



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. cxcv.

An Act for making a Railway in the North Riding of the County of *York*, to be called “The *Whitby, Redcar, and Middlesborough Union Railway* ;” and for other Purposes.

[16th *July* 1866.]

WHEREAS the making of the Railway herein-after described would be of great local and public Advantage, and the several Persons in this Act named, with others, are willing at their own Expense to execute the Undertaking: And whereas Plans and Sections showing the Lines and Levels of the Railway and Works by this Act authorized to be made, and the Lands to be taken for the Purposes thereof, and a Book of Reference to the Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of those Lands, have been deposited with the Clerk of the Peace for the North Riding of the County of *York*, and those Plans, Sections, and Book of Reference are in this Act referred to as the deposited Plans, Sections, and Book of Reference: And whereas it is expedient to authorize the Working and Traffic Arrangements and Facilities and to confer the Powers herein-after expressed: And whereas the Objects afore-

[*Local.*]

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said

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said 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 :

Short Title.

1. This Act may be cited for all Purposes as "*The Whitby, Redcar, and Middlesborough Union Railway Act, 1866.*"

8 & 9 Vict.
cc. 16., 18.,
& 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway), and Part III. (relating to Working Agreements), of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction ; the Expression "the Company" shall mean the Company incorporated by this Act ; the Expression "the Railway," or "the Undertaking," shall mean the Railways or Undertaking by this Act authorized, or any Part thereof ; and the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Company
incorporated.

4. The Marquis of *Normanby*, *Charles Mark Palmer*, *John Henry Dillon* (being Subscribers to the Undertaking), and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and for other the Purposes of this Act, and for those Purposes shall be incorporated by the Name of "*The Whitby, Redcar, and Middlesborough Union Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes of this Act.

5. Subject

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5. Subject to the Provisions of this Act and of the Acts and Parts of Acts incorporated therewith, the Company may make and maintain in the Lines, according to the Levels, shown on the deposited Plans and Sections, the Railways herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Book of Reference as may be required for that Purpose. The Railways herein-before referred to and authorized by this Act are,—

Power to make Railway according to deposited Plans.

1. A Railway, Fifteen Miles and about Three Furlongs in Length, commencing by a Junction with the *Whitby* Branch of the *North-eastern* Railway, about Ninety-three Yards North-eastward of the Point where that Branch Railway crosses on the Level of the Road leading from the Suspension Bridge over the River *Esk* to the Village of *Sneaton*, and terminating by a Junction with the *Cleveland* Railway of the *North-eastern* Railway Company at the Termination thereof at *Waytail Beck*;
2. A Railway, Three Furlongs and about Nine Chains in Length, commencing by a Junction with the Railway before described in the Township of *Ruswarp*, near to *Ruswarp Hall*, and terminating by a Junction with the authorized *Scarborough and Whitby* Railway at a Point near *Larpool Wood*, about One hundred and eighty Yards North of *Crowdy Hall*.

6. The Capital of the Company shall be Two hundred and fifty thousand Pounds, in Twenty-five thousand Shares of Ten Pounds each.

Capital.

7. The Company shall not issue any Share 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 of the Amount of such Share shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

8. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Calls.

9. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Eighty-three thousand three hundred Pounds, but no Part thereof shall be borrowed until the whole Capital of Two hundred and fifty thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and

Power to borrow on Mortgage.

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and the Company 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 the whole of the Capital has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Receiver.

10. The Mortgagees of the Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Eight thousand Pounds in the whole.

Monies borrowed on Mortgage to have Priority.

11. All Monies to be borrowed on Mortgage under this Act from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company, and the Property from Time to Time of the Company, over all other Claims on account of any Debts incurred or to be incurred, or Engagements entered into or to be entered into, by them: Provided always, that such Priority shall not prejudice or affect any Claim, Right, or Remedy against the Company or their Property in respect of any Rentcharge to be granted by them in pursuance of the Provisions of the "Lands Clauses Consolidation Act, 1845," or the "Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect the Lien of any Vendor for the unpaid Purchase Money of any Land taken by the Company for the Purposes of the Railway.

Application of Monies.

12. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only.

Ordinary Meetings.

13. The First Ordinary Meeting of the Company shall be held in the Month of *February* or *March* One thousand eight hundred and sixty-six, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *August* or *September* and *February* or *March* in every Year.

14. The

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14. The Quorum of every General Meeting of the Company, whether ordinary or extraordinary, shall be at least Ten Shareholders present in person or by proxy, and holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company. Quorum of Meeting.

15. The Number of Directors shall be not more than Seven nor less than Four. Number of Directors.

16. The Qualification of a Director shall be the Possession in his own Right of not less than Thirty Shares. Qualification of Directors.

17. The Quorum of a Meeting of Directors shall be Three. Quorum.

18. The Marquis of *Normanby*, *Charles Mark Palmer*, and *John Henry Dillon*, and One other duly qualified Person to be appointed by them, shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting held after the passing of this Act; at that Meeting the Shareholders present in person or by proxy may either continue in Office the Directors appointed by this Act, or any of them, or may elect a new Body of Directors, or Directors to supply the Place of those not continued in Office, the Directors appointed by this Act being, if qualified, eligible for Re-election, and may appoint additional Directors; and at the First Ordinary Meeting to be held in every Year after the First Ordinary Meeting the Shareholders present in person or by proxy shall (subject to any Reduction of the Number of Directors) elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the same Act. First Directors.
Election of Directors.

19. The Quantity of Land to be taken by the Company by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Three Acres. Lands for extraordinary Purposes.

20. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchases limited.

21. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for Completion of Works.

[Local.]

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22. In

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Inclination
of Roads.

22. In altering for the Purposes of this Act the Roads herein-after mentioned the Company may make the same of any Inclinations not steeper than the Inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
53	Lofthouse -	Public - -	1 in 9 on one Side.
63	Lofthouse -	Public - -	1 in 9 on one Side and level on the other.

Height and
Span of
Bridges.

23. The Company may make the Arches of the Bridges for carrying the Railway over the Roads next herein-after mentioned of any Heights and Spans not less than the Heights and Spans herein-after mentioned in connexion with those Roads respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
11	Whitby -	Public - -	15 Feet -	20 Feet.
18	Whitby -	Public - -	15 Feet -	20 Feet.
121	Whitby -	Public - -	15 Feet -	20 Feet.
1	Hinderwell -	Public - -	15 Feet -	20 Feet.
7	Easington -	Public - -	15 Feet -	20 Feet.
17 a	Easington -	Public - -	15 Feet -	20 Feet.
53	Lofthouse -	Public - -	15 Feet -	20 Feet.

As to Junc-
tions with
the North-
eastern
Railway.

24. The Junctions with the *North-eastern* Railway shall be made at such Points, in such Manner, and with such connecting Lines of Approach as have been or shall be approved by the Engineer of the *North-eastern* Railway Company, and the several Provisions in "The Railways Clauses Act, 1863," as to Junctions shall extend and apply as well to those connecting Lines as to the said Junctions.

Provision as
to the Bridge
for carrying
the Railway
over the
North-
eastern
Railway.

25. The Railway by this Act secondly authorized shall be carried over the *North-eastern* Railway by means of a Bridge of One Span of at least Thirty Feet in Width on the Square, and with not less than Sixteen Feet clear Headway throughout under the same, which Bridge and the Works connected therewith shall be made and constructed in a substantial and workmanlike Manner, and to the reasonable Satisfaction of, and according to Plans to be previously approved by, the Engineer of the *North-eastern* Railway Company, and so as not to endanger or interfere with the Security of their Railway, or to impede the Traffic thereof, and shall for ever afterwards be so maintained and kept in good and proper Repair by and at the Expense of the Company;

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pany; and the *North-eastern* Railway Company may require all such Precautions to be taken by the Company in constructing, maintaining, and repairing the said Bridge as their Engineer may deem expedient for protecting their Railway from Injury, and the Traffic thereon from Interruption; and in case any Damage or Injury shall be caused to their Railway, or Interruption or Injury to the Traffic thereon, by reason of the said Bridge, or during the Construction, Maintenance, or Repair thereof, the same respectively shall forthwith be made good by the Company to the *North-eastern* Railway Company, or the *North-eastern* Railway Company may make good such Damage or Injury to their Railway, and recover the Cost and Expense thereof, and also Compensation for such Interruption or Injury to their Traffic as aforesaid, from the Company in any Court of competent Jurisdiction.

26. The Company shall not purchase or take compulsorily any Land or Property of the *North-eastern* Railway Company, neither shall the Company or any Person in the Execution of this Act enter upon, use, or interfere with the Railways, Lands, or Property of the *North-eastern* Railway Company, save only so far as may be necessary for the Purpose of forming and maintaining the Sidings or connecting Lines of Approach to, and Junctions with, and Bridge over the *North-eastern* Railway as shown on the deposited Plans and Sections, and as by this Act provided, or as may be otherwise mutually agreed upon between and by the Company and the *North-eastern* Railway Company, and then only in accordance with such Agreement.

Restricting Interference with *North-eastern* Railway Lands and Property.

27. Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, Twenty-one thousand six hundred and thirty-eight Pounds Bank Three Pounds *per Centum* Annuities, being equal in Value to Eight *per Centum* on Two hundred and thirty-five thousand two hundred and seventy-eight Pounds, the Amount of the Estimate of the Expense of the Railway by this Act authorized, has been transferred by the Right Honourable *George Augustus Constantine Phipps* Marquis of *Normanby* and *John Henry Dillon* (Subscribers to the Undertaking) to the Accountant General of the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Stock so transferred as aforesaid, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this

Deposit Money not to be repaid until Line opened or Half the Capital paid up and expended, except on Execution of Bond, &c.

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

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Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

28. The Company may demand and take in respect of the Use of Tolls. the Railway any Tolls not exceeding the following; (that is to say,)

In respect of Passengers and Animals conveyed on the Railway :

For any Person, *per* Mile not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Mile not exceeding One Penny : For Passengers.

For any Horse, Mule, or other Beast of Draught or Burden, *per* Mile not exceeding Threepence; and if conveyed in or upon Carriages belonging to the Company, an additional Sum *per* Mile not exceeding One Penny : For Animals, &c.

For any Ox, Cow, Bull, or Head of Neat Cattle, *per* Mile not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

For any Calf, Sheep, Pig, Lamb, and other small Animal, *per* Mile Three Farthings; and if conveyed in or upon Carriages belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

In respect of Goods conveyed on the Railway : For Goods.

For all Coals, Cinders, Culm, Cannel, Dung, Compost, and all Sorts of Manure other than Guano and artificial Manures, and all undressed Materials for the Repair of public Roads or Highways, Ironstone, Iron Ore, Limestone, Chalk, Sand, Slag, and Clay (except Fireclay) carried in Bulk, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny :

For all Coke, Charcoal, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Plates of Iron, Wrought Iron, heavy Iron Castings, Railway Chairs, Slabs, Billets, and Rolled Iron, Lime, Bricks, Tiles, Slates, Salt, Fireclay, and Stone, *per* Ton *per* Mile One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny :

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

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For

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

For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, conveyed on a Truck or Platform belonging to the Company, not exceeding Sixpence *per Mile*, and not exceeding a like Sum of One Penny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

Tolls for propelling Power.

29. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per Mile* for each Passenger or Animal or for each Ton of Goods, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations as to Tolls.

30. The following Provisions and Regulations shall apply to the fixing of all Tolls and Charges payable under this Act; (that is to say,)

For all Passengers, Animals, or Goods conveyed on the Railway for a less Distance than Four Miles the Company may demand Tolls and Charges as for Four Miles:

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

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

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

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

Tolls for small Parcels and single

31. With respect to small Packages not exceeding Five hundred Pounds in Weight, and single Articles of great Weight, notwithstanding

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ing the Rates prescribed by this Act, the Company may demand and take any Tolls not exceeding the following; (that is to say,) Articles
of great
Weight.

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 not exceeding Fourteen Pounds Weight, Five-pence;

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

For any Parcel not exceeding Fifty-six Pounds in Weight, Nine-pence;

For any Parcel exceeding Five hundred Pounds in Weight the Company may charge any Sum they may think fit:

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

For the Carriage of single Articles of great Weight:

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

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

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

For every Passenger conveyed in a First-class Carriage the Sum of Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage the Sum of Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage the Sum of One Penny Halfpenny *per* Mile.

33. The maximum Rate of Charge to be made by the Company for the Conveyance of Animals and Goods on the Railway, including the Tolls for the Use of the Railway, and for Waggon or Trucks Maximum
Rates for
Animals and
Goods.
and

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and locomotive Power, and for every other Expense incidental to the Conveyance (except a reasonable Charge for loading and unloading Goods at any Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Service incidental to the Business or Duty of a Carrier, where any such Service is performed by the Company), shall not exceed the following Sums; (that is to say,)

For every Horse and all other Animals classed therewith, Fourpence *per* Mile :

For every Ox and all other Animals classed therewith, Threepence *per* Mile :

For every Calf and all other Animals classed therewith, One Penny *per* Mile :

For all Coals and other Goods classed therewith, One Penny Halfpenny *per* Ton *per* Mile :

For all Coke and other Goods classed therewith, Twopence *per* Ton *per* Mile :

For all Sugar and other Goods classed therewith, Threepence *per* Ton *per* Mile :

For all Cotton and other Goods classed therewith, Fourpence *per* Ton *per* Mile :

For every Carriage, of whatever Description, not being a Carriage adapted or 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 if weighing more than One Ton, One Penny Halfpenny for every additional Quarter of a Ton or Fraction of a Quarter of a Ton which such Carriage may weigh.

Passengers
Luggage.

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

Terminal
Station.

35. No Station shall be considered a Terminal Station in regard to any Goods conveyed on the Railways unless such Goods have been received thereat direct from the Consignor, or are directed to be delivered thereat to the Consignee.

Restrictions
as to Charges
not to apply
to Special
Trains.

36. The Restrictions as to the Charges to be made for Passengers shall not extend to any Special Train run upon the Railway, in respect of which the Company may make such Charges as they think fit, but shall apply only to the Ordinary and Express Trains appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

37. Nothing

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37. Nothing in this Act shall prevent the Company from taking any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Animals or Goods of any Description, by Agreement with the Owners or Persons in charge thereof, either by reason of any special Service performed by the Company in relation thereto, or in respect to the Conveyance of Animals or Goods (other than small Parcels) by Passenger Trains.

Company may take increased Charges by Agreement.

38. The Company and the *North-eastern* Railway Company may from Time to Time enter into Contracts or Agreements with respect to the following Purposes, or any of them; (that is to say,)

Power to enter into Traffic Arrangements with *North-eastern* Railway Company.

The Management, Use, Working, and Maintenance of their Railways, or of any Part or Parts thereof, and the Conveyance of Traffic thereon :

The Supply and Maintenance of any Rolling or Working Stock :

The fixing, collecting, and Apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, or arising from such Traffic.

39. During the Continuance of any Agreement to be entered into under the Provisions of this Act for the Use of the Railway by the *North-eastern* Railway Company, the Railways of the Company and of the *North-eastern* Railway Company shall for the Purposes of Tolls and Charges be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway and partly on the *North-eastern* Railway for a less Distance than Four Miles, Tolls and Charges may only be charged as for Four Miles; and in respect of Passengers, for every Mile or Fraction of a Mile beyond Four Miles, Tolls and Charges as for One Mile only; and in respect of Animals and Goods, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Four Miles, Tolls and Charges as for a Quarter of a Mile only; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods partly on the Railway and partly on the *North-eastern* Railway.

Tolls on Traffic conveyed partly on the Railway and partly on the *North-eastern* Railway.

40. Except as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Authorities of the *North-eastern* Railway Company.

Saving Rights of *North-eastern* Railway Company.

41. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent

Interest not to be paid on Calls paid up.

The Whitby, Redcar, and Middlesborough Union Railway Act, 1866.

the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

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

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

43. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to Railways, or the better or 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 or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, authorized by this Act.

Expenses of Act.

44. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1866.