

[43 & 44 VICT.] *Scarborough and Whitby Railway* [Ch. clxiii.]  
*Act, 1880.*



CHAPTER clxiii.

An Act to revive the powers and extend the periods for the compulsory purchase of Lands and for the construction of the Railways authorised by the Scarborough and Whitby Railway Acts, 1871 and 1873; and for other purposes. A.D. 1880.  
[12th August 1880.]

WHEREAS by the Scarborough and Whitby Railway Act, 1871, (in this Act referred to as "the Act of 1871,") the Scarborough and Whitby Railway Company (in this Act called "the Company") were incorporated and were authorised to raise a capital of one hundred and twenty thousand pounds by shares, and to borrow not exceeding forty thousand pounds on mortgage, and to make and maintain the railways therein described : 34 & 35 Vict.  
c. lxxxv.

And whereas by the Scarborough and Whitby Railway Act, 1873, (in this Act referred to as "the Act of 1873,") the Company were empowered to extend their line to join the North-eastern Railway at Scarborough and the Whitby, Redcar, and Middlesborough Union Railway near Whitby, and to alter the levels of their authorised main line near Whitby, and for such purposes to raise additional capital : 36 & 37 Vict.  
c. liii.

And whereas the Company have acquired a portion of the lands required for the railways authorised by the Act of 1871, and the main line of railway has been partly constructed, and the Company have created and issued four thousand and twenty-six shares under the Act of 1871, and expended a considerable sum and have incurred considerable liability in the construction of the works, but no portion thereof has been opened for traffic :

And whereas the period for the compulsory purchase of lands for the construction of the railways and works authorised by the Act of 1871 was limited to three years from the passing of that Act, which received the Royal Assent on the 29th day of June 1871, and the period for the compulsory purchase of lands for the construction of the railways and works authorised by the Act of 1873 was

[Ch. clxiii.] *Scarborough and Whitby Railway* [43 & 44 VICT.]  
Act, 1880.

A.D. 1880. — limited to two years from the passing of that Act, which received the Royal Assent on the 26th day of May 1873, and the periods for the completion of the respective railways and works were limited by the Act of 1871 to five years from the passing of that Act, and by the Act of 1873 to five years for the completion of the railways and three years for the completion of the alteration of the levels of their main line by that Act authorised :

And whereas it is expedient that the said powers, so far as may be necessary for the due construction and completion of the said railways and works, should be revived, and that the periods for the compulsory purchase of lands and for the completion of the said railways and works should be limited as herein-after provided :

And whereas it is expedient that the Company should be authorised to raise further moneys for the purposes of their undertaking, and that the capital of the Company should be fixed and regulated, and that provision should be made for the application of the capital and revenue of the Company :

And whereas the costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of the Acts of 1871 and 1873, and of carrying into execution the powers of those Acts, are wholly or in part still unpaid and unsatisfied, and it is just and expedient that provision should be made for the satisfaction thereof, notwithstanding that the same or some part thereof may not now from lapse of time be recoverable against the Company :

And whereas it is expedient that provision should also be made for the satisfaction of the claims of any other creditors of the Company :

And whereas it is expedient that the Act of 1871 and the Act of 1873 should be altered, amended, and extended :

And whereas plans and sections of the railways and works, and a book of reference to the plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands and property which may be taken for the purposes of the railways and works, have been deposited, with reference to the application to Parliament for this Act, with the clerk of the peace for the north riding of the county of York, which plans, sections, and book of reference are in this Act referred to respectively as the deposited plans, sections, and book of reference :

28 & 29 Vict.  
c. cclxxii. And whereas by an Act passed in the year 1865, called the *Scarborough and Whitby Railway Act, 1865*, (herein-after called "the Act of 1865,") a company (herein-after called the "old company") was incorporated, by the name of the *Scarborough and*



[43 & 44 VICT.] *Scarborough and Whitby Railway* [Ch. clxiii.]  
*Act, 1880.*

Whitby Railway Company, for the making of a railway to connect Scarborough and Whitby, and for other purposes : A.D. 1880.

And whereas it was provided by section 28 of that Act that the sum of twenty-two thousand pounds therein referred to as deposited with the Court of Chancery should not be repaid unless and until the railway authorised by the Act of 1865 should be opened for public traffic, or the old company should have proved to the satisfaction of the Board of Trade that the old company had, previously to the expiration of the period by that Act limited for the completion of the railway, paid up one half of the capital by the said Act authorised to be raised by means of shares, and had expended for the purposes of the Act of 1865 a sum equal in amount to such one half of the said capital, and in default the deposit was to be absolutely forfeited to the Consolidated Fund : Provided that at any time after the passing of that Act the said money should be released if a bond in twice the amount of the said sum of twenty-two thousand pounds were executed to the satisfaction of the Solicitor to the Treasury for payment to Her Majesty, her heirs or successors, of a sum equal to the said twenty-two thousand pounds if the railway were not opened or the capital expended as aforesaid :

And whereas a bond, bearing date the twentieth day of July one thousand eight hundred and sixty-five, under the hands and seals of William Treadwell, William Henry Hammond, and Eugenius Birch, was accordingly executed and deposited with and is now held by the Solicitor of the Lords Commissioners of Her Majesty's Treasury :

And whereas the powers of the Act of 1865 were not carried into execution :

And whereas the construction of the railways authorised by the Act of 1871 and the Act of 1873 will render unnecessary the construction of the railway authorised by the Act of 1865 :

And whereas under and by virtue of the provisions of the Abandonment of Railways Act, 1850, and the Acts amending and extending the same, the Board of Trade granted a warrant for the abandonment of the railway authorised by the Act of 1865, which warrant is dated the twenty-first day of July one thousand eight hundred and seventy-six, and have certified, pursuant to section 18 of the Abandonment of Railways Act, 1850, that notice of such warrant has been duly published in manner required by section 17 of that Act : 13 & 14 Vict. c. 83., &c.

And whereas it is reasonable and expedient in the circumstances that the before-mentioned bond should be cancelled, and the said parties released from any obligation thereunder :

[Ch. clxiii.] *Scarborough and Whitby Railway* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880. — And whereas it is expedient that the Act of 1865 should be repealed :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Short title. 1. This Act may be cited for all purposes as the Scarborough and Whitby Railway Act, 1880.

Construction of Act. 2. The Act of 1871 and the Act of 1873, as varied or amended by this Act, and this Act shall be read together and shall form one Act.

Incorporation of Part II. of 26 & 27 Vict. c. 92. 3. Part II. (relating to the extension of time) of the Railways Clauses Act, 1863, so far as the provisions thereof are not expressly varied by this Act, is incorporated with this Act.

Powers of 34 & 35 Vict. c. lxxxv. and 36 & 37 Vict. c. liii. revived and contracts continued. 4. All the rights, powers, and authorities conferred upon the Company by the Act of 1871 and by the Act of 1873 for the compulsory purchase of lands, the construction and completion of the railways and works, and the levying of tolls, rates, and charges, so far as the same respectively have not been already exercised or are necessary for the due construction, completion, and maintenance of the railways and works, shall be and the same are hereby revived, and (subject as herein-after provided) all contracts, obligations, and liabilities contracted or incurred by or imposed upon the Company under those Acts, or in the exercise of the powers thereby conferred, shall be and the same are hereby continued and made applicable to the Company and their undertaking as authorised to be constructed or completed under this Act.

Power to make railways and works. 5. The railways and works which the Company may, under the powers of this Act and of the Act of 1871 and the Act of 1873, as revived by this Act, make or complete and maintain are—

1. Railway No. 1. A railway, nineteen miles six furlongs and four chains in length, commencing in the parish of Scarborough, in a piece of ground called Gallows Close, five chains or thereabouts from the south-west front of the West Parade, measured in a north-westerly direction, and terminating in the parish of Whitby, in a parcel of land abutting on Larpool Lane called or known as Larpool Hall Park, at a point distant two chains or thereabouts, measured in a north-westerly direction, from the north-west end of Crowdy Hall;



[43 & 44 VICT.] *Scarborough and Whitby Railway* [Ch. clxiii.]  
Act, 1880.

2. Railway No. 2. A railway, one furlong seven chains and seventy links in length, situate wholly in the townships of Falsgrave and Scarborough, in the parish of Scarborough, commencing from and out of Railway No. 1 at its commencement in Gallows Close aforesaid, in the township of Scarborough, and terminating by a junction with the North-eastern Railway at a point one hundred and forty-three yards or thereabouts, measured in a westerly direction along the northern side of that railway, from the west end of the ticket platform of the Scarborough Railway Station, all in the parish and borough of Scarborough;
3. Railway No. 3. A railway, four furlongs and eight chains in length, commencing at the point of termination of Railway No. 1, and terminating at a point one chain or thereabouts, measured in a southerly direction, from the southern side of the road leading from Mayfield to Whitby, in the township of Ruswarp, and forming a junction there with the Whitby, Redcar, and Middlesborough Union Railway now in the course of construction, all in the parish of Whitby;
4. All proper stations, approaches, junctions, sidings, works, and conveniences connected therewith respectively;

A.D. 1880.

And the said railways and works shall be constructed and maintained in the lines and according to the levels shown on the deposited plans and sections, and in accordance with the provisions of the Act of 1871 and the Act of 1873, so far as the same are respectively applicable.

6. The Company in constructing Railway No. 2 shall cover in with an arch of brickwork, and with two feet depth of earth over the same, the whole of the cutting from the north end of the tunnel to the southern side of Folly Lane, in the parish of Scarborough, and shall not erect any station buildings on any of the lands through which such cuttings shall be constructed without the consent of the owners of such property; and the Company shall on completion of the said works restore the square, called Belgrave Square, and roads under which such cuttings shall be constructed to their present state, and shall not at any subsequent time interfere with the same, except in the case of accident or other inevitable cause.

Conditions  
as to tunnel  
in Railway  
No. 2.

7. The works connected with the tunnel between Westborough Road and Folly Lane shall be completed within nine months from the date of the commencement of the works.

Time for  
completing  
tunnel.

8. The Railway No. 2 shall join the North-eastern Railway at such point, in such manner, and with such connecting lines of approach, sidings, and other works as shall be required or approved by the engineer of the North-eastern Railway Company, and the

Junction  
with North-  
eastern  
Railway.

[Ch. clxiii.] *Scarborough and Whitby Railway* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880. — several provisions in the Railways Clauses Act, 1863, as to junctions shall extend and apply to such connecting lines and works as well as to the junction with the North-eastern Railway.

Provisions  
as to bridge  
over North-  
eastern  
Railway.

9. The Railway No. 3 shall be carried over the North-eastern Railway by means of a bridge or viaduct of one span of at least thirty feet in width on the square, and with not less than thirty feet clear headway above the surface level of the rails of the North-eastern Railway throughout under the same, which bridge and the works connected therewith shall be made and constructed in a substantial and workmanlike manner, and to the reasonable satisfaction of, and according to plans to be previously approved by, the engineer of the North-eastern Railway Company, and so as not to endanger or interfere with the security of their railway or to impede the traffic thereof, and shall for ever afterwards be so maintained and kept in good and proper repair by and at the expense of the Company, and the North-eastern Railway Company may require all such precautions to be taken by the Company in constructing, maintaining, and repairing the said bridge, and the works connected therewith, as their engineer may deem expedient for protecting their railway from injury and the traffic thereon from interruption, and in case any damage or injury shall be caused to their railway, or interruption or injury to the traffic thereon, by reason of the said bridge or the works connected therewith, or during the construction, maintenance, use, or repair thereof respectively, the same shall forthwith be made good by the Company to the North-eastern Railway Company, or that company may make good such damage or injury to their railway, and recover the cost and expense thereof, and also compensation for such interruption or injury to their traffic as aforesaid, from the Company in any court of competent jurisdiction.

North-east-  
ern Railway  
Company's  
property not  
to be pur-  
chased com-  
pulsorily, and  
interference  
therewith  
restricted.

10. The Company shall not purchase or take compulsorily any land or property of the North-eastern Railway Company, but they may purchase and acquire from that company an easement or right of constructing and maintaining the railways on and over the property of that company in accordance with the provisions of this Act, nor (save only so far as may be necessary for the purpose of constructing, maintaining, and using the railways, and the said junction, connecting lines, and works as aforesaid) shall the Company or any person in the execution of this Act, in any manner, either temporarily or permanently, enter upon, use, or interfere with the railways or property of the North-eastern Railway Company without the consent in writing of that company first obtained.



[43 & 44 VICT.] *Scarborough and Whitby Railway* [Ch. clxiii.]  
*Act, 1880.*

**11.** In constructing the junction by this Act authorised with the Whitby, Redcar, and Middlesborough Union Railway the Company shall, at their own costs, make the same at such point and in such manner, and construct and maintain all necessary connecting lines, sidings, and other works, as have been or shall be approved by the engineer of that company, and the several provisions in the Railways Clauses Act, 1863, as to junctions shall extend and apply to such connecting lines and other works as well as to the said junction.

A.D. 1880.  
 Junction  
 with Whitby,  
 Redcar, and  
 Middles-  
 borough  
 Union  
 Railway.

**12.** The width of the bridge or arch for carrying the railway over the Whitby, Redcar, and Middlesborough Union Railway shall be so constructed that no part of the piers or abutments shall, without the consent in writing of the Company, be nearer to the centre line of that railway than twenty-six feet, so as to leave a clear opening of not less than fifty-two feet, and that the clear height of such bridge or arch for the entire width shall not be less than sixteen feet above the level of the rails of the Whitby, Redcar, and Middlesborough Union Railway.

Dimensions  
 of bridge  
 over Whitby,  
 Redcar, and  
 Middles-  
 borough  
 Union  
 Railway.

**13.** The Company shall not purchase or take compulsorily any land or property of the Whitby, Redcar, and Middlesborough Union Railway Company, but they may purchase and acquire from that company an easement or right of constructing and maintaining the said Railway No. 3, and the said junction, connecting lines, sidings, and other works, in accordance with the provisions of this Act: Provided always, that the Company shall not, except so far as may be necessary for the purpose of constructing, maintaining, and using the said junction, connecting lines, sidings, and works as aforesaid, enter upon, use, or interfere with the railway or property of the Whitby, Redcar, and Middlesborough Union Railway Company without the consent in writing of that company first obtained.

Whitby,  
 Redcar, and  
 Middles-  
 borough  
 Union  
 Railway  
 Company's  
 property not  
 to be pur-  
 chased com-  
 pulsorily.

**14.** In constructing the Railway No. 3 through the properties numbered 3 and 4, in the parish of Whitby, on the deposited plans of that railway, the Company shall be bound by the following conditions:

Crossing of  
 public foot-  
 path in parish  
 of Whitby.

The public footpath through the said properties shall be carried over the railway by means of a bridge:

The bridge shall be constructed of such width and with such approaches on either side as shall be determined between the surveyor for the time being of the Whitby District Local Board and the Company's engineer, and in case they cannot agree, then by some person who shall be appointed by the Board of Trade for that purpose, whose decision shall be final:

[Ch. clxiii.] *Scarborough and Whitby Railway* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880.

The bridge when constructed shall be maintained in good and substantial repair by and at the cost of the Company.

Fixing capital of the Company.

15. The capital of the Company shall be two hundred and forty thousand pounds, consisting of four thousand and twenty-six shares of ten pounds each (herein-after called "A shares") created and issued under the Act of 1871, and of fifty-four thousand seven hundred and forty pounds stock (herein-after called "B stock"), and of fourteen thousand five hundred shares of ten pounds each (herein-after called "C shares"), and the B stock and C shares shall be created and issued under and subject to the powers and provisions of this Act.

Company to issue "B" stock to creditors in satisfaction of their claims.

16. The Company shall issue to the several persons having claims against the Company at the time of the passing of this Act, in respect of their costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of the Acts of 1871 and 1873, and of carrying into execution the powers of those Acts, and also to all such other persons having claims against the Company at the time of the passing of this Act, other than unpaid vendors of land, who have agreed or shall agree to accept the same, so much B stock at par as is equal in each case in amount to the amounts of their said respective claims against the Company, and such persons shall accept such stock as and in full payment, satisfaction, and discharge of their respective claims, and such stock shall in every case be issued when and so soon as the amount of each claim has been ascertained or agreed to: Provided always, that on the issue of stock in settlement of Messieurs Kirk and Parry's claim for works executed by them under their contracts with the Company, they shall surrender their contracts and accept such stock in discharge of all claims and demands against the Company arising out of such contracts.

"C" shares not to be issued until one-fifth part paid up.

17. The Company shall not issue any C share, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not less than one fifth of the amount of such share is paid in respect thereof.

Calls.

18. One fifth of the amount of a C share shall be the greatest amount of any one call which the Company may make on any such share, and three months at least shall be the interval between successive calls, and not more than three fourths of the amount of any C share shall be called up in any one year.

Except in respect of priorities of dividend the

19. Subject to the priorities in respect of dividend as herein-after provided of the several classes of shares and stock in the capital of the Company, the capital created and issued under and subject to



[43 & 44 VICT.] *Scarborough and Whitby Railway* [Ch. clxiii.]  
Act, 1880.

the provisions of this Act, and the B stock and C shares therein, and the holders thereof respectively, shall have the same incidents and be subject and entitled to the same powers, provisions, liabilities, rights, and privileges whatsoever in all respects as if that capital were part of the capital of the Company created and issued under the Act of 1871, and the B stock and C shares were stock or shares in that capital.

A.D. 1880.  
"B" stock  
and "C"  
shares to be  
subject to  
same inci-  
dents as  
"A" shares.

**20.** If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in  
case of per-  
sons not sui  
juris.

**21.** The Company may from time to time borrow on mortgage any sum not exceeding in the whole eighty thousand pounds, but no part thereof shall be borrowed until the whole of the C shares have been issued and accepted, and one half of the whole amount thereof has been paid up, and the Company have proved to the satisfaction of the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845 (before he so certifies), that the whole of the C shares have been issued and accepted, and that one half of the amount of such shares has been paid up, and that not less than one-fifth part of the amount of each separate C share has been paid on account thereof, and that the C shares were issued bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Power to  
borrow on  
mortgage.

8 & 9 Vict.  
c. 16.

**22.** The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. 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 eight thousand pounds in the whole.

Appoint-  
ment of a  
receiver.

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

Power to  
create  
debenture  
stock.  
26 & 27 Vict  
c. 118.

[Ch. clxiii.] *Scarborough and Whitby Railway* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880.

Quorum for  
meetings of  
directors.

Application  
of capital.

24. The quorum for a meeting of directors shall be three when the number of directors is five, and two when their number is four or three.

25. All moneys raised by the Company, whether by the issue of C shares, debenture stock, or borrowing, shall be applied in the manner and order following :

(1.) In or towards paying the costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of this Act :

(2.) In purchasing and in completing the purchases of land (including those already made and uncompleted), and in making and completing such accommodation works for the benefit of vendors of land as the Company already are or shall become liable to make, and in payment of all costs and expenses in relation thereto respectively :

(3.) In constructing and completing the railways and works by the Act of 1871, the Act of 1873, and this Act authorised, and in providing rolling stock and other matters and things for the due equipment and working of the railways, and in payment of all other expenses, matters, and things to which capital is properly applicable, not being claims enforceable against the Company at the time of the passing of this Act.

Application  
of revenue.

26. The net revenue of the Company in any year shall be applied in the first place in payment of a dividend, at the rate of five pounds per centum per annum, on the amount for the time being paid up on the C shares, in priority to all other charges or claims against the Company, and so much of the residue of such net revenue as shall be applicable to dividend shall be applied in order and manner following :

(1.) In payment of dividend at the rate of three pounds per centum per annum on the B stock :

(2.) In payment of dividend at the rate of two pounds per centum per annum on the amount for the time being paid up on the A shares :

(3.) The surplus, if any, after payment of the foregoing dividends, shall be applied in payment of equal dividends to the holders of the B stock and A shares, until the holders of B stock shall have (including the foregoing dividend) received a dividend of five pounds per centum upon the respective amounts of the B stock held by them, and the holders of A shares shall have in like manner received a dividend of four pounds per centum upon the amount for the time being paid up on their respective shares :



[43 & 44 VICT.] *Scarborough and Whitby Railway* [Ch. clxiii.]  
*Act, 1880.*

(4.) Any surplus shall be divided equally among the holders of C shares : A.D. 1880.

Provided always, that any deficiency in the dividend on any class of shares or stock in any year shall not be made good out of the revenue of any subsequent year.

27. The railways and works shall be completed within five years from the passing of this Act, and on the expiration of such period the powers granted to the Company for making the same shall cease, except as to so much thereof as shall then be completed. Period for completion of railways.

28. The powers of the Company for the compulsory purchase of lands for the purposes of the railways and works may be exercised within but shall not be exercised after two years from the passing of this Act. Period for the compulsory purchase of lands.

29. Whereas the sum of six thousand pounds, being five per centum upon the amount of the estimate in respect of the railways authorised by the Act of 1871, was deposited with the Court of Chancery in England in respect of the application to Parliament for the Act of 1871, as recited in the 37th section of that Act, and the sum of two thousand pounds, being five per centum upon the amount of the estimate in respect of the railways authorised by the Act of 1873, was deposited in the said Court in respect of the application to Parliament for the Act of 1873, as recited in the 18th section of that Act, and those several sums still remain deposited in the Court, that is to say, the Chancery Division of the High Court of Justice (herein-after referred to as "the Court") : Be it enacted, that, notwithstanding anything contained in the Act of the ninth and tenth years of Her present Majesty, chapter 20, or in the Act of 1871 and the Act of 1873, the said sums so deposited shall remain in the Court to the credit of the respective undertakings, and shall be applicable in the manner herein-after specified, and shall not be paid or transferred to or on the respective application of the person or persons, or the majority of the persons, named in the respective warrants or orders issued in pursuance of the said Act of the ninth and tenth years of Her Majesty, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railways, either open the railways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of their share capital, and have expended for the purposes of the Act of 1871 and the Act of 1873 and of this Act a sum equal in amount to such one half of the said Deposit moneys not to be repaid until line opened or half the capital paid up and expended.

[Ch. clxiii.] *Scarborough and Whitby Railway* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880.

share capital; and if the said period shall expire before the Company shall either have opened the railways for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sums of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of the Act of 1871, the Act of 1873, or of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application  
of deposits.

**30.** The said sums of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subject to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by the Act of 1871, the Act of 1873, or of this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court may seem fit; and if no such compensation shall be payable, or if a portion of the said sums of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sums of money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sums of money have been repaid to the respective depositors, or have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon respectively shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, respectively



named in such warrants or orders as aforesaid, or the respective survivors or survivor of them. A.D. 1880.

**31.** Upon the production of this Act the Solicitor to the Lords Commissioners of Her Majesty's Treasury shall deliver up the before-mentioned bond, dated the twentieth day of July one thousand eight hundred and sixty-five, entered into under the twenty-eighth section of the Act of 1865, to be cancelled, and satisfaction shall be entered up thereon. Cancelling of bond.

**32.** Forthwith after the passing of this Act the old company shall proceed to wind up their affairs, and shall pay, satisfy, and discharge all their debts, liabilities, and engagements, and thereupon the Act of 1865 shall be repealed. Affairs of old company to be wound up.

**33.** The Company shall not, out of any money by this Act or any other Act relating to the Company authorised to be raised, pay to any shareholder interest or dividend on the amount of calls made in respect of the shares held by him: Provided always, that the Company may pay to any shareholder any such interest on money advanced by him beyond the amount of the calls actually made as may be in conformity with the provisions of the Companies Clauses Consolidation Act, 1845. Interest on calls not to be paid out of capital.

**34.** The Company shall not, out of any money by this Act or any Act relating to the Company authorised to be raised, pay or deposit any sum of money which, by any standing order of either House of Parliament for the time being in force, may require to be deposited in respect to any application to Parliament for the purpose of obtaining an Act authorising the said Company to construct any railway or to execute any other work or undertaking. Deposit for future Bills not to be paid out of Company's capital.

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

**36.** Provided always and be it enacted, that nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or enjoyed Saving rights of the Crown and the Duchy Lancaster.

[Ch. clxiii.] *Scarborough and Whitby Railway* [43 & 44 VICT.]  
*Act, 1880.*

A.D. 1880. — by the Queen's most Excellent Majesty, her heirs and successors, as well in right of her Crown as in right of her Duchy of Lancaster.

Provision  
for general  
Railway  
Acts.

**37.** Nothing in the Act of 1871, the Act of 1873, or this Act contained shall be deemed or construed to exempt the Company or the railways by the said Acts and this Act authorised from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of railway companies, or from any future revision and alteration, under the authority of Parliament, of the rates for small parcels, and the maximum rates of fares and charges, authorised by the Act of 1871 and the Act of 1873, or either of those Acts.

Expenses  
of Act.

**38.** All the costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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