway; and the same Regulations shall apply to all such Tolls, Rates, and Charges as apply to the Tolls, Rates, and Charges specified in such existing Acts.

For Cattle,
Goods, &c.

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Tolls for
small
Parcels.

XIX. Provided always, That with respect to small Parcels carried on the Railways by this Act authorized the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels on any of the Railways or any Part thereof, as follows:

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

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

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 Parcels exceeding Fifty-six Pounds in Weight, 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.

Power to
raise addi-
tional Capi-
tal by new
Shares.

XX. The Company may from Time to Time raise, by the Creation of new Shares, such Sum as they shall think necessary, not exceeding in the whole Three hundred thousand Pounds, in addition to the Capital which they are at present authorized to raise; and the Company may, with the Sanction of at least Three Fifths of the Votes of the Shareholders, present personally or by Proxy at any General Meeting of the Company specially convened for the Purpose, create and issue such Shares, either of one Class and with like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts, and respectively redeemable or irredeemable, and respectively with any fixed, fluctuating, contingent, guaranteed, preferential, perpetual, terminable, or other Dividend, not exceeding in any Case the Rate of Five Pounds *per Centum per Annum*, as the Company from Time to Time think fit; and the Company may issue such new Shares from Time to Time to such Persons and on such Terms and Conditions as the Company think fit: Provided always, that all the Shares of the same Class shall be of the like Amount, and all Shares of the same Class shall confer like Privileges and bear like Dividend.

Power to
cancel
unissued
Shares.

XXI. If after having created any such Class of Shares the Company determine not to issue all the Shares of that Class, they may cancel the unissued Shares, and may from Time to Time thereafter create and issue in lieu thereof other Shares of an aggregate Amount not exceeding the aggregate Amount of the Shares so cancelled.

XXII. The

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XXII. The new Shares created and issued under this Act shall be Part of the general Capital of the Company, and, except as by this Act otherwise provided, all such Rights, Privileges, Liabilities, and Incidents shall attach to and be conferred by the Share Capital so created and issued and the Shares therein as to and by the Company's general Capital and the Shares therein.

New Shares to be Part of general Capital.

XXIII. The Holder of any new Shares issued under this Act shall not have any Right of voting or any Qualification in respect of a Sum less than Twenty-five *per Centum* on the nominal Value of the Share paid up on each of his Shares so issued.

Votes and Qualifications in respect of new Shares.

XXIV. Twenty Pounds *per Centum* on the Amount of each Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders in respect of the Money by this Act authorized to be raised, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Calls.

XXV. After the whole of the Sum by this Act authorized to be raised by Shares shall have been subscribed for, and One Half of the Amount by this Act authorized to be raised by Shares shall have been paid up, it shall be lawful for the Directors of the Company to borrow on Mortgage or Bond, and if subsequently paid off again to reborrow, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Twenty thousand Pounds, in addition to the Sums which they are now authorized to borrow, and for securing the Repayment of the Sum so borrowed, with Interest, to mortgage the Undertaking belonging to them, and also, if they think fit, the whole or any of the future Calls on the Shareholders of the Company.

Power to borrow on Mortgage.

XXVI. All Mortgages or Bonds granted or to be granted under the Authority of any Act already passed relating to the Company shall, during the Continuance thereof, have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Former Mortgages to have Priority.

XXVII. All the Money to be raised by virtue of this Act by the Creation of Shares or by Mortgage shall be applied to the Purposes of this Act, and to no other Purpose whatsoever.

Application of Moneys.

XXVIII. It shall be lawful for the Company to appropriate to or towards all or any of the Objects and Purposes of this Act any Sums of Money which they are authorized to raise or which shall have been

Power to apply corporate Funds to Purposes of this Act.

[*Local.*]

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raised

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raised by them under the Provisions of any Act or Acts in force with relation to the Company, and which may not be required for the Purposes to which they are by any such Act or Acts made specially applicable.

Interest not to be paid on Calls paid up.

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

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

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

Subscription Contract to be valid.

XXXI. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

As to Lancaster and Preston Junction Railway.

XXXII. And whereas by "The *Lancaster and Preston Junction Railway Amendment Act, 1849*," the Railway and Undertaking of the *Lancaster and Preston Junction Railway Company* were transferred to and are now vested in the *Lancaster and Carlisle Railway Company*, and all the Powers of the first-mentioned Company in relation to the Management of their Railway and the Traffic thereupon were conferred upon and are now vested in the secondly-mentioned Company; and it was (by Section 28 of that Act) enacted, that the first-mentioned Company should be entitled to participate in the Profits and Revenue to arise upon or in respect of the Use or Working of the *Lancaster and Preston Junction Railway* and of the *Lancaster and Carlisle Railway*, and of all Branches and Works connected therewith, and of the Proceeds of all the Property of the *Lancaster and Carlisle Railway* (except as therein excepted), to the Extent therein provided,

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provided, and Provision was made (by Section 35 of that Act) for charging, any additional Capital which might thereafter be raised and expended by the *Lancaster and Carlisle* Railway Company for the Purposes therein mentioned upon the joint Profits of the united Undertakings: Therefore the new Railways by this Act authorized shall, as between the *Lancaster and Carlisle* Railway Company and the *Lancaster and Preston Junction* Railway Company, and for all the Purposes of "The *Lancaster and Preston Junction* Railway Amendment Act, 1849," be deemed Part of the Railway and Undertaking of the *Lancaster and Carlisle* Railway Company as if it had been so at the Time of the passing of that Act; and the Dividend or Interest to be payable on the additional Share Capital or borrowed Money to be raised under the Authority of this Act shall be a Charge upon the whole of the Railways and Undertaking of the *Lancaster and Carlisle* Railway Company, including the *Lancaster and Preston Junction* Railway and the Railways by this Act authorized, as if such Share Capital or borrowed Money were Part of the Moneys raised and expended under Section 35 of that Act.

XXXIII. Nothing herein contained shall be deemed or construed to exempt the Railways by this or any other Act relating to the Company authorized to be made, or the Company, from the Provisions 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 maximum Rates of Fares and Charges and of the Rates for small Parcels authorized by this or any other Act relating to the Company.

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

XXXIV. All the Costs, Charges, and Expenses of and incident to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

Expenses of Act.

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