



CHAPTER cli.

An Act to confer further Powers on the Great Northern Railway Company. A.D. 1878.
[4th July 1878.]

WHEREAS it is expedient that the Great Northern Railway Company should have power to subscribe towards the undertaking of the Sutton Bridge Dock Company;

And that the time limited by the Great Northern (Halifax, Thornton, and Keighley Railways) Act, 1873, for the construction of the railways authorised by that Act be extended; 36 & 37 Vict. c. ccxx.

And that the said Company be authorised—

To make a short branch railway at Newark;

To stop up certain footpaths at Leicester;

To divert a certain road at Leeds;

To acquire certain additional lands;

And to hold, furnish, maintain, and manage hotels and refreshment rooms in connexion with their railway and as part of their undertaking;

And that the other provisions herein-after contained should be made:

And whereas plans and sections showing the lines and levels of the railway and works authorised by this Act and the lands to be taken for the purposes thereof, and plans of the additional lands which the Company are authorised to take under the powers of this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of all such lands, so far as those documents relate to lands in each county or division herein-after mentioned, were duly deposited with the clerks of the peace for the counties of Nottingham and Leicester and for the west riding of Yorkshire, and the said documents are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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And whereas the objects of this Act cannot be attained 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 as the Great Northern Railway (Further Powers) Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 26 & 27 Vict. c. 92.

2. The following Acts and parts of Acts are, excepting where the same are expressly varied by this Act, incorporated with and form part of this Act; namely,

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;

The Railways Clauses Consolidation Act, 1845; and

Parts 1 and 2 of the Railways Clauses Act, 1863, relating respectively to the construction of a railway and to extension of time.

Certain provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. extended to this Act.

3. Subject to the provisions of this Act, all the 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 the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested; and

26 & 27 Vict. c. 118.

Parts 1, 2, and 3 of the Companies Clauses Act, 1863, relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock,

shall be applicable to the capital and moneys hereby authorised to be raised by shares or stock, or mortgage, and to the proprietors thereof.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly 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; and the expression "the Company" means the Great Northern Railway Company, unless there is something in the context repugnant to that meaning.

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Interpretation of terms.

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 railway and works hereinafter described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes; (that is to say,)

Power to make railway, &c. according to deposited plans.

(1.) A railway 2 furlongs 3 chains in length, in the parish of Newark, in Nottinghamshire, commencing by a junction with the authorised line of the Great Northern Railway from Newark to Bottesford, at about 140 yards south-east of the bridge carrying the Newark and Sleaford turnpike road over the main line of the Great Northern Railway, and terminating on the northern side of Barnby Road. Provided that the Company shall not, except by agreement, enter upon, take, or use any lands not being public roads or highways required for the purposes of the said railway, and the provisions of the Lands Clauses Consolidation Act, 1845, enabling persons under disability to sell and convey lands, shall apply to any purchase and sale of lands for the purpose of the said railway.

Newark branch.

8 & 9 Vict. c. 18.

(2.) The Company may construct a new road commencing in the parish of Leeds, in the west riding of Yorkshire, on the southern side of the Leeds and Bradford turnpike road at the end of Butler's Place, and terminating in the township of Pudsey and parish of Calverley, in the same riding, at the southern boundary of the Leeds and Bradford line of the Great Northern Railway. The said road, when made, shall vest in and be maintained by the persons or bodies who have control over the public highways in the said township and

Road at Leeds.

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parishes respectively; and when the said road is completed the Company may, subject as herein-after provided, stop up and extinguish all rights of way in and over so much of an existing occupation road and public footpath as lies between the said turnpike road in the parish of Leeds and the mill and premises of Isaac Gaunt in the said parish of Calverley: Provided always, that the power by this Act conferred upon the Company to stop up and extinguish all rights of way in and over the portion herein-before specified of the said existing occupation road and public footpath shall not be so exercised as to prejudice or interfere with the user by Messrs. Matthew Pitts and Thomas Gardom Binner, or other the owners or owner for the time being of all or any part or parts of the premises at Stanningley, in the said parish of Leeds, now known as the Albion Iron Works, of the said occupation road between the point where the limit of deviation is shown upon the said deposited plans across the said occupation road and public footpath at the south-east corner of the said Albion Iron Works and the said Leeds and Bradford turnpike road.

Railway to form part of Great Northern Railway.

6. Subject to the provisions of this Act, the railway and the works connected therewith executed under the authority of this Act shall, for the purposes of toll and all other purposes whatsoever, be part of the Great Northern Railway and of the undertaking of the Company.

Period for completion of railway.

7. If the railway herein-before authorised by this Act is not completed within three years from the passing of this Act, then on the expiration of that period the powers by this Act granted for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Extension of time for completion of Halifax, Thornton, &c. Railways. 36 & 37 Vict. c. cxxx.

8. The period limited for the construction and completion of the railways and works authorised by the Great Northern Railway (Halifax, Thornton, and Keighley Railways) Act, 1873, is hereby extended until the fifth day of August one thousand eight hundred and eighty.

Company liable to penalty unless railways are opened within time limited.

9. If the Company fail to complete the railways which they are herein-before authorised to construct or complete within the periods respectively limited by this Act for those purposes, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the periods so limited until the railway in respect of which such default has been made is completed and opened for

public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railway, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act, 1854, and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice, in the bank and to the credit specified in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control, or was prevented by the want of compulsory powers from making the said railway without incurring unreasonable delay, inconvenience, or expense; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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17 & 18 Vict.
c. 31.

10. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation, or inadequate compensation, shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Division thinks fit to order, on the application of the

Application
of penalty.

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Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Division, if the Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as parts of the assets of the Company for the benefit of the creditors thereof.

Power to close certain footpaths, &c. at Leicester.

36 & 37 Vict. c. ccviii.

11. When the Company shall have constructed a convenient road and footpath of the character and dimensions herein-after mentioned in the parish of Saint Margaret, in the borough and county of Leicester, commencing at the northern end of Brunswick Street, and terminating in the existing occupation road at a point about thirty yards south of the east end of Cranbourne Street, the Company may stop up and extinguish all rights of way over and may appropriate the soil and freehold of so much of a certain public footpath, bridle and occupation road in the said parish, numbered 11 in that parish on the plans deposited with the clerk of the peace for Leicestershire in November 1872 with respect to the Great Northern Railway (Melton to Leicester) Act, 1873, as lies between the north end of Willow Bridge Street, at the point where that street crosses the Willow Brook, and a point in the same footpath and road 30 yards south of the east end of Cranbourne Street, and also so much of a certain public footpath communicating between the said Willow Bridge Street and the village of Humberstone as lies between the spot where the said street crosses Willow Brook and the spot where the said footpath passes through the fence dividing the lands numbered respectively 2 and 3 in the parish of Belgrave on the said deposited plans.

As to construction of road at Leicester.

36 & 37 Vict. c. ccviii.

12. The said road to be constructed under the provisions of the last preceding section shall be well and substantially made, formed, and metalled, and for ever hereafter maintained and kept in repair by the Company, with proper causeways on each side thereof, four feet wide, and shall be of the clear width (including such causeways) of thirty feet throughout, and shall be carried over the Willow Brook and the railway to be constructed under the powers of the Great Northern Railway (Melton to Leicester) Act, 1873, by means of a substantial bridge, with good and sufficient fences on each side thereof of not less than four feet in height, and on each side of the approaches to such bridge of not less than three feet in height, and the approaches to the said bridge shall be at an inclination not greater than 1 in 19.

13. The Company shall, in the construction of their (Melton to Leicester) Railway No. 1, carry the same with not more than four lines of rails across the occupation road numbered 6 on the deposited plans of that railway, in the parish of Belgrave, in the county of Leicester, and 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, shall extend and apply to such level crossing as if the said road was a public carriage-road; and the Company shall carry their (Melton to Leicester) Railway No. 4 over the said road numbered 6 by a bridge, and the width of the roadway under the bridge shall be at least thirty-three feet, and the height of the bridge above the road throughout the entire width shall not be less than fifteen feet, and the footpaths on each side of the road shall be efficiently protected from droppings from the railway; and in altering the said road for the purpose of this Act the Company may make the same of any inclination not steeper than one in twenty.

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Construction of railway on and over road near Leicester.

8 & 9 Vict. c. 20.

26 & 27 Vict. c. 92.

14. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may enter upon and take compulsorily for the purposes of their undertaking the lands herein-after described, which are delineated upon the deposited plans and described in the deposited books of reference; (that is to say,)

Power to purchase additional lands.

(a.) Certain lands situate in the parish of Belgrave, in Leicester-shire, bounded by the boundary dividing the parishes of Belgrave and St. Margaret, Leicester, the Willow Brook, and the boundary dividing the parishes of Belgrave and Humberstone: Provided that, notwithstanding the purchase of the said lands by the Company, the occupation road numbered on the deposited plans 6 in the parish of Belgrave, and leading from the north end of Forest Street to the east end of Martins Street, shall not be closed under the powers of this Act unless with the consent of Isaac Harrison, of Newfoundpool, in the county of Leicester, or his successors in title:

(b.) Certain lands in the township of Bramley, in the parish of Leeds, and in the township of Pudsey, in the parish of Calverley, bounded by the Leeds and Bradford turnpike road on the north, and the Leeds and Bradford line and other lands of the Great Northern Railway Company on the south.

Provided that nothing contained in this Act, or in the deposited plans and books of reference, shall authorise the Company to enter

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Power to take easements, &c. by agreement.

8 & 9 Vict. c. 18.

23 & 24 Vict. c. 106.

15. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege required for the purposes of this Act, or any of the purposes of their undertaking, in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, or privileges as aforesaid.

Period for compulsory purchase of lands.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act, where no period has already been fixed for such purchase, shall not be exercised after the expiration of three years from the passing of this Act.

Notice to be given of taking houses of labouring classes.

17. The Company shall, eight weeks at least before they take in any parish fifteen houses or more occupied either wholly or partly 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 they have so made known their intention.

Company to procure accommodation for persons of labouring classes to be displaced.

18. Before taking in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house, or part of any house, which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice; and the Company may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may let or otherwise dispose

of such lands and dwellings, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise.

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19. The Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, from time to time subscribe any sums which they think fit towards the undertaking of the Sutton Bridge Dock Company, not exceeding in the whole twenty thousand pounds, and the Company may, with the like authority, contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking, and also any moneys which they are by this Act authorised to raise; and the Company shall, in respect of the sums to be subscribed and the corresponding shares in the Sutton Bridge Dock Company to be held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Sutton Bridge Dock Company: Provided always, that the Company shall not sell, dispose of, or transfer any of the shares in the Sutton Bridge Dock Company for which they may subscribe.

Subscription to undertaking of Sutton Bridge Dock Company.

20. The Company, whilst shareholders of the Sutton Bridge Dock Company, may by writing under their common seal from time to time appoint some person to attend any meeting of the Sutton Bridge Dock Company, and such person shall have all the privileges and powers attaching to a shareholder of the Sutton Bridge Dock Company at such meetings, and may vote thereat in respect of the capital held by the Company.

Votes of Company at general meetings.

21. If the Company subscribe as aforesaid towards the undertaking of the Sutton Bridge Dock Company, they may from time to time appoint from and out of the members of their board two directors of the Sutton Bridge Dock Company in addition to the directors appointed by the shareholders of that Company, and such directors so appointed shall be in all respects qualified as directors of the Sutton Bridge Dock Company, notwithstanding that their respective names shall not appear on the register of shareholders of that Company, and they shall have the same powers as other directors of the Sutton Bridge Dock Company.

Company may appoint directors of Sutton Bridge Dock Company.

22. Every such appointment of a director shall be in writing under the seal of the Company, and shall be deposited with the secretary of the Sutton Bridge Dock Company, and may in like

Mode of appointment.

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Company may provide hotel accommodation.

23. The Company may hold, enjoy, and maintain as part of their undertaking the hotels now belonging to or held by them at King's Cross (London), Peterborough, Lincoln, and Leeds; they may build, provide, and maintain as part of their undertaking, at or connected with any station on any railway owned or worked by them either solely or jointly with any other Company, refreshment rooms and other like accommodation; they may furnish, stock, manage, and conduct such refreshment rooms and the business thereof, and may employ officers, managers, and servants therein or in connexion therewith; and they may apply their corporate funds to those purposes or any of them, and may acquire and hold lands for those purposes. The expenditure already incurred by the Company in or about any of the before-mentioned purposes is hereby sanctioned and confirmed. The Company may let on lease or otherwise any hotel, refreshment room, or other like accommodation so provided by them as aforesaid.

Company may apply their funds towards purposes of Act, and may raise additional capital.
26 & 27 Vict. c. 118.

24. The Company may apply to the purposes of this Act any of the moneys which they are already authorised to raise, and which may not be required by them for the purposes for which the same were authorised to be raised, and the Company may, for the purposes of this Act, from time to time, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise, in addition to the sums of money which they are already authorised to raise, any additional sum or sums, not exceeding in the whole thirty thousand pounds, by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or partly by any one or more of those methods respectively, which shares or stocks shall form part of the general capital of the Company.

Shares or stock not to vest until fifth part paid up.

25. The Company shall not issue any share or stock created under the authority of this Act, nor shall any such share or stock vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share or stock shall have been paid in respect thereof.

As to votes of proprietors of such shares or stock.

26. 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 thereby would have entitled them to if the same had been original shares or stock of the Company.

27. The Company may, in respect of the additional capital of thirty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole ten thousand pounds; but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital 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 in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or 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.

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Power to borrow on mortgage.

8 & 9 Vict. c. 16.

28. All mortgages granted by the Company in pursuance of any Act of Parliament, and which shall be subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, and subject to the provisions of the Acts under which such mortgages were respectively granted, have priority over any mortgages granted by virtue of this Act, and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Existing mortgages to have priority.

29. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

26 & 27 Vict. c. 118.

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Application
of moneys.

Receipt in
case of per-
sons not sui
juris.

Interest not
to be paid on
calls paid up.

8 & 9 Vict.
c. 16.

Deposit for
future Bills
not to be
paid out of
capital.

Company not
exempt from
provisions of
any present
or future
general
Railway
Acts.

Expenses of
Act.

30. All moneys raised by the Company under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied only to the specific purposes mentioned in this Act.

31. If any money is payable to a holder of shares or stock in the Company, being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

32. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall 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.

33. The Company shall not, out of any money by this Act authorised 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

34. Nothing in this Act contained shall exempt the Company or the railways 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.

35. 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.