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VICTORIÆ REGINÆ.

Cap. ccvi.

An Act to authorize the *Edgware, Highgate, and London* Railway Company to extend their Railway to the Town of *Barnet* in *Hertfordshire*.

[16th July 1866.]

WHEREAS it is expedient that the *Edgware, Highgate, and London* Railway Company (who are herein-after called "the Company") should be authorized to extend their Railway from *Finchley* to *Barnet*, and the Company are willing at their own Expense to construct a Railway between those Places: And whereas a Plan and Section showing the Line and Levels of the Railway, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands required or which may be taken for the Purposes of the Railway, have been deposited with the respective Clerks of the Peace for *Middlesex* and *Herts*, and are herein-after referred to as the deposited Plan, Section, and Book of Reference: And whereas the Purposes aforesaid 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

[*Local.*]

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and

The Edgware, Highgate, and London Railway (Extension to Barnet) Act, 1866.

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 Edgware, Highgate, and London Railway (Extension to Barnet) Act, 1866.*"

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

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," (relating to Construction of a Railway), and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters, (that is to say,)

The Distribution of the Capital of the Company into Shares;
The Transfer or Transmission of Shares;
The Payment of Subscriptions, and Means of enforcing the Payment of Calls;
The Forfeiture of Shares for Nonpayment of Calls;
The borrowing of Money by the Company on Mortgage or Bond;
The Conversion of the borrowed Money into Capital;
The Consolidation of Shares into Stock;
The Remedies of the Creditors of the Company against Shareholders; and
The Provision to be made for affording Access to the Special Act by all Parties interested;

And also Parts I. and II. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, and to additional Capital, are (except when expressly varied by this Act) incorporated with and form Part of this Act.

Same Meanings to Words, &c. in incorporated Acts as in this Act. Interpretation of Terms.

3. In this Act the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to such Construction; the Words "the Company" mean "*the Edgware, Highgate, and London Railway Company*;" the Words "the Railway" mean the Railway and the Works connected therewith by this Act authorized to be constructed; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or other like Expression in this Act or any Act 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.

4. Subject

*The Edgware, Highgate, and London Railway (Extension to
Barnet) Act, 1866.*

4. Subject to the Provisions of this Act, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plan and Section the Railway herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the said Plan and described in the deposited Book of Reference as may be required for that Purpose. The Railway herein-before referred to and authorized by this Act is a Railway Three Miles Five Furlongs and Eight Chains in Length commencing by a Junction with the authorized Line of the *Edgware, Highgate, and London* Railway in the Parish of *Finchley* at or near where the said *Edgware, Highgate, and London* Railway crosses under the Turnpike Road leading from *Finchley* to *Barnet*, passing thence through or into the Parishes of *Finchley* in the County of *Middlesex*, and *Chipping Barnet* in the County of *Hertford*, and terminating in the said last-mentioned Parish in a Field belonging to the Corporation of the Sons of the Clergy, and leased to and in the Occupation of *Mr. Charles Bryant*.

Power to
make Rail-
way accord-
ing to depo-
sited Plans.

5. The Company may apply towards the Construction of the Works authorized by this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes for which the same were specially authorized to be raised; and the Company may from Time to Time raise, in addition to the Sums of Money which they are already authorized to raise, any further Sums, not exceeding in the whole Seventy-five thousand Pounds by the Creation of new Shares or Stock in their Undertaking, which Shares or Stock shall form Part of the general Capital of the Company, and may be issued at such Price (being not less than the nominal Value thereof) as may be determined on by Three Fourths at least of the Votes of their Shareholders present in person or by proxy at any Extraordinary General Meeting of the Company convened with due Notice of the Object.

Company
may apply
their Funds
towards
Purposes of
Act, and may
raise addi-
tional
Capital.

6. 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
Part paid up,

7. The Proprietors of any Shares or Stock to be issued under the Authority of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares or Stock would have entitled them to if the same had been original Shares or Stock of the Company.

As to the
Votes of
Proprietors
of new
Shares or
Stock.

8. Subject

*The Edgware, Highgate, and London Railway (Extension to
Barnet) Act, 1866.*

Power to
divide
Shares.

8. Subject to the Provisions of this Act, the Company, with the Authority of Three Fourths of the Votes of the Shareholders present in person or by proxy at a General Meeting of the Company specially convened for the Purpose, may from Time to Time divide any Share in their Capital into Half Shares, of which one shall be called "Preferred Half Share," and the other shall be called "Deferred Half Share:" Provided always, that the Company shall not divide any Share under the Authority of this Act unless and until not less than Sixty *per Centum* upon such Share has been paid up; and upon every such Division Fifty *per Centum* upon the entire Share shall be carried to the Credit of the Deferred Half Share (being the whole Amount payable thereon), and the Residue to the Credit of the Preferred Half Share.

Dividends on
Half Shares.

9. The Dividend which would from Time to Time be payable on any divided Share if the same had continued an entire Share shall be applied in Payment of Dividends on the Two Half Shares in manner following; (that is to say,) first, in Payment of Dividend after such Rate, not exceeding Six *per Centum per Annum*, as shall be determined at a General Meeting of the Company specially convened for the Purpose, on the Amount for the Time being paid up on the Preferred Half Share, and the Remainder (if any) in Payment of Dividend on the Deferred Half Share; and the Company shall not pay any greater Amount of Dividend on the Two Half Shares than would have from Time to Time been payable on the entire Share if the same had not been divided.

Dividend on
Preferred
Shares to be
paid out of
the Profits
on the Year
only.

10. Each Preferred Half Share shall be entitled, out of the Profits of each Year, to the Dividend which may have been attached to it by the Company as aforesaid in priority to the Deferred Half Share bearing the same Number; but if in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of Dividend on any Preferred Half Share 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 Company.

Half Shares
to be regis-
tered and
Certificates
issued.

11. Forthwith after the Creation of any Half Shares the same shall be registered by the Directors, and each Half Share shall bear the same Number as the Number of the entire Share Certificate in respect of which it was issued, and the Directors shall issue Certificates of the Half Shares accordingly, and shall cause an Entry to be made in the Register of the entire Shares of the Conversion thereof: Provided always, that the Directors shall not be bound to issue a Certificate of any Half Share until the Certificate of the existing Share be delivered to them to be cancelled, unless it be shown to their Satisfaction that
the

*The Edgware, Highgate, and London Railway (Extension to
Barnet) Act, 1866.*

the Certificate is destroyed or lost, and on any such Certificate being so delivered up the Directors shall cancel it.

12. The Terms and Conditions on which any Preferred Half Share or Deferred Half Share created under this Act is issued shall be stated on the Certificate of each such Half Share.

Terms of Issue to be stated on Certificates.

13. The Provisions of "The Companies Clauses Act, 1845," with respect to the Forfeiture of Shares for Nonpayment of Calls, shall apply to all Preferred Half Shares to be created under the Authority of this Act, and every such Preferred Half Share shall for that Purpose be considered a whole Share distinct from the corresponding Deferred Half Share: Provided always, that until any forfeited Preferred Half Shares shall be sold by the Directors of the Company all Dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards Payment of any Expenses attending the Declaration of Forfeiture thereof, and of the Arrears of Calls for the Time being due thereon, with Interest.

Forfeiture of Preferred Shares.

14. No Preferred Half Share created under the Authority of this Act shall be cancelled or be surrendered to the Company.

Preferred Shares not to be cancelled or surrendered.

15. The several Half Shares under this Act shall be Half Shares in the Capital of the Company, and every Two Preferred or Deferred Half Shares held by the same Person shall confer such Right of voting at Meetings of the Company, and (subject to the Provisions hereinbefore contained) shall confer and have all such other Rights, Qualifications, Privileges, Liabilities, and Incidents, as attach and are incident to an entire Share.

Half Shares to be Half Shares in Capital.

16. The Company may from Time to Time under the Powers of this Act borrow any additional Sum of Money not exceeding Twenty-five thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares or Stock is *bonâ fide* subscribed for, issued, and accepted, and One Half thereof is paid up, and until the Company shall prove 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 such additional Capital are issued and have been accepted, and that One Half of such additional Capital has been paid up, and that not less than One Fifth 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

Power to borrow on Mortgage.

*The Edgware, Highgate, and London Railway (Extension to
Barnet) Act, 1866.*

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 Proofs aforesaid have been given, which Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Receiver.

17. The Mortgagees of the Company under this Act 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 Two thousand Pounds in the whole.

Existing Mortgages to have Priority.

18. Provided always, that all Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be granted by virtue of this Act.

Application of Sums raised under this Act.

19. All and every Part of the said Sums of Seventy-five thousand Pounds and Twenty-five thousand Pounds which the Company are by this Act authorized to raise by new Shares or Stock, or on Mortgage, shall be applied only to the Purposes of the Railway by this Act authorized.

Lands for extraordinary Purposes.

20. The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed One Acre.

Powers for compulsory Purchases limited.

21. 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 from the passing of this Act.

Period for Completion of Railway.

22. If the Railway shall not be completed within Four Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Notice to be given of taking Houses of Labouring Classes.

23. The Company shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses; and the Company shall not take any such Houses until they have obtained the Certificate of a Justice

The Edgware, Highgate, and London Railway (Extension to Barnet) Act, 1866.

Justice that it has been proved to his Satisfaction that the Company has made known their Intention to take the same in manner herein-before required.

24. 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, the Sum of Six thousand Pounds has been deposited pursuant to the said Act in respect of the Application to Parliament for this Act, being Eight *per Centum* upon Seventy-five thousand Pounds, the estimated Cost of the Railway : Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Six thousand Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for 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 public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* : Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Six thousand Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Six thousand Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance

Money deposited in the Court of Chancery to be forfeited to the Crown in a certain Event.

*The Edgware, Highgate, and London Railway (Extension to
Barnet) Act, 1866.*

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 said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Railway as
to Tolls, &c.
to form
Part of
Edgware,
Highgate,
and London
Railway.

25. The Company may demand and take in respect of the Railway the same Tolls and Charges as they are authorized to receive for and in respect of their authorized Undertaking as if it were Part of such Undertaking, and the Railway shall in all respects be deemed Part of the *Edgware, Highgate, and London Railway* as if authorized by "*The Edgware, Highgate, and London Railway Act, 1862.*"

Provision
for Protec-
tion of
Parish of
Finchley.

26. No public Footpaths or Roads in the Parish of *Finchley*, with the Exception of those numbered 68^a, 84, and 126 on the deposited Plan, shall be altered or diverted permanently by the Company without the Consent in Writing of the Surveyors for the Time being of that Parish; and all Footpaths crossed by the Railway when in Cutting or on the Level shall be carried over the Railway by a substantial Foot Bridge at least Six Feet wide, with proper Approaches, and where the Railway is on Embankment by a Bridge under the Railway, properly drained, and at least Nine Feet high and Six Feet wide; and all Bridges to be constructed by the Company over any public Carriage Road in the said Parish, and the Approaches thereto, shall be of not less Width than Thirty Feet; and the Approaches to the Road and Footpath in the said Parish, numbered 68^a on the deposited Plan, shall not be of a steeper Gradient than One in Thirty.

27. Whereas

The Edgware, Highgate, and London Railway (Extension to Barnet) Act, 1866.

27. Whereas the Railway will join the authorized Line of the *Edgware, Highgate, and London Railway* where that Line passes under the *Marylebone and Finchley Turnpike Road*: The Company in forming such Junction shall not in any way interfere with or alter the said Turnpike Road.

Company not to interfere with the Marylebone and Finchley Road.

28. And whereas the Queen's most Excellent Majesty in right of Her Crown is seised of or entitled to the Advowson and Right of Patronage and Presentation of the Rectory of *East Barnet*, with the Curacy of *Chipping Barnet*, in the County of *Hertford*, and certain Parts of the Glebe belonging to the said Rectory are intended to be purchased or taken by the Company for the Purpose of making the Railway: Be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or either of them, and they and he are and is hereby authorized and empowered, with the Consent of the Rector for the Time being of the said Living, to contract and agree with the Company for the absolute Sale in Fee Simple of the whole or any Part of such Portion of the Glebe Lands of the said Rectory of *East Barnet* as the Company are by this Act authorized to purchase or take at or for such Price or Consideration in Money, and upon such Terms and Conditions, as shall be settled and agreed upon between the said Commissioners for the Time being, or One of them, with such Consent as aforesaid, and the Company, and upon Payment of such Price or Consideration, by any Deed or Writing under the Hands and Seals of the said Commissioners for the Time being, or either of them, and of the said Rector for the Time being, in which Deed or Writing the full and true Consideration shall be expressed and set forth, and such Deed shall be duly stamped with the full and proper Stamp Duty in respect of such Consideration, to convey such Part of the said Glebe Lands as shall be so purchased, and the Fee Simple and Inheritance thereof, to the Company for the Purposes of this Act, which said Deed or Writing being enrolled in the Office of Land Revenue Records and Enrolments, and registered in the Registry of the Diocese in which the said Rectory is situate, shall be effectual to vest in the Company the Lands therein or thereby expressed to be conveyed, any Act or Law to the contrary notwithstanding; and in case the said Rector shall not give his Consent to any such Sale as aforesaid within One Calendar Month after the same has been applied for by One of the Commissioners of Woods, Forests, and Land Revenues, then the Compensation shall be settled in the Manner provided in "The Lands Clauses Consolidation Act, 1845;" and the Purchase or Consideration Money expressed in such Conveyance, or the Compensation to be so ascertained as aforesaid, shall be invested by and at the Expense of the Company in the Purchase of Three Pounds *per Centum* Consolidated

Commissioners of Woods, with Consent of the Vicar, may convey Part of East Barnet Glebe.

*The Edgware, Highgate, and London Railway (Extension to
Barnet Act, 1866.*

or Three Pounds *per Centum* Reduced Bank Annuities, or Three and a Half *per Centum* Annuities, or Two and a Half *per Centum* Annuities, in the Name or Names of the Governors of the Bounty of Queen Anne for the Augmentation and Maintenance of the Poor Clergy; and until such Annuities shall be sold for the Purposes herein-after mentioned the said Governors shall and they are hereby required from Time to Time to pay the Dividends, Interest, and annual Proceeds thereof to the Rector for the Time being of the said Rectory according to the Rules, Orders, and Regulations of the said Governors in that Behalf with respect to the general Funds at their Disposal.

Power to invest Purchase Money of Glebe in other Lands.

29. It shall be lawful for the said Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy, and they are hereby authorized and empowered, if the said Governors shall think fit, at the Request in Writing of the Rector for the Time being of the said Living, unto whom any such Dividends shall be payable, to sell the whole or any Portion of the said Bank Annuities, and to apply the Monies arising therefrom in the Purchase of other Lands convenient to be held as Part and Parcel of the said Living, and the said Governors shall cause such Lands when so purchased to be well and effectually conveyed to and vested in the Rector for the Time being of the said Living and his Successors, to be held by him and them as Part and Parcel of the said Living for ever.

Power to Commissioners of Woods to make an Exchange with Company.

30. It shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, and they and he are and is hereby authorized and empowered, if they or he shall think fit, with the Consent of the Rector for the Time being of the said Living, to exchange the whole or any Part of such Portion of the said Glebe Lands as the Company are by this Act authorized to purchase or take which may not have been sold to them under the Provisions of this Act for other Lands, Tenements, or Hereditaments belonging to or to be conveyed by the Direction of the Company, and it shall be lawful for the said Commissioners or either of them, together with the said Rector, to concur in carrying such Exchange into effect under the Powers now or hereafter to be vested in the Inclosure Commissioners for *England and Wales*, or in such other Mode as may be deemed expedient: Provided that the Lands, Tenements, or Hereditaments to be given in exchange by the Company or by their Direction shall be conveyed or assured to the Rector of the said Rectory for the Time being and his Successors; and upon the said Lands, Tenements, or Hereditaments being so conveyed or assured to the said Rector and his Successors the same shall be annexed to and form

*The Edgware, Highgate, and London Railway (Extension to
Barnet) Act, 1866.*

form Part of the Glebe of the said Rectory, and the Rents, Issues, and Profits thereof shall thenceforth be received by the said Rector for the Time being.

31. 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 in the Capital by this Act authorized to be raised: Provided always, that this Act shall not prevent 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."

Interest not
to be paid
on Calls
paid up.

32. 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.

Deposits for
future Bills
not to be
paid out of
Capital
raised under
this Act.

33. 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 to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

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

34. 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.

Expenses of
Act.

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