



ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. lxxxii.

An Act to empower the *Furness* Railway Company and the *Midland* Railway Company to construct a Railway to be called “*The Furness and Midland Railway* ;” and for other Purposes.

[22d June 1863.]

WHEREAS the Construction of a Railway (with all proper Stations, Approaches, Works, and Conveniences connected therewith) from the *Ulverstone and Lancaster* Railway at *Carnforth* to the *North-western* Railway at *Wennington*, all in the County of *Lancaster*, would be of public Advantage; and it is expedient that the *Furness* Railway Company and the *Midland* Railway Company (in this Act called “the Two Companies”) should be empowered to construct the same, and to raise additional Capital for the Purpose, and to enter into and carry into effect Agreements with relation to the Construction, Maintenance, Management, and Use of the said Railway and Works, and otherwise in relation thereto and to their respective Undertakings or Parts thereof respectively: And whereas Plans and Sections, showing the Line and Levels of the proposed Railway and the Lands which may

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be

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be acquired under the Provisions of this Act, and a Book of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Lancaster*: And whereas the Purposes of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. **1.** This Act may be cited for all Purposes as "*The Furness and Midland Railway Act, 1863.*"

8 & 9 Vict.
cc. 16. 18. &
20. and
23 & 24 Vict.
c. 106. in-
corporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railway Clauses Consolidation Act, 1845," and the following Provisions of "The Companies Clauses Consolidation Act, 1845;" (that is to say,)

Section Ninety-seven, with respect to the making of Contracts;
Section Ninety-eight, with respect to the Entry of Proceedings;
Section Ninety-nine, with respect to Informality in the Appointment of Directors;

Section One hundred, with respect to personal Liability of Directors;
Sections One hundred and nine to One hundred and fourteen, both inclusive, with respect to the Accountability of Officers of the Company;

Sections One hundred and forty-two to One hundred and sixty, both inclusive, with respect to the Recovery of Damages not specially provided for, and Penalties; and

Sections One hundred and sixty-one and One hundred and sixty-two, with respect to Access to the Special Act;

are respectively incorporated with and form Part of this Act; and the Expression "the Directors," in the said Sections of "The Companies Clauses Consolidation Act, 1845," mentioned shall in this Act mean the Joint Committee appointed under this Act; and the Expression "the Company" in the One hundredth Section of that Act shall mean the Two Companies or either of them; and the Expression "the Promoters of the Undertaking" in "The Lands Clauses Consolidation Act, 1845," and the Expression "the Company" in "The Railways Clauses Consolidation Act, 1845," shall respectively mean and apply to the said Joint Committee.

Same Mean-
ings to
Words in
incorporated
Acts as in
this Act.

3. Except as by this Act is otherwise provided, the several Words and Expressions to which in the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

4. On

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4. On or before the First Day of *October* One thousand eight hundred and sixty-three, or as soon after as conveniently may be, the Directors of the *Furness* Railway Company shall, by Writing under the Hand of the Chairman or Secretary of that Company, appoint Three Persons, and the Directors of the *Midland* Railway Company shall, by Writing under the Hand of the Chairman or Secretary of that Company, appoint Three Persons, and the Six Persons so appointed and their Successors shall form a Committee, to be called "the *Furness and Midland* Railway Committee" (herein-after called "the Joint Committee") for the Construction, Maintenance, and Management of the Railway and Works by this Act authorized.

Appoint-
ment of
Joint Com-
mittee.

5. In the event of the Defaults of the Directors of either of the Two Companies to appoint, on or before the First Day of *October* One thousand eight hundred and sixty-three, Members of the Joint Committee, the Persons appointed by the Directors of the other of the Two Companies may lawfully exercise the Powers vested in the Joint Committee until the Directors failing to appoint shall have made such Appointment.

On Failure of
Directors of
either of the
Companies to
appoint, the
Nominees of
the other
Company
may act.

6. The Directors of the Two Companies respectively may from Time to Time at their Pleasure remove all or any of the Members of the Joint Committee appointed by them respectively, and may in like Manner fill up Vacancies occurring in the Joint Committee by Removal, Death, or Resignation, and all Acts of the Joint Committee shall be valid, notwithstanding any alleged or real Informality in the Appointment of any Member thereof, and notwithstanding any Omission to supply any Vacancy.

As to Vacan-
cies in Joint
Committee.

7. The Joint Committee shall hold its Meetings at *Leeds*, or at such other Place as it shall from Time to Time determine, and Four shall be a Quorum, provided that such Four Persons are composed of Two Nominees of each of the Two Companies, and the Chairman of each Meeting shall be alternately selected from the Members representing the *Furness* Railway Company and the *Midland* Railway Company, unless otherwise unanimously agreed on at any such Meeting; and the First Business transacted at every Meeting of the Joint Committee shall be the Election of a Chairman to preside at such Meeting, and the Proceedings of each Meeting shall be determined by a Majority of Persons present, provided the said Companies are equally represented at such Meeting, the Chairman having only his original Vote, and not a Casting Vote; but if there shall not be an equal Number of the Nominees of the Two Companies present at any Meeting, or if there shall be an Equality of Votes upon any Question entertained by the Joint Committee, the same shall be referred to the Boards of Directors of the Two Companies respectively,

Meetings of
Joint Com-
mittee.

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respectively, and if the said Boards shall not within Thirty Days after the Matter in difference shall have been referred to them agree thereupon, then the Matter in difference shall be referred to the standing Arbitrator from Time to Time appointed for the Purposes of the Railway.

Powers of
Joint Com-
mittee.

8. The Joint Committee shall have and may exercise all the Powers by this Act conferred with reference to the entering into Contracts with Landowners and others, the Purchase of Lands, the Construction and Maintenance of the Railway, and the Management and Regulation thereof, and the demanding and receiving of Tolls in respect thereof, and may from Time to Time fix the Amount of the Tolls to be demanded and received in respect of the Use of the Railway not exceeding the Tolls by this Act authorized, and may appoint and remove all Clerks, Officers, and Servants necessary for the Construction, Management, Working, and Using of the Railway and the Traffic thereon.

Officers of
Joint Com-
mittee.

9. The Joint Committee from Time to Time may appoint and remove a Secretary and Treasurer for themselves, and may appoint and remove the Officers and Servants from Time to Time employed on and with respect to the Railway, except only the Officers and Servants from Time to Time employed by the Two Companies respectively, or either of them, in the actual Conveyance of Passengers, Animals, and Things, or the Management of Carriages, Locomotive Engines, or other Power.

Vesting of
Lands for
the Railway
in the Two
Companies
jointly.

10. All Lands from Time to Time purchased for the Purposes of this Act shall be conveyed to and vested in the Two Companies jointly, and shall be for ever after held and enjoyed by them jointly upon trust for the Purposes of the Railway: Provided always, that the Form of Conveyance of Lands prescribed by "The Lands Clauses Consolidation Act, 1845," may be used with the requisite Alterations thereof for the Conveyance of Lands to the Two Companies jointly.

Two Com-
panies to
have equal
Rights in
respect of
Railway.

11. The Two Companies shall (unless otherwise mutually agreed) have equal Rights each with the other in all respects as to working over and using the Railway, and the Stations thereon, and no Preference, Priority, or other Advantage shall be given to either of the Two Companies over or to the Exclusion or Disadvantage of the other.

Books of
Account to
be kept by
the Com-
mittee.

12. The Joint Committee shall cause proper Books of Account to be kept containing accurate Statements of all Receipts and Expenditure in any way relating to the Railway, as well as Books in which shall be entered the Minutes of all Proceedings at every Meeting of the Joint Committee, and such Books of Account and Minute Books, as well as all other Books, Papers, Writings, or Accounts relating in any Manner to the Proceedings of the Joint Committee, or having reference to the
Railway,

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Railway, shall at all Times be open to the Inspection of the Directors of the Two Companies respectively or Persons duly authorized by them or any of them, who shall also have Power to take such Copies thereof or Extracts therefrom as they may think fit without making any Payment for the same.

13. The Expenses necessary for and attending the Purchase of Lands for and the Construction of the Railway, or otherwise in relation thereto, shall be contributed by the Two Companies in equal Proportions, unless with the Concurrence of the Two Companies.

As to Expense of constructing Railway.

14. The Joint Committee from Time to Time may make such rateable Calls of Money upon the Two Companies respectively in respect of the Amount to be contributed by them respectively towards the Construction of the Railway as the Joint Committee think fit, and may appoint the Persons to whom and the Times and Places at which the Calls shall be paid.

Joint Committee may make Calls on the Two Companies.

15. If at the Time appointed by the Joint Committee for the Payment of any Call either of the Two Companies fail to pay the Amount of the Call, the Joint Committee may sue such Company for the Amount thereof in any Court of competent Jurisdiction, and may recover the same and the Interest thereon from the Day on which the Call was payable.

Recovery of Calls in arrear.

16. If on or before the Day appointed for Payment of any Call either of the Two Companies do not pay the Amount thereof to which they are liable, then they shall pay for the same while in arrear Interest at such Rate not exceeding Five Pounds *per Centum per Annum* as the Joint Committee appoint: Provided, that not less than Twenty-eight Days Notice of every Call shall be given by the Joint Committee.

Interest on Calls in arrear.

17. The Joint Committee, if they think fit, may receive from either of the Two Companies willing to advance the same any Sum of Money beyond the Sums actually called for, and on the Money so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made, the Joint Committee may pay Interest at such Rate not exceeding Five Pounds *per Centum per Annum* as the Joint Committee and the Company so paying in advance agree.

Payments in advance of Calls.

18. The Receipts arising from the Railway shall be carried to a Common Fund, and the Residue of such Fund, after defraying the Expenses of the Joint Committee in reference to the Maintenance, Repair, Working, and Management of the Railway, and otherwise in

Receipts of Railway to be carried to a Common Fund, &c.

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relation thereto, shall belong to and be divided between the Two Companies in equal Moieties, with the Concurrence of the Two Companies.

As to the Expenses of Management.

19. The Expenses necessary for and attending the general Management, Regulation, and Control of the Railway shall be defrayed out of the Common Fund, and in case there shall be a Deficiency the same shall be provided in equal Moieties by the Two Companies, and the Two Companies respectively shall from Time to Time, upon Demand thereof by the Joint Committee, pay to the Joint Committee the Amount declared by the said Committee or Arbitrator (as by this Act provided) due from such Company in liquidation of Expenses already incurred, and the Amount so due may be recovered from the Company liable to the Payment thereof (if unpaid for Fourteen Days after Demand thereof in Writing), by Action of Debt at the Suit of the Joint Committee or of either of the Two Companies, and it shall be sufficient to aver that the Amount claimed has been declared by the Joint Committee or Arbitrator due from the Company sued, and has been paid by the Joint Committee or by the Company suing, and the production of the Minute Books of the Joint Committee containing such Declaration shall be sufficient Evidence of the Amount.

Actions, &c. by and against the Two Companies and Joint Committee.

20. All Actions, Suits, Indictments, and other Proceedings at Law or in Equity, or otherwise in relation to the Railway, which might be brought and prosecuted by or against either of the Two Companies if that Company were solely authorized to execute the Powers of this Act with respect to the Railway, may be brought and prosecuted by or against the Two Companies jointly, or either of them separately.

One Company entitled to recover from the other the whole or a fair Proportion of Damages where Action brought against the Two Companies jointly.

21. If any Action, Suit, Indictment, or other Proceeding at Law or in Equity shall be brought or prosecuted against the Two Companies jointly for any Act or Default committed or incurred wholly or for the greater Part by one of the Two Companies, the other of the Two Companies shall be entitled to recover in any Court of competent Jurisdiction from the Company by whom such Act or Default shall have been so committed or incurred the whole or a fair Proportion of any Damages, Penalties, Costs, or other Payments to which the Two Companies jointly shall have become adjudged or become liable by reason of any Action, Suit, Indictment, or other Proceeding at Law or in Equity.

One Company entitled to recover from the other a fair Proportion

22. If any Action, Suit, Indictment, or other Proceeding at Law or in Equity shall be brought or prosecuted against either of the said Companies separately for any Act or Default committed or incurred wholly or in part by both Companies jointly, the Company against which

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which such Action, Suit, Indictment, or other Proceeding at Law or in Equity shall have been brought or prosecuted shall be entitled to recover from the other Company in any Court of competent Jurisdiction a fair Proportion of any Damages, Penalties, Costs, or other Payments to which such first-named Company shall have been adjudged or become liable by reason of any Action, Suit, Indictment, or other Proceeding at Law or in Equity.

of Damages where Action is brought against either Company separately.

23. The Directors of the Two Companies shall before the Thirty-first Day of *October* in each Year appoint under their respective Common Seals a standing Arbitrator, and shall fix the Remuneration to be paid to such Arbitrator; and whensoever the Directors of the Two Companies shall make default, a standing Arbitrator shall, in or at any Time after the Month of *November* next following such Failure, be from Time to Time, on the Application of either Company, appointed by the Board of Trade under the Hand of its Secretary, and the said Board shall fix the Remuneration to be paid to the Arbitrator so nominated by them, and such Remuneration shall be paid by the Joint Committee.

Arbitrator to be appointed.

24. Any standing Arbitrator appointed under this Act may, with the joint Concurrence of the Directors of the Two Companies, be removed from his Office.

Removal of standing Arbitrator.

25. If any standing Arbitrator appointed under this Act shall during his Year of Office die or resign or be removed from Office, the Directors of the Two Companies shall, within One Month after Notice of such Death or Resignation or after such Removal, appoint another standing Arbitrator in his Place, and in default a standing Arbitrator shall be appointed by the Board of Trade in manner herein-before provided; and every standing Arbitrator appointed to supply a Vacancy shall continue in Office so long only as the Person in whose Place he may be appointed would have been entitled to remain in Office if he had not so died or resigned or been removed from Office.

Appointment of standing Arbitrator on Vacancy.

26. If any Difference shall at any Time arise between the Two Companies or the Directors thereof, or if there shall arise in the said Joint Committee any Difference between the Members thereof representing the Two Companies respectively upon any Matter relating to the Railway, such Difference shall be from Time to Time referred to the Board of Directors of the Two Companies respectively, and if the said Boards shall not within Thirty Days after the Matter in difference shall have been referred to them agree thereupon, then the Matter in difference shall be referred to the said standing Arbitrator, whose Decision shall be binding with respect to the Matters referred to him, and the Arbitrator

As to Settlement of Disputes.

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for the Time being shall on the Request of either of the Two Companies review any previous Decision which may have been come to, but so that such Revision shall have a prospective Operation only, and shall not affect any Matter or Thing done or suffered under the Decision so reviewed: Provided nevertheless, that the Board of Trade shall upon the Representation of either Party have Power to remove such Arbitrator and appoint a new Arbitrator in his Stead.

Power to the
Furness
Company to
raise addi-
tional Money
by new
Shares.

27. For the Purposes of this Act the *Furness* Railway Company from Time to Time may raise by the Creation and Issue of new Shares in their Undertaking any additional Capital not exceeding Seventy-five thousand Pounds.

New Shares
may be
issued with
or without
Preference.

28. The new Shares which the *Furness* Railway Company may issue under this Act may be issued with the Sanction of at least Three Fifths of the Votes of the Shareholders present, personally or by proxy, at a General Meeting specially convened for the Purpose, and in such Manner as the *Furness* Railway Company from Time to Time may think fit, either of One Class and with like Privileges or Restrictions or of several Classes and with different Privileges or Restrictions, and of the same or different Amounts, and with any Option or subject to any Condition for the Exchange thereof for ordinary or other Shares, and with any fixed, fluctuating, contingent, preferential, perpetual, terminable, or other Dividend, and either redeemable or irredeemable, as the *Furness* Railway Company shall think fit; and the *Furness* Railway Company may, as they shall from Time to Time think fit, fix the Amounts and Times of Payment of the Calls on the new Shares.

Certificates
of Preference
Shares to
express
Conditions of
Issue.

29. The Terms and Conditions to which any Preference Shares created and issued under this Act by the *Furness* Railway Company are subject shall be clearly stated on the Certificate of every such Preference Share.

Restrictions
as to new
Shares.

30. No new Shares issued under this Act by the *Furness* Railway Company shall have any fixed or preferential Dividend beyond the Rate of Five Pounds *per Centum per Annum* on the Amount from Time to Time actually paid thereon; and all the Shares of the same Class shall be of the same Amount, and all the Shares of the same Class shall bear the like Dividend, and confer and be subject to the like Privileges, Restrictions, and Conditions.

Payments of
Preferential
Dividend.

31. The preferential Dividend (if any) on any new Shares, of any Class respectively created under the Authority of this Act by the *Furness* Railway Company, shall be payable half-yearly out of the Profits of every Year applicable for the Payment of Dividends, and in Priority of the Dividend.

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Dividend on any ordinary Shares, and on the other Shares (if any) subject to the Preference of the respective new Shares; but if and whenever the Profits of any Year ending the Thirty-first Day of *December*, applicable for the Payment of Dividend on the new Shares, are insufficient for the Payment in full of the preferential Dividend thereon for that Year, the Deficiency shall not be paid or payable wholly or in part out of the Profits of any subsequent Year, or out of any other Funds of the *Furness Railway Company*.

32. Any Preference or Priority in the Payment of Dividend which may be granted in respect of any new Shares of the *Furness Railway Company* in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares which may have been granted by the *Furness Railway Company* by or in pursuance of or which may have been confirmed by any Act of Parliament passed before the passing of this Act, or which may otherwise be lawfully subsisting.

Saving for existing Preference Shares.

33. If after having created any Class of new Shares the *Furness Railway Company* determine not to issue the whole of the Shares of the Class they may cancel the unissued Shares, and may from Time to Time thereafter create and issue in lieu thereof other new Shares of an aggregate Amount not exceeding the aggregate Amount of the new Shares so cancelled.

Cancelling of unissued Shares, and issue of new Shares instead.

34. If at any Time of issuing any new Shares under this Act by the *Furness Railway Company* the then ordinary Shares of the *Furness Railway Company* are at a Premium, the same Shares to be then issued shall, except so far as a General Meeting of the *Furness Railway Company* specially convened for the Purpose shall by a Majority of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, thereat otherwise determine, be of such Amount as will conveniently allow them to be apportioned among the then Holders of the ordinary Shares in proportion to the ordinary Shares held by them respectively, and shall be offered to them at Par in that Proportion.

If ordinary Shares at a Premium, new Shares to be apportioned among ordinary Shareholders.

35. Every Offer of new Shares of the *Furness Railway Company* shall be made by Letter under the Hand of the Secretary of that Company, or by printed Circular given to every ordinary Shareholder or sent by Post addressed to him according to the Address in the Shareholders Address Book, or left for him at his usual or last known Place of Abode in *England*, and every such Offer made by Letter sent by Post shall be considered as made on the Day on which the Letter

Offer of new Shares by Letter.

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in due Course of Delivery ought to reach the Place to which it is addressed.

New Shares to vest in accepting Shareholders.

36. The new Shares so offered shall vest in and belong to the Shareholders who accept them.

Disposal of unaccepted new Shares.

37. If any Shareholder for One Month after the Offer of new Shares fail to accept them the *Furness* Railway Company may dispose of the unaccepted new Shares to any other Person.

Directors may extend Time for accepting new Shares.

38. The Directors of the *Furness* Railway Company if they think proper, but not otherwise, may permit any Shareholder who from Absence abroad or other Cause satisfactory to the Directors omits to signify within the Time by this Act limited his Acceptance of the new Shares offered to him to accept them, notwithstanding the limited Time may have elapsed.

General Disposal of new Shares.

39. Except as is by this Act provided with respect to offering new Shares to existing ordinary Shareholders, the *Furness* Railway Company from Time to Time may dispose of the new Shares to such Persons and in such Manner and on such Conditions as that Company think fit.

Additional Capital to be Part of general Capital.

40. Except as is by this Act otherwise provided, the additional Capital by this Act authorized to be raised by the *Furness* Railway Company shall be Part of the general Capital of the Company.

As to Exchange of new Shares for ordinary Shares.

41. The *Furness* Railway Company from Time to Time, with the Sanction of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a General Meeting of the *Furness* Railway Company specially convened for the Purpose, may accept from the Holder of any new Share created under this Act by that Company and not being an ordinary Share, a Surrender thereof, and may issue to him in lieu thereof a new ordinary Share of the same nominal Amount as the nominal Amount of the new Share so surrendered, and thereupon the new Share so surrendered shall be cancelled, and every new Share so cancelled, and all Rights and Liabilities in respect thereof, shall on the Cancellation thereof be absolutely extinguished.

Dividends on new Shares.

42. Every Person who becomes entitled to any new Shares issued under this Act by the *Furness* Railway Company of any Class shall in respect of the same be a Shareholder, and, unless before the Time of the Issue thereof it be otherwise resolved by the *Furness* Railway Company, shall be entitled to the like Dividend and the like Rights of voting and Qualification and Privileges as the Holders of the ordinary Shares of the *Furness*

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Furness Railway Company, proportioned to the whole Amount from Time to Time actually paid on the new Shares.

43. The *Furness* Railway Company may borrow on Mortgage any Sums not exceeding in the whole the Sum of Twenty-five thousand Pounds, but no Part of the said Sum of Twenty-five thousand Pounds shall be borrowed until the whole of the additional Capital which they are by this Act authorized to raise shall have been subscribed for or taken and One Half thereof shall have been actually paid up, and until the *Furness* Railway Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for or taken *bonâ fide*, and is held by Subscribers or their Assigns, or for which such Subscribers or their Assigns are legally liable.

Power to
Furness
Company to
borrow on
Mortgage.

44. All Mortgages or Bonds legally granted by the *Furness* Railway Company, or for which that Company was otherwise liable, before the passing of this Act shall, while respectively in force, have priority over all Mortgages granted by that Company under this Act.

Priority of
existing
Mortgages.

45. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, are incorporated with this Act with reference to the *Furness* Railway Company, and the following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act with reference to the *Furness* and *Midland* Railway Companies respectively; (that is to say,)

Parts of
8 & 9 Vict.
c.16.incor-
porated.

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Consolidation of Shares into Stock;

With respect to the borrowing of Money on Mortgage or Bond;

With respect to the Conversion of borrowed Money into Capital;

and

With respect to the Remedies of Creditors against the Shareholders.

46. The *Midland* Railway Company may raise for the Purposes of this Act, by the Creation and Issue of new Shares, such Amount of Capital as they think fit, not exceeding Seventy-five thousand Pounds.

Power to
Midland
Company to
raise new
Capital by
Shares.

47. If at the Time of the Creation of new Shares under this Act the then existing ordinary consolidated Stock of the *Midland* Railway Company

As to
Amount and
Issue of new
Shares.

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Company be at a Premium, or of greater actual Value (according to the Market Price thereof in the City of *London*) than the nominal Value thereof, such new Shares shall be of such Amounts (not other than an integral Number of Pounds Sterling *per Share*) as will allow the same to be conveniently apportioned among the then Holders of all Shares or Stock in the *Midland* Railway Company (other than and except Shares or Stock to which any guaranteed or preferential Dividend of a fixed Amount without further Participation in the Profits of the *Midland* Railway Company shall have been assigned) in proportion to the Number of Shares or Amount of Stock held by them respectively, and such new Shares may be either of One Class or of different Classes, and the Directors of the *Midland* Railway Company may from Time to Time (but subject to the Provisions of this Act) fix the Amounts and Times of Payment of the Calls on the new Shares created under the Powers of this Act, and every Holder of Shares or Stock in the *Midland* Railway Company at the Time of such Creation as aforesaid (other than and except as aforesaid) shall in such Proportion as aforesaid be entitled to an Allotment of the new Shares according to the Provisions of this Act, and no Holder of any Shares or Stock entitled to a fixed Amount of Dividend without further Participation in the Profits of the *Midland* Railway Company shall be entitled to any Apportionment of any such new Shares.

Privileges
may be at-
tached to
new Shares.

48. The *Midland* Railway Company may from Time to Time, with the Sanction of Three Fifths at least of the Votes of the Shareholders present, in Person or by Proxy, at any Meeting of the *Midland* Railway Company specially convened for the Purpose, attach to all or any new Shares or any Class of new Shares created under the Powers of this Act any preferential, fixed, fluctuating, contingent, perpetual, or terminable Dividend (not exceeding Five Pounds *per Centum per Annum*), and also (if that Company so think fit) any total or partial, permanent or temporary Restrictions of the Rights of voting and other Qualifications of the Holders thereof: Provided, that all Shares of the same Class shall be of like Amount, and shall confer like Privileges, and shall bear like Dividends or Interest, and be subject to like Restrictions (if any): Provided also, that if in any One Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of such preferential or other Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the *Midland* Railway Company.

Terms, &c.
of Preference
Shares in
Midland

49. The Terms and Conditions to which any Preference Shares created by the *Midland* Railway Company under this Act are subject to
under

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under the Provisions of this Act shall be clearly stated on the Certificate of every such Preference Share.

Railway are to be stated on Certificates.

50. All such new Shares shall be offered to the then Holders of Shares or Stock in the *Midland* Railway Company (other than and except as aforesaid) by Circular given to or sent by Post addressed to each such Shareholder according to his Address in the Books of that Company or left at his usual or last known Place of Abode; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter, in the ordinary Course of Delivery, ought to reach the Place to which it is addressed.

New Shares how to be offered to existing Shareholders.

51. Such last-mentioned new Shares shall vest in and belong to the then Shareholders who shall accept the same and pay the First Instalment thereon to the Amount and at the Time which shall be fixed by the Directors, and specified in the Letter offering the new Shares.

Vesting or other Disposition of new Shares.

52. If any Shareholder for One Month after such Offer of new Shares fail to accept the same and pay the First Instalment called for in respect thereof, or if after the Apportionment as by this Act provided of the new Shares amongst the existing Shareholders there be any Surplus remaining unallotted, then and in either of such Cases the *Midland* Railway Company may authorize the Directors to dispose of the same in such Manner as they may deem most for the Advantage of the Company.

Shares not accepted or unallotted may be disposed of by Company.

53. If at the Time of the Creation of new Shares under this Act the existing Shares or Stock of the *Midland* Railway Company (other than and except Shares or Stock to which any fixed, guaranteed, or preferential Dividend or other special Advantages shall have been assigned) be not at a Premium, then such new Shares may be of such Amount and may be issued in such Manner as the *Midland* Railway Company shall think fit: Provided always, that the total Sums to be ultimately paid in respect of such Shares shall not be less than the nominal Amount of such Shares.

If existing Shares, &c. not at a Premium, new Shares may be issued as Company think fit.

54. Except as by or under the Powers of this Act shall be otherwise provided, all new Shares issued by the *Midland* Railway Company under the Powers of this Act shall, in proportion to the aggregate Amount from Time to Time paid up on the new Shares held by the same Persons at the same Time, entitle the respective Holders thereof to the same Dividends and Profits, and confer on them the like Qualifications and the like Rights of voting as the like Amount paid up on existing Shares or Stock of the *Midland* Railway Company (other than and except as aforesaid):

Qualifications of new Shares.

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Provided

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Provided always, that, unless otherwise determined by the Meeting sanctioning the new Shares, no Person shall be entitled to vote in respect of any of the new Shares to which fixed or preferential Dividend or other special Advantages shall be assigned.

Power for Midland Railway Company to raise Capital under any other Act of this Session and this Act by new Shares of One Class.

55. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the *Midland Railway Company* be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, they, if they think fit, may raise by the Creation and Issue of new Shares, of one and the same Class, all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares.

Saving Rights of existing Preference Shareholders.

56. This Act or anything therein contained shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which shall have been granted by the *Midland Railway Company* in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, or any Dividend on any *Midland Mortgage, Preference Shares or Stock*, or any Payment in respect of *Midland Annuities*.

Calls.

57. Twenty-five *per Centum* on the Amount of every new Share issued by the *Midland Railway Company* under this Act shall be the greatest Amount of any One Call which the Directors of that Company may make on or in respect of any of the new Shares, and Two Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls on any Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

Power to borrow on Mortgage.

58. After Shares for the whole of the Sum by this Act authorized to be raised by the *Midland Railway Company* by Shares shall have been taken up, and One Half of such Sum shall have been paid up, and the *Midland Railway Company* shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all the Capital which the *Midland Railway Company* are by this Act authorized to raise by the Creation of new Shares are *bonâ fide* held by Persons or their Assigns, and for which such Persons or their Assigns are legally liable, the Directors of the *Midland Railway Company* may borrow on Mortgage 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 that Company, not exceeding in the whole the Sum of Twenty-five thousand Pounds,

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Pounds, in addition to the Sums which they may be or are authorized to borrow by any other Act or Acts of Parliament.

59. All and every Part of the Money to be raised under this Act by either of the Two Companies, whether by Shares or by borrowing, shall be applied to the Purposes of this Act, and to no other Purpose.

Application of Monies.

60. All Mortgages or Bonds granted under the Provisions of any former Act relating to the *Midland* Railway Company, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be granted by virtue of this Act.

Former Mortgages to have Priority.

61. The *Midland* Railway Company may from Time to Time apply for or towards all or any of the Purposes of this Act any Sums of Money which they have already raised or are authorized to raise by any of their Acts, and which are not required for the Purposes to which they are by those Acts respectively made specially applicable.

Midland Railway Company may apply Corporate Funds to Purposes of Act.

62. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Joint Committee may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans and described in the deposited Books of Reference.

Power to take Lands.

63. Subject to the Provisions of this Act, the Joint Committee from Time to Time may make in the Lines, and in accordance with the Levels respectively shown on the deposited Plans and Sections, and in and upon the Lands which they are by this Act authorized to enter upon, take, and use, the Railway and Works following, with all proper Stations, Works, and Conveniences connected therewith ; (that is to say,)

Power to make Railway authorized by this Act.

A Railway to commence in the Township of *Warton-with-Lindeth* in the Parish of *Warton*, by a Junction with the Line of the *Ulverstone and Lancaster* Railway (now the Property of the *Furness* Railway Company), and to terminate in the Township and Parish of *Tatham* by a Junction with the *North-western* Railway (now leased to or in the Occupation of the *Midland* Railway Company), all in the County of *Lancaster*.

64. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Joint Committee in the Construction of the Railway may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described

Power to alter engineering Works.

The Furness and Midland Railway Act, 1863.

described be not altered, and they may also substitute any other engineering Work not shown on those Plans or Sections instead of a Tunnel, Viaduct, Arch, or Arches as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade, and the said Board is hereby empowered to grant such Certificates, provided it shall appear to the Board, upon due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided, that nothing herein contained shall take away or affect any of the Powers given to the Companies or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

Mode of crossing the Lancaster Canal.

65. In carrying the Railway over the Canal of the Company of Proprietors of the *Lancaster* Canal Navigation (herein-after referred to as the Canal), the Company shall, to the Satisfaction of the Engineer of that Company of Proprietors (herein-after referred to as the Canal Company), make and for ever after maintain in perfect repair a good and substantial Iron Girder Bridge, the under Side of such Bridge not being less than Ten Feet above the Top-water Level of the Canal, the Abutments to be carried up perpendicularly, and the Space between the Abutments of such Bridge shall be such as shall leave not less than Twenty-four Feet in the clear at Right Angles with the Canal, including the Waterway and the Towing-path thereof, so as to allow of not less than Seventeen Feet Six Inches for the Width of the Waterway, and of not less than Six Feet Six Inches for the Width of the Towing-path; and the requisite Works shall be made by the Company in such Position as shall be determined by the Engineer of the Canal Company, and (unless the Canal and Towing-path for the full Width is spanned) in such Manner as that the Waterway, to the Extent of not less than Fifty Feet on each Side of such Bridge and Towing-path Wall, may be gradually and not abruptly contracted to the said Width of not less than Seventeen Feet Six Inches, and the Water Wings shall be filled and levelled up with good and sufficient Materials to the Satisfaction of the said Engineer.

Sufficient Waterway and Towing-path to be left open during Construction of Works.

66. During the making and executing of such Bridge and other Works and the necessary Repair and Renewal thereof respectively, the Company shall at all Times leave an open and uninterrupted navigable Waterway in the said Canal, and an open and uninterrupted Passage along the Towing-path.

Company to make good all Damage to Property

67. The Company shall make good all Damage that may be occasioned to the Works or Property of the Canal Company by the Construction, Renewal, or Want of Repair of the Railway, Bridge, or Works by this Act

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Act authorized or directed to be made; and if for Seven Days after Notice in Writing given to the Company by the Canal Company the Company neglect to proceed with due Diligence to make good such Damage, the Canal Company may, if they think fit, make good the same; and the Amount expended by them in so doing shall be paid to them by the Company: -Provided always, that in any Case of pressing Necessity the Canal Company may proceed to make good such Damage, and recover Payment for the same without giving such Notice as aforesaid.

of Canal Company.

68. If by reason of the Execution of any of the Works by this Act authorized or directed, or by reason of the Want of Repair of any such Works, it shall happen that the said Canal or Towing-path shall be so obstructed that Boats or Barges or the Horses drawing the same shall not be able freely to pass along the said Canal or Towing-path, the Company shall pay to the Canal Company as Damages Fifty Pounds for every Day during which such Obstruction shall happen:

If Canal or Towing-path obstructed, Company to be liable to a Penalty.

69. Provided always, That nothing herein contained shall prevent the Canal Company from recovering against the Company any special Damage that may be sustained by the Canal Company in consequence of the Works to be executed by the Company, or by the Canal Company for the Company under the Provisions herein-before contained, or by reason of any Water oozing or escaping from the said Canal, or on account of any Act, Work, Neglect, or Default of the Company not herein specifically provided for, and the Canal Company may sue for and recover such Damage accordingly.

Canal Company may recover special Damages.

70. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the Rights, Privileges, Property, Powers, or Authorities of the Canal Company.

Saving Rights of Canal Company.

71. The Railway shall be carried across the *Lancaster and Carlisle* Railway by means of a Bridge, at such Point within the Limits of Deviation defined on the deposited Plans as may be agreed upon between the respective Engineers for the Time being of the *London and North-western* Railway Company, being Lessees of the *Lancaster and Carlisle* Railway, and of the Two Companies, or of the Joint Committee, or, as in case of Difference, shall be settled by a Referee to be appointed by the Board of Trade on the Application of either the *London and North-western* Railway Company or of the Two Companies, or the Joint Committee; and such Bridge shall be so constructed so as to leave not less than a clear Width of Thirty-five Feet, and a clear Height of Fifteen Feet at the least for its entire Length from the Surface of the Rails of

As to Bridge over the Lancaster and Carlisle Railway.

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the said *Lancaster and Carlisle* Railway to the under Side of such Bridge, and such Bridge and the Works connected therewith shall be made and constructed in a substantial and workmanlike Manner, and to the reasonable Satisfaction of the Engineer for the Time being of the *London and North-western* Railway Company, and shall for ever after be maintained and kept in good and proper Repair by and at the Expense of the Two Companies or of the Joint Committee, and the Referee shall have Power to determine how the Costs of the Arbitration shall be defrayed.

In Construction of Bridge Traffic not to be interrupted.

72. The Construction of the said Bridge and the necessary Works in connexion therewith shall be carried on so that the Traffic on the *Lancaster and Carlisle* Railway be not in any way interrupted, and in such Manner as shall be agreed upon between the respective Engineers for the Time being of the *London and North-western* Railway Company (such Lessees as aforesaid) and of the Two Companies, or of the Joint Committee; and in case of Difference arising as to the Mode of carrying on such Construction, the same shall be determined by a Referee to be appointed by the Board of Trade on the Application of either the *London and North-western* Railway Company or of the Two Companies, or the Joint Committee, who shall have Power to determine how the Costs of the Arbitration shall be defrayed.

Company not to take Lands belonging to the Lancaster and Carlisle or London and North-western Companies without Consent.

73. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Two Companies or the Joint Committee to take, enter upon, or use, either permanently or temporarily, any of the Lands belonging to the *Lancaster and Carlisle* Railway Company or to the *London and North-western* Railway Company, or to alter, vary, or interfere with the *Lancaster and Carlisle* Railway or any of the Works thereof, further or otherwise than is necessary for the proper and convenient Construction and Use and Repair of the said Bridge and the Works connected therewith, without the Consent in Writing in every Instance for that Purpose first had and obtained of the *London and North-western* Railway Company, as well in their own Right as also as Lessees of the *Lancaster and Carlisle* Railway.

Saving Rights of Lancaster and Carlisle and London and North-western Companies.

74. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Lancaster and Carlisle* Railway Company or of the *London and North-western* Railway Company otherwise than is herein expressly provided.

Provision for requiring Lights to be

75. During the Construction of the Bridge over the River *Keer* and Works connected therewith, the Companies shall exhibit every Night, from

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from Sunset to Sunrise, a Light or Lights to be kept burning by and at the Expense of the Companies for the Guidance of Vessels, and after the Completion of the Bridge the Companies shall exhibit upon the Bridge every Night, from Sunset to Sunrise, a Light or Lights to be kept burning by and at the Expense of the Companies for the Guidance of Vessels, which Lights shall be from Time to Time altered by the Companies in such Manner and be of such Description and be so used and placed as the Board of Trade by Writing under the Hand of a Secretary or Assistant Secretary of the Board directs or approves, and in case the Companies shall neglect to exhibit and keep any such Light burning as aforesaid they shall for every such Neglect be liable to a Penalty not exceeding Ten Pounds.

exhibited during and after Construction of Works, according to Directions of Board of Trade.

76. If at any Time it is deemed expedient by the Board of Trade to order a local Survey and Examination of any Works of the Companies in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Companies shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due from the Companies to the Crown, and be recoverable accordingly with Costs, or may be recovered with Costs as a Penalty is or may be recoverable from the Companies.

Power to Board of Trade to order local Survey at Expense of Company.

77. If any Work to be constructed by the Companies in, under, over, through, or across any tidal or navigable Water or River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, the Board of Trade may abate and remove the same or any Part thereof, and restore the Site thereof to its former Condition, at the Expense of the Companies, and the Amount of such Expense shall be a Debt due from the Companies to the Crown, and be recoverable accordingly with Costs, or may be recovered with Costs as a Penalty is or may be recoverable from the Companies.

Works affecting tidal Waters abandoned may be removed by Board of Trade at Expense of Companies.

78. The Joint Committee from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may by Agreement purchase any Quantity of Land not exceeding Six Acres adjoining or near to the Railway to be made under the Authority of this Act, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845."

Lands for extraordinary Purposes.

79. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

80. The

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Period for
Completion
of Railway.

80. The Railway shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same or otherwise in relation thereto shall cease, except as to so much thereof as shall then be completed.

Penalty if
Railway not
completed
within Five
Years.

81. If the Railway by this Act authorized be not completed and opened for public Traffic within the Period by this Act limited, the Two Companies shall be jointly and severally liable to a Penalty of Fifty Pounds *per Day*, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the Railway shall be completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade that the Joint Committee were prevented from completing and opening such Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control: Provided, that if the Non-completion of the Railway shall have arisen from the Default of either of the Two Companies to pay their rateable Proportion of the Cost of constructing the same, the other of the Two Companies shall be entitled to recover from the defaulting Company any Penalty, or any Proportion of any Penalty, which the Company not having made such Default may have paid in consequence of the Non-completion of the Railway.

Tolls.

82. The Joint Committee from Time to Time may lawfully demand and take in respect of the Use of the Railway any Tolls not exceeding the following; (that is to say)

Tonnage on
Articles of
Merchan-
dise.

In respect of the Tonnage of Goods conveyed on the Railway 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* One Penny, and if conveyed in Carriages belonging to the Joint Committee an additional Sum *per Ton per Mile* of One Halfpenny:

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 all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* One Penny Halfpenny, and if conveyed in Carriages belonging to the Joint Committee an additional Sum *per Ton per Mile* of One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices,

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Vices, and Chains, *per Ton per Mile* Twopence, and if conveyed in Carriages belonging to the Joint Committee an additional Sum *per Ton per Mile* of Three Farthings :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* Threepence, and if conveyed in Carriages belonging to the Joint Committee an additional Sum *per Ton per Mile* of One Penny :

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* 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 :

In respect of Passengers conveyed in Carriages upon the Railway, or any Part thereof, as follows :

For every Person conveyed in or upon any such Carriage, *per Mile* Twopence, and if conveyed in or upon any Carriage belonging to the Joint Committee an additional Sum *per Mile* of One Penny :

In respect of Animals conveyed on the Railway, or any Part thereof, as follows :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per Mile* Threepence, and if conveyed in or upon any Carriage belonging to the Joint Committee an additional Sum *per Mile* of One Penny :

For every Calf or Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per Mile* One Penny, and if conveyed in or upon any Carriage belonging to the Joint Committee an additional Sum *per Mile* of One Farthing.

83. The following Provisions and Regulations apply to the fixing of all Tolls ; (that is to say,) Regulations
as to Tolls.

For Persons, Animals, or Things conveyed on the Railway for a less Distance than Four Miles the Joint Committee may demand and receive the before-mentioned Tolls as for Four Miles :

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Joint Committee may demand Tolls 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 :

For a Fraction of a Ton the Joint Committee may demand Toll according to the Number of Quarters of a Ton in such Fraction, and

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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 single
Articles
of great
Weight.

84. With respect to small Packages not exceeding Five hundred Pounds in Weight and single Articles of great Weight, notwithstanding the Rates prescribed by this Act, the Joint Committee may demand and take any Toll not exceeding the following; (that is to say,)

For the Carriage of small Parcels on the Railway as follows :

For any Parcel not exceeding Seven Pounds in Weight, Three-pence ;

For any Parcel exceeding Seven Pounds and not exceeding Twenty-eight Pounds in Weight, Fivepence ;

For any Parcel exceeding Twenty-eight Pounds, and not exceeding Fifty-six Pounds in Weight, Sevenpence ;

And for any Parcel exceeding Fifty-six Pounds, and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum they think fit ;

Provided always, that Articles sent in large aggregate Quantities, although made up in separate Parcels, as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that the Term applies only to single Articles in separate Packages.

For the Carriage of single Articles of great Weight :

For the Carriage of any single Article the Weight of which, including the Carriage, exceeds Four Tons but does not exceed Six Tons, the Joint Committee may demand any Sum not exceeding Sixpence *per Ton per Mile* ;

For the Carriage of any single Article the Weight of which, including the Carriage, exceeds Six Tons, the Joint Committee may demand and take any Sum they think fit.

Limiting
Charges for
propelling
Power.

85. The Toll which the Joint Committee may demand and receive for the use of Locomotive 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.

Passengers
Luggage.

86. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding the Weight following; (that is to say,)

Every Passenger travelling in a First-class Carriage, One hundred and twenty Pounds in Weight ;

Every

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Every Passenger travelling in a Second-class Carriage, One hundred Pounds in Weight;

Every Passenger travelling in a Third-class Carriage Sixty Pounds in Weight;

without any Charge being made for the Carriage thereof.

87. The maximum Rate of Charge to be made by the Joint Committee for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to the Conveyance, shall not exceed the following; (that is to say,) Maximum Rates for Passengers.

For every Passenger conveyed in a First-class Carriage, Threepence a Mile:

For every Passenger conveyed in a Second-class Carriage, Twopence a Mile:

For every Passenger conveyed in a Third-class Carriage, One Penny Farthing a Mile.

88. The maximum Rate of Charge to be made by the Joint Committee for the Conveyance of Animals and Things on the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and for every other Expense incidental to the Conveyance (except a reasonable Sum for loading, covering, and unloading of Goods at any terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Joint Committee), shall not exceed the following Sums; (that is to say,) Maximum Rates for Animals and Goods.

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* One Penny Halfpenny:

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 all other similar 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, or Things, *per Ton per Mile* Fourpence:

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more

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more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence :

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any Carriage, *per* Mile Fourpence :

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any Carriage, *per* Mile Threepence :

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any Carriage, *per* Mile One Penny Halfpenny.

Terminal Station.

89. No Station is to be considered a terminal Station in regard to Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Restrictions as to Charges not to apply to Special Trains:

90. The Restrictions with respect to the Charges to be made for Passengers shall not extend to any Special Train required to run upon the Railway, but shall apply only to the Express and Ordinary Trains from Time to Time appointed by the Joint Committee for the Conveyance of Passengers and Goods upon the Railway.

Joint Committee may take increased Charges by Agreement.

91. This Act or anything therein contained shall not prevent the Joint Committee from taking any increased Charges over and above the Charges by this Act limited for the Conveyance of Animals or Things of any Description by Agreement with the Owners or Persons in charge thereof, or in respect of the Conveyance thereof (except small Parcels) by Passenger Trains, or by reason of any special Service performed by the Joint Committee in relation thereto.

Power for Two Companies to enter into Agreements.

92. The Two Companies respectively may from Time to Time enter into and carry into effect Contracts and Agreements with reference to the Working, Management, and Use by them, or either of them, of the Railway and Works, and the Receipt and Apportionment of the Proceeds of the Traffic thereon, and also with reference to the Use by one of such Companies of the Railway, or any Part thereof, of the other of such Companies, and of any Stations, Sidings, Works, or Conveniences connected therewith respectively, and the Terms and Conditions of such User, and the Tolls, Rates, and Charges, or other Consideration to be paid or allowed in respect thereof, and with reference to the forwarding by the Two Companies respectively, or either of them, over their respective Railways, or any Parts thereof, of Passengers, Animals, Goods, Minerals, and other Traffic coming from or destined for the Railways of the respective Companies, and with reference to the Facilities to be afforded by the Two Companies respectively, for the Passage and Transmission over their respective Railways, or Parts thereof, of any Passengers, Animals, Goods, Minerals, and other Traffic, and the Terms and Conditions upon which such

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such Traffic shall be forwarded and such Facilities afforded, and the Tolls, Rates, and Charges, or other Consideration to be paid or allowed in respect thereof, and the Fixing, Receipt, and Apportionment of the Tolls, Rates, and Charges receivable by the Two Companies respectively in respect of any such Traffic: Provided always, that no such Contract or Agreement shall in any manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the Two 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 Contract or Agreement, be entitled to the Use and Benefit of the Railway 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 Contract or Agreement had been entered into.

93. Whatever Powers or Facilities are given or offered by the *Furness Railway Company* to the *Midland Railway Company* over the Railways, Stations, or Works of the *Furness Railway Company*, similar Powers and Facilities shall also be given or offered by the *Furness Railway Company* to the *London and North-western Railway Company* over such Lines, Stations, and Works.

Equal Facilities to be afforded by *Furness Railway Company* to *Midland and London and North-western Railway Companies*.

94. The Two Companies respectively shall not, out of any Money by this Act or any other Act relating to them respectively authorized to be raised by Calls in respect of Shares, pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him: Provided always, that the Two Companies respectively may pay 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.

Interest not to be paid on Calls paid up.

95. The Two Companies respectively shall not, out of any Money by this Act authorized to be raised by them respectively, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament from Time to Time in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing them or either of them to make any other Railway or execute any other Work or Undertaking.

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

96. Nothing in this Act contained shall exempt the Railway 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

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

[Local.]

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Authority

The Furness and Midland Railway Act, 1863.

Authority of Parliament of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, in respect of the Railway by this Act authorized.

Expenses of Act.

97. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Two Companies in equal Moieties, unless otherwise agreed by the Directors of those respective Companies.

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