

**CHAPTER xciii.**

An Act for enabling the North-eastern Railway Company to make new Railways and Works; and for other purposes.

A.D. 1875.

[29th June 1875.]

WHEREAS it is expedient that the North-eastern Railway Company (in this Act called "the Company") should be empowered to construct the new railways, and to make and alter and stop up the roads in this Act mentioned, and to acquire, for the purposes of the railways and works by this Act authorised, and for the purposes of extending their station, siding, warehouse, mineral, goods, and other accommodation, and for other purposes connected with their undertaking, the lands and property in this Act also mentioned:

And whereas plans and sections showing the respective lines and levels of the railways, roads, and works authorised by this Act, and plans of the lands by this Act authorised to be acquired, and also books 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 or under the powers of this Act, were duly deposited with the clerks of the peace for the several counties, ridings, and towns within which those respective railways and works will be constructed and those lands are situate, which plans, sections, and books of reference are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas by the North-eastern Railway (Blyth and Tyne Transfer) Act, 1874, the Blyth and Tyne Railway Company were (except for the purpose therein mentioned) dissolved, and their undertaking and railways transferred to and vested in the Company:

And whereas the construction of one of the new railways which is in connexion with the Blyth and Tyne Railway will render unnecessary a portion of the existing Tynemouth Extension of that

A.D. 1875. — railway, and also certain railways authorised by the Blyth and Tyne Railway Act, 1872, which have not been constructed, and it is expedient that they and the said portion of existing railway should be abandoned :

And whereas it is expedient that the construction of the Company's bridges over, and the laying down by them of rails across and on the level of Shot Factory Lane in the borough and county of Newcastle-upon-Tyne, as the same have respectively existed for several years, and the maintenance thereof respectively, should be sanctioned and confirmed, and that the provisions in this Act contained with respect to the use of the said level crossing should be made, and that the Company and the mayor, aldermen, and burghesses of the borough of Newcastle-upon-Tyne should be empowered to enter into agreements with reference thereto :

And whereas it is expedient that the Company and the Berwick Harbour Commissioners should be empowered to enter into agreements as by this Act provided :

And whereas it is expedient that further powers should be conferred upon the Company with respect to the sale of lands acquired by the Company which are not or eventually may not be required for the purposes of their undertaking :

And whereas doubts have arisen as to the powers of the Company to sell such of those lands as are mentioned or referred to in section 29 of the York and North Midland (Hull Station) Railway Act, 1847, and section 30 of the North-eastern Railway Company's (Lanchester Valley Branch) Act, 1857, but which by the last-mentioned section the Company are exempted from the obligation of selling as superfluous lands, and it is expedient that those doubts should be removed, and that the Company should be empowered to sell or lease such of those lands as they may not require to retain in order to prevent the appropriation thereof for building purposes, which might injuriously affect the use or working of the Company's railways at or near Hull, by interfering with the view of approaching trains or of signals :

And whereas it is expedient that the Company should be empowered to raise further capital for the purposes of the railways and works by this Act authorised, and also for the completion of works already authorised, and for the making and enlargement of stations, sidings, and other works and conveniences for the accommodation of the traffic on their railways, and for providing additional plant and rolling stock, and for the general purposes of their undertaking, and that other powers should be granted to them :

And whereas the purposes of this Act 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, in manner following ; (that is to say,) A.D. 1875.

1. This Act may be cited for all purposes as the North-eastern Railway Company's Act, 1875. Short title.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act ; (that is to say,) Provisions
of certain
general Acts
incorporated.

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

The Railways Clauses Consolidation Act, 1845 :

Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863 :

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters ; namely,

The construction of the Act and of other Acts to be incorporated therewith ;

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 the borrowed money into capital ;

The consolidation of the shares into stock ;

The powers of the directors and the powers of the Company to be exercised only in general meeting ;

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

Part I. (relating to cancellation and surrender of shares) and

Part II. (relating to additional capital) of the Companies Clauses Act, 1863.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. Interpre-
tation of
terms.

A.D. 1875. The expression "the railway" or "the railways" means the new railways by this Act authorised, or any part thereof.

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, for the purposes of this Act, be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to
make rail-
ways accord-
ing to depo-
sited plans.

4. 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 thereof, the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, purchase, take, and use such of the lands delineated on the said plans and described in the deposited books of reference relating thereto as may be required for that purpose.

The railways herein-before referred to and authorised by this Act are—

1. A railway (on the deposited plans and sections called Railway No. 3), two miles five furlongs six chains and six yards in length, commencing in the township of Monkseaton and parish of Tynemouth in the county of Northumberland by a junction with the Tynemouth Extension of the Blyth and Tyne Railway of the Company, and terminating in the township of Tynemouth in the said parish of Tynemouth by a junction with the railway of the Company from Newcastle to Tynemouth :
2. A railway (on the deposited plans and sections called Railway No. 5), two furlongs two chains and six yards in length, commencing in the township of Spittal and parish of Tweedmouth or in the parish of Holy Island in the county of the borough and town of Berwick-upon-Tweed, or in the county of Northumberland, by a junction with the North-eastern Railway, and terminating in the township of Tweedmouth in the said parish of Tweedmouth or parish of Holy Island in a field belonging or reputed to belong to General John Tatton Brown-Greive and Jane his wife, and occupied by John Marshall :
3. A railway (on the deposited plans and sections called Railway No. 6), two furlongs two chains and twelve yards in length, commencing in the township of Tweedmouth aforesaid by a junction with Railway No. 2, and terminating in the town-

ship of Spittal and parish of Tweedmouth or parish of Holy Island aforesaid, near the farm buildings of Spittal Hall :

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4. A railway (on the deposited plans and sections called Railway No. 7), two furlongs five chains and eleven yards in length, commencing in the township of Spittal aforesaid by a junction with Railway No. 3, and terminating in the township of Tweedmouth aforesaid on the authorised embankment of the Berwick Harbour Commissioners :
5. A railway (on the deposited plans and sections called Railway No. 8), one mile four furlongs eight chains and two yards in length, commencing in the township of Kyo and parish of Lanchester in the county of Durham by a junction with the Pontop and South Shields Branch of the North-eastern Railway, and terminating in the township of Iveston in the said parish of Lanchester by a junction with the said Pontop and South Shields Branch :

And the said railways and the works connected therewith respectively shall for all purposes become and be part of the undertaking of the Company.

5. In the construction of Railway No. 1 the following provisions for the protection of the mayor, aldermen, and burgesses of the borough of Tynemouth, the urban sanitary authority for the borough (herein-after called the sanitary authority), shall be observed and fulfilled by the Company :

For the protection of the Corporation of Tynemouth.

1. In altering the roads next herein-after mentioned, the Company shall not make the same of any inclinations steeper than the inclinations herein-after mentioned in connexion therewith respectively ; (that is to say,)

No. on deposited Plan.	Township.	Description of Road.	Intended Inclination.
5	Tynemouth -	Public highway -	1 in 30 on the east side, and 1 in 40 on the west side.
24	Ditto -	Ditto -	1 in 40 on each side.
28	Ditto -	Ditto -	1 in 40 on each side.

and the parapets of each of the bridges over those roads and the road numbered 41 in the township of Tynemouth on the deposited plans shall be not less than six feet in height :

2. Any public footpaths within the township of Tynemouth which may be crossed by the railway shall be carried by bridges over or by arches or tunnels under the railway, such arches

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or tunnels being not less than eight feet in height to the soffit of the arch, and having a clear width of six feet respectively, and such footways shall be properly drained to the reasonable satisfaction of the sanitary authority :

3. The Company shall not lessen the present width of any public carriage-road in the township of Tynemouth, and the width of the bridge for carrying the railway over Mast Lane shall be not less than thirty-five feet between the parapets :
4. The Company shall lay a pipe drain eighteen inches in diameter as a sewer for the use of the sanitary authority and the public on the west side of the railway from the road called Mast Lane northwards to and into the stream called Marden Burn, and also a similar pipe drain as a sewer on the west side of the railway from the field numbered 23 on the deposited plans in the township of Tynemouth to the public sewer leading down Tanner's Bank ; and if any difference shall arise between the engineer of the Company and the surveyor of the sanitary authority in reference to the construction of the said pipe drains, or to the alteration by the Company of the position or levels of any sewers belonging to the sanitary authority, the same shall be decided by an arbitrator to be appointed by the Local Government Board on the application of both or either of the parties in difference.

6. For the protection of telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, be it enacted as follows :

- (1.) If in the execution of the works by this Act authorised it shall be necessary to alter or remove or interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, the Company shall give to the Postmaster General one calendar month's previous notice in writing of such necessity, specifying all requisite and proper particulars relating thereto, and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Company, give the Company notice of his intention so to do, he may execute at the cost of the Company and thereafter maintain the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered

For protection of Post Office telegraphs. (Notice to be given before interfering with telegraphs.)

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with, using all due despatch in the execution thereof; and if at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster General, along substituted wires to be provided by the Company at their own expense, to the satisfaction in all respects of the Postmaster General :

- (2.) Subject to the provisions herein-after contained, the Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them under the powers of this Act, interfering with any telegraph post, wire, apparatus, or work of the Postmaster General, and causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues, and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company :
- (3.) Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General or of the Company under or by virtue of the Telegraph Act, 1868, or any agreement described in the schedule thereto, and the provisions of this Act relating to the Postmaster General shall have effect subject and without prejudice to the provisions and stipulations of that Act and any such agreement.

(Compensation by Company to Postmaster General, and penalty.)

(Saving for Telegraph Act and agreements.)

7. Subject to the provisions of this Act, the Company may make, in the lines shown on the deposited plans and according to the levels shown on the deposited sections, the new road and alteration of road and other works herein-after described, with all proper approaches, works, and conveniences connected therewith, and may exercise the powers herein-after mentioned, and may enter upon,

Power to make and alter roads.

A.D. 1875.

purchase, take, and use such of the lands delineated on the said plans and described in the deposited books of reference relating thereto as may be required for those purposes; (that is to say,)

1. They may make in the township and parish of Monk Wearmouth in the county of Durham a new road commencing from and out of the main road from Newcastle-upon-Tyne to Sunderland, at or near the point thereon where Portobello Lane joins that road, and terminating by a junction with Portobello Lane at a point thereon about one hundred and twenty yards, measured in a south-easterly direction, from where the railway of the Company from Newcastle to Sunderland crosses that lane on the level :

When the said new road is completed and opened to the public the Company may stop up and discontinue as a road and appropriate to the purposes of their undertaking so much of Portobello Lane as is shown on the deposited plans as proposed to be stopped up, and including the said level crossing :

2. They may alter and lower the levels of the road called the Shot Factory Lane in the parish or parochial chapelry of Saint John, in the parish of Saint Nicholas in the borough and county of Newcastle-upon-Tyne, between points thereon about twenty-four yards and ninety-eight yards respectively in a southerly direction from the rails laid down by the Company across that road on the level : Provided that inasmuch as the minimum height of headway under the bridge carrying the Company's Newcastle and Carlisle Railway over the said road is fourteen feet nine inches, the Company shall not be bound to give any greater height of headway under their other bridges over the said road than fourteen feet nine inches, but they shall give not less than that height of headway thereunder.

Power to deviate in constructing new road.

8. The Company may in constructing the new road by this Act authorised deviate the same to the extent of the limits of deviation marked on the deposited plans, and may deviate from the levels shown on the deposited sections of the new road to any extent not exceeding five feet, but not so as to increase the rate of inclination of the new road as shown on the deposited section thereof.

Provision as to repair of substituted road.

9. The new road when completed shall be substituted for the portion of the existing road by this Act authorised to be stopped up, and shall thenceforth have all the incidents, including the repair and maintenance thereof, which the said portion of road would have had

if this Act had not been passed: Provided, that if any question shall arise between the Company and the trustees or other authority having the management of the said road as to the due completion of the substituted road, such question shall from time to time be determined by two justices on the application of either of the parties in difference, and after not less than seven days notice to both parties of the sitting of such justices for the purpose, and the certificate of such justices of the due completion of such new road shall be conclusive evidence of the fact so certified.

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10. 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 from time to time enter upon, purchase, take, use, and appropriate for the purposes of extending their station, siding, warehouse, mineral, goods, and other accommodation, and for other purposes connected with their undertaking, all or any of the lands and property following, delineated on the deposited plans thereof and described in the deposited books of reference relating thereto; (that is to say,)

Power to
purchase
additional
lands.

Certain lands in the township of Middridge and parish of St. Andrew Auckland, in the county of Durham, on the south-west side of and adjoining the North-eastern Railway, and at or near the point where the road called Walker Lane is carried over that railway by a bridge:

Certain lands in the township and parish of Bishop Wearmouth, in the county of Durham, on the north side of and adjoining the Company's Pensher Branch Railway, and on the eastern side of and near to the road known as the Old Durham turnpike road:

Certain lands in the township and parish of Monk Wearmouth, in the county of Durham, on the west side of and adjoining the Company's railway from Newcastle to Sunderland, and south of and adjoining the road leading to Redby House from the main road from Newcastle-upon-Tyne to Sunderland:

Certain lands and buildings in the township of Haswell and parish of Easington, in the county of Durham, on the east and west sides of and adjoining to the railway of the Company from Sunderland to Hartlepool, and on the north and south sides of the public road from Easington Lane to Easington:

Certain lands in the township and parish of Sculcoates, in the town and county of the town of Kingston-upon-Hull, adjoining the Victoria Dock Branch of the Company, and lying between the Stepney Station on that branch and Park Street, and on the north side of Terry Street:

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Certain lands in the township and parish of Preston in Holderness, in the east riding of the county of York, adjoining and on both sides of the Hull and Withernsea Railway of the Company, and near to where that railway crosses the road called Magdalen Lane, leading from Hedon to Burstwick :

Certain lands in the township of South Milford and parish of Sherburn, in the west riding of the county of York, on the north and south sides of and adjoining the Leeds and Selby Railway of the Company, and near to their Milford Old Junction and station.

Extinguishment of rights of way.

11. All rights of way over and along the roads and footpaths or portions thereof delineated on the deposited plans which may, under the provisions of this Act, be stopped up and discontinued, and over any of the lands which may under those provisions be purchased or acquired, shall be and the same are hereby extinguished, but this enactment shall not apply to any lands which may be taken for extraordinary purposes under the authority of this Act.

Site of roads stopped up to vest in Company on another road being substituted by them.

12. Where in constructing the railways the Company shall divert or stop up any road and substitute another in lieu thereof, the soil and site of the road so diverted or stopped up, to the extent of the lands on both sides of such road purchased by or belonging to the Company, shall thereupon vest in and thenceforth be held by them in fee as part of their undertaking.

Lands for extraordinary purposes.

13. 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 six acres.

Powers for compulsory purchases limited.

14. The powers by this Act conferred upon the Company for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of railways.

15. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Imposing penalty if lines not opened within period limited.

16. If the Company fail within the period limited by this Act to complete the railways, they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in respect of which the penalty has been incurred 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 the railway in respect of which the penalty has been incurred.

The said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in reference to which the penalty has been incurred 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 the third section of the Railway and Canal Traffic Act, 1854.

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 Court of Chancery in England 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 the railway in respect of which the penalty has been incurred by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

17. 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 in respect of which the penalty has been incurred, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railway, 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 Court of Chancery in England may seem fit.

Providing
for applica-
tion of
penalty.

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

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Notice to be given of taking houses of labouring classes.

18. 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 so made known their intention.

Tolls.

19. The Company may (subject to the provisions and restrictions contained in the North-eastern Railway Company's Act, 1854, the North-eastern and Stockton and Darlington Railways Amalgamation Act, 1863, the North-eastern Railway Company's (Pelaw and other Branches) Act, 1865, and the North-eastern Railway Company's (New Lines) Act, 1874,) demand, receive, and take for or in respect of passengers, and of the several articles, matters, and things, and of all descriptions of animals conveyed on the railways, and also for the use of carriages and locomotive engines or other power supplied by the Company thereon, such and the like rates, tolls, or other charges as by those Acts are authorised to be demanded and received for the like passengers, animals, articles, matters, and things conveyed on their railways, and for the use of the like carriages and locomotive engines or other power, as well for ordinary as for express trains, supplied by the Company on the same railways, in like manner as if the railways had formed part of the North-eastern Railway when those Acts were passed.

Provided always, that the Company may demand and take for or in respect of the conveyance of goods, articles, and things on Railways Nos. 2, 3, and 4, or on any part thereof, any tolls or charges not exceeding sixpence per ton, or for any fractional part of a ton.

20. The construction by the Company of their bridges over, and the laying down by them of rails across and on the level of Shot Factory Lane in the borough and county of Newcastle-upon-Tyne, as the same now respectively exist, are hereby sanctioned and confirmed, and the Company may maintain and use the said bridges and level crossing accordingly.

Provided that the said level crossing shall be used subject to and in accordance with such reasonable byelaws, regulations, and conditions (if any) as may from time to time be made by the mayor, aldermen, and burgesses of the borough of Newcastle-upon-Tyne (and which byelaws, regulations, and conditions they are hereby authorised to make) with respect to the use of the said level crossing; and the conduct and working of traffic by the Company on and over the same.

The Company and the said mayor, aldermen, and burgesses may from time to time make and carry into effect such agreements and arrangements as they may think proper in reference to the said level crossing, and the use thereof, and the conduct and working of traffic on and over the same, or otherwise.

21. The Company shall abandon the construction of Railway No. 1 and Railway No. 2 respectively described in and authorised by the Blyth and Tyne Railway Act, 1872.

22. The abandonment by the Company under the authority of this Act of the railways specified in the last preceding section shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of the said railways, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the Blyth and Tyne Railway Act, 1872.

23. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the last-mentioned railways authorised to be abandoned by this Act, and which shall not be required for the purposes of Railway No. 1 by this Act authorised, the Company shall be released from all liability to

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Legalising bridges and level crossing over Shot Factory Lane, Newcastle-upon-Tyne, and powers in reference thereto.

Abandonment of Railways 1 and 2 authorised by 35 & 36 Viet c. 1.

Compensation for damage to land by entry, &c. for purposes of railways abandoned.

Compensation to be made in respect of railways abandoned.

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purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers, or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice; and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Abandonment of portion of Tynemouth Extension on opening Railway No. 1.

24. When and so soon as Railway No. 1 is completed and opened for public traffic, the Company may and shall abandon and cease to use as a railway the following portion of railway; namely,

So much of the existing Tynemouth Extension of the Blyth and Tyne Railway as is situate between the Tynemouth Terminus thereof and the junction therewith of the railway to the North Shields coal depôts;

and shall, within ten years from the period when the said portion of railway shall cease to be used by them for the purposes of their undertaking, sell as superfluous lands under the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands, so much and such parts of the lands belonging to the Company taken for the purposes of the portion of railway to be abandoned as shall not be required by them for Railway No. 1, or for other purposes of their undertaking.

Lands belonging to Duke of Northumberland on which abandoned railway made to vest in him.

25. On the abandonment of the said portion of the Tynemouth Extension all lands belonging to the Most Noble Algernon George Duke of Northumberland upon which any part of the said portion of railway has been made shall vest in the said Duke, his heirs, assigns, or successors in estate, freed and discharged from any rights and interest of the Company in, over, or upon the same lands; but nothing in this Act contained shall invalidate or affect any lease, deed, or agreement between the said Duke or any of his predecessors and the Blyth and Tyne Railway Company, or any rights and interest of the said Duke or the Company in respect to any lands other than the lands before referred to; but in respect of the lands other than those so freed and discharged as aforesaid, every such lease, deed, or agreement shall remain in full force and effect.

Section 10 of Blyth and Tyne Railway Act, 1874, made applicable to Railway No. 1.

26. Inasmuch as Railway No. 1 is in substitution for the portion of the Tynemouth Extension of the Blyth and Tyne Railway, and for Railways Nos. 1 and 2 authorised by the Blyth and Tyne Railway Act, 1872, by this Act respectively authorised to be abandoned, the provisions of section 10 of the Blyth and Tyne Railway Act,

1874, shall extend and apply to the Railway No. 1 of this Act, as if that section had been re-enacted in this Act with reference to that railway. A.D. 1875.

27. This Act shall be without prejudice to the tenth section of the Blyth and Tyne Railway Consolidation and Extensions Act, 1854, and to the rights and powers reserved by that section, and that section shall extend and apply to Railway No. 1 of this Act and the works connected therewith, and to the lands by this Act authorised to be taken for the purposes thereof, and to all agreements relating thereto made before the passing of this Act, as fully and effectually as it would have done if the said railway and works had been included in and authorised to be made by the first-mentioned Act, and as if those lands had been authorised by that Act to be taken for the purposes thereof, and those agreements had been entered into before the passing of that Act.

Rights reserved by Blyth and Tyne Act of 1854 not to be prejudiced.

28. The North British Railway Company shall have and be entitled to the same powers, rights, and privileges in respect of Railway No. 1 of this Act as they now have or are entitled to under the North-eastern Railway (Blyth and Tyne Transfer) Act, 1874, in respect of the portion of the Tynemouth Extension between the commencement of Railway No. 1 and Tynemouth, and the powers, rights, and privileges hereby conferred shall be in substitution for the powers, rights, and privileges to which they are so entitled over the said portion of the Tynemouth Extension.

North British Railway Company to have same powers in respect of Railway No. 1 as they had in respect of portion of Tynemouth Extension abandoned.

29. The Company may, notwithstanding anything to the contrary in the Lands Clauses Consolidation Act, 1845, or any Act relating to the Company with which that Act is incorporated, retain and hold for the period of ten years from the passing of this Act any of their lands in the parishes enumerated in the schedule to this Act, and authorised to be taken or used under the powers of the following Acts relating to the railways of the Company and not already sold or disposed of by them; (that is to say,)

Powers to retain and sell and lease lands.

The York and North Midland (Hull Station) Railway Act, 1847;

The York and North Midland (Victoria Dock) Railway Act, 1852;

The Cleveland Railway Acts of 1858 and 1861;

The North-eastern Railway Company's (Grosmont and Whitby Branches) Act, 1861;

The North-eastern Railway Company's (Otley and Ilkley Branches) Act, 1861;

The North-eastern Railway Company's (Beverley Branch) Act, 1862;

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The North-eastern Railway Company's (Conside Branch) Act, 1862 ;

The North-eastern Railway Company's (Team Valley Extension) Act, 1862 ;

The Hull and Hornsea Railway Act, 1862 ;

The North-eastern Railway Company's (Newcastle, &c. Branches) Act, 1863 ;

The North-eastern Railway Company's (Hull and Doncaster Branch) Act, 1863 ;

The North-eastern Railway Company's (Micklefield Branch) Act, 1864 ;

The North-eastern Railway Company's (York and Doncaster Branch) Act, 1864 ; and

The North-eastern Railway Company's (Auckland and other Branches) Act, 1864 ;

and may at any time within that period sell and dispose of any of those lands not required for the undertaking or purposes of the Company : Provided that as regards any of the said lands which may after that period become superfluous, the same may be sold by the Company at any time not exceeding five years after they have become superfluous, and upon any such sale a declaration by some officer of the Company that the lands sold have ceased to be required within five years then immediately preceding shall be sufficient evidence of the fact, and all such lands remaining unsold at the expiration of the said period of five years shall thereupon vest in and become the property of the owners of the lands adjoining thereto, in proportion to the extent of their lands respectively adjoining the same.

And the Company may also sell any of the lands mentioned or referred to in section 29 of the York and North Midland (Hull Station) Railway Act, 1847, and section 30 of the North-eastern Railway Company's (Lanchester Valley Branch) Act, 1857, which they may not require to retain in order to prevent the appropriation thereof for building purposes, which might injuriously affect the use or working of the Company's railways at or near Hull, by interfering with the view of approaching trains or of signals, and they from time to time may let or lease any of the lands mentioned in those two sections which are not from time to time used or required to be used for the purposes of their undertaking.

Agreements
with Berwick
Harbour
Commissioners.

30. The Company and the Berwick Harbour Commissioners may make and carry into effect such agreements as they may think proper respecting the appropriation and use of any lands belonging to the said Commissioners to or for the purposes of Rail-

ways Nos. 2, 3, and 4, or any of them, and the works connected therewith; and respecting the construction, maintenance, management, and use of coal staiths, and the providing of steam cranes and other appliances for the shipment or unshipment of coal, lime, or other produce or merchandise; and respecting the granting and use of wayleaves and other privileges to be enjoyed in connexion with any lands of the said Commissioners; and respecting the transmission and interchange of traffic upon, at, and between the said railways and the docks, quays, tramways, staiths, wharves, and other works of the said Commissioners.

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31. Any agreements which the Company may make with the Berwick Harbour Commissioners in pursuance of this Act shall be subject to such of the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, and of the Railways Clauses Act, 1863, as are incorporated with the Berwick-upon-Tweed Harbour Act, 1872, so far as the same are applicable to Railways Nos. 2, 3, and 4, or any works connected therewith, or any coal staiths, steam cranes, or other appliances for the shipment or unshipment of coal, lime, or other produce or merchandise which the Company may construct, use, or maintain in pursuance of this Act.

Agreements with Berwick Harbour Commissioners to be subject to certain provisions of general Acts.

32. The Company may appropriate and apply to the purposes of this Act any of the moneys which under and by virtue of any existing Acts they have raised or are authorised to raise, and which shall not be wanted for the purposes of those Acts.

Power to apply moneys raised under existing Acts to purposes of this Act.

33. The Company may raise by the creation and issue of new shares or stock the sum of one million two hundred and fifty thousand pounds, in addition to the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament, and such new shares or stock may be created and issued either wholly or partially as ordinary or wholly or partially as preference shares or stock, and either alone or together with any other moneys or capital which the Company may be then authorised so to raise.

Power to raise additional capital.

34. The Company shall not issue any such new shares, nor shall any such new shares vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such new shares is paid in respect thereof.

Shares not to issue until one fifth paid up.

35. The new shares or stock by this Act authorised shall, unless otherwise provided by the prescribed terms of issue or creation thereof, confer on the respective holders or proprietors thereof rights of voting and qualifications in proportion to the aggregate nominal

Rights of voting for new shares or stock to be in proportion to the

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nominal
amount
thereof.

value of such shares or amount of such stock, and not in proportion to the number of such shares; and for such purposes every entire sum of fifty pounds of such nominal value of shares or amount of stock shall be equivalent to one share or sum of fifty pounds in the capital stocks of the Company, and no shareholder shall vote or be entitled to be present at the meetings of the Company in respect of any number of such new shares or any amount of such new stock which with any other shares or stock held by him in the Company shall constitute a less interest in the capital stocks of the Company than fifty pounds in nominal value.

New shares or stock to rank *pari passu* with others if so determined, and the dividends to be a charge against revenue.

36. The Company may, by the resolution creating or authorising the creation of any of the new shares or stock by this Act authorised, determine that such new shares or stock shall rank *pari passu* with any other shares or stock of the Company created subsequently to the passing of that resolution, and also, if so determined, with any other shares or stock which shall have been created and issued subject to such a contingency, and the dividends thereon shall be payable accordingly, and shall be a charge upon and payable out of the net revenue of the Company.

New shares or stock may be created subject to redemption.

37. The Company may, by the resolution creating or authorising the creation of any of the new shares or stock by this Act authorised, attach thereto a condition that the same may be redeemed on the terms then determined, and for the purpose of such redemption, and for the redemption of any other shares or stock of the Company liable to be redeemed, the Company may from time to time create and issue new shares or stock to an amount not exceeding the aggregate amount of the shares or stock proposed to be redeemed:

Provided, that the Company may, subject to the provisions of this Act, attach to the new shares or stock to be created for such redemption any rights or privileges which by this Act they may attach to the shares or stock for which such new shares or stock are to be substituted, but so that the dividend payable in respect thereof shall, in case such new shares or stock are made preferential, not exceed four pounds ten shillings per centum per annum.

Receipt in case of persons not *sui juris*.

38. 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.

Power to borrow on mortgage.

39. The Company may from time to time borrow on mortgage, in addition to the sums which they are or may be authorised to borrow by any other Act or Acts of Parliament, any sum not

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exceeding in the whole four hundred and fifteen thousand pounds in manner following; (that is to say,) in respect of each sum of two hundred and fifty thousand pounds of the additional capital of one million two hundred and fifty thousand pounds by this Act authorised to be raised by the creation of shares or stock, any sums not exceeding in the whole eighty-three thousand pounds; but no part of any such sum of eighty-three thousand pounds shall be borrowed until shares for so much of the respective portion of capital in respect of which it is authorised to be borrowed as is to be raised by shares are issued and accepted, and one half thereof 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 the respective portion of capital have been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such respective portion of 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 respective portions of 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 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 if 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.

40. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Arrears may be enforced by appointment of a receiver.

41. 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,

Existing mortgages to have priority.

A.D. 1875. 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 to be 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.

Application
of moneys.

42. All moneys raised under this Act, whether by shares or stock, or borrowing, shall be applied to the purposes of this Act, and to the general purposes of the Company only.

Saving rights
of the Crown
under
management
of Board of
Trade.

43. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exercisable by the Queen's Majesty, her heirs or successors.

Interest not
to be paid on
calls paid up.

44. 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.

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

45. 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.

Railways not
exempt from
provisions of
present and
future
general Acts.

46. 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, authorised by this Act. A.D. 1875. —

47. 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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The SCHEDULE referred to in the foregoing Act.

PARISH.

In the town and county of the town of Kingston-upon-Hull—
Drypool.

In the north riding of the county of York—

Eston.
Ormesby.
Guisborough.
Skelton.
Danby.
Lofthouse.

In the west riding of the county of York—

Otley.
Thorne.
Hatfield.
Fishlake.
Rawcliffe.
Armin.
Snaith.
Church Fenton.
Sherburn.
Burghwallis.
Owston.
Campsall.
Fenwick.
Brayton.
Birkin.
Selby.
Acaster Malbis.
Bishopthorpe.
Knaresborough.

In the east-riding of the county of York—

Cottingham.
St. Nicholas, Beverley.
Market Weighton.
Swine.
Sutton.
Hornsea.
Withernwick.
Howden.
Blacktoft.
Hemingbrough.
Riccall.

In the county of Durham—

Winlaton.
Plawsworth.
Chester-le-Street.
St. Oswald, Durham.
Gateshead.
St. Andrew, Auckland.
Bishop Wearmouth.
Darlington.

In the town and county of Newcastle-upon-Tyne—

All Saints, Newcastle-upon-Tyne.
St. Nicholas, Newcastle-upon-Tyne.

In the county of Cumberland—

Dacre.
St. Cuthbert, Carlisle.