



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccxl.

An Act for authorizing the *Peterborough, Wisbeach, and Sutton* Railway Company to extend their Line of Railway; and for other Purposes.

[25th July 1864.]

WHEREAS by "The *Peterborough, Wisbeach, and Sutton* Railway Act, 1863," the *Peterborough, Wisbeach, and Sutton* Railway Company, in this Act called "the Company," were incorporated, and authorized to make a Railway from near the Town of *Peterborough* to *Thorney, Wisbeach, and Sutton*: And whereas by the said Act the Company were authorized to raise a Sum not exceeding One hundred and eighty thousand Pounds in Nine thousand Shares of Twenty Pounds each, and to borrow on Mortgage a Sum not exceeding Sixty thousand Pounds: And whereas it is expedient that the Company be authorized to make and maintain the several new Lines of Railway and Works by this Act authorized: And whereas Plans and Sections of the said intended Railways showing the Lines and Levels thereof, together with a Book of Reference to said Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands through which the same will pass, have been deposited in the Month of *November* last in the Office of the Clerk of the Peace at

26 & 27 Vict.
c. ccxxii.

[*Local.*]

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Wisbeach in the County of *Cambridge*: And whereas by the said Act Traffic and Working Agreements are authorized to be entered into between the Company and the *Midland* Railway Company with respect to the said authorized Line of Railway, and it is expedient that like Working Agreements be authorized to be entered into between the Company and the said *Midland* Railway Company with respect to the Railway and Works by this Act authorized: And whereas for the Undertaking authorized by the said recited Act a further Capital of Eighty thousand Pounds will be required to be raised, such Capital having been deficient by that Amount, and for the Purposes of this Act a further Sum of Twenty-five thousand Pounds, and it is expedient that Power be given to raise the same; but these Purposes 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 for all Purposes be cited as "*The Peterborough, Wisbeach, and Sutton Railway Act, 1864.*"

8 & 9 Vict.
cc. 18. & 20.,
22 & 23 Vict.
c. 59.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

2. "*The Lands Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" "*The Railways Clauses Consolidation Act, 1845,*" "*The Railway Companies Clauses Arbitration Act, 1859,*" and Part I. (relating to Construction of a Railway) and Part III. (relating to Working Agreements) of "*The Railways Clauses Act, 1863,*" shall, so far as not expressly altered by this Act, be incorporated with and shall form Part of this Act.

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

3. The usual Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction.

Interpreta-
tion of
Terms.

4. In this Act the following Expressions have the several Meanings hereby attached to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Company" means "*The Peterborough, Wisbeach, and Sutton Railway Company*:"

The Expression "the Act of 1863" means "*The Peterborough, Wisbeach, and Sutton Railway Act, 1863.*"

Railway
to be made
according to
deposited
Plans.

5. Subject to the Provisions and Powers of Deviation in this Act and in "*The Railways Clauses Consolidation Act, 1845,*" contained, the

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the Railways and Tramways shall be made in the Line or Course and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and, subject to the Provisions in this and the recited Acts contained, it shall be lawful for the Company to enter upon, take, and use such of the said Lands as may be necessary for the Purposes of the Railways, Tramways, and the Works connected therewith, or for any Purpose by this Act authorized.

6. It shall be lawful for the Company to make and maintain the following Railways and Tramways, with all proper Works and Conveniences connected therewith; (that is to say,) Power to make the Railways following.

A Railway ("No. 1.") commencing by a Junction with the Company's authorized Railway No. 2. at or near a Point in a Field numbered 56 on the Plans deposited in respect of that Railway (herein called the "deposited Plans") in the Parish of *Wisbeach Saint Peter, Isle of Ely*, and County of *Cambridge*, and terminating by a Junction with the *Great Eastern Railway* at or near a Point Twenty Yards or thereabouts measured along that Railway in a North-westerly Direction from the North-western Extremity of the Passenger Station of that Railway at *Wisbeach* in the Parish and County aforesaid, which Railway and the Works connected therewith will be wholly situate in said Parish of *Wisbeach Saint Peter, Isle of Ely*, and County of *Cambridge*:

A Railway ("No. 2.") commencing by a Junction with the Company's said authorized Railway No. 2. at or near a Point in a Field numbered 62 on the deposited Plans in the said Parish of *Wisbeach Saint Peter*, and terminating by a Junction with the proposed Railway No. 1. at or near a Point Four and a Half Chains to the North of the Road in *Wisbeach* called "The North Brink," leading from *Wisbeach* to *Thorney*, in a Meadow or Enclosure belonging to *William Peckover*, and in the Occupation of *George William Marshall*, in the said Parish of *Wisbeach Saint Peter, Isle of Ely*, and County of *Cambridge*, which said Railway and Works connected therewith will be wholly situate in the said Parish of *Wisbeach Saint Peter, Isle of Ely*, and County of *Cambridge*:

A Tramway ("No. 1.") commencing by a Junction with the Company's authorized Railway No. 1. at or near a Point in a Field numbered 15b on the deposited Plans, in the Parish of *Leverington* and County of *Cambridge*, and terminating at or near a Point on the public Road or Highway in the Town of *Wisbeach* Ten Yards or thereabouts measured in a Northerly Direction from the North End of the Swing Bridge over the River *Nene* at *Wisbeach* in the Parish of *Wisbeach Saint Peter, Isle of Ely*, and County

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County of *Cambridge*, which said Tramway and Works connected therewith will be wholly situate in the said Parishes of *Leverington* and *Wisbeach Saint Peter, Isle of Ely*, and County of *Cambridge* :

A Tramway ("No. 2.") commencing at or near the Point where Tramway No. 1. terminates as aforesaid in the said Parish of *Wisbeach Saint Peter*, and terminating by a Junction with the proposed Railway No. 1. at or near a Point in a Yard belonging to *William Peckover*, and in the Occupation of *John Batterham*, and used as a Carpenter's Yard, in the said Parish of *Wisbeach Saint Peter, Isle of Ely*, and County of *Cambridge*, which said Tramway and Works connected therewith will be wholly situate in the said Parish of *Wisbeach Saint Peter, Isle of Ely*, and County of *Cambridge*.

Level Crossings.

7. Subject to the Provisions of this Act, the Company may carry the Railway and Tramway across and on the Level of the several Roads numbered on the deposited Plans as follows ; (that is to say,)

Distance.			Number on Plan.	Parish.	Description.
RAILWAY No. 1.					
M.	F.	Chs.			
0	2	6	20	Wisbeach Saint Peter	Public.
0	2	7	7	Ditto	Turnpike.
0	2	9½	44	Ditto	Ditto.
0	3	6½	47	Ditto	Public.
TRAMWAY No. 2.					
0	1	7	20	Wisbeach Saint Peter	Public.

Provided, that while the Railway and Tramway crossing either of those Roads consists of a single Line not more than a single Line of Railway, and when such Railway and Tramway consists of a double Line not more than a double Line of Railway, shall be laid by the Company across such Road; provided further, that in the Construction of the said Railway No. 1. the Company shall, if they carry the said Railway across the said Road numbered 47 on the Level of such Road, alter the centre Line of the said Railway, within the Limits of Deviation, at the Point where the said Railway shall cross the said Road, so that the same shall not be constructed at a greater Distance than Ten Yards from the centre Line of the Goods Branch of the *Great Eastern Railway*.

For securing Access to the River Nene.

8. In order to protect as far as possible the Owners and Occupiers of Houses, Granaries, and Buildings in and near the River *Nene* from Injury, the Company or any other Company or Person using the Tramways

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Tramways No. 1. and No. 2. herein-before described shall so use the said Tramways as to cause as little Impediment and Inconvenience as possible to the free Access of such Owners and Occupiers to their Houses, Granaries, and Buildings situated as aforesaid, so that such Access may, so far as possible, be as free as heretofore; and it shall not be lawful for the Company to allow any Engine, Carriage, Waggon, or Truck to remain on any Part of either of the said Tramways adjoining the said River longer than is necessary to load or unload Ships or Vessels lying alongside the said Tramways respectively; and where any Ship or Vessel can be conveniently loaded or unloaded upon or by means of either of the said Tramways at any Point where there shall be no House, Granary, or Building, such vacant Space shall be used by the Company and other Persons in preference to the Frontage of such House, Granary, or Building.

9. Neither the Company nor any other Company or Person shall use any Locomotive Engine upon either of the said Tramways within the Borough of *Wisbeach* at any Time unless permitted so to do by any Byelaws to be made in that Behalf by the Council of the said Borough, and then only on such Days and during such Period of the Day or Night as shall be specified in such Byelaws so from Time to Time to be made; and the said Council shall have full Power to make Byelaws from Time to Time for regulating as well the Use of such Locomotives as also the general Traffic upon the said Tramways, so as to prevent the same respectively from unduly interfering with the ordinary Traffic of the Streets in the said Borough through which the said Tramways respectively will pass; and every Byelaw made by the said Council for any of the Purposes herein mentioned shall be deemed to be made by virtue of the Act of Fifth and Sixth *William* the Fourth, Chapter Seventy-six, Section Ninety, and shall be capable of being enforced accordingly.

Company not to work Tramways by means of Locomotives unless with Consent of Town Council of Wisbeach.

10. For all Purposes except the making Maintenance, and Use by the Company of the said Tramways within the said Borough, the Sites of such Tramways respectively shall continue and be deemed Streets within the Meaning of "The Public Health Act, 1848," and be vested in and subject to the Jurisdiction, Management, and Control of the Council of the said Borough acting as the Local Board of Health in the same Manner and to the same Extent as heretofore.

Sites for the Tramways within Borough of Wisbeach to be Streets within Meaning of 11 & 12 Vict. c. 63.

11. The Company shall make due Provision for the Means of safely and securely mooring Ships and Vessels in the River *Nene* at every Place where, by reason of the said Tramways respectively, any Mooring Post now available for that Purpose will be rendered unavailable or less available for the same Purpose; and until the

For providing for the mooring of Vessels in the River *Nene*.

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said Company shall make such Provision it shall be lawful for all Persons to carry and lay down all such Mooring Lines and Chains as they shall think fit from any Ship or Vessel in the said River upon, over, and across either of the said Tramways, and to fasten and secure the same Lines and Chains to any Mooring Post beyond the said Tramway; and in such Case the Right of laying down and continuing the said Lines and Chains upon the said Tramways shall have Precedence and Priority over the Right of the Company or any Person to use any such Tramway for the passing of any Engine, Carriage, Waggon, or Truck thereon.

Land for
extraor-
dinary Pur-
poses.

12. For any of the extraordinary Purposes expressed in "The Railways Clauses Consolidation Act, 1845," the Company from Time to Time may purchase by Agreement, in addition to the other Lands which they are authorized to purchase, any Quantity of Land not exceeding in the whole Two Acres.

Powers for
compulsory
Purchases
limited.

13. 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 Two Years after the passing of this Act.

Period for
Completion
of Works.

14. The Railways and Tramways by this Act authorized shall be completed within Four Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the same respectively shall cease to be exercised except as to so much thereof respectively as is then completed.

Railways
and Works
to form
Part of
Company's
Undertaking.

15. The Railways and Tramways by this Act authorized, and the Works and Conveniences connected therewith, shall form Part of the Undertaking of the Company in all respects as if the same were authorized by the Act of 1863.

Deposit in
Court of
Chancery to
be forfeited
to the Crown
in a certain
event.

16. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Six thousand four hundred Pounds, being Eight *per Centum* upon the Amount of the Estimate of Expense of the Railways and Tramways by this Act authorized, and a Sum of Two thousand Pounds, being Eight *per Centum* upon Twenty-five thousand Pounds, the estimated Deficiency under the Act of 1863, making together the Sum of Eight thousand four hundred Pounds, which Sum has been deposited with the Court of Chancery with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything in that Act, the said deposited Sum, or the Interest or Dividends thereof, shall not, except upon the Execution and

Deposit

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Deposit of such a Bond as is in this Section 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 lodged in pursuance of that Act, or the Survivors or Survivor of them, unless the Company, before the Expiration of the Period limited for the Completion of the said Railways and Tramways, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act and of the Act of 1863 a Sum equal in Amount to that One Half; and if the Period expire before the Company either open the Railways for the public Conveyance of Passengers, or give such Proof to the Satisfaction of the Board of Trade, the said deposited Sum, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then 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: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the said deposited Sum be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum of Eight thousand four hundred Pounds if the Company do not, within the Time limited for the Completion of the Railways and Tramways, either open the Railways and Tramways for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then the said deposited Sum, and the Interest or the Dividends thereof, shall be paid to or on the Application of the Person or Persons, or the Majority of the Persons, named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies recovered on the Bond shall be dealt with in like Manner as the said deposited Sum, and the Interest or Dividends thereof, would be dealt with under this Act if the Bond were not so executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

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Tolls on
Railways
and Tram-
ways.

17. The Company from Time to Time may demand and take in respect of the several Railways and Tramways by this Act authorized for all Passengers, Animals, and Things conveyed thereon, and for Carriages, Waggon, and Trucks respectively conveying the same, and for Locomotive Engines or other Powers, and for all Services performed by the Company thereon, and for all other Matters with respect to the Traffic thereon, a like Amount of Tolls, Fares, Rates, and Charges as by the Act of 1863 the Company were authorized to demand and take in respect of the Railways thereby authorized, and for like Traffic and Services, and in like Manner, and with and subject to like Powers and Provisions in all respects, as if the Railways and Tramways by this Act authorized had originally been Part of the Railways by the Act of 1863 authorized, and Part of the Company's original Undertaking.

Maximum
Tolls.

18. Provided, That the maximum Charges to be made by the Company with respect to Tolls, Fares, Rates, and Charges for the Uses of the Railways and Tramways by this Act authorized, or any Part thereof respectively, and for Carriages, Waggon, and Trucks, and for Locomotive Engines or other Power, and every Expense incidental to the Conveyance of Traffic thereon, shall not exceed the several Sums in that Behalf limited by the Act of 1863.

For Tolls,
Railways
deemed con-
tinuous.

19. With respect to Tolls, Fares, Rates, and Charges to be demanded and taken by the Company, the several Railways and Tramways by the recited Acts and this Act respectively authorized shall be deemed to form One continuous Line of Railway.

Arrange-
ments with
Midland
Railway
Company.

20. The *Midland* Railway Company and the Company may from Time to Time make and carry into effect Agreements with respect to all or any of the following Purposes; (that is to say,)

The Maintenance and Management of the Railways and Tramways by this and the recited Act authorized, or any One or more of them, or any Part thereof respectively, and of the Works respectively connected therewith, or any of them;

The Use and working of the said Railways and Tramways, or any One or more of them, or any Part thereof, and the Conveyance of Traffic thereon; and

The fixing, collecting, and Appointment of the Tolls, Rates, and Charges, Receipts, and Revenues levied, taken, or arising in respect of such Traffic.

Parts of
8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. incor-
porated.

21. The Provisions of "The Companies Clauses Consolidation Act, 1845,"

With respect to the Distribution of the Capital of the Company into Shares;

With

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With respect to the Transfer and Transmission of Shares ;
 With respect to the Payment of Subscriptions, and the Means of enforcing Payment of Calls ;
 With respect to the Forfeiture of Shares for Nonpayment of Calls ;
 With respect to the borrowing of Money by the Company on Mortgage or Bond ;
 With respect to the Conversion of the borrowed Money into Capital ; and
 With respect to the Consolidation of the Shares into Stock ;
 With respect to the Remedies of the Creditors of the Company against Shareholders ; and with respect to affording Access to the Special Act ; and also Part I. (relating to Cancellation and Surrender of Shares) and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed, under the Powers of this Act and of the recited Act.

22. The Company may from Time to Time (in addition to the Sums of Money which they are authorized to raise by the Act of 1863) raise by the Creation of new Shares in their Undertaking, in One or more Classes, and of such Amounts as will allow the same to be conveniently apportioned or disposed of, according to the Resolutions of any Ordinary or Special Meeting of the Company, any further Sums not exceeding in the whole One hundred and five thousand Pounds for the Purposes of the Act of 1863 and this Act, (that is to say,) Eighty thousand Pounds in respect of the Deficiency on the Estimate of Expense under the Act of 1863, and Twenty-five thousand Pounds in respect of the Estimate of the Railways, Tramways, and Works by this Act authorized.

Power to raise additional Capital by new Shares.

23. It shall not be lawful for the Company to issue any Share to be created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Shares not to issue until One Fifth paid up.

24. One Fifth of the total Amount of any Share issued under the Authority of this Act shall be the greatest Amount of any One Call thereon, and Three Months at the least shall be the Interval between successive Calls, and not more than Three Fourths of the Amount of a Share shall be called up in any One Year.

Calls.

25. All Shares created under the Powers of this Act may be disposed of in such Manner, and on such Terms and Conditions, and to such Persons, as the Company think fit.

Disposition of new Shares.

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26. All

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Qualifica-
tions of new
Share-
holders.

26. All Shares created under the Powers of this Act shall, in proportion to the aggregate nominal Value of such Shares held by the same Person at the same Time, confer the like Qualifications and Rights of Voting as original Shares of the same aggregate nominal Value in the Capital of the Company would confer.

Unissued
Shares and
issued
Shares, with
Consent of
Holders, may
be cancelled.

27. If after having created any new or original Shares in their Undertaking the Company resolve not to issue the same or any Class or Part thereof, or if having issued any such Shares the Holders thereof shall consent to surrender the same, the Company may cancel the Shares to which such Resolution or Consent applies, and in lieu thereof may create and issue other Shares in One or more Classes, not exceeding the aggregate nominal Value of the Shares so cancelled.

Power to
borrow on
Mortgage.

28. The Company from Time to Time may borrow on Mortgage under this Act any Sum not exceeding (in addition to the Amount which by the Act of 1863 they are authorized to borrow on Mortgage) Thirty-five thousand Pounds, that is to say, Twenty-six thousand six hundred and sixty-six Pounds in respect of the Act of 1863, and Eight thousand three hundred and thirty-three Pounds in respect to this Act: Provided, that the Company shall not borrow any Money under the Authority of this Act until the whole of the said additional Capital of One hundred and five thousand Pounds by this Act authorized to be raised by them by new Shares is subscribed for, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify, under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," that the whole of the said additional Capital has been subscribed for *bonâ fide*, and that Twenty *per Cent.* has been paid up on each Share on the Issue or Acceptance thereof, and that any Share is held by Subscribers or their Assigns, for which such Subscribers or their Assigns are legally liable.

Priority of
existing
Mortgages.

29. Provided always, That all Mortgages granted by the Company before the passing of this Act, and on the passing of this Act in force, shall, during the Continuance thereof respectively, have Priority over all Mortgages granted by the Company under this Act.

Application
of Monies by
Company.

30. All Monies from Time to Time raised by the Company by Shares and by borrowing respectively shall be applied only to Purposes of the Company's Undertaking, and the Company may apply for any of the Purposes of their Undertaking any Monies from Time to Time raised under the recited Act and this Act respectively.

31. The

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31. The Company shall not, out of any Money by any Act relating to them authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of any Calls made on his Shares: Provided, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845."

Interest not to be paid on Calls paid up.

32. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any Railway, or execute any other Work or Undertaking.

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

33. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, or prejudice any of the established Rights, Powers, or Privileges of the Company, or of any Company or Persons being the Owners or Lessees of any Railway to which this Act relates.

Saving Rights of Companies.

34. Nothing in this Act contained shall exempt any Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the Accounts of Railway Companies, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by any Act relating to those Railways respectively authorized, or the Rates for small Parcels thereby authorized.

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

35. All the Costs, Charges, or Expenses of and incident to the preparing for, obtaining, and passing of this Act shall be borne and paid by the Company.

Expenses of Act.

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