



CHAPTER lxiv.

An Act to confer additional powers upon the North Eastern Railway Company for the construction of new railways and other works and the acquisition of lands to authorise the construction of railways and the acquisition of lands by the South Yorkshire Joint Line Committee and for other purposes.

A.D. 1913.

[15th August 1913.]

WHEREAS it is expedient that the North Eastern Railway Company (in this Act called "the Company") should be empowered to make and execute the new railways alteration of railway widening of railway and other works by this Act authorised and to acquire the lands in this Act described and that the other powers in this Act mentioned should be conferred on the Company:

And whereas it is expedient that the South Yorkshire Joint Line Committee (in this Act called "the Joint Committee") should be empowered to construct the railways and to acquire the lands herein-after described and to exercise the powers in this Act contained in reference thereto:

And whereas plans and sections showing the lines and levels of the works by this Act authorised 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 said lands were duly deposited with the clerks of the peace for the several counties and ridings within which the said works will be constructed and the said lands are situate which plans and sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference:

A.D. 1913.

And whereas it is expedient that the Company should be authorised to establish a superannuation fund for the payment of retiring or superannuation allowances to officers and members of the Company's police force:

And whereas by divers Acts relating to the Company they have from time to time been authorised to borrow moneys on mortgage of their undertaking and to raise all or any part of the moneys they are so authorised to borrow by the creation and issue of debenture stock:

And whereas it is expedient that they should be authorised to raise such moneys and any other moneys which they may be authorised to raise on mortgage of their undertaking by the creation of redeemable debenture stock as by this Act provided:

And whereas it is expedient that the Company should be empowered to issue warrants and certificates to bearer for stock or shares or debenture stock and that the provisions in this Act contained with respect to such warrants and certificates and the bearers thereof should be made:

And whereas it is expedient that the Company should be empowered to raise further capital and to apply their funds for the purposes aforesaid and for the general purposes of their undertaking:

And whereas it is expedient that the Midland Great Central Great Northern and Lancashire and Yorkshire Railway Companies and the Joint Committee should be empowered to apply their funds to the purposes of this Act in which they are interested:

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 King'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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the North Eastern Railway Act 1913.

Incorporation of general Acts.

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):—

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845;

Part I. (relating to construction of a railway) of the A.D. 1913.
Railways Clauses Act 1863;

The Companies Clauses Consolidation Act 1845;

Part II. (relating to additional capital) of the Companies
Clauses Act 1863 as amended by subsequent Acts; and

The Harbours Docks and Piers Clauses Act 1847 except
sections 12 33 and 82 thereof and the provisions thereof
with respect to lifeboats with respect to keeping a tide
and weather gauge and with respect to the appointment
of harbour masters dock masters and pier masters and
their duties.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the expression "the railways" means the new railways alteration of railway and widening of railway by this Act authorised. Interpreta-
tion.

4. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated. Protection of
gas and
water mains
of local
authorities.

5. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the railways alteration of railway and widening of railway herein-after described with all proper stations sidings approaches roads 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 relating thereto as may be required for those purposes and for any other purposes connected with their undertaking. Power to
Company to
make rail-
ways.

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

In the county of Durham—

A Railway No. 1 (7 furlongs 6 chains in length being an alteration of Railway No. 3 authorised by the North

A.D. 1913.

Eastern Railway Act 1909) in the urban district of Whickham commencing by a junction with the Company's Derwenthaugh Branch and terminating on the southern foreshore of the River Tyne;

A Railway No. 2 (2 miles 7 furlongs 6·32 chains in length) in the borough of Stockton-on-Tees and in the parishes of Norton and Billingham commencing by a junction with the Company's Stockton and Hartlepool Railway and terminating by a junction with the Company's Billingham Beck Branch;

An alteration (5 furlongs 3·3 chains in length) of the Company's Lanchester Valley Branch in the parish of Lanchester commencing about four hundred yards west of the Knitsley Viaduct and terminating at a point about five hundred yards east of the said viaduct:

In the North Riding of the county of York—

A widening of the Company's Darlington and Saltburn Railway (1 mile in length) in the urban district of Eston and in the parish of Wilton commencing at Lackenby Junction Signal Box and terminating about sixty yards west of Lazenby Signal Box.

Rates to be
taken by
Company.

6. The railways alteration of railway and widening of railway referred to in the last preceding section shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the undertaking of the Company and the Company may demand receive and take in respect thereof for the conveyance of merchandise thereon (including perishable merchandise by passenger train) the maximum rates and charges authorised by the Railway Rates and Charges No. 15 (North Eastern Railway &c.) Order Confirmation Act 1892 and for the conveyance thereon of passengers and parcels by passenger train the rates and charges authorised by 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:

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

7. In connexion with Railway (No. 1) the Company may from time to time make and maintain upon any of the lands delineated upon the deposited plans and described in the deposited books of reference relating thereto or acquired by them under the powers of this Act all necessary or convenient viaducts rails sidings junctions turntables stations approaches roads gates warehouses sheds buildings yards quays wharves wharf walls retaining walls river walls embankments sluices jetties groynes shipping places staiths stairs stages tramways machinery graving docks gridirons cranes tanks reservoirs pipes drops dolphins moorings buoys beacons and other works buildings and conveniences.

A.D. 1913.
Power to
make subsid-
iary works.

8. The provisions of section 51 (Rates to be taken at staiths quays &c.) of the North Eastern Railway Act 1909 shall be read and have effect as if Railway (No. 1) by this Act authorised had been referred to therein in lieu of Railway (No. 3) by that Act authorised.

Amendment
of section 51
of Act of
1909.

9. The Company may from time to time deepen dredge scour cleanse alter and improve the bed shores and channel of the River Tyne adjoining or near to any works made by them in connexion with Railway (No. 1) by this Act authorised.

Power to
dredge in
River Tyne.

10. For the protection of the Tyne Improvement Commissioners (in this section called "the Tyne Commissioners") the following provisions shall unless otherwise agreed in writing have effect:—

For protec-
tion of
Tyne Im-
provement
Commis-
sioners.

(1) Notwithstanding anything contained in the section of this Act whereof the marginal note is "Power to dredge in River Tyne" the deepening and other operations in the River Tyne authorised by that section shall be carried out under the superintendence and control of the Tyne Commissioners, and so as not to make a greater depth than twenty-five feet at low-water ordinary spring tides:

(2) The powers contained in the section of this Act whereof the marginal note is "Power to deviate in construction of works" shall not be exercised in respect of Railway (No. 1):

(3) The staiths and other works by this Act authorised to be made and maintained in connexion with Railway (No. 1) on the bed or foreshore of the River Tyne shall be constructed of sufficient strength and depth

A.D. 1913.

to admit of the ground immediately in front of them being removed from time to time by dredging or otherwise to a permanent depth of at least twenty-five feet below low-water ordinary spring tides:

- (4) Notwithstanding anything shown on the deposited plans and sections or contained in the deposited books of reference or in this Act the Company shall not construct any work of any description northward or riverward of the Tyne Commissioners' Deep Water Quay or River Line mentioned in subsection (2) of section 21 (For protection of Tyne Improvement Commissioners) of the North Eastern Railway Act 1908 and previous Acts of the Company:
- (5) All the operations of the Company under the powers of this Act in or about the construction maintenance or repair of or otherwise relating to the staiths and other works by this Act authorised to be made and maintained in connexion with Railway (No. 1) on the bed or foreshore of the River Tyne shall be carried out by the Company to the reasonable satisfaction of the engineer of the Tyne Commissioners and so as in no way to obstruct impede or interfere with the free and uninterrupted use and safe navigation of the River Tyne and the Company shall allow the said engineer or any person or persons appointed by him from time to time and at any time or times either during the carrying out of the works in this subsection referred to or afterwards to inspect and survey all or any of such works and shall afford him and them all reasonable facilities for so doing:
- (6) Before commencing any works authorised by this Act (not being merely works of maintenance or repair) in or over the bed or foreshore of the River Tyne the Company shall submit to the Tyne Commissioners for their approval and deliver to the Tyne Commissioners for their use plans and sections thereof in duplicate and such works shall not be commenced unless and until the Tyne Commissioners shall have expressed their approval of such plans and sections in writing Provided that if the Tyne Commissioners do not within one month after the receipt thereof signify their disapproval thereof they shall be deemed to have

duly approved of the same Provided further that the approval of the Tyne Commissioners shall not be unreasonably withheld and any question as to whether such approval has been unreasonably withheld shall be settled by a single arbitrator to be appointed in case of difference by the Board of Trade pursuant to and so as with regard to the mode and consequence of the reference and in all other respects to conform to the provisions in that behalf contained in the Arbitration Act 1889: A.D. 1913.

- (7) All responsibility in connexion with the works whether of construction or maintenance or of damage caused thereby shall remain with the Company and the Tyne Commissioners shall not be liable for any damage or injury to the works caused by any of the operations of the Tyne Commissioners for the improvement of the River Tyne or arising from the navigation of any craft vessel or dredger belonging to the Tyne Commissioners unless such damage or injury shall arise from the wilful or negligent conduct of the Tyne Commissioners or their agents or servants:
- (8) All materials excavated from the bed or foreshore of the River Tyne in the construction maintenance or removal of the works or any part thereof shall be removed by and at the expense of the Company and shall not be allowed nor shall any materials being or about to be used in the construction maintenance or removal of the works or any part thereof be allowed to fall or be washed into the River Tyne.

11. The provisions contained in the sections of the North Eastern Railway Act 1909 the numbers and marginal notes of which are set forth in this section shall so far as they relate to the River Tyne apply and have effect as if they had been expressly re-enacted in this Act. Incorporation of certain provisions of Act of 1909.

The sections herein-before referred to are—

Section 24 (Works below high-water mark not to be commenced without consent of Board of Trade);

Section 25 (Permanent lights on works in Rivers Tyne and Derwent);

A.D. 1913.

Section 27 (Lights to be exhibited during construction of works in Rivers Tyne and Derwent);

Section 29 (Abatement of work abandoned or decayed); and

Section 30 (Survey of works by Board of Trade).

Power to divert footpath.

12. The Company may divert the public footpath referred to in the next following table in the manner shown upon the deposited plans and subject to the provisions of this Act may stop up and cause to be discontinued as a footpath so much of the existing footpath as will be rendered unnecessary by the new footpath so shown on the said plans (that is to say):—

Railway.				Parish or other Area.				No. of Footpath on deposited Plans.
No. 2	-	-	-	Stockton	-	-	-	17

For protection of Durham County Council.

13. For the protection of the Durham County Council (in this section called "the county council") the following provisions shall unless otherwise agreed between the county council and the Company apply and have effect (that is to say):—

- (1) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Company shall carry the road numbered 11 on the deposited plans in the parish of Norton over Railway (No. 2) authorised by this Act by means of a bridge having a clear width of not less than forty-six feet between the parapets thereof and the existing gradient of the said road shall not be altered by or in consequence of the construction of the said bridge:
- (2) The Company shall construct on each side of the said bridge over the said Railway (No. 2) substantial brick cement or iron parapets of not less than six feet in height above the level of the centre of the roadway:
- (3) The said bridge shall be of sufficient strength to support the ordinary traffic including tramway traffic using the said road and also any steam roller traction engine motor lorry or other vehicle not exceeding forty tons in weight when loaded the greatest load on any axle of which does not exceed twenty tons:

- (4) The Company shall not commence the construction of the said bridge nor shall they take up or interfere with the said road or with any work connected therewith and belonging to the county council until they shall have submitted to the county council plans and sections of the works proposed to be carried out by them nor until the county council shall have signified their approval of such plans and sections (which approval shall not be unreasonably withheld) or until the same have been approved by an arbitrator in manner herein-after provided. Provided that if the county council fail to signify their approval or disapproval of such plans and sections within twenty-eight days after submission thereof they shall be deemed to have approved the same: A.D. 1913.
- (5) During the period of the construction of the said bridge and the interference with the said road the Company shall at all times provide or leave a roadway of not less than twenty feet for the accommodation of traffic using the said road and shall comply with and conform to all reasonable directions requirements and regulations of the county council for the safety of the passenger and vehicular traffic on the said road during the said period:
- (6) The construction of the said bridge shall when commenced be proceeded with and carried out with all reasonable despatch and shall be completed within a period of twelve months from the commencement thereof and such construction shall be carried out to the reasonable satisfaction of the county council and the Company shall to the like satisfaction restore the surface of the said road and construct all works reasonably necessary for draining the same:
- (7) If by reason of the construction of the said bridge the county council shall reasonably incur any cost in altering or removing any work belonging to them and connected with the said road the Company shall repay to the county council the reasonable cost incurred by them in so doing:
- (8) The county council shall upon the completion of the said bridge and road thereover pay to the Company such sum as shall be agreed (or failing agreement

A.D. 1913.

determined by arbitration) to be the cost which would have been incurred in widening the existing roadway to a width of forty-six feet over the site of the said bridge if the said bridge had not been constructed but not including in such cost any sum in respect of the purchase of land for such widening :

- (9) If any difference shall arise between the Company and the county council in respect of any matters provided for by this section such difference shall unless otherwise agreed be settled by arbitration the arbitrator to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Tees Furnace Company Limited.

14. For the protection of the Tees Furnace Company Limited (in this section called "the furnace company") the following provisions shall have effect unless otherwise agreed between the Company and the furnace company (that is to say) :—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Company shall not acquire any of the lands numbered 6 7 or 8 on the deposited plans for the parish of Wilton except the lands coloured pink (being part of the land numbered 7 on the deposited plans for the parish of Wilton) on the plan signed by Cyril Francis Bengough on behalf of the Company and by Joseph James Burton on behalf of the furnace company :
- (2) Before entering upon the lands referred to in the preceding subsection for the purpose of constructing the widening authorised by this Act the Company shall at their own expense remove the slag off the land immediately to the north of the land to be acquired by the Company and shall clear a site for a roadway thirty feet wide on the same level as the existing roadway and construct and form thereon a road similar in character to the existing road extending along the northern boundary of the land coloured pink on the said plan for the whole distance thereof and

shall pay for the slag when trucked in accordance with the agreement dated the sixteenth day of September one thousand nine hundred and ten and made between the furnace company and the Company :

- (3) If in constructing the widening authorised by this Act or the new roadway to be constructed under the provisions of this section the Company shall interfere with or diminish the capacity of the reservoir numbered 6 on the said deposited plans they shall extend such reservoir so as to make good such diminution as aforesaid on land to be provided by the furnace company immediately to the north of the reservoir and which land shall (if necessary) be cleared of slag and the slag paid for by the Company in the same manner as herein-before provided with regard to the slag cleared for the new roadway and such work of extension of the reservoir shall be carried out by the Company to the reasonable satisfaction of the furnace company :
- (4) If in consequence of the construction of the said widening and of the new roadway it is found necessary in order to maintain the existing railway connexion between the furnace company's furnaces on the south side of the Company's railway and their tipping ground on the north to extend or alter the bridge numbered 8 on the said deposited plans the Company will at their own cost extend or alter the same and such extended or altered bridge shall be constructed or made of the same strength and in the same manner as the existing bridge and to the reasonable satisfaction of the furnace company and the cost of maintaining the extended portion of such bridge shall be borne by the Company and the Company shall at their own cost reinstate the lines taken up to the reasonable satisfaction of the furnace company :
- (5) In constructing the widening authorised by this Act or the said roadway or extending the said bridge the Company shall not at any time interfere with the working of the railway of the furnace company from their works to the slag tip without the consent of the furnace company and then only to such extent and in accordance with such terms and conditions as the furnace company may approve :

A.D. 1913.
—

(6) If any difference shall arise between the Company and the furnace company under this section such difference shall be determined by an engineer to be appointed by the Board of Trade on the application of either party.

For protec-
tion of
Gleadowe
Henry
Turner
Newcomen.

15. For the protection of Gleadowe Henry Turner Newcomen his heirs or assigns or other the owner or owners for the time being of the property known as the Kirkleatham Estate (in this section called "the owner") the following provisions shall unless otherwise agreed between the owner and the Company have effect (that is to say) :—

(1) In the event of the Company acquiring any portion of the property numbered on the deposited plans 5 in the parish of Wilton on which any portion of the roadway or footpath leading to the property numbered on the deposited plans 7 in the said parish exists and before interfering in any way with any portion of such roadway or footpath the Company shall divert such roadway or footpath or such portion thereof as may be necessary in such a manner as to give a roadway or footpath similar in all respects to the existing roadway or footpath and extending along the entire length of the said property numbered 5 and abutting on the northern boundary of the railway after the same has been widened under the powers of this Act and connecting at the western end of such property with the existing road under the railway when widened and at the eastern end with the new roadway to be constructed by the Company on the property of the owner under the provisions of the section of this Act of which the marginal note is "For protection of Tees Furnace Company Limited" :

(2) Before the Company shall acquire any portion of the property numbered on the deposited plans 9 10 or 11 in the parish of Wilton on which any portion of the roadway or footpath leading from the said property numbered 7 on the deposited plans to Lazenby Signal Box exists and before interfering in any way with any portion of such roadway or footpath the Company shall divert such roadway or footpath or such portion thereof as may be necessary in such a manner as to give a roadway or footpath similar in

all respects to the existing roadway or footpath and running along the entire length of the said properties numbered 9 10 and 11 and abutting on the northern boundary of the railway when widened and connecting at the western end with the new roadway to be constructed by the Company on the property of the owner herein-before referred to and at the eastern end of the said property numbered 11 on the deposited plans with the existing roadway or footpath to Lazenby Signal Box: A.D. 1913.

- (3) The owner and his lessees and tenants shall have the same rights of way (if any) over such diverted roadways or footpaths referred to in subsections (1) and (2) of this section as they may have at the passing of this Act over the existing roadways or footpaths referred to in such subsections:
- (4) For the purposes of this section so much of the roadway or footpath herein-before in this section referred to on the said properties numbered 9 and 10 on the deposited plans as has been stopped up or interfered with by the Company by the making of the siding between the said properties numbered 9 and 10 shall be deemed to exist at the passing of this Act as the same existed before it had been interfered with or stopped up by the Company as aforesaid and the Company shall construct an accommodation level crossing over such siding connecting up such diverted or new roadways when made by the Company.

16. For the protection of the Commissioners of Woods and the Tees Conservancy Commissioners (in this section called "the commissioners") the following provisions shall have effect unless otherwise agreed between the Company and the commissioners (that is to say):—

For protection of Crown and Tees Conservancy Commissioners.

The bridge for carrying the widening of the Darlington and Saltburn Railway over the road numbered on the deposited plans 4 in the parish of Wilton in the rural district of Guisbrough shall have a clear headway of not less height and a span of not less width than the height and width of the existing railway bridge over the same road and the height and span of the bridge carrying the said widening over the adjacent stream shall be not less than the height and span of the existing bridge over the same

A.D. 1913.

and in constructing the said widening the Company shall leave a space of at least three feet for ventilation between the existing bridge and the new bridge over the road and shall make sufficient openings as regards number position and dimensions in the new bridge for the admission of light from above to the road beneath the bridge to the reasonable satisfaction of the commissioners and such space and openings shall be covered with suitable gratings Any difference arising between the Company and the commissioners shall be determined by an arbitrator to be appointed failing agreement by the Board of Trade on the application of either party.

As to repair
of roads
where level
not per-
manently
altered.

17. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railways or any of them by a bridge or bridges or the immediate approaches thereto except so far as the level of such road highway or approaches is permanently altered so as to increase the gradient.

Power to
make further
works.

18. Subject to the provisions of this Act the Company may make the works herein-after described and may exercise the powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for those purposes and so far as the said works are shown on the deposited plans and sections the Company may make the same in the lines and in accordance with the levels shown on the said plans and sections:—

In the county of Northumberland —

They may in the urban district of Seaton Delaval stop up and discontinue so much of the footpath leading from Brier Dene Farm to the road leading from Hartley to Whitley Bay as lies between points on that footpath about five hundred yards and six hundred yards respectively east of Brier Dene Farm and may divert the same between the said points in a southerly direction ;

They may in the urban district of Bedlingtonshire stop up and discontinue so much of the road leading from Barrington Colliery to Bedlington Station as crosses the Company's Blyth and Tyne Railway Newbiggin

Branch on the level north of Bedlington Station and in substitution therefor may make a new road across the said branch on the level about twenty yards north of the existing level crossing : A.D. 1913.

In the county of Durham—

They may in the borough of Stockton-on-Tees make a new footpath between the north-west end of the footbridge over the Company's Leeds Northern Railway to the north of their Stockton Station and the footbridge over Lustring Beck in substitution for the existing footpath between those points ;

They may in the county borough of West Hartlepool on the west side of the Company's Stockton and Hartlepool Railway widen the bridge carrying the said railway over the road leading from Bridge Street to the fore-shore at Hartlepool Bay and may narrow the street known as Newburn Street on the east side and at the south end thereof between points respectively eighty-three yards and one hundred and ten yards south of its junction with Bridge Street ;

They may in the parish of Pelton make a subway and road under their Pontop and South Shields Railway with approaches thereto extending between points sixty yards or thereabouts eastward and ninety yards or thereabouts westward of the crossing of the road leading from Pelton Grange to Newfield by such railway on the level and may stop up and discontinue so much of the last-mentioned road as lies between the said points and so soon as such subway road and approaches are completed and opened to the public the Chester-le-Street Rural District Council shall pay to the Company the sum of six hundred pounds and such payment shall be deemed to be expenses of the said council under and for the purposes of the Public Health Act 1875 and shall be defrayed as general expenses of the said council :

In the East Riding of the county of York—

They may in the parish of Market Weighton and Arras stop up and discontinue so much of the footpath leading from Market Weighton to Goodmanham as lies between the Company's gateway in Station Road and

A.D. 1913.

the gateway in their northern boundary fence at Market Weighton Station and may in substitution therefor make a new footpath along the northern boundary of their property between the said last-mentioned gateway and a point on the public road leading from Market Weighton to Londesborough about forty yards north of their York and Market Weighton Railway.

Inclination
of road.

19. In altering for the purposes of this Act the road next herein-after mentioned the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith (that is to say):—

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
1	Pelton	Public	1 in 13·3

Height and
span of arch
of subway.

20. The Company in constructing the subway and approaches at Pelton by this Act authorised may make the arch of the subway of any height and span not less than fourteen feet and twenty-five feet respectively.

For pro-
tection of
Pocklington
Rural Dis-
trict Council.

21. Notwithstanding anything in this Act contained or shown upon the deposited plans and sections the following provisions for the protection of the rural district council of Pocklington (in this section referred to as “the council”) shall unless otherwise agreed in writing between the Company and the council apply and have effect (that is to say):—

(1) The new footpath in the parish of Market Weighton and Arras by this Act authorised shall be constructed throughout by the Company of a clear width of not less than six feet and with a gradient not steeper than one in ten and shall be asphalted and provided with suitable fences on both sides thereof and suitable wicket gates at each end thereof:

(2) The said new asphalted footpath fences and gates shall be constructed to the reasonable satisfaction of the council and the said new footpath shall be maintained by the council:

(3) Forthwith after the passing of this Act the Company shall at their own expense remove the existing foot-bridge extending across their railway at Market

Weighton Station and will reconstruct it on the east side of and immediately adjoining the level crossing by their York and Market Weighton Railway of the public road leading from Market Weighton to Londesborough in the position agreed between the Company and the council with suitable steps to give access from Londesborough Road to the said footbridge when so reconstructed for the purpose of enabling pedestrians passing along such road at all times to cross the said railway by means of the said footbridge: A.D. 1913.

- (4) Before stopping up so much of the footpath leading from Market Weighton to Goodmanham referred to in the section of this Act of which the marginal note is "Power to make further works" the Company shall complete the said footbridge fences and gates and shall thereafter maintain the same in good order and condition:
- (5) Any difference which may arise between the council and the Company as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be settled by an engineer to be appointed upon the application of either of the parties by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply thereto.

22. 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 take use and appropriate for the purpose of altering or extending their works or providing further or improved accommodation for the traffic on their railway or providing accommodation for persons of the working class who may be displaced under the powers of this Act or any other Act relating to the Company or for any other purposes connected with their undertaking all or any of the lands herein-after described or referred to and delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):—

Power to
Company to
purchase ad-
ditional
lands.

In the county of Northumberland—

Certain lands in the urban district of Longbenton situate on the south side of and adjoining the Company's Blyth and Tyne Railway south-west of Benton Station;

A.D. 1913.
—

Certain lands in the urban district of Bedlingtonshire situate on the south side of and adjoining the Company's Blyth and Tyne Railway Morpeth Branch west of Choppington Station;

Certain lands in the parish of Haltwhistle lying between the Company's Newcastle and Carlisle Railway and the River South Tyne south-west of Haltwhistle Station;

Certain lands in the parish of Longhoughton situate on the east side of and adjoining the Company's Newcastle and Berwick Railway at Longhoughton Station and situate on the north side of and adjoining the road leading from Alnwick to Longhoughton about seventy yards east of the bridge carrying the said railway over that road;

Certain lands in the city and county borough of Newcastle-upon-Tyne situate on the east side of and adjoining Little Benton Road and lying about seventy yards north of the Company's Walker Gate Station:

In the county of Cumberland—

Certain lands in the parish of Alston, with Garrigill situate on the south side of and adjoining the Company's Alston Branch about three hundred yards north of Alston Station;

Certain lands in the parish of Alston with Garrigill situate on the north side of and adjoining Nenthead Road and lying to the west of the junction of Potters Lane with that road;

Certain lands in the city of Carlisle situate on the north side of and adjoining the Company's Newcastle and Carlisle Railway and lying between the River Petteril and Durranhill Road:

In the county of Durham—

Certain lands in the parish of Helmington Row situate on the north side of and adjoining the Bowden Close Mineral Railway and lying about two hundred yards west of the junction of that railway with the Company's Durham and Bishop Auckland Railway;

Certain lands in the parish of Mainsforth situate on the east side of and adjoining the Company's Ferryhill and Stockton Railway south-east of their Ferryhill Station;

Certain lands in the parish of Chilton situate on the west side of and adjoining the Company's York and Newcastle Railway south-west of their Ferryhill Station; A.D. 1913.

Certain lands in the urban district of Chester-le-Street situate on both sides of and adjoining the road leading from Pelton to Chester-le-Street and on the north side of and adjoining the Company's Annfield Plain Branch at South Pelaw Bridge;

Certain lands in the county borough of West Hartlepool situate on the east side of and adjoining the Company's Stockton and Hartlepool Railway and extending between points respectively about three hundred and one thousand yards north of Seaton Carew Station and lying between that railway and West Hartlepool Street;

Certain lands in the borough of Stockton-on-Tees situate on the west side of and adjoining the Company's Stockton and Hartlepool Railway about one hundred and forty yards west of the Company's engine shed at North Shore Junction;

Certain lands in the parish of Norton situate on the west side of and adjoining the Company's Stockton and Hartlepool Railway and lying about seven hundred yards north-west of the Company's engine shed at North Shore Junction;

Certain lands in the parishes of Sherburn and Pitlington in the urban district of Hetton in the parishes of Little Eppleton East Rainton West Rainton and Moorsley in the parishes of Seaham Burdon Seaton with Slingley and Dalton-le-Dale in the parish of Ryhope and in the county borough of Sunderland adjoining the Company's Durham and Sunderland Railway at Sherburn House Station and forming the site of so much of the said railway as lies between that station and the South Docks at Sunderland and in the parishes of East Murton and Haswell forming the site of so much of the Company's Sunderland and Hartlepool Railway Haswell Branch as lies between points respectively about five hundred yards south and about one thousand one hundred yards north of South Hetton Station;

A.D. 1913.

Certain lands in the borough of Darlington situate on the west side of and adjoining Carmel Road and lying about one hundred and sixty yards north of Nunnery Lane;

Certain lands in the borough of Darlington situate on the north side of and adjoining Upper John Street and on the east side of and adjoining John Street:

In the North Riding of the county of York—

Certain lands in the urban district of South Bank in Normanby situate on the north side of and adjoining the Company's Darlington and Saltburn Railway and adjoining South Bank Station and lying between that station and a point about ninety yards east of the bridge carrying the road over the railway east of the said station also certain lands situate on the south side of and adjoining the Company's goods yard at the said station;

Certain lands in the parish of Kirkleatham and in the urban district of Redcar situate on the west side of and adjoining the Company's Darlington and Saltburn Railway between a point about one hundred and fifty yards north-east of Dabholme Beck and the sidings leading into Coatham Ironworks and also certain lands in the said urban district of Redcar situate on the east side of and adjoining the said railway north of Redcar Ironworks:

In the West Riding of the county of York—

Certain lands in the parish of Moor Monkton situate on the north side of and adjoining the Company's York and Harrogate Railway and on the west side of and adjoining their goods yard at Marston Moor Station;

Certain lands in the parish of Burn situate on the west side of and adjoining the Company's York and Doncaster Railway and on the south side of and adjoining their goods yard at Henwick Hall Siding;

Certain lands in the parish of South Milford situate on the east side of and adjoining the road leading from Sherburn-in-Elmet to Burton Salmon and on the south side of and adjoining the road leading from Fairburn to Gascoigne Wood and lying about two hundred yards south of the junction of those two roads;

Certain lands in the parish of Upper Poppleton situate on the south side of and adjoining the Company's York and Harrogate Railway and their goods yard west of Poppleton Station; A.D. 1913.

Certain lands in the parish of Brotherton situate over and adjoining the Company's Brotherton Tunnel and certain lands forming the site of and adjoining the Company's Knottingley Branch lying between the River Aire and Low Street and between the Brotherton Quarry Signal Box and a point about four hundred and fifty yards south thereof:

In the East Riding of the county of York—

Certain lands in the parish of Carnaby situate on the south side of and adjoining the Company's goods yard at Carnaby Station;

Certain lands in the parish of Ellerker situate on the south side of and adjoining the Company's Hull and Selby Railway and lying partly between that railway and the River Humber and partly between that railway and land belonging or reputed to belong to the Crown and leased to the Humber Conservancy Board and extending between a point on the said railway about three hundred and twenty yards west of the eleven and a half mile-post from Hull and Brough Haven;

Certain lands in the parish of Skeckling-cum-Burstwick situate north of the Company's Kelsey Hill gravel pits about one hundred and fifty yards south of East Carr Road and about four hundred and thirty yards west of East Carr Bridge;

Certain lands in the parish of Scalby situate on the south side of and adjoining the Company's Hull and Selby Railway and extending for a distance of about three hundred and sixty yards in a westerly direction from Oxmardike Crossing;

Certain lands in the parish of Hemingbrough situate on both sides of and adjoining the Company's Hull and Selby Railway and on both sides of and adjoining Hagg Lane;

Certain lands in the city and county borough of Kingston-upon-Hull situate on the south side of and adjoining the Company's Withernsea Branch and lying between Marfleet Station goods yard and Poor House Lane;

A.D. 1913.

Certain lands in the city and county borough of Kingston-upon-Hull situate about one hundred and seventy yards north of the Company's Withernsea Branch and about one hundred and forty yards east of Southcoates Lane.

As to prescribed distance under section 78 of Railways Clauses Consolidation Act 1845.

23. For the purposes of the application of the Railways Clauses Consolidation Act 1845 to and in respect of the lands by this Act authorised to be acquired by the Company in the parish of Longhoughton and in the parish of Chilton respectively the prescribed distance referred to in section 78 of the said Act of 1845 shall be eighty yards and one hundred yards respectively.

Provisions as to Town Moor Sunderland.

24. Notwithstanding anything contained in this Act or shown upon the deposited plans the Company shall not acquire any portion of the property numbered on such plans 9 in the county borough of Sunderland lying to the west of the line coloured red on the plan signed in duplicate by Sir Francis William Lowe the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred or the properties numbered respectively on such plans 10 and 11 in the said county borough and from and after the acquisition by the Company of so much of the said property numbered 9 as lies to the east of the said line the portion thereof lying to the west of the said line shall during the remainder of the leasehold interest of the Company therein be at all times unbuilt upon and available for public use.

One copy of the said signed plan has been deposited in the Parliament Office of the House of Lords and the other copy in the Private Bill Office of the House of Commons.

For protection of Tees Conservancy Commissioners.

25. For the protection of the Tees Conservancy Commissioners (in this section called "the Tees Commissioners") the following provisions shall have effect unless otherwise agreed between the Company and the Tees Commissioners (that is to say) :—

- (1) The Company shall not under the powers or for any of the purposes of this Act purchase and take the piece of land numbered on the deposited plans 1 in the urban district of Redcar but the Company may purchase and take and the Tees Commissioners may and if required so to do shall sell and grant accordingly an easement or right of using the same for the purpose of constructing and maintaining a widening

of their Darlington and Saltburn Railway and works incidental thereto : A.D. 1913.

- (2) In constructing such widening and works where the same will interfere with the branch railway or siding of the Tees Commissioners to the South Gare Breakwater the same shall be made to the reasonable satisfaction of the Tees Commissioners and in accordance with plans and sections to be previously submitted to and reasonably approved by them and in case of any difference arising between the Company and the Tees Commissioners as to the mode of carrying out the said widening and works or otherwise in relation thereto the same shall be determined by an arbitrator to be appointed failing agreement by the Board of Trade on the application of either party :
- (3) The Company shall at their own expense make such alterations of or additions to the signals and other works connected with the junction between the said Darlington and Saltburn Railway and the said branch railway or siding of the Tees Commissioners (if any) as may be rendered necessary by the construction of the said widening and works :
- (4) In constructing the said widening and works the Company shall not obstruct or interfere with the traffic passing or intended to pass to or from the said railway from or to the railway or siding of the Tees Commissioners.

26. Where this Act authorises the diversion of a road or footpath or the making of a new road or footpath and the stopping up of an existing road or footpath or portion thereof such stopping up shall not take place until such new road or footpath is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Company and the road authority until two justices shall have certified that the new road or footpath has been completed to their satisfaction and is open for public use.

Stopping up
roads and
footpaths in
case of
diversion.

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which the existing road or footpath is situate seven days' notice in writing of their intention to apply for the same.

As from the completion to the satisfaction of the road authority of the new road or footpath or as from the date of

A.D. 1913. — the said certificate as the case may be all rights of way over or along the existing road or footpath or portion authorised to be stopped up shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road or footpath stopped up as far as the same is bounded on both sides by lands of the Company :

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Provisions
as to repair
of roads and
footpaths.

27. Any road or footpath or portion of road or footpath to be made diverted or altered under the authority of this Act (except the stone iron or other structure carrying any such road or footpath over the railway which structure shall unless otherwise agreed be maintained by and at the expense of the Company) shall when made and completed unless otherwise agreed be maintained by and at the expense of the body or persons liable to maintain roads or footpaths of the same nature and in the same parish and district as the road or footpath or portion of road or footpath in question.

Power to
South York-
shire Joint
Line Com-
mittee to
construct
new rail-
ways.

28. Subject to the provisions of this Act the Joint Committee may in the lines shown on the deposited plans and according to the levels shown on the deposited sections relating thereto make and maintain the new railways herein-after described with all proper stations sidings approaches roads 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 that purpose :—

In the West Riding of the county of York—

A Railway (No. 3) (1 mile 2 furlongs 2·20 chains in length) situate in the parishes of Loversall and Rossington commencing by a junction with the South Yorkshire Joint Line and terminating at Mother Drain ;

A Railway (No. 4) (1 furlong 6 chains in length) situate in the parish of Loversall commencing by a junction with the South Yorkshire Joint Line and terminating by a junction with Railway (No. 3).

29. The Railways (No. 3) and (No. 4) by this Act authorised shall for the purposes of tolls rates and charges and for all other purposes whatsoever form part of the joint railways as defined in the South Yorkshire Joint Railway Act 1903 and the provisions of that Act shall apply to the said railways and to the Company the Midland Great Central Great Northern and Lancashire and Yorkshire Railway Companies and the Joint Committee in respect thereof as fully as if they had been railways authorised by that Act.

A.D. 1913.
—
Railways
(No. 3) and
(No. 4) to
form part of
South York-
shire Joint
Railways.

30. The Joint Committee instead of taking any portion of the River Torne numbered on the deposited plans 33 in the parish of Loversall and 1 in the parish of Rossington respectively may purchase and take an easement or right of making and maintaining Railway (No. 3) over the said river without being compelled to purchase the said river or any part thereof and the owners of and other persons interested in the said river may and shall convey and grant to the Joint Committee such easement or right accordingly and any compensation payable by the Joint Committee in respect of such easement or right shall be determined in manner provided by the Lands Clauses Acts for determining the amount of compensation payable in respect of the taking of lands otherwise than by agreement.

Power to
acquire ease-
ment over
River
Torne.

31. For the protection of the Great Northern Railway Company the following provisions shall unless otherwise agreed between the Joint Committee and the Great Northern Railway Company (in this section called "the Great Northern Company") apply and have effect:—

For protec-
tion of
Great North-
ern Rail-
way Com-
pany.

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Joint Committee shall not without the consent of the Great Northern Company (which consent shall not be unreasonably withheld)—

(i) Enter upon take use or interfere with any part of the lands numbered on the deposited plans 5 and 7 in the parish of Rossington; or

(ii) Use any other land or execute any works so as to unreasonably interfere with (A) the construction maintenance or user of any of the railways roads lines connexions or sidings to be constructed or provided by the Great Northern Company or the Rossington Main Colliery Company Limited under or in pursuance of section 27 of the Great

A.D. 1913.

Northern Railway Act 1912 or (B) the exercise of the easements or rights granted or to be granted to the Great Northern Company under or in pursuance of the said section :

- (2) If any difference shall arise between the Joint Committee and the Great Northern Company under this section such difference shall be determined by an engineer to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party.

Power to Joint Committee to acquire lands.

32. Subject to the provisions of this Act the Joint Committee may enter upon take use and appropriate and may hold for the purposes of or connected with their undertaking the lands following or some part thereof delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say) :—

Certain lands in the parishes of Loversall and Wadworth situate on the east side of and adjoining the South Yorkshire Joint Line and lying between Saint Catherine's Junction and a point about one thousand eight hundred and sixty yards south thereof.

Period for completion of new railways.

33. If the new 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 or the Joint Committee respectively for making and completing the new railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Imposing penalty if new railways not opened within period limited.

34. If the Company or the Joint Committee as the case may be fail within the period limited by this Act to complete the new railways which they are respectively empowered to construct and open the same for public traffic they shall respectively 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 amounts to five per centum on the estimated cost of the railway in respect of which such penalty has been incurred.

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this

Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854. A.D. 1913.

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 of the Paymaster-General for and on behalf of the Supreme Court 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 or the Joint Committee as the case may be were 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.

35. 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 has 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 have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company or the Joint Committee as the case may be by this Act for the purposes of such railway and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit. Application of penalty.

If no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has 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 if a receiver has been appointed or the Company or the Joint Committee as the case may be is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in

A.D. 1913. the discretion of the court as part of the assets of the Company or the Joint Committee as the case may be for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company or the Joint Committee as the case may be.

Power to deviate in construction of works.

36. In constructing the works by this Act authorised the Company or the Joint Committee may deviate from the lines of any of the said works shown on the deposited plans thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of any of the said works (other than the railways) shown on the deposited sections thereof to any extent not exceeding two feet but not so as to increase the rate of inclination of any new or diverted road as shown on the said sections and may deviate from the levels of the railways shown on the deposited sections in accordance with the provisions of the Railways Clauses Consolidation Act 1845:

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Railways abutting but not communicating with streets not to be chargeable with private street expenses.

37. The Company or the Joint Committee as the case may be shall be deemed not to be an owner or occupier for the purposes of section 150 of the Public Health Act 1875 in respect of any land acquired or used by the Company or the Joint Committee under the powers or for the purposes of this Act upon which any street as defined by the Public Health Acts and not being a highway repairable by the inhabitants at large shall wholly or partially front adjoin or abut and which shall at the time of the laying out of such street be used by the Company or the Joint Committee solely as a part of their lines of railway or sidings stations or works and shall have no direct communication with such street and the expenses incurred by any urban or rural authority under the powers of the said section which but for this provision the Company or the Joint Committee would be liable to pay shall be repaid to the urban or rural authority as the case may be by the owners of the premises fronting adjoining or abutting on the said street other than the Company or the Joint Committee and in such proportions as shall be settled by the surveyor of the urban or rural authority as the case may be and in the event of the Company or the Joint Committee subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the urban or rural authority as the case may be

the expenses which but for the foregoing provision the Company or the Joint Committee would in the first instance have been liable to pay and the urban or rural authority as the case may be shall divide among the owners for the time being other than the Company or the Joint Committee the amount so paid by the Company or the Joint Committee to the urban or rural authority as the case may be less the costs and expenses attendant upon such division in such proportion as shall be settled by the said surveyor whose decision shall be final and conclusive Provided that this section shall not apply to any street existing at the date of the passing of this Act.

A.D. 1913.

38. Subject to the provisions of this Act all private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Company or the Joint Committee as the case may be shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

As to rights of way over lands acquired.

39. The powers of the Company or the Joint Committee for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

40. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :--

Owners may be required to sell parts only of certain properties.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Part of the Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

A.D. 1913.

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the

tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :

A.D. 1913.

- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

The provisions of this section shall apply and extend to the Joint Committee as if that committee and the Second Part of the said Schedule had been referred to therein instead of the Company and the First Part of that Schedule.

41. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the

Power to owners to grant easements &c,

A.D. 1913. — Company or the Joint Committee any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Sale of land
over tunnels.

42. Where the Company have purchased or acquired or may purchase or acquire any lands or any interest in any lands under or through which the railways of the Company are or may be carried in tunnel it shall be lawful for the Company to convey or surrender those lands or any portion of those lands (whether such portion be divided horizontally or vertically from the remainder) or any interest in those lands or any portion thereof for such estates for such consideration and upon and subject to such covenants terms and conditions as they may think fit or to let on lease or otherwise dispose of those lands or any such portion thereof or any interest therein for such terms of years and at such rents or for such other consideration and subject to such covenants conditions and stipulations as the Company shall deem expedient.

Superannua-
tion fund for
Company's
police.

43.—(1) The directors of the Company may if they think fit establish a fund for the payment of superannuation and other retiring allowances to officers and members of the Company's police force and (if they so resolve) of allowances to the widows children and dependents of such officers and members and may prepare and sanction a scheme for the establishment of such fund and may by such scheme determine—

- (i) What class or classes of such officers or members shall be entitled to become and remain contributors to the fund and the conditions upon which they shall be entitled to contribute thereto and participate in the benefits thereof:
- (ii) The amounts of the contributions to the fund and the benefits to be derived therefrom:
- (iii) The manner in which the fund shall be managed and the moneys thereof held or invested:
- (iv) The conditions under which such officers or members who are already members of the Company's Pension Society the Company's Superannuation Fund or the

Darlington Section Superannuation Fund may be transferred and become contributors to the new fund: A.D. 1913.

(v) The conditions upon which and the manner in which the provisions of the scheme may be altered:

(vi) Generally all such other matters and things in relation to the fund as the directors shall deem proper to form part of and to be included in such scheme.

(2) If the scheme so provides the Company may deduct from the salaries or wages of any contributors the amount of any contribution due from him to the fund under the scheme.

(3) The Company may pay or guarantee payment of interest on any moneys of the fund and may from time to time contribute to the fund out of the revenue of the Company such sums as they shall think fit or may grant to such officers and members of the Company's police force as are or have been members of the fund allowances in addition to those payable to such officers and members under the scheme.

(4) The Company in any case in which under the scheme a sum not exceeding fifty pounds is payable to the widow children or dependents of a deceased contributor may pay the same to such widow without requiring the receipt or discharge of a legally constituted representative of such contributor.

(5) If the Company shall under the powers of this Act make any scheme involving contributions by such officers and members such scheme shall not come into operation until such scheme shall have been registered as the rules of a society under the Friendly Societies Act 1896 and any amendment or variation of such scheme shall not be valid until so registered and the provisions of that Act (except the proviso to subsection (1) of section 8 and section 41) so far as they are applicable and are not inconsistent with the provisions of this Act shall apply (A) as if such scheme were the rules of a society to which that Act applies (B) as if the Company were the trustees of such society (C) as if the superannuation fund were the funds of such society and (D) as if persons contributing and participating in the benefit of such fund were the members of such society:

Provided that the powers of sections 70 71 73 78 and 79 of the said Act shall not be exercised without the consent of the Company.

A.D. 1913.

Repealing
portion of
section 26
of North
Eastern
Railway
(Additional
Powers)
Act 1882.

44. So much of section 26 (As to appointment of special constables) of the North Eastern Railway (Additional Powers) Act 1882 as provides that any person who shall assault or resist any constable or obstruct him in the execution of any duty which he is authorised to perform or shall aid or incite any person so to assault or resist shall for every such offence forfeit a sum not exceeding five pounds or in the discretion of the justice before whom he is convicted may be imprisoned for any term not exceeding three calendar months is hereby repealed except as to anything that may have been done thereunder and the provisions of section 12 of the Prevention of Crimes Act 1871 as extended by section 2 of the Prevention of Crimes Amendment Act 1885 shall apply in respect of constables appointed under or in pursuance of the York and North Midland Railway Act 1836.

Power to
maintain
hotel at
West Hartle-
pool.

45. The Company may hold maintain and conduct as part of their undertaking the Grand Hotel at West Hartlepool and may apply for acquire and hold licences for the sale of wines spirits beer and cider and other liquors for the said premises in the name of their secretary or manager or other person nominated by the Company and may apply their funds to any of the above purposes :

Provided that nothing herein contained shall be deemed to limit or affect the powers or discretion of the justices under section 9 of the Licensing (Consolidation) Act 1910.

Power to
Company to
raise addi-
tional
capital.

46. The Company may raise by the creation and issue of new stock the sum of four 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 stock may be created and issued either wholly or partially as preference stock.

Rights of
voting for
new stock in
capital of
Company.

47. The new stock by this Act authorised shall unless otherwise provided by the terms of issue or creation thereof confer on the respective holders thereof the same rights of voting and qualifications as if such new stock were part of the existing stock of the Company.

New prefer-
ence stock to
rank pari
passu with
North East-
ern Railway
Preference
Stock if so
determined.

48. The Company may by the resolution creating or authorising the creation of any of the new preference stock by this Act authorised determine that such new stock shall form part of and rank pari passu with the North Eastern Railway Preference Stock created and issued under the powers contained in the North Eastern Railway Act 1895.

49. Notwithstanding anything contained in Part II. of the Companies Clauses Act 1863 the Company may in issuing any of the new stock by this Act authorised dispose of the same at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company.

A.D. 1913.

As to disposal of new stock.

50. The Company may borrow on mortgage of their undertaking in addition to any other sums which they are or may be authorised to borrow by any other Act or Acts of Parliament any sum or sums not exceeding in the whole one third part of the amount of the new stock by this Act authorised to be created and issued and at the time actually issued and accepted.

Power to borrow.

But no part thereof shall be borrowed until a sum equal to one half of the stock so issued and accepted has been bonâ fide paid in respect thereof 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 such stock is held by the persons to whom the same was issued or their executors administrators successors or assigns and that the said sum has been bonâ fide paid in respect thereof.

Upon production to such justice of the books of the Company and of such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

51.—(1) In the exercise of the powers to borrow on mortgage of their undertaking conferred upon the Company by this Act or by any Act or Acts relating to the Company already passed or to be passed in the present or any future session of Parliament they may subject to the provisions of sections 36 and 39 to 48 (inclusive) of the York and North Midland (Victoria Dock) Railway Act 1852 so far as the same are applicable from time to time create and issue redeemable debenture stock in such amounts and manner and at such prices and times and on such terms and subject to such conditions and with such rights and privileges as they may think fit and notwithstanding anything contained in section 39 of the North Eastern Railway Act 1895 redeemable debenture stock so created and issued as aforesaid shall be deemed to form part of and (both as regards principal and interest) to rank *pari passu* with the North Eastern Railway Debenture Stock already created or to be

Power to create redeemable debenture stock.

A.D. 1913. created under the powers of any previous Act or this or any future Act.

(2) Notwithstanding anything contained in this or any other Act to the contrary it shall be lawful for the Company again to borrow the amount of any redeemable debenture stock which may have been redeemed or for the purpose of such redemption but such power of re-borrowing shall not be exercised without the authority of a general meeting of the Company unless the money be so re-borrowed for the purpose of such redemption.

Power to
issue stock
warrants and
debenture
stock certi-
ficates to
bearer.

52. The Company may with respect to the whole or any portion of fully paid up stock or share capital or debenture stock created or to be created by them and subject to such regulations as may from time to time be made by the Company issue under their common seal warrants and certificates (hereinafter severally referred to as a "stock warrant to bearer" and a "debenture stock certificate to bearer") stating that the bearer of the warrant or certificate is entitled to the stock or shares or the debenture stock (as the case may be) therein specified and may provide by coupons whether attached to the warrant or certificate or not for the payment of dividends or interest as the case may be on the stock or shares or debenture stock specified in the warrant or certificate :

Provided always that nothing in this Act contained shall require the holder of any stock shares or debenture stock issued prior to the passing of this Act to accept a stock warrant to bearer or a debenture stock certificate to bearer (as the case may be) for such stock shares or debenture stock or any part thereof.

Effect of
stock war-
rant and
debenture
stock certi-
ficate to
bearer.

53. A stock warrant to bearer or debenture stock certificate to bearer shall entitle the bearer thereof to the stock or shares or debenture stock therein specified and such stock shares or debenture stock may be transferred by delivery of the warrant or certificate.

Entries in
register on
issue of stock
warrants or
debenture
stock certi-
ficates to
bearer.

54. On the issue of a stock warrant to bearer or a debenture stock certificate to bearer in respect of any portion of stock or share capital or debenture stock the Company instead of making in the register of shareholders or shareholders' address book or in the register of debenture stockholders with reference to such portion of stock or share capital or debenture stock the entries provided for by the Companies Clauses Consolidation Act 1845 or by any other Act or Acts relating to the Company shall

strike out of such register of shareholders shareholders' address A.D. 1913.
book or register of debenture stockholders (as the case may be)
the name of the person (if any) then entered therein as holding
such stock shares or debenture stock (as the case may be) and
the other particulars with reference to such stock shares or
debenture stock contained in such register or address book and
shall enter in the register the following particulars:—

- (1) The fact of the issue of the stock warrant to bearer or debenture stock certificate to bearer:
- (2) A statement of the amount of the portion of stock or share capital or debenture stock (as the case may be) specified in the warrant or certificate:
- (3) The date of the issue of the warrant or certificate.

The provisions of the Companies Clauses Consolidation Act 1845 and of any other Act or Acts relating to the Company as to the register of holders of shares as to certificates of shares and transfer and transmission of shares and as to certificates and registration of debenture stock shall not apply in the case of a stock warrant to bearer or a debenture stock certificate to bearer respectively.

55. The bearer of a stock warrant to bearer or a debenture stock certificate to bearer shall on—

- (A) Surrendering for cancellation the warrant or certificate with all coupons issued in respect thereof and for the time being outstanding;
- (B) Complying with such regulations as may from time to time be made by the Company for the purpose of enabling the Company to ascertain the name address and description of the bearer and for obtaining a specimen of his signature;
- (C) Paying to the Company all stamp or other Government duties (if any) which may be payable by the Company in consequence of the surrender; and
- (D) Paying to the Company such fee not exceeding five shillings as the Company may prescribe;

Registration of holders of stock shares or debenture stock on surrender of warrant or certificate.

be entitled to have his name entered in the register of stockholders or shareholders or in the register of debenture stockholders (as the case may be).

56. The bearer of a stock warrant to bearer shall subject to the provisions of this Act be deemed to be a stockholder or shareholder of the Company for all purposes Provided that

As to rights of holders of stock warrants to bearer.

A.D. 1913. — the stock or shares specified in a stock warrant to bearer shall not be taken into account in determining the qualification of the bearer of such warrant to be a director of the Company.

Voting
certificates.

57.—(1) Any bearer of a stock warrant to bearer desiring—

(A) To attend or vote (whether personally or by proxy) or exercise any of the rights of a stockholder or shareholder at any meeting of the Company; or

(B) To make or be a party to making a requisition for an extraordinary meeting of the Company;

in respect of the stock or shares specified in such warrant shall three days at least before the date appointed for the meeting in the first case and before the requisition is lodged at the office of the Company in the second case deposit such stock warrant at the office of the Company together with a statement in writing of his name and address.

(2) Upon such deposit as aforesaid being made the Company shall issue to the person making the same a certificate (hereinafter referred to as a “voting certificate”) stating the name and address of the bearer of the stock warrant to bearer so deposited or (at his option) of some person (being a stockholder or shareholder of the Company) to be nominated by him as his proxy and the amount of stock or the number of shares specified in such warrant.

(3) A voting certificate shall entitle the person named therein—

(A) To attend and vote and exercise any of the rights of a stockholder or shareholder at any meeting of the Company held while such voting certificate shall be outstanding; and

(B) To make or be a party to making a requisition for an extraordinary meeting of the Company or (in the event of the directors failing upon any such requisition being made to call an extraordinary meeting within the period prescribed by the Companies Clauses Consolidation Act 1845) to call or to be a party to calling an extraordinary meeting of the Company;

in like manner in all respects as if such person were the registered holder of the stock or shares specified in the voting certificate but no such rights as aforesaid shall be exercised in respect of the stock or shares specified in a stock warrant to

bearer otherwise than in accordance with the provisions of this section or except— A.D. 1913

(i) While the voting certificate issued upon the deposit of such stock warrant shall be outstanding; and

(ii) Upon production of such voting certificate whenever so required by a director or officer of the Company.

(4) Upon the surrender to the Company at any time of a voting certificate the Company shall deliver up to the person surrendering such certificate the stock warrant to bearer in respect of which such voting certificate was issued and shall forthwith effectually cancel such voting certificate but until such surrender any stock warrant to bearer deposited with the Company pursuant to the provisions of this section shall remain so deposited.

(5) Except as expressly provided by this section a voting certificate shall not confer any rights upon the person named therein or other the holder thereof or be deemed to constitute any evidence as to the ownership of the stock or shares specified therein.

(6) The Company shall not be responsible for ascertaining that the holder of a stock warrant to bearer or of a voting certificate is lawfully entitled to the stock or shares specified in such warrant or to such voting certificate or be liable to make good any loss incurred by any person by reason or in consequence of any such voting certificate being issued to the holder of any such warrant or of any such warrant being delivered up to the holder of any such voting certificate.

58. No person shall as bearer of any stock warrant to bearer be entitled to exercise any of the rights of a stockholder or shareholder of the Company (save as herein-before expressly provided in respect of meetings) without producing the warrant and stating his name and address. Stock warrants to be produced.

59. Any notice or intimation required to be given to stockholders or shareholders of the Company under the provisions of the Companies Clauses Consolidation Act 1845 or any Act amending the same or any other Act relating to the Company may in the case of the bearers of stock warrants to bearer be given by advertising the notice once in two newspapers published in London such advertisements to be inserted within the period (if any) prescribed for the giving of such notice, As to notice to bearers of stock warrants.

A.D. 1913.

Loss or
destruction
of warrant
certificate
coupon or
voting certi-
ficate.

60. If a stock warrant to bearer or debenture stock certificate to bearer or coupon or voting certificate is lost or destroyed then upon—

(A) Proof to the satisfaction of the directors of the ownership of such lost or destroyed warrant or debenture stock certificate or coupon or voting certificate and of the loss or destruction thereof;

(B) The giving of such indemnity to the Company and the directors as the directors deem adequate;

(c) Payment of all stamp and other Government duties (if any) payable in respect of the new warrant or certificate or coupon; and

(D) Payment to the Company of a fee of five shillings;

a new stock warrant to bearer or debenture stock certificate to bearer or coupon or voting certificate as the case may be in lieu of the warrant debenture stock certificate coupon or voting certificate so lost or destroyed shall be issued by the Company and in the case of the issue of a new stock warrant to bearer or debenture stock certificate to bearer or coupon an entry of such issue shall be made by the secretary in the register of shareholders or register of debenture stockholders.

As to joint
stockholders
or share-
holders.

61. If several persons be or claim to be jointly entitled to the stock or shares specified in a stock warrant to bearer then as between the Company on the one hand and such persons on the other hand—

(A) One only of such persons shall be deemed the sole proprietor of such stock or shares; and

(B) In case of any dispute between such persons such one of them as shall be the actual holder of the stock warrant to bearer shall be deemed such sole proprietor.

Trustees
unless ex-
pressly
authorised
not em-
powered to
hold bearer
securities.

62. A trustee unless authorised by the terms of his trust shall not apply for or hold a stock warrant to bearer or debenture stock certificate to bearer issued under the authority of this Act but nothing in this section shall impose upon the Company any obligation to inquire whether the person applying for a stock warrant to bearer or debenture stock certificate to bearer is or is not a trustee or being a trustee is or is not so authorised as aforesaid or subject them to any liability in the event of their issuing to a trustee a stock warrant to bearer or debenture stock certificate to bearer.

63. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or interest or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

A.D. 1913.
For appointment of a receiver.

The mortgagees of the undertaking 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.

64. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof 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.

Existing mortgages to have priority.

65. All moneys raised under this Act whether by stock or borrowing shall be applied only to the purposes of this Act and to the general purposes of the Company being in each case purposes to which capital is properly applicable.

Application of moneys.

66. The Company may appropriate and apply to all or any of the purposes or objects of this Act being purposes to which capital is properly applicable any of the moneys which under and by virtue of any existing Acts they have raised or are authorised to raise and which may not be required for the purposes to which they are by those Acts made specially applicable.

Power to Company to apply funds.

67. The Midland Great Central Great Northern and Lancashire and Yorkshire Railway Companies and the Joint Committee respectively may apply to the purposes of this Act in which they are respectively interested and to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Power to Joint Committee to apply funds.

A.D. 1913.

Interest not
to be paid on
calls paid up.

68. 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.

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

69. 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.

Provision as
to general
Railway
Acts.

70. Nothing in this Act contained shall exempt the Company or any other company or committee upon whom any powers are conferred by this Act or their respective railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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 to be taken by the said companies and committees respectively.

Crown
rights.

71. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises 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 land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of
Act.

72. 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.

The SCHEDULE referred to in the foregoing Act. A.D. 1913.

FIRST PART.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE
REQUIRED TO BE TAKEN BY THE COMPANY.

Area.	No. on deposited Plans.	Description of Property as in the Books of Reference.
-------	-------------------------	---

WIDENING OF DARLINGTON AND SALTBURN RAILWAY.—GRANGETOWN
TO LAZENBY.

Parish of Wilton	- - -	6	Pond.
Do. do.	- - -	7	Land slag tip and road.
Do. do.	- - -	8	Bridge and sidings.

ADDITIONAL LANDS AT TOD POINT (REDCAR).

Urban district of Redcar	- - -	1	Land and siding.
Do. do.	- - -	2	Land and sidings.
Do. do.	- - -	3	Land and slag tip.

SECOND PART.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE
REQUIRED TO BE TAKEN BY THE JOINT COMMITTEE.

Area.	No. on deposited Plans.	Description of Property as in the Books of Reference.
-------	-------------------------	---

RAILWAY No. 3.—ROSSINGTON COLLIERY.

Parish of Rossington	- - -	2	Field.
Do. do.	- - -	3	Land.
Do. do.	- - -	4	Siding.
Do. do.	- - -	5	Land.
Do. do.	- - -	6	Field.
Do. do.	- - -	7	Field.

Printed by EYRE and SPOTTISWOODE, Ltd.,
FOR
FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., 29, BREAMS BUILDINGS, FETTER LANE, E.C., and
54, ST. MARY STREET, CARDIFF; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America, the Continent of Europe and Abroad of
T. FISHER UNWIN, LONDON, W.C.

