



— ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xl.

An Act for making a Railway commencing by a Junction with the *Haggarleazes* Branch of the *Stockton and Darlington* Railway near the *Lands* Colliery in the County of *Durham*, and terminating by a Junction with the *Lancaster and Carlisle* Railway at or near *Tebay* in the County of *Westmoreland*; and for making Arrangements with the *Stockton and Darlington* Railway Company; and for other Purposes.

[13th July 1857.]

WHEREAS the making of a Railway commencing by a Junction with the *Haggerleazes* Branch of the *Stockton and Darlington* Railway near the *Lands* Colliery in the County of *Durham*, and terminating by a Junction with the *Lancaster and Carlisle* Railway at or near *Tebay* in the County of *Westmoreland*, would be of great 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

[*Local.*]

6 N

cannot

The South Durham and Lancashire Union Railway Act, 1857.

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:

8 & 9 Vict.
cc. 16., 18.,
& 20. incor-
porated.

I. "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.

Short Title.

II. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "*The South Durham and Lancashire Union Railway Act, 1857.*"

Subscribers
incorporated.

III. *John Wakefield, Thomas Witham, Robert Hannay, Matthew Thompson, William Henry Wakefield, Henry Pascoe Smith, Henry Pease, John Jowitt Wilson, John Whitwell, Robert Thompson, Isaac Wilson, William Randolph Innes Hopkins, James Thompson, Thomas MacNay, John Henry Stobart,* 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 South Durham and Lancashire Union Railway Company,*" and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said incorporated Acts contained.

Capital.

IV. The Share Capital of the Company shall be Four hundred 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. The Number of Shares into which the said Capital shall be divided shall be Sixteen thousand, and the Amount of each Share shall be Twenty-five Pounds.

Calls.

VI. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls, and One Half of the Amount of a Share shall be the utmost
aggregate

The South Durham and Lancashire Union Railway Act, 1857.

aggregate Amount of the Calls to be made in any One Year upon such Share.

VII. 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 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.

Interest not to be paid on Calls paid up.

VIII. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purpose of such Act, 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 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. It shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of One hundred and thirty-three thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Four hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up; and all and every Part of the Moneys 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 on Mortgage.

X. Subject to the Provisions of this Act, the Number of Directors shall be Fifteen, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Number and Qualification of Directors.

XI. 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 Six.

Power to reduce the Number of Directors.

XII. *John Wakefield, Henry Pease, Thomas Witham, John Jowitt Wilson, Henry Pascoe Smith, Isaac Wilson, John Whitwell, Matthew Thompson, William Randolph Innes Hopkins, Robert Thompson, Thomas*

First Directors.

The South Durham and Lancashire Union Railway Act, 1857.

Thomas MacNay, James Thompson, Robert Hannay, John Henry Stobart, and William Henry Wakefield shall be the First Directors of the Company.

Election of Directors at First Ordinary Meeting

XIII. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of the 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.

Subsequent Election of Directors.

XIV. 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 elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several Persons elected at any 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.

Quorum of Directors.

XV. The Quorum of a Meeting of Directors shall be Four, and if and when reduced to Six shall be Three.

Committees of Directors.

XVI. The Quorum of any Committee of Directors shall be Two.

Newspapers for Advertisements.

XVII. The Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspapers published in the Counties of *Durham, York, and Westmoreland.*

Line of Railway.

XVIII. 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 by a Junction with the *Haggarleazes* Branch of the *Stockton and Darlington* Railway near the *Lands Colliery*, at a Point Four hundred and five Yards or thereabouts Eastward from the Centre of the public Highway leading from *Cockfield* to *Tofthill, Morley, and Gordon*, at the Point where such Highway crosses or is crossed by the *Haggarleazes* Branch of the *Stockton and Darlington* Railway, and in the Township of *Evenwood* and *Barony* in the Parish of *Saint Andrew's Auckland*

The South Durham and Lancashire Union Railway Act, 1857.

Auckland in the County of *Durham*, and thence passing in, through, or into the several Parishes, Townships, Chapelries, or other Places following, or some of them (that is to say,) the Township of *Evenwood* and *Barony* in the Parish of *Saint Andrew's*, *Auckland* aforesaid, the Township of *Cockfield* in the Parish of *Cockfield*, the Township of *Langleydale* and *Shotton* in the Parish of *Staindrop*, the Townships of *Streatham* and *Stainton*, *Barnard Castle*, and *Marwood* in the Parish of *Gainford*, all in the said County of *Durham*, the Townships of *Cotherstone* and *Lartington* in the Parish of *Romaldkirk*, the Township of *Boldron* in the Parish of *Startforth*, the Township of *Bowes* in the Parish of *Bowes*, all in the North Riding of the County of *York*, and the Township of *Stainmore* in the Parish of *Brough*, the Townships of *Kaber Winton*, *Hartley*, *Nateby*, *Kirkby Stephen*, *Waitby*, and *Smardale* in the Parish of *Kirkby Stephen*, the Township of *Crossby Garrett* in the Parish of *Crossby Garrett*, the Angle of *Newbiggen* and the Angle of *Bowderdale* in the Parish of *Ravenstonedale*, and the Townships of *Raisbeck*, *Langdale*, and *Tebay* in the Parish of *Orton*, all in the County of *Westmoreland*, and terminating by a Junction with the *Lancaster and Carlisle* Railway, at a Point Eighteen Yards or thereabouts South of the South Wall of the Passengers Booking Station of the said *Lancaster and Carlisle* Railway at *Tebay* in the Parish of *Orton* aforesaid, and touching, communicating, and forming a Junction with the *Darlington and Barnard Castle* Railway, at a Point One hundred and eighty-seven Yards or thereabouts Eastward from the Centre of the public Highway leading from *Barnard Castle* to *Middleton-in-Teesdale* in the said County of *Durham*, at the Point where such Highway crosses or is crossed by the *Darlington and Barnard Castle* Railway, and in the Township of *Barnard Castle* and Parish of *Gainford* aforesaid.

XIX. And whereas Plans and Sections of the intended Railway showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is 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 County of *Durham*, and also with the Clerk of the Peace for the North Riding of the County of *York*, and also with the Clerk of the Peace for the County of *Westmoreland*: Be it enacted, That, subject to the Provisions in this and the said Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the said Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books

Power to make Railway according to deposited Plans.

The South Durham and Lancashire Union Railway Act, 1857.

of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Lands for extraordinary Purposes.

XX. The prescribed Quantity of Land which the Company may purchase for extraordinary Purposes under "The Railways Clauses Consolidation Act, 1845," shall be Thirty Acres.

Powers for compulsory Purchases limited.

XXI. 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 Completion of Works.

XXII. 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.

Provision for securing the Completion of the Railway within the Time limited.

XXIII. 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 Thirty thousand 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 Thirty thousand 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 said Company 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

said

The South Durham and Lancashire Union Railway Act, 1857.

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

XXIV. Subject to the Provisions in the said Railways Clauses Consolidation Act 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 by not more than Two Lines of Railway across and on the Level of the

Power to cross certain Turnpike Roads on a Level.

several

The South Durham and Lancashire Union Railway Act, 1857.

several Roads numbered on the Plans deposited as herein-before mentioned, as follows ; (that is to say,)

No. on Plan.	Township or Angle.	Parish.	Description of Roads.
109	Tebay - - -	Orton - - -	Highway.
42	Langdale - - -	Orton - - -	Highway.
14	Bowderdale - - -	Ravenstonedale - - -	Highway.
14	Nateby - - -	Kirkby Stephen - - -	Highway.
19	Stainmore - - -	Brough - - -	Turnpike Road.
185	Bowes - - -	Bowes - - -	Highway.
245	Bowes - - -	Bowes - - -	Highway.
14	Barnard Castle - - -	Gainford - - -	Highway.
69	Barnard Castle - - -	Gainford - - -	Highway.
9	Langleydale and Shotton - - -	Staindrop - - -	Highway.
45a	Marwood - - -	Gainford - - -	Highway.
9	Evenwood and Barony - - -	Saint Andrew's, Auckland - - -	Highway.

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

XXV. 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 Railway crosses 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 shall 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 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.

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

XXVI. 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 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 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.

XXVII. At or near the Points at which the said Railway is intended to cross the Roads numbered as herein-after mentioned on the said deposited Plans of the said Railway, the Rates of Inclination of

The South Durham and Lancashire Union Railway Act, 1857.

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.	Township.	Parish or Place.	Description of Road.	Rate of Inclination.
32	Kirkby Stephen -	Kirkby Stephen	Turnpike Road	One in 19.
10	Boldron - -	Startforth -	Turnpike Road	One in 20.
52	Barnard Castle -	Gainford -	Highway -	One in 16½.
9	Langleydale and Shotton - -	Staindrop -	Highway -	One in 9.
45a	Marwood - -	Gainford -	Highway -	One in 9.

XXVIII. It shall not be lawful for the Company or for any other Person in the Execution of this Act, in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the *Stockton and Darlington* Railway Company, or of the *Darlington and Barnard Castle* Railway Company, or of the *Lancaster and Carlisle* Railway Company, or which the said Companies respectively may, under any Act of the present or any former Session, have the Right to purchase, or in any Manner to alter, vary, or interfere with the said *Stockton and Darlington* Railway, or the *Darlington and Barnard Castle* Railway, or the *Lancaster and Carlisle* Railway, or any of the Works appertaining thereto respectively, save only for the Purpose of effecting the Junctions hereby authorized in manner aforesaid.

Land of certain Railways herein named not to be taken without Consent.

XXIX. All Communications between the Railway hereby authorized and the *Stockton and Darlington* Railway, the *Darlington and Barnard Castle* Railway, and the *Lancaster and Carlisle* Railway respectively shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points and other necessary Works 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 *Stockton and Darlington* Railway Company, so far as regards the Railway of that Company, of the Engineer for the Time being of the *Darlington and Barnard Castle* Railway Company, so far as regards the Railway of that Company, and of the Engineer for the Time being of the *Lancaster and Carlisle* Railway Company, so far as regards the Railway of that Company.

Regulating Communications with certain Railways herein named.

XXX. Nothing in this Act contained shall prejudice, diminish, or take away any of the Rights, Powers, or Authorities of or vested in or belonging to the said *Stockton and Darlington* Railway Company, the *Darlington and Barnard Castle* Railway Company, or the *Lancaster and Carlisle* Railway Company, under or by virtue of any Act of the present or any former Session.

Saving Rights of certain Railway Companies.

[Local.]

6 P

XXXI. It

The South Durham and Lancashire Union Railway Act, 1857.

Tolls.

XXXI. It shall be lawful for the Company to demand and recover any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

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, and for all Coals, Coke, Culm, Charcoal, and Cinders, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing :

For all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop 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 One Penny Farthing; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing :

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

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

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, *per Mile* not exceeding Sixpence, 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 or provided by the Company, an additional Sum *per Mile* not exceeding Twopence.

Tolls for Passengers and Animals.

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

For any Person conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage

The South Durham and Lancashire Union Railway Act, 1857.

riage belonging to or provided by 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 Fourpence; and if conveyed in or upon any Carriage belonging to or provided by 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 Threepence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* not exceeding One Penny :

For every Calf or Pig, Sheep or Lamb, or other small Animal conveyed in or upon any such Carriage, *per Mile* not exceeding One Halfpenny; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* not exceeding One Halfpenny.

XXXII. The Tolls 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 authorized to be taken. Tolls for propelling Power.

XXXIII. 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 Railway 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 Conveyance of Passengers.

XXXIV. 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 Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; (that is to say,) Limiting Charge for Conveyance of Goods and Cattle.

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* One Penny Three Farthings :

For

The South Durham and Lancashire Union Railway Act, 1857.

For all Coals, Coke, Culm, Charcoal, and Cinders, *per Ton per Mile* Twopence :

For all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and other Descriptions of Wrought Iron and Iron Castings, not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* Twopence Halfpenny :

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

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 Threepence Halfpenny :

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, *per Mile* not exceeding Sixpence, 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 :

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

For every Ox, Cow, Bull, or Neat Cattle, Twopence Halfpenny *per Mile* :

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

Passengers
Luggage.

XXXV. Every Passenger travelling upon the Railway may take with him his ordinary 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.

Power to
charge extra
for Goods by
Agreement
with the
Owner.

XXXVI. 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 and in respect of any such Goods.

XXXVII. The

The South Durham and Lancashire Union Railway Act, 1857.

XXXVII. The Provisions of this Act shall apply to all Ordinary and Express Trains from Time to Time appointed to run, but it shall be lawful for the Company 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.

Power to charge extra for Special Trains.

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

Regulations as to Tolls.

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

For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles, the Company may demand Tolls on Animals and 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 Tolls according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

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

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

Tolls for small Parcels and Articles of great Weight.

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 any Parcel exceeding Seven Pounds, but not exceeding Fourteen Pounds in Weight, Ninepence;

For any Parcel exceeding Fourteen Pounds, but not exceeding Twenty-eight Pounds in Weight, One Shilling;

For any Parcel exceeding Twenty-eight Pounds, but not exceeding Fifty-six Pounds in Weight, Two Shillings;

[Local.]

6 Q

And

The South Durham and Lancashire Union Railway Act, 1857.

And for any Parcel exceeding Fifty-six 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 Sixpence *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.

Power for
 Companies
 to enter into
 Traffic Ar-
 rangements.

XXXIX. The *Stockton and Darlington* Railway Company and the Company may from Time to Time enter into Agreements with respect to the following Purposes, or any of them ; (that is to say,)

The Use and working by the *Stockton and Darlington* Railway Company of all or any Part of the Railway, and the Use of the Works and Conveniences belonging thereto :

The Conveyance by the *Stockton and Darlington* Railway Company of the whole or any Part of the Traffic upon the 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 *Stockton and Darlington* Railway Company of the Rolling or Working Stock belonging to the Company, or any Part thereof :

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

The Costs and Expenses of such working, Management, Maintenance, and Repair :

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 *Stockton and Darlington* Railway to and along the Railway, or any Part thereof, or which may be conveyed upon and from the Railway to and along the *Stockton and Darlington* Railway, 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

The South Durham and Lancashire Union Railway Act, 1857.

their several Railways or any Part thereof respectively, not 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 Agreement.

XL. Any such Agreement shall be and continue for such a Term or Period as shall be mutually agreed upon, but 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 Companies 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 said Companies in Special Meeting assembled for that Purpose in manner herein-after mentioned : Provided always, that it shall be lawful for the Board of Trade, if they think fit, on the Expiration of every Ten Years from the Commencement of any such Agreement, or on the Expiration of every Ten Years from the Period when any Revision thereof shall be made by them, to cause the same to be revised, and unless such Revision shall be agreed to by the Companies, then the Board of Trade shall have Power to declare that at the End of not less than Twelve Calendar Months from the Time of such proposed Revision not being agreed to the said Agreement shall determine.

Duration of Agreement.

To be approved by Board of Trade.

Agreements not to affect Persons not Parties thereto.

XLI. The said Companies may, by any such Agreement as aforesaid, appoint a Joint Committee, composed of such Number of Directors of the said Companies 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

Appointment of Joint Committee for carrying the Agreement into effect.

Joint

The South Durham and Lancashire Union Railway Act, 1857.

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. Public Notice to be given of the Intention to enter into Agreements.

XLII. At the Expiration of the said Agreement the said Companies, with the Consent of the Majority herein-after specified at a 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 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; and provided further, that any such Agreement, during the Subsistence thereof, shall be subject to the Revision of the Board of Trade on the Expiration of every Ten Years, as herein-before provided in regard to the First Agreement between the Companies.

Agreement inoperative until approved of by the Board of Trade.

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

XLIII. None of the Powers and Provisions of this Act with respect to the Use, working, or managing of the Railway by the *Stockton and Darlington* Railway Company 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 Meetings of the Companies specially convened for that Purpose.

Meeting, how to be convened.

XLIV. Such Meetings 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 Offices of the Companies are situate, the last of which Advertisements shall be published not less than Seven Days before such Meetings, and also by a Circular addressed to each Shareholder entitled to vote at Meetings, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices requiring to be served upon the Shareholders.

XLV. In

The South Durham and Lancashire Union Railway Act, 1857.

XLV. In case the Railways shall be worked under any such Agreement, then during the Continuance of such Agreement the Railways shall, for the Purpose of computing the Tolls and Charges for a Distance less than Six Miles traversed partly upon both Railways, be deemed to be One continuous Railway, and in that Case the Tolls and Charges for Articles or Persons so conveyed on the said Railways shall be leviable as for Six Miles.

Short Dis-
tances to be
measured
continuously
if Two Rail-
ways worked
together.

XLVI. The *Stockton and Darlington* Railway Company may, with the Consent of Three Fifths of the Shareholders of that Company present at a Special Meeting of that Company 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 the *Stockton and Darlington* Railway Company may apply for that Purpose any Moneys 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
Stockton and
Darlington
Railway
Company to
subscribe
and hold
Shares.

XLVII. Whereas the Line of the said Railway will pass through the Manor or Lordship of *Bowes* in the County of *York*: And whereas *James Pulleine* of *Crake Hall* in the County of *York* Esquire is seised of or entitled unto certain Tolls, Tollage, and Custom payable in respect of Goods, Wares, and Merchandise, Horses, Cattle, Sheep, and Pigs passing through the said Manor or Lordship of *Bowes*, and other Rights in the said Manor or Lordship, subject to an annual Fee-farm Rent: And whereas the Collection of the Tolls, Tollage, and Custom payable in respect of Goods, Wares, and Merchandise, Horses, Cattle, Sheep, and Pigs conveyed through the said Manor or Lordship by means of the said Railway will be attended with Difficulty, and may lead to a Difference between the said Company and the said *James Pulleine*, his Heirs or Assigns: For Prevention thereof the said Company have agreed to purchase the said Tolls discharged from the said Fee-farm Rent: Be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized and required, to purchase from the said *James Pulleine*, his Heirs or Assigns, the said Tolls, Tollage, or Custom of or to which he the said *James Pulleine* is or claims to be seised or entitled as aforesaid, freed and discharged from the said Fee-farm Rent payable in respect thereof, and any Agreements already entered into between the Company or the Promoters thereof and the said *James Pulleine*, which is in accordance with the Provisions of this Act, shall be and the same is hereby confirmed.

Arrange-
ment with
Mr. Pulleine.

XLVIII. The Subscription Contract which pursuant to the Stand-
ing Orders of Parliament was entered into with respect to the Under-
[Local.] 6 R taking

Subscription
Contract en-
tered into
previously to.

The South Durham and Lancashire Union Railway Act, 1857.

the Com-
mencement
of Session to
be valid.

taking 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.

Railway not
exempt from
Provisions of
present and
future Gene-
ral Acts.

XLIX. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act 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 Rates for small Parcels, or of the maximum Rates of Fares and Charges, authorized by this Act.

Interpreta-
tion of Terms.

L. Where in this Act the Expression "the Company," or "the said Company," is used, the same respectively shall mean the *South Durham and Lancashire Union Railway Company*; and where in this Act the Expression "the Railway" is used, the same shall mean the *South Durham and Lancashire Union Railway*.

Expenses of
Act.

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

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1857.