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VICTORIÆ REGINÆ.

Cap. ccxxiii.

An Act for enabling the *Midland* Railway Company to construct Railways from *Settle* to *Hawes*, *Appleby*, and *Carlisle*; and for other Purposes.

[16th July 1866.]

WHEREAS it is expedient that the *Midland* Railway Company should be empowered to construct Railways from *Settle* to *Hawes*, *Appleby*, and *Carlisle*, and to raise additional Capital for such Purpose: And whereas Plans and Sections showing the Lines and Levels of the proposed Railways, and the Lands which the Company are by this Act empowered to acquire for the Purposes thereof, and Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the West and North Ridings of the County of *York*, and for the Counties of *Westmoreland* and *Cumberland* respectively: And whereas it is expedient that the Company should be empowered to work over and use a Portion of the *Hawes and Melmerby* Railway, and the Stations, Works, and Conveniences connected therewith, and also a Portion of the *Newcastle and Carlisle* Railway of the *North-eastern* Railway Company, and also the *Citadel* Station at *Carlisle*, and the Lines of Railway, Approaches, Works,

[*Local.*]

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and

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and Conveniences therein (belonging jointly to the *Caledonian Railway Company* and to the *Lancaster and Carlisle Railway Company*, whose Undertaking is held in Lease by the *London and North-western Railway Company*) or connected therewith, and that the *Hawes and Melmerby Railway Company* and the *North-eastern Railway Company* respectively should be empowered to work over and use the Railway first by this Act authorized, and the Stations, Works, and Conveniences connected therewith: 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 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 *Midland Railway (Settle to Carlisle) Act, 1866.*"

8 & 9 Vict.
cc. 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. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

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

3. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is so say,)

"With respect to the Transfer or Transmission of Shares;"

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

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

"With respect to the Consolidation of Shares into Stock;"

"With respect to the Remedies of Creditors of the Company against the Shareholders;"

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

"With respect to the Conversion of borrowed Money into Capital;" and

"With respect to the Provision to be made for affording Access to the Special Act by all Parties interested."

Interpreta-
tion of
Terms.

4. In this Act the several Words and Expressions to which Meanings are assigned by this Act or by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there

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there be something in the Subject or Context repugnant to such Construction :

The Expression "the Company" shall mean the *Midland Railway Company* ;

The Expression "the Railway" or "the Railways" shall mean the Railways by this Act authorized, or any Part thereof ;

The Expression "the Owners of the *Citadel Station*" shall mean the *Caledonian Railway Company* and the *London and North-western Railway Company* during the Continuance of the Lease of the *Lancaster and Carlisle Railway* to the *London and North-western Railway Company*, and after the Termination of that Lease shall mean the *Caledonian Railway Company* and the *Lancaster and Carlisle Railway Company* ; 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.

5. Subject to the Provisions of this Act, the Company may make and maintain in the Lines and 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, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railways herein-before referred to and authorized by this Act are,—

Power to make Railways according to deposited Plans.

1st. A Railway Twenty-eight Miles and One Furlong or thereabouts in Length to commence in the Parish of *Giggleswick* and Township of *Settle* in the West Riding of the County of *York* by a Junction with the *North-western Railway*, and terminating in the Parish of *Aysgarth* and Township of *Hawes* in the North Riding of the County of *York* by a Junction with the authorized Line of the *Hawes and Melmerby Railway* :

2nd. A Railway Twenty Miles Five Furlongs Four Chains and Fifty Links or thereabouts in Length to commence in the Parish of *Sedbergh* and Township of *Garsdale* in the West Riding of the County of *York* by a Junction with the intended Railway herein-before described, and terminating in the Parish of *Saint Michael, Appleby*, otherwise *Bongate*, and Township of *Bongate*, in the said County of *Westmoreland*, by a Junction with the *Eden Valley Railway* of the *North-eastern Railway Company* :

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3rd. A Railway Twenty-nine Miles Five Furlongs and Five Chains or thereabouts in Length to commence in the Parish of *Saint Michael, Appleby*, otherwise *Bongate*, and Township of *Bongate*, in the County of *Westmoreland*, by a Junction with the intended Railway last herein-before described, and terminating in the Parish of *Saint Cuthbert, Carlisle*, in the County of *Cumberland*, by a Junction with the Main Lines of the *Newcastle and Carlisle Railway* of the *North-eastern Railway Company* on the East Side of the River *Pettril* :

And the said Railways and Works shall, for the Purposes of Tolls and Charges and for all other Purposes whatsoever, be Part of the Undertaking of the Company, as if the same had been Part of the *Midland Railway* vested in the Company by the Act (Local and Personal) 7th and 8th *Victoria*, Chapter 18, entitled *An Act to consolidate the North Midland, Midland Counties, and Birmingham and Derby Junction Railways*, and had formed Part of the Line of the *Midland Railway* at the Time of the passing of the Act (Local and Personal) 9th and 10th *Victoria*, Chapter 326, entitled *An Act to consolidate the Bristol and Gloucester and Birmingham and Gloucester Railway Companies with the Midland Railway Company*.

Company not to take Lands of W. M. Coulthurst without Consent.

6. The Company shall not, under the Powers of this Act, take any Part of the Lands described on the Plans and in the Books of Reference deposited as aforesaid as belonging to *William Matthew Coulthurst*, and numbered 16, in the Township of *Langcliffe* and Parish of *Giggleswick* in the West Riding of the County of *York*, without the Consent in Writing of the said *William Matthew Coulthurst*, or other the Owner or Owners of such Lands for the Time being first had and obtained.

Lands of London and North-western Railway Company not to be taken without Consent.

7. The Company shall not, under the Powers of this Act, take any Part of the Lands delineated on the deposited Plans and described in the deposited Books of Reference as belonging to the *London and North-western Railway Company* without the Consent in Writing of that Company under their Common Seal first had and obtained.

Power to Company to raise additional Money by Creation of Shares or Stock.

8. The Company from Time to Time may raise by the Creation and Issue of Shares such Sums of Money as they shall think necessary not exceeding One million six hundred and fifty thousand Pounds, exclusive of the Monies which they are or may be authorized to raise by any other Act or Acts of Parliament; and the Company may create and issue such Shares either wholly or partially as Ordinary or wholly or partially as Preferential Shares, as they may think fit.

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9. 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.

10. 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 Four Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Calls.

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

New Shares raised under this Act and any other Act of this Session may be of same Class.

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

As to Amount and Issue of new Shares.

13. The Company may from Time to Time, if they think fit, attach to all or any new Shares or any Class of new Shares created under

Votes in respect of new Shares.

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the Powers of this Act any total or partial, permanent or temporary, Restrictions of the Rights of voting and other Qualifications of the Holder thereof.

Shares of same Class to have like Privileges.

14. All Shares of the same Class created under this Act shall be of like Amount, and shall confer like Privileges, and shall bear like Dividends or Interest, and be subject to like Restrictions (if any).

Vesting or other Disposition of new Shares.

15. All new Shares created under this Act shall vest in and belong to the then Shareholders who shall accept the same and pay, the First Instalment thereon to the Amount and at the Time which shall be fixed by the Directors, and specified in the Letter offering the new Shares.

Shares not accepted may be disposed of by Company.

16. If any Shareholder for One Month after such Offer of new Shares fail to accept the same, and pay the First Instalment called for in respect thereof, then the Company may authorize the Directors to dispose of the same in such Manner as they may deem most for the Advantage of the Company.

Qualification of new Shares.

17. Except as by or under the Powers of this Act otherwise provided, all new Shares issued under the Powers of this Act shall, in proportion to the aggregate Amount from Time to Time paid up on the new Shares held by the same Person at the same Time, entitle the respective Holders thereof to the same Dividends and Profits, and confer on them the like Qualifications and the like Rights of voting, as the like Amount paid up on existing Shares or Stock of the Company (other than and except as aforesaid): Provided always, that unless otherwise determined by the Meeting sanctioning the new Shares, no Person shall be entitled to vote in respect of any of the new Shares to which fixed or preferential Dividend or other special Advantages shall be assigned.

Saving Rights of existing Preference Shareholders.

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

Power to borrow on Mortgage.

19. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Five hundred and fifty thousand Pounds, in addition to the Sums which they are or may be authorized to borrow by any other Act or Acts of Parliament, but no Part thereof shall be borrowed until Shares for the whole of the Sum by this

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this Act authorized to be raised by Shares shall have been taken, and One Half of such Sum shall have been paid up, 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 Shares for all the Capital which the Company are by this Act authorized to raise by Shares have been issued and accepted, and that One Half of such Capital 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 Shares were issued *bonâ fide*, and are held by Persons or their Assigns, and that such Persons 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.

20. All Mortgages and Bonds 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 and Bonds have Priority over any Mortgages to be granted by virtue of this Act.

Existing Mortgages to have Priority.

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

Application of Monies.

22. 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 Twenty Acres.

Lands for extraordinary Purposes.

23. 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.

24. 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.

25. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, it shall be lawful for the Company in the Construction of the Railway to carry the same with a single Line of Railway only whilst the Railway shall consist of a single Line, and afterwards with a double Line of Railway only, across

Power to cross certain Roads on the Level.

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across and on the Level of the Roads next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
190	Horton-in-Ribblesdale	Public Road.
6	Wetheral and Township of Wetheral.	Public Road.

Inclinations of certain Roads.

26. In altering for the Purposes of this Act the Roads next 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	Parish.	Description of Road.	Intended Inclination.
13	Giggleswick and Township of Langcliffe.	Public Road -	1 in 11 on one Side and level on the other.
44	Sedbergh and Township of Garsdale.	Public Road -	1 in 6 $\frac{3}{4}$ on one Side and 1 in 5 $\frac{3}{4}$ on the other.
165	Aysgarth - - - -	Turnpike Road	1 in 30 on one Side and level on the other.
3	Kirkby Stephen and Township of Kirkby Stephen.	Turnpike Road	1 in 20 on one Side and level on the other.
53	Ormside - - - -	Public Road -	1 in 13 on one Side and level on the other.
59	Long Wathby - - - -	Turnpike Road	1 in 8 on one Side and level on the other.
7	Addingham and Township of Hunsonby and Wipskill.	Public Road -	1 in 11 on one Side and 1 in 40 on the other.
17	Hesket in the Forest -	Public Road -	1 in 15 on one Side and level on the other.
48	Long Marton and Township of Long Marton.	Public Road -	1 in 20 on one Side and level on the other.
34	Wetheral and Township of Cumwhinton.	Public Road -	1 in 14 on one Side and level on the other.

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

27. The Railways by this Act secondly and thirdly authorized shall respectively be carried over the Railway of the *North-eastern Railway Company* at each Crossing thereof by means of a Bridge of One Span of at least Twenty-six Feet in Width on the Square, and with not less than Fifteen Feet clear Headway throughout under the same, which Bridges 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 Railways

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Railways 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; and the *North-eastern* Railway Company may require all such Precautions to be taken by the Company in constructing, maintaining, and repairing the said Bridges as their Engineer may deem expedient for protecting their Railways from Injury, and the Traffic thereon from Interruption; and in case any Damage or Injury shall be caused to their Railways, or Interruption or Injury to the Traffic thereon, by reason of the said Bridges, 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 Railways, 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.

28. 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, maintaining, and using the Railway and Bridges over and Junctions with 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 Company's Lines and Property.

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

Notices to be given of taking Houses of Labouring Classes.

30. If the Railways by this Act authorized be not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, then (subject to the Provision herein-after contained) the Company shall be liable to forfeit and pay the Sum of Fifty Pounds for every Day after the Expiration of that Period during which the Railways shall remain unopened, which Amount shall be a

Penalty for Non-completion of Railways within Time limited.

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Debt from the Company to the Crown, and be recoverable accordingly: Provided always, that no such Penalty shall accrue or be payable for or in respect of any Time during which the Company may be prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control (of which Prevention, and of the Time for which it may have endured, the Certificate of the Board of Trade shall be sufficient Evidence), and that Board, on the Production of such Proof as they shall deem sufficient, shall grant such Certificate accordingly: Provided always, that the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

For Protection of Trustees of Keighley and Kendal Turnpike Road.

31. In the Execution of the Works of the Railway it shall not be lawful for the Company, without the Consent in Writing of the Trustees of the *Keighley and Kendal* Turnpike Road, to divert or alter such Road numbered 10, 47, and 49 on the deposited Plan of the Railway in the Parish of *Giggleswick* in the West Riding of the County of *York*, except temporarily during the Construction of the Works of the Railway, or to raise or lower the Level thereof, except to the Extent and in the Manner shown upon the deposited Sections and Cross Sections relating to such Road in the said Parish.

As to Helwith Bridge.

32. In executing the Works of the Railway at *Horton in Ribblesdale* the Company shall at their own Expense reconstruct the Bridge called *Helwith Bridge* over the River *Ribble* in the Wapentake of *Staincliffe and Ewecross* in the West Riding of the County of *York* in such Way as shall be required by and to the reasonable Satisfaction of the Surveyor of Bridges for the Time being for the said West Riding, and of a Width of Twenty Feet between the Parapets of the said Bridge.

Power to use Parts of Hawes and Melmerby and Newcastle and Carlisle Railways.

33. The Company may pass over and use with their Engines and Carriages of every Description, and with their Clerks, Officers, and Servants, the Railway first described in and authorized by "The *Hawes and Melmerby* Railway Act, 1865," and all Stations, Watering Places, Water, Booking Offices, Warehouses, Wharves, Sidings, Works, and Conveniences connected therewith, including the Station at *Leyburn* authorized by the said Act to be used by the *Hawes and Melmerby* Railway Company (herein-after referred to as "the *Hawes and Leyburn* Railway"); and the Company may also pass over and use with their Engines and Carriages of every Description, and with their Clerks, Officers, and Servants, such Part of the *Newcastle and Carlisle* Railway of the *North-eastern* Railway Company as lies between the Junction therewith of the Railway thirdly by this Act authorized and the Junction therewith of the Lines of Railway connected with the *Citadel* Station at *Carlisle*, paying to the *North-eastern*

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eastern Railway Company for such passing over and Use, and in lieu of the Tolls and Charges which the *North-eastern* Railway Company might otherwise demand, a Sum equivalent in Amount to the Proportion as for One Mile of the actual Charges made by the Company in respect of all Traffic carried by them over any Part of the *Midland* Railway and over the said Portion of the *Newcastle and Carlisle* Railway for the whole Distance for which each Description or Portion of such Traffic shall be carried.

34. During the Exercise by the Company of the Powers conferred upon them by the last preceding Section in respect of the *Hawes and Leyburn* Railway, that Railway and the Railway of the Company shall, for the Purpose of determining the Amount of Tolls and Charges to be taken or demanded by the Company in respect of Traffic conveyed partly on the one Railway and partly on the other Railway for a less Distance than Four Miles, be considered as One Railway, and in respect of such Traffic 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 one Railway and partly on the other Railway; and during the Exercise by the Company of the Powers conferred upon them by the last preceding Section in respect of the Portion of the *Newcastle and Carlisle* Railway of the *North-eastern* Railway Company in that Section mentioned and described, that Portion of Railway and the Railway of the Company shall, for the Purpose of determining the Amount of Tolls and Charges to be taken or demanded by the Company in respect of Traffic conveyed partly on their Railway and partly on the aforesaid Portion of Railway for a less Distance than Six Miles, be considered as One Railway, and in respect of such Traffic Tolls and Charges may only be charged as for Six Miles; and in respect of Passengers, for every Mile or Fraction of a Mile beyond Six 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 Six 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 of the Company and partly on the said Portion of Railway.

As to Tolls on Traffic conveyed on Railways herein named.

35. Subject to the Provisions herein-after contained, the Company may pass over and use with their Engines and Carriages of every Description, and with their Clerks, Officers, and Servants, the *Citadel* Station

Power to use Citadel Station at Carlisle and

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Lines of
Railway in
connexion
therewith.

Station at *Carlisle*, and the Lines of Railway, Approaches, Works, and Conveniences therein or connected therewith (herein-after referred to as "the *Citadel* Station and Railways").

As to Pay-
ment for
Use of
Citadel
Station.

36. In respect of the Right of passing over and using the *Citadel* Station and Railways as herein-before provided, the Company shall, from and after the Time when they shall commence to use the said *Citadel* Station, pay half-yearly in perpetuity, on the Thirty-first Day of *December* and the Thirtieth Day of *June* in each Year, to the Owners of the *Citadel* Station such Sum of Money as shall be agreed upon between the Company and such Owners, or as, in the event of Difference, shall be determined by an Arbitrator to be appointed by the Board of Trade upon the Application of the Company, or of any one or both of the Companies who are the Owners of the *Citadel* Station.

As to In-
crease of
Accommo-
dation at
Citadel
Station.

37. And whereas the *Citadel* Station and Railways are at present sufficient to accommodate the Traffic of the Owners thereof, and of the other Companies heretofore entitled to the Use of the same, in the Manner in which such Traffic is at present conducted, but may be found insufficient in the event of the Traffic of the Company being introduced in manner contemplated by this Act: It shall be lawful for the Owners of the *Citadel* Station, if and when they think necessary, to apply to an Arbitrator to be appointed at their Request by the Board of Trade to determine and specify what additional Extension of and Accommodation in or upon the *Citadel* Station and Railways is necessary in consequence of the Admission of the Traffic of the Company as in this Act provided, and such Arbitrator shall determine and specify the same accordingly; and it shall be lawful for the Owners of the *Citadel* Station to apply to Parliament for a Bill to authorize them to acquire the Lands and execute the Works necessary to provide the Extension and Accommodation so determined and specified; and the Company shall pay annually to the Owners of the *Citadel* Station for the Use of such Extension and Accommodation an Amount equal to Six per *Centum per Annum* upon the Monies actually expended by such Owners in the Acquisition of the Lands and Construction of the Works forming such Extension and Accommodation, including the Expense of such Arbitration and of promoting and passing such Bill into an Act; and it shall not be lawful for the Company to oppose the said Bill, except in so far as the Provisions thereof may be inconsistent with this Enactment, or with the Award of such Arbitrator.

As to Pay-
ment by the
Company for
Maintenance,

38. The Company shall, in addition to the Sums herein-before directed to be paid, pay half-yearly to the Owners of the *Citadel* Station towards the Cost of the Maintenance, Repair, and general Working

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Working Expenses, Rates, Taxes, and other Outgoings of the *Citadel* Station and Railways, and of any Extension and additional Accommodation herein-before provided for in connexion therewith such Sum as shall be agreed on or determined by an Arbitrator to be applied for and appointed in manner herein-before specified: Provided always, that it shall be lawful for either Party, on the Expiration of Three Years from the passing of this Act, and on the Expiration of every subsequent Period of Three Years, to apply to the Board of Trade to appoint an Arbitrator to determine, and such Arbitrator shall determine, whether any and what Increase or Diminution should be made in the Amount of the Sum to be paid half-yearly by the Company towards the Cost of such Maintenance, Repair, and general Working Expenses, Rates, Taxes, and other Outgoings.

Repair, and Working Expenses of the Station.

39. Nothing in this Act contained shall be held to confer upon the Company any Right of Property in the *Citadel* Station and Railways or in any Extension thereof, or any Right or Power to interfere with the Control or Management thereof, but the *Citadel* Station and Railways and any Extension thereof shall remain vested in the Owners of the *Citadel* Station, and the Control and Management thereof shall remain vested in the *Citadel* Station Committee appointed under the Provisions of the "*Carlisle Citadel Station Act, 1861*," as if this Act had not been passed: Provided that it shall be competent to the Company to appoint a Booking Clerk or Booking Clerks and other Servants, to whom the *Citadel* Station Committee shall give suitable Accommodation, at the Expense of the Company as regards any Accommodation or any Alterations or Fittings for the Despatch of their own proper Business in the said *Citadel* Station; and on any Difference as to the Extent of such Accommodation, a Payment in respect thereof shall be settled by Arbitration as herein-before provided, the Arbitrator being on all Occasions required wholly to exclude from his Consideration and Award all the Expenses which the Company may choose to incur by or connected with the Employment in the said Station of their own Clerks and Servants.

Reserving Rights of Owners of *Citadel* Station.

40. The *North-eastern* Railway Company and the *Hawes and Melmerby* Railway Company may respectively pass over and use with their Engines and Carriages of every Description, and with their Clerks, Officers, and Servants, the Railway first described in and authorized by this Act, and all Stations, Watering Places, Water, Booking Offices, Warehouses, Wharves, Sidings, Works, and Conveniences connected therewith.

Powers to *North-eastern* and *Hawes and Melmerby* Railway Company to use Portion of *Midland* Railway.

41. During the Exercise by the *North-eastern* Railway Company of the Powers conferred upon them by the last preceding Section, the Railway in respect of which those Powers are exercised and the *North-*

As to Tolls on Traffic conveyed on Railways herein named.

[*Local.*]

34 R

eastern

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eastern Railway shall, for the Purpose of determining the Amount of Tolls and Charges to be taken or demanded by the *North-eastern* Railway Company in respect of Traffic conveyed partly on the one Railway and partly on the other Railway for a less Distance than Six Miles, be considered as One Railway, and in respect of such Traffic Tolls and Charges may only be charged as for Six Miles; and in respect of Passengers, for every Mile or Fraction of a Mile beyond Six 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 Six 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 one Railway and partly on the other Railway; and during the Exercise by the *Hawes and Melmerby* Railway Company of the Powers conferred upon them by the last preceding Section, the Railway in respect of which those Powers are exercised and the *Hawes and Melmerby* Railway shall, for the Purpose of determining the Amount of Tolls and Charges to be taken or demanded by the *Hawes and Melmerby* Railway Company in respect of Traffic conveyed partly on the one Railway and partly on the other Railway for a less Distance than Four Miles, be considered as One Railway, and in respect of such Traffic 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 one Railway and partly on the other Railway.

Terms of
User.

42. The Terms, Conditions, and Regulations to which the Company shall be subject in respect of the said Use of the *Hawes and Leyburn* Railway, and to which the *North-eastern* Railway Company and the *Hawes and Melmerby* Railway Company respectively shall be subject in respect of the Use of the Railway first by this Act authorized, and the Tolls or other Consideration to be paid by them respectively for the same, and the Nature and Extent of the Conveniences, Facilities, and Accommodation to be provided for the Use of the Company and of the *North-eastern* Railway Company and the *Hawes and Melmerby* Railway Company respectively, shall, if not agreed upon between the Company and the said other Companies respectively, be from Time to Time determined by an Arbitrator to be appointed by the President for the Time being of the Institution of Civil Engineers on the Application of either Party; and if either Party shall at any Time require the same, any Decision of the Arbitrator shall be

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be subject to Revision and be revised by the same Arbitrator or by some other Arbitrator to be appointed under this Enactment, provided that no such Revision shall be demanded till after the Expiration of Twelve Months from the making of any Award; and the Company may pass over and use the *Hawes and Leyburn* Railway before the making of any Agreement or Award as to the Consideration or Payment by the Company in respect of such passing over and User; and the *North-eastern* Railway Company and the *Hawes and Melmerby* Railway Company respectively may pass over and use the Railway first by this Act authorized before the making of any Agreement or Award as to the Consideration or Payment by those Companies respectively in respect of such passing over and User: Provided that neither the Company, nor the *North-eastern* Railway Company, nor the *Hawes and Melmerby* Railway Company, shall, without the Consent of the Company owning the Railway passed over and used, carry or interfere with any Traffic arising at any one Station and destined for Delivery at any other Station on the Railway of the last-mentioned Company.

43. The Decisions of any such Arbitrator shall be binding and conclusive on all Parties in difference, and the Costs and Expenses of the Arbitration and of such Arbitrator shall be defrayed as the Arbitrator shall direct.

As to
Decisions of
Arbitrators.

44. The Company in using or traversing the *Hawes and Leyburn* Railway, and the *Newcastle and Carlisle* Railway, and the *Citadel* Station and Railways respectively, and in using the Works, Buildings, and Conveniences thereof respectively, in accordance with the Provisions herein-before mentioned, and the *North-eastern* Railway Company and the *Hawes and Melmerby* Railway Company respectively in using or traversing the Railway first by this Act authorized, and in using the Works, Buildings, and Conveniences thereof, in accordance with the Provisions herein-before mentioned, shall at all Times observe the Regulations and Byelaws for the Time being in force on the Undertaking so used, so far as such Byelaws shall be applicable to the Company, or to the *North-eastern* Railway Company, and the *Hawes and Melmerby* Railway Company, as the Case may be.

Byelaws to
be observed.

45. The Company may from Time to Time make and enter into Arrangements and Agreements with the *Caledonian* Railway Company, the *Lancaster and Carlisle* Railway Company and their Lessees, the *London and North-western* Railway Company, and the other Railway Companies owning or using the said *Citadel* Station, and the Lines of Railway, Approaches, Works, and Conveniences therein or connected therewith, with reference to the Use thereof, and to the Traffic entering or using the same.

Company
may enter
into
Arrange-
ments with
certain
Companies.

46. The

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Agreements
between
Company
and North-
eastern
Railway
Company.

46. The Company and the *North-eastern* Railway Company may from Time to Time make and enter into Agreements with reference to the Use of so much of the *Newcastle and Carlisle* Railway of the *North-eastern* Railway Company as is West of the Point of Termination of the Railway thirdly by this Act authorized, and of the Stations, Works, and Conveniences connected with that Portion of the *North-eastern* Railway, and also with reference to the Traffic passing over or using the same Portion of Railway, Stations, and Premises.

Interest not
to be paid on
Calls paid
up.

47. 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 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.

48. 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.

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

49. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or 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 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.

50. 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.

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