



CHAPTER cc.

An Act to revive and extend the powers of the Cleveland Extension Mineral Railway Company. [28th July 1884.] A.D. 1884.

WHEREAS by the Cleveland Extension Mineral Railway Act 1873 (hereinafter referred to as "the Act of 1873") the Cleveland Extension Mineral Railway Company (hereinafter referred to as "the Company") were incorporated and authorised to make certain railways in the North Riding of the county of York :

And whereas by the Cleveland Mineral Railway Act 1878 (hereinafter referred to as "the Act of 1878") the respective times limited by the Act of 1873 for the compulsory purchase of lands by the Company and for the completion of their undertaking were revived and extended :

And whereas by the Cleveland Mineral Railway Act 1881 (hereinafter referred to as "the Act of 1881") the respective times limited by the Act of 1878 for the compulsory purchase of lands by the Company and for the completion of their undertaking were revived and extended and it is expedient that they should be further revived and extended :

And whereas it is expedient that the Company should be authorised to construct the deviation Railway hereinafter mentioned :

And whereas it is expedient that so much of Railway No. 1 authorised by the Act of 1873 as will be rendered unnecessary by the construction of the deviation Railway authorised by this Act should be abandoned :

And whereas plans and sections showing the lines and levels of the deviation Railway authorised by 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 the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the North Riding of the county of York and are hereinafter respectively referred to as the deposited plans sections and books of reference :

A.D. 1884. — 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 Cleveland Mineral Railway Act 1884.

Incorporation of general Acts. 2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Parts I. and II. relating respectively to the construction of a railway and to extension of time of the Railways Clauses Act 1863 are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation of terms. 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 or inconsistent with such construction and in and for the purposes of this Act the expression "the Railway" means the deviation Railway by this Act authorised 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 simple contract debt and not a debt or demand created by statute.

Power to make Railway. 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 the Railway hereinafter described with all necessary and convenient stations sidings approaches roads junctions 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 Railway hereinbefore referred to and authorised by this Act is:—

A deviation Railway 1 mile 5 furlongs 4 chains and 90 links in length commencing in the parish of Brotton in the North Riding of the county of York by a junction with the Kiltonthorpe Branch of the North Eastern Railway and terminating in the parish of Skelton in the said North Riding by a junction with Railway No. 1 authorised by the Act of 1873 now in course of construction.

5. 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 not being an easement of water 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 rent-charges 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.

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Power to take easements, &c. by agreement.

6. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of the Act of 1873 and which may not be required for the purposes to which they are by that Act made specially applicable.

Power to apply corporate funds to purposes of Act.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Period for the compulsory purchase of lands.

8. If the Railway be not completed within three 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 Railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for completion of works.

9.—1. The junction between the Railway and the Kiltonthorpe Branch of the North Eastern Railway shall be made at such point and in such manner as shall be required and approved by the engineer of the North Eastern Railway Company (hereinafter called the North Eastern Company) and such lines of approach sidings and other works shall from time to time be made and maintained by the Company as shall in the opinion of the engineer of the North Eastern Company be reasonably required for the proper accommodation of all the traffic passing over or interchanged at such junction and the several provisions of the Railways Clauses Act 1863 as to junctions shall apply to such lines sidings and works.

For the protection of the North Eastern Railway Company.

2. The Company shall not purchase or take compulsorily any land or property of the North Eastern Company nor (save only so far as may be absolutely necessary for the purpose of constructing and maintaining the said junction in accordance with the provisions of this Act) shall the Company or any person in the execution of this Act in any manner either temporarily or permanently enter

A.D. 1884. — upon or interfere with any railway or property of the North Eastern Company except with their consent in writing first obtained.

3. The Company shall pay to the North Eastern Company on demand all expenses incurred by that company in watching and protecting their railway or works or traffic during the execution by the Company or their agents of any work of construction or maintenance and shall indemnify the North Eastern Company against all damages losses costs and expenses which may be incurred by that company by reason of any injury to their railways or property or any obstruction or loss of or interference with or injury to the traffic on such railways caused by the acts omissions or default of any person whatsoever acting for or on behalf of the Company during or in connection with the construction or maintenance of the junction and works by this Act authorised or in any way consequent upon or connected with the making maintaining or using such junction and works.

Railway to be part of Company's undertaking.

10. The Railway by this Act authorised shall for the purposes of tolls and charges and all purposes whatsoever be part of the Railway of the Company as if authorised by the Act of 1873 and the lands and property from time to time acquired by the Company under this Act and the Railways and works hereinbefore described shall be part of the undertaking and property of the Company as if the Company had by the Act of 1873 been authorised to acquire make and maintain the same.

Classification table to be open to inspection and copies to be sold.

11. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the Railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the Railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the Railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

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Penalty.

12. The Company shall abandon and relinquish the construction of so much of Railway No. 1 authorised by the Act of 1873 as will be rendered unnecessary by the construction of the deviation Railway by this Act authorised that is to say the portion of Railway No. 1 situate between the commencement of that railway as defined in the Act of 1873 and the termination of the Railway authorised by this Act.

Abandonment of portion of Railway No. 1 authorised by Act of 1873.

13. The abandonment by the Company under the authority of this Act of the railway 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 of the line of railway 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 Act of 1873.

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

14. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railway or any portion thereof the Company shall be released from all liability to 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.

Compensation to be made in respect of railway abandoned.

15. Nothing in the last preceding section shall be construed to annul or alter any contract entered into by the Company for the purchase of the lands numbered on the deposited plans 43 49 56

Saving contract for purchase of certain lands.

A.D. 1884. 58 60 61 62 63 65 66 71 75 76 77 and 103 in the township of Great Moorholm in the parish of Skelton.

Amendment
of borrowing
powers under
Act of 1873.

16. Notwithstanding anything contained in the Act of 1873 the Company may from time to time borrow the sum of fifty-six thousand pounds which they are by that Act authorised to borrow in manner following that is to say in respect of each sum of eighty-five thousand pounds portion of the capital authorised to be raised by the Act of 1873 any sum not exceeding in the whole twenty-eight thousand pounds but no part of either sum of twenty-eight thousand pounds shall be borrowed until the whole portion of capital in respect of which it is authorised to be borrowed is issued and accepted and one half thereof is 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 the whole of that portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share or the whole of the stock in that portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and 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 shall be sufficient evidence thereof.

Amendment
of section 46
of Act of
1873.

17. Section 46 of the Act of 1873 shall be read and have effect as if the deviation Railway authorised by this Act had been referred to therein instead of Railway No. 1 authorised by the Act of 1873.

Revival and
extension of
powers for
compulsory
purchase of
lands under
Act of 1873.

18. The powers granted to the Company by the Act of 1873 as revived and extended by the Acts of 1878 and 1881 for the compulsory purchase of lands for the purposes of the railways and works by the Act of 1873 authorised are hereby further revived and extended and may be exercised by the Company until the seventh day of July one thousand eight hundred and eighty-six.

Extension of
time for com-
pletion of
railways
authorised
by Act of
1873.

19. The time limited by the Act of 1881 for the completion of the railways authorised by the Act of 1873 shall be and the same is hereby extended and enlarged until the seventh day of July one thousand eight hundred and eighty-seven and that period shall for all purposes be deemed to be the period originally limited by the Act of 1873 for the completion of those railways.

20. If the railways authorised by the Act of 1873 shall not be completed within the period limited by this Act then on the expiration of such period the powers by the Act of 1873 the Act of 1878 the Act of 1881 and this Act granted to the Company for making and completing those railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

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Limitation of time for completion of railways authorised by Act of 1873.

21. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

Interest not to be paid on calls paid up.

22. 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.

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

23. Nothing in this Act contained shall exempt the Company or the Railways from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by any Act relating to the Company.

Provisions as to general railway Acts.

24. 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.

