



CHAPTER cxxix.

An Act for enabling the North Eastern Railway Company to make new Railways and Works and to acquire additional Lands and for other purposes.

A.D. 1890.

[25th July 1890.]

WHEREAS it is expedient that the North Eastern Railway Company (in this Act called "the Company") should be empowered to make the new railways roads and footpaths and to alter and widen the portions of their existing railways and execute the 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 plans and sections showing the lines and levels of the said new railways and works and plans of the said lands 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 railways and works will be constructed and the said lands are situate which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference :

And whereas it is expedient that a portion of the Company's Leeds Extension Railway adjoining Leeds New Station should be vested in the Company and the London and North Western Railway Company (herein-after referred to as "the two Companies") for the purposes of that station and that certain lands belonging to the two Companies as part of the said station should be vested in the Company for the general purposes of their undertaking :

And whereas it is expedient that provision should be made for the imposition of penalties on the masters or chief officers of vessels giving false information of the draught of water of such vessels on entering or leaving any of the Company's docks :

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

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

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

Short title.

1. This Act may be cited for all purposes as the North Eastern Railway Act 1890.

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 the construction of a railway) of the Railways Clauses Act 1863 :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ; and

The giving of notices :

And Part I (relating to cancellation and surrender of shares) and Part II (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction : A.D. 1890.

The expression "the railway" or "the railways" means the new railway or new railways and the widenings of railway or railways by this Act authorised :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

4. Subject to the provisions of this Act the Company may make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections the railways and widenings of railways and other works hereinafter described with all proper stations sidings approaches roads works and conveniences connected therewith and may enter upon purchase take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes :

Power to make new and widen existing railways.

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

- (1) A railway (on the deposited plans and sections called Railway No. 2) four furlongs and three chains in length situate wholly in the parish of Lanchester in the county of Durham commencing by a junction with the Company's Blaydon and Conside Railway and terminating by a junction with the Company's Stanhope and Carrhouse Railway :
- (2) A railway (on the deposited plans and sections called Railway No. 3) three miles five furlongs and one chain in length situate wholly in the parish of Lanchester in the county of Durham commencing by a junction with Railway No. 2 and terminating by a junction with the Company's Pontop and South Shields Railway :
- (3) A railway (on the deposited plans and sections called Railway No. 4) three furlongs and eight chains in length situate wholly in the parish of Selby in the West Riding of the county of York commencing by a junction with the Company's York and Doncaster Railway and terminating by a junction with the Company's Leeds and Selby Railway :
- (4) A widening two furlongs and two chains in length of the Company's Newcastle and Berwick Railway in the parish of Saint Nicholas and parish or parochial chapelry of All Saints

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or one of them in the city and county of Newcastle-upon-Tyne between the Company's Newcastle-upon-Tyne Central Station and the west end of the Manors Station :

(5) A widening one mile six furlongs nine chains and eight yards in length of the Company's Gateshead and Washington Railway in the parish of Jarrow in the county of Durham between a point about one hundred and seventy yards west of the Felling goods junction signal cabin and a point about three hundred yards east of the east end of the Pelaw Station platform :

(6) Widenings of the following bridges in the parish of Saint Nicholas and parish or parochial chapelry of Saint John or one of them in the city and county of Newcastle-upon-Tyne (that is to say) :—

(A) The bridge carrying the Company's Newcastle and Carlisle Railway over the street called Forth Banks on the south side thereof :

(B) The bridge carrying the said railway over Shot Factory Lane on the north side thereof.

Tolls.

5. The new railways and the widenings of the existing railways and bridges hereby authorised 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 tolls rates and charges not exceeding the tolls rates and charges which 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 the Company are authorised subject to revision under the Railway and Canal Traffic Act 1888 to demand receive and take.

Power to alter a certain road in the parish of Lanchester.

6. In the construction of Railway No. 3 in the parish of Lanchester the Company instead of carrying the same across the road numbered on the deposited plans 138 in the said parish of Lanchester on the level shall carry the same over such road by a bridge in accordance with the plan and sections signed by Robert William Duff the chairman of the committee of the House of Commons to whom the Bill for this Act was referred except that the gradient of the road under the said bridge on the north side thereof shall not be more than one foot in twenty-five feet.

Provision as to diversion of road in the parish of Lanchester.

7. In the construction of Railway No. 3 in the parish of Lanchester the Company instead of executing the works in accordance with the deposited plans and sections may execute the same in

accordance with the plan and sections signed by the Right Honourable the Earl of Strafford the chairman of the committee of the House of Lords to whom the Bill for this Act was referred and may divert and stop up the portions of road shown on such last-mentioned plan as proposed to be diverted and stopped up respectively.

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8. For the protection of the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne (in this section called "the corporation") the following provisions shall have effect (that is to say):—

For the
protection of
corporation
of Newcastle-
upon-Tyne.

- (1) In this section the widenings of bridges refer to the widenings of bridges for carrying over the streets herein-after referred to the widening by this Act authorised of the Company's Newcastle and Berwick Railway :
- (2) The widening of the bridges over the following streets respectively namely "the High Level Approach" "the Black Gate" "Pilgrim Street" and "Manor Chare" shall have throughout in each case the same span and as nearly as possible the same height above the surface of the ground underneath as the existing bridges carrying the said Newcastle and Berwick Railway over those respective streets :
- (3) The widening of the bridges over Dean Street and the City Road respectively shall subject to the provisions of this section be constructed in accordance with the deposited plans and sections to the reasonable satisfaction of the city engineer of the corporation with regard to position of abutments and height and span of arches or girders (as the case may be) :
- (4) The several bridges as widened over Black Gate Forth Banks and Shot Factory Lane shall be efficiently lighted by day and by night to the reasonable satisfaction of the city engineer of the corporation :
- (5) All widenings of bridges constructed over public streets under the powers of this Act shall be so constructed as to prevent the dropping of water on the footways beneath and the abutments thereof shall be so constructed as not to encroach upon the line of the street on either side thereof :
- (6) All works so far as they affect the said respective streets shall subject to the provisions of this section be executed and maintained in accordance with the deposited plans and sections to the reasonable satisfaction of the city engineer of the corporation and when commenced shall be completed with all reasonable despatch and so as not to obstruct or interfere with the traffic of the streets :

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(7) If any difference shall arise between the Company and the corporation touching anything to be done or not to be done under this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed on) by the Board of Trade on the application of either party and the costs of such settlement shall be borne as he shall direct :

(8) The Company and the corporation may agree in writing for the alteration of any of the provisions of this section.

For the
protection of
Miss Easton.

9. For the protection of Emily Matilda Easton her heirs and assigns or other the owners of the estate known as "Nest House" at Felling in the said parish of Jarrow all of whom are included in the expression "the owner" where used in this section the following provisions shall have effect unless otherwise agreed between the owner and the Company (that is to say):—

1. The said widening of the Gateshead and Washington Railway where it crosses over the road numbered on the deposited plans 2 in the said parish of Jarrow shall be made wholly on the southern side of the existing bridge carrying the said railway over that road :

2. The lengthened portion of the said bridge shall be constructed with flat trough girders with a headway through the entire length of the said lengthened portion not less than two feet higher than the headway shown on the deposited sections :

3. The abutments of the lengthened portion of the bridge shall not project into the roadway beyond the face of the present wing walls of the existing bridge at the south end :

4. The bridge as lengthened shall be maintained so far as reasonably practicable drop dry and shall be efficiently lighted at the cost of the Company by day and by night.

Period for
completion
of new rail-
ways.

10. 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 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.

11. If the Company fail within the period limited by this Act to complete the new railways they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in respect of which the penalty has been incurred is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway in respect of which the penalty has been incurred :

The said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in respect of which the penalty has been incurred in accordance with the provisions of the next following section of this Act or by the solicitor to the Treasury and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854: A.D. 1890.

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 the said third section of the said Act 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 was prevented from completing or opening the railway in respect of which the penalty has been incurred by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

12. 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 may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit: Providing for 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 either be forfeited to Her Majesty and accordingly be paid 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 to the Treasury and shall be carried to and

A.D. 1890. — 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 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.

Power to
acquire
additional
lands.

13. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon purchase take use and appropriate for the general purposes of their undertaking all or any of the lands houses and buildings herein-after described or referred to and delineated on the deposited plans and described in the deposited books of reference and may also execute the works and exercise the powers herein-after mentioned (that is to say) :—

In the county of Northumberland—

(1) Certain lands in the parish of Long Benton situate on the north side of and adjoining the Company's Newcastle and Tynemouth Railway at the west end of Walker Gate Station :

And the Company may within the respective limits of the said lands and in accordance with the deposited plans divert the footpath leading from Shields Road to East Heaton which crosses the said lands :

When and so soon as the said diversion is completed and open to the public the Company may stop up and abolish and appropriate to the purposes of their undertaking so much of the existing footpath as is shown on the deposited plans as proposed to be stopped up including the level crossing also shown on the said plans :

(2) Certain lands in the parish of Woodhorn forming the site of a portion of the Company's Blyth and Tyne Railway extending from a point at or near the east end of Bebside Station for a distance of about five hundred and thirty yards eastwards and also the site of a portion of the said railway extending from a point about seven hundred and eighty yards east of the said station for a distance of about two hundred and twenty yards eastwards :

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

Certain lands in the parish of Saint Nicholas situate on the east side of Clavering Place and on the south side of and adjoining the Company's railway :

In the county of Durham—

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- (1) Certain lands in the parish of Billingham situate on the north side of and adjoining the Company's Clarence Railway near Haverton Hill Station :
- (2) Certain lands in the parish of Billingham situate on the south side of and adjoining the Company's Clarence Railway near Port Clarence Station except those numbered on the deposited plans 1 12 18 20 and 21 in the said parish :
- (3) Certain lands in the parish of Bishopwearmouth situate on the south side of and adjoining the works of the Sunderland Gas Company :
- (4) Certain lands in the parishes of Greatham and Stranton forming the site of a portion of the Company's Stockton and Hartlepool Railway extending from the bridge over the Claxton Beck to a point about four hundred and twenty yards south of Seaton Carew Station :
- (5) Certain lands in the parish of Boldon forming the site of a portion of the Company's Pontop and South Shields railway extending from a point about sixty yards south of the level crossing by which the turnpike road from Felling to West Boldon crosses that railway for a distance of about seven hundred yards southwards and also the site of a portion of the said railway extending from a point about one hundred yards north of the said level crossing for a distance of about three hundred and thirty-five yards northwards :

Provided always that the powers by this Act granted for the compulsory purchase and taking of the said lands in the parish of Boldon shall be exerciseable only on or within three years after the expiration or other sooner determination (otherwise than by notice by the lessees) of the term for which such lands are now held by the Company under or by virtue of a certain indenture of lease dated the thirty-first December one thousand eight hundred and thirty-four and made between the Reverend Nathaniel John Hollingsworth of the one part and John Fairweather Harrison Thomas Barnard and William Harrison of the other part :

In the East Riding of the county of York—

- (1) Certain lands in the township and parish of Holme on Spalding Moor situate on both sides of the Company's Market Weighton and Selby Railway adjoining Everingham Station :
- (2) Certain lands in the township and parish of Market Weighton on the south side of the Company's York and Beverley Railway adjoining Market Weighton Station :

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- (3) Certain lands in the parishes of Bessingby and Bridlington on the south side of the Company's Hull and Scarborough Railway near Bridlington Station :

And the Company may within the limits of the said lands stop up and abolish as a footpath and appropriate to the purposes of their undertaking the footpath which crosses the said lands including the level crossing of such footpath over the said railway :

- (4) Certain lands in the parish of Bridlington adjoining the Company's lands at the south side of Bridlington Station and abutting on the road leading from Bessingby to Bridlington Quay :

In the West Riding of the county of York—

- (1) Certain lands in the parish of Selby on the east side of the Company's York and Doncaster Railway :

- (2) Certain lands in the parish of Leeds on the north side of the Company's Leeds and Thirsk Railway and adjoining Headingley Station.

For the protection of the Ecclesiastical Commissioners for England and their lessees.

14. The Ecclesiastical Commissioners for England or their lessees for the time being of the hereditaments in the parish of Billingham included in a lease dated the twenty-eighth day of July one thousand eight hundred and eighty-seven and made between the said Commissioners of the first part Robert Nigel Fitzhardinge Kingscote of the second part and Bell Brothers Limited of the third part (hereinafter in this section referred to as "the Commissioners") shall be entitled to make and maintain the siding and junction shown on a plan marked No. 2 and signed by Robert Holmes White William Morris junior and George S. Gibb or such improved siding and junction as may hereafter be agreed to by the Company and the Commissioners and also to make and maintain a bridge across the railway of the Company at the point shown on the above-mentioned plan No. 2 for access to their lands lying to the south of the railway such bridge being constructed and maintained to the reasonable satisfaction of the Company's engineer according to the plan and section marked No. 1 also signed by Robert Holmes White William Morris junior and George S. Gibb and the Company shall afford to the Commissioners reasonable facilities at reasonable rates for using the Company's lines for traffic passing between their existing works and the new works proposed to be made on the north side of the road leading from Port Clarence to Haverton Hill But as between the Commissioners and their lessees this section shall not give to such lessees any further rights against the Commissioners than may be given by their lease.

15. Nothing in this Act shall be deemed to exclude or prejudice any claim of the Ecclesiastical Commissioners for England for compensation under the Lands Clauses Consolidation Act 1845 in respect of their rights (if any) in the lands whether below or above high water-mark in the parish of Billingham numbered on the deposited plans 7 8 9 10 and 11 the title of the Company to which is disputed by the said Commissioners.

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Providing
for certain
claims of the
Ecclesiastical
Commis-
sioners.

16. The Company may stop up and abolish the level crossing for foot passengers across their Newcastle and Carlisle Railway in the parish of Ryton or parish of Winlaton in the county of Durham at a point about three hundred yards measured along the railway in a westerly direction from the west end of Blaydon Station platform and all rights of way over the said crossing are hereby extinguished.

Power to
stop up foot-
path level
crossing at
Blaydon.

17. The Company may in the parish of Stockton-upon-Tees make a new occupation road commencing by a junction with the road adjoining the east side of the Phoenix Ironworks at or near the point where it is crossed by the Company's Stockton and Hartlepool Railway on the level and terminating by a junction with the public road leading to Bishopton at a point opposite the Company's mineral offices and may make a bridge to carry the footpath at the said crossing over the railway and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes :

Power to
make occu-
pation road
and foot-
bridge
and to stop
up level
crossing at
Stockton-
upon-Tees.

When and so soon as the said new occupation road and bridge are respectively completed and opened the Company may stop up and abolish the said level crossing and all rights of way over the same are hereby extinguished.

18. Subject to the provisions of this Act and in accordance with the deposited plans and sections the Company may make the new roads and deviations or alterations of roads and other works hereinafter described with all proper approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say) :—

Power to
make and
alter roads.

- (1) They may in the parishes of Bessingby and Bridlington in the East Riding of the county of York divert and alter the lines and levels of the under-mentioned portions of roads which are crossed by the Company's Hull and Scarborough Railway near Bridlington Station on the level and may carry

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the said roads over such railway by means of bridges (that is to say) :—

(A) So much of the road from Bessingby to Bridlington Quay as lies between a point thereon about one hundred and forty-seven yards measured along the said road in a northerly direction from the said level crossing and another point thereon about one hundred and sixty-five yards measured as aforesaid in a southerly direction from the said level crossing. Provided always that the Company shall carry the bridle road which leads from the said road to the village of Bessingby through an archway and shall divert the footpath leading from that road to Ings Lane so that the same shall pass along the north side of the field in which the Company's coal depôts are situate and shall make and maintain a suitable and convenient flight of steps or footway on the northern slope of the embankment of the approach to the bridge carrying the said road over the railway for the accommodation of the occupiers of the houses on the western side of the said level crossing :

(B) So much of the road from Hilderthorpe to Bridlington as lies between the junction therewith of the road from Bessingby to Bridlington Quay and a point about one hundred and forty-four yards measured along the road to be diverted in a northerly direction from the said level crossing. They shall also divert in connection with the last-mentioned road the portion of the road leading therefrom to Bridlington station and such last-mentioned diverted portion of road shall when completed be maintained by the Company. Provided always that in altering and diverting the portion of the said road from Hilderthorpe to Bridlington lying north of the said level crossing the Company shall not deviate eastwards from the lines of the diverted or altered road as delineated upon the said plans and shall enter upon take and use so much only of of the said portion of road included within the limits of deviation laid down on the said plans as may be required for making the said road on the lines aforesaid and no more :

(2) They may in the parish of East Cowton in the North Riding of the county of York divert and alter the lines and levels of the portion of the road from East Cowton to Great Smeaton which is crossed by the Company's York and Darlington Railway on the level at Cowton station as lies between a point

thereon about one hundred and twenty yards measured along the said road in a northerly direction from the said level crossing and another point thereon about eighty-three yards measured as aforesaid in a southerly direction from the said level crossing and may carry the road under the said railway by means of a bridge: A.D. 1890.

When and so soon as the before-mentioned diversions and alterations of roads are completed and opened to the public the Company may (except as to the portion not required for the purposes of the said works of the said road from Bessingby to Bridlington which lies westward of the said level crossing in that road and the portions not required for the purposes of the said works of the said road from Hilderthorpe to Bridlington which lie north and south of the said level crossing in that road which said portions of the said last-mentioned roads shall not vest in the Company under the provisions of this Act) stop up and discontinue as roads and appropriate to the purposes of their undertaking such portions of the existing roads as are shown on the deposited plans as proposed to be diverted and as are bounded on both sides by lands of the Company or of which under the powers of this Act they become the owners including the said level crossings:

- (3) They may in the parish of Overton in the North Riding of the county of York make a new road commencing by a junction with the road from Newton-upon-Ouse to Shipton at or near the east end of the bridge carrying that road over the Company's York and Darlington Railway and terminating at or near the east end of the level crossing by which the road from Newton-upon-Ouse to York is crossed by that railway:

When and so soon as the said new road is completed and opened to the public the Company may stop up and discontinue as a road and appropriate to the purposes of their undertaking so much of the said road from Newton-upon-Ouse to York as is shown on the deposited plans as proposed to be stopped up and as is bounded on both sides by land of the Company or of which under the powers of this Act they become the owners including the said level crossing.

19. Except as otherwise provided by this Act the new roads and the footpaths hereby authorised (except the stone iron or other structure of any bridge carrying the same over any railway which shall be maintained by the Company) shall when completed be maintained by the persons liable to maintain the public highways within the districts in which such new roads and footpaths will be situate If any question shall arise between the Company and

Provision
as to repair
of new roads
&c.

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any of such persons as to the due completion of any new road footpath or works such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days' notice to both parties of the sitting of the justices for the purpose and the certificate of the justices of the due completion of such new road shall be conclusive evidence of the fact so certified. Provided always that nothing in this section shall relieve the Company from any obligation to repair and maintain any road or footpath or any part thereof made or deviated for the purposes of the railways by this Act authorised which they would be bound to repair and maintain under the provisions of the Railways Clauses Consolidation Act 1845.

Extinguish-
ment of
rights of
way.

20. All rights of way over or along the several roads footpaths or other highways or portions thereof which shall under the provisions of this Act be stopped up and over any of the lands which shall under the compulsory powers of this Act be purchased or acquired shall be and the same are as from such stopping up or acquisition hereby extinguished.

Site of roads
and footpaths
stopped up
to vest in
Company.

21. Where the Company shall under the provisions of this Act divert or stop up any road or footpath the soil and site of the road so diverted or stopped up to the extent of the lands of the Company or of which under the powers of this Act they become the owners on both sides of such road or footpath shall subject to the provisions of the Railways Clauses Consolidation Act 1845 with regard to mines and minerals lying under or near to the railway thereupon vest in and thenceforth be held by them in fee as part of their undertaking.

Period for
compulsory
purchase of
lands.

22. Except as to the lands in the parish of Boldon in the county of Durham the powers by this Act conferred upon the Company for the compulsory purchase of lands and buildings shall cease after the expiration of three years from the passing of this Act.

Power to
owners to
grant ease-
ments to
Company &c.

23. 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 Company any easement right or privilege (not being an easement of water) 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 and also to all such estates or interests rent wayleave rents or other payments as are by this Act authorised to be purchased and taken.

24. And whereas in the construction of the railways and 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 lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the Company and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore the owners of and persons interested in the lands buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of the Company may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without material detriment thereto be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise :

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Owners may be required to sell parts only of certain lands and buildings.

If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of the said tribunal any such portions cannot be severed from the remainder of such property without such material detriment the Company may withdraw their notices to treat for the portion or portions of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice Provided also that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to

A.D. 1890. — the arbitration or inquiry shall be borne and paid by such owner or person. The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained. The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Restrictions
on displacing
persons of
labouring
class,

25.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme :

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme :

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit :

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any

scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court : A.D. 1890.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty :

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act :

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit :

A.D. 1890.

(8) So much of section one hundred and fifty-seven of the Public Health Act 1875 as provides that the provisions of that section and of sections one hundred and fifty-five and one hundred and fifty-six of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament and so much of section sixty-eight of the Newcastle-upon-Tyne Improvement Act 1870 as provides that the provisions of that Act with respect to new buildings or the enlarging or altering of existing buildings shall not apply to stations warehouses or buildings of any description of or belonging to any railway company and used or intended to be used by them for the purposes of their railway shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section :

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875 :

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector :

(11) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Provision as to purchase and sale of lands at Leeds New Station.

26. The Company may sell and the two companies may purchase upon such terms and conditions as have been or may be agreed upon and hold as part of and for the purposes of the Leeds New Station undertaking a portion of the Company's Leeds Extension Railway immediately adjoining the Leeds New Station and the two companies may sell and the Company may purchase upon such terms and conditions as have been or may be agreed upon and hold for the general purposes of their undertaking certain lands belonging

to the two companies as part of the Leeds New Station undertaking and now in the occupation of the Company. A.D. 1890.

27. If the master of any vessel entering or leaving or intending to enter or leave any dock or basin of the Company shall give false information of the draught of such vessel to the dock-master or any person acting for or by order of such dock-master or shall do or permit any act to be done by which the draught of the vessel shall be increased after he has given such information as aforesaid without previously acquainting such dock-master of the intended doing or permitting of such act such master shall for every such offence be liable to a penalty not exceeding one hundred pounds and the Company shall not be responsible for any damage which may be sustained by the said vessel while entering or leaving such dock or basin of the Company and if by reason of such false information or such increase of the draught of the vessel as aforesaid any of the works of the Company shall be injured or any vessel shall be prevented from or hindered in entering or leaving any dock or basin of the Company or shall otherwise sustain any injury for which the Company may in the first instance be held liable such master or the owner of the said vessel shall make good any such injury or damage to the Company and the same may be recovered in the manner provided for the recovery of penalties by the Harbours Docks and Piers Clauses Act 1847 :

Penalty on giving false draught of water of vessels.

In addition to the byelaws which the Company are authorized to make under any of the Acts relating to their docks the Company may from time to time make alter and repeal such bye-laws (if any) as they think fit for the purpose of carrying into effect the provisions of this section And any bye-laws made by the Company under the authority of this section shall be subject in every respect to the provisions contained in the Harbours Docks and Piers Clauses Act 1847 with respect to bye-laws.

28. 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 authorized to raise and which may not be required for the purposes to which they are by those Acts made specially applicable.

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

29. The Company may raise by the creation and issue of new shares or stock the sum of three hundred and sixty thousand pounds in addition to the moneys which they are or may be authorized to raise by any other Act or Acts of Parliament and such new shares or stock may be created and issued either wholly or partially as ordinary or wholly or partially as preference shares or stock and either alone

Power to raise additional capital.

A.D. 1890. — or together with any other moneys or capital which the Company may be then authorized so to raise.

Shares not to be issued until one-fifth part thereof is paid up.

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

Rights of voting for new shares or stock to be in proportion to the nominal amount thereof.

31. The new shares or stock by this Act authorized shall unless otherwise provided by the prescribed terms of issue or creation thereof confer on the respective holders or proprietors thereof rights of voting and qualifications in proportion to the aggregate nominal value of such shares or amount of such stock and not in proportion to the number of such shares and for such purposes every entire sum of fifty pounds of such nominal value of shares or amount of stock shall be equivalent to one share or sum of fifty pounds in the capital stocks of the Company And no shareholder shall vote or be entitled to be present at the meetings of the Company in respect of any number of such new shares or any amount of such new stock which with any other shares or stock held by him in the Company shall constitute a less interest in the capital stocks of the Company than fifty pounds in nominal value .

New preference shares or stock to rank *pari passu* with others if so determined.

32. The Company may by the resolution creating or authorizing the creation of any of the new preference shares or stock by this Act authorized determine that such new shares or stock shall rank *pari passu* with any other shares or stock of the Company of the same class created subsequently to the passing of that resolution under the powers of any existing Act or of this Act or of any subsequent Act and also if so determined with any other preference shares or stock which shall have been created and issued subject to such a contingency.

New preference shares or stock may be created subject to redemption.

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

Provided that the Company may subject to the provisions of this Act attach to the new shares or stock to be created for such redemption any rights or privileges which by this Act they may attach to the shares or stock for which such new shares or stock are to be substituted but so that the dividend payable in respect thereof

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shall in case such new shares or stock are made preferential not exceed four pounds ten shillings per centum per annum. A.D. 1890.
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34. The Company may in respect of the said additional capital of three hundred and sixty thousand pounds from time to time borrow on mortgage of their undertaking in addition to any other sums which they are or may be authorized to borrow by any other Act or Acts of Parliament any sum not exceeding in the whole one hundred and twenty thousand pounds : Power to borrow.

But no part thereof shall be borrowed until shares for so much of the additional capital of three hundred and sixty thousand pounds which they are by this Act authorized to raise as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of the capital to be raised by means of shares have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same :

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

35. If any money is payable to a shareholder or debenture holder in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

36. Every provision in any Act passed before the present Session of Parliament whereby the Company is authorized 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 For appointment of a receiver.

A.D. 1890. 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 :

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 authorize 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.

Existing mortgages to have priority.

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

Application of moneys.

38. All moneys raised under this Act whether by shares or 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.

Interest not to be paid on calls paid up.

39. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorized 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.

40. 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 authorizing the Company to construct any other railway or to execute any other work or undertaking.

Saving rights of the Crown.

41. Nothing contained in this Act shall authorize the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under

[53 & 54 VICT.] *North Eastern Railway Act*, 1890. [Ch. cxxix.]

the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorized to 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.

A.D. 1890.
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42. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future Session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorized by this Act.

Provision as
to general
Railway
Acts.

43. 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.

Costs of
Act.

A.D. 1890.

SCHEDULE referred to in the foregoing Act.

DESCRIBING LANDS BUILDINGS and MANUFACTORIES whereof portions only
are required to be taken by the COMPANY.

Railway or Work.	Parish.	Number on Deposited Plans.
Widening and alteration of railway between Newcastle Central and Manors Stations.	St. Nicholas - - - -	4 and 5.
Ditto - - - -	St. Nicholas - - - -	37.
Ditto - - - -	Parish or Parochial Chapelry of All Saints.	76 77 78.
Ditto - - - -	Parish or Parochial Chapelry of All Saints.	80 81.
Ditto - - - -	Parish or Parochial Chapelry of All Saints.	83 84.
Ditto - - - -	Parish or Parochial Chapelry of All Saints.	53 54 61.
Ditto - - - -	Parish or Parochial Chapelry of All Saints.	92 and 93.
Widening of railway between Felling and Pelaw Stations.	Jarrow - - - -	89 105 106 and 107.
Ditto - - - -	Jarrow - - - -	86.
Ditto - - - -	Jarrow - - - -	87.
Ditto - - - -	Jarrow - - - -	88.
Ditto - - - -	Jarrow - - - -	103 104 and 104A.

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