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VICTORIÆ REGINÆ.

Cap. ccli.

An Act to enable the *North-eastern Railway Company* to construct Branch Railways and other Works in the County of *York* and at and near the City of *York*; to acquire additional Lands; and for other Purposes. [23d July 1866.]

WHEREAS it is expedient that the *North-eastern Railway Company* should be empowered to make the Railways, Roads, and other Works herein-after mentioned, and acquire for the Purposes of their Undertaking the additional Lands and Property herein-after described: And whereas Plans showing the Lines of the Railways, and the Lands in or through which the same and the Works connected therewith are intended to pass or be made, and Plans of the Roads by this Act authorized to be made and altered, and of the Lands to be acquired or used for the Purposes thereof respectively, and Sections showing the Levels of the Railways and Roads, and Plans of the additional Lands and Property before mentioned, with a Book of Reference to those Plans respectively, were in the Month of *November* One thousand eight hundred and sixty-five deposited with the respective Clerks of the Peace for the West and North Ridings of the County of *York*, the City of *York* and County of the same City, and the Town and County of the Town of *Kingston-*
[Local.] 39 Y upon-

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

upon-Hull, according to and in whichever of the said Ridings, City, and Town the Railways, Roads, Lands, and Property respectively are or will be situate: And whereas it is expedient that the *North-eastern Railway Company* should have further Powers granted to them, and be empowered to raise a further Sum of Money for the Purposes of the Railways and other Works by this Act sanctioned, and also for the Completion of Works already authorized, and the making and Enlargement of Stations, Sidings, and other Works and Conveniences for the Accommodation of the Traffic on their Railways, and providing additional Plant and Rolling Stock, and for the general Purposes of their Undertaking; but the Purposes of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "*The North-eastern Railway Company's (Yorkshire Lines) Act, 1866.*"

8 & 9 Vict.
cc. 18. & 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

2. "*The Lands Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" "*The Railways Clauses Consolidation Act, 1845,*" and Part I. of "*The Railways Clauses Act, 1863,*" are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Certain
Provisions of
8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. in-
corporated.

3. The Clauses and Provisions of "*The Companies Clauses Consolidation Act, 1845,*" with respect to the following Matters, (that is to say,)

With respect to the Construction of the Act and of other Acts to be incorporated therewith;

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of borrowed Money into Capital;

With respect to the Consolidation of the Shares into Stock;

With respect to the Powers of the Directors and the Powers of the Company to be exercised only in General Meeting;

With

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

With respect to the giving of Notices ; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested ;

And Parts I. and II. of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act, and apply to the Company and the Shareholders thereof, and to the Capital authorized and Notices required by this Act, and to the several other Matters and Things relating thereto respectively provided for by such Clauses and Provisions respectively.

4. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction ; the Expression "the Company" shall mean the *North-eastern Railway Company* ; the Expression "the Railways" shall mean the Railways by this Act authorized, or any Part thereof ; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Interpreta-
tion of
Terms.

5. Subject to the Provisions of this Act, the Company may make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections the Railways and Station herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, purchase, take, and use such of the Lands delineated on the said Plans, and described in the deposited Book of Reference, as may be required for those Purposes. The Railways herein-before referred to and authorized by this Act are,—

Power to
make Rail-
ways and a
Station at
York accord-
ing to depo-
sited Plans.

1. A Railway, Seven Miles and Two Furlongs or thereabouts in Length, commencing in the Township and Parish of *Knaresborough* in the West Riding of the County of *York* by a Junction with the *York and Knaresborough* Branch of the *North-eastern* Railway, and terminating in the Township of *Milby* and Parish of *Aldbrough* in the West and North Ridings of the County of *York*, or One of them, by a Junction with the *Boroughbridge* Branch of the *North-eastern* Railway :
2. A Railway, One Mile Five Furlongs and One Chain or thereabouts in Length, commencing in the Township of *Raskelf* and Parish of *Easingwold* in the said North Riding by a Junction with

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

with the *Thirsk and Malton* Branch of the *North-eastern Railway*, and terminating in the Township and Parish of *Brafferton* in the said North Riding by a Junction with the said *Boroughbridge* Branch :

3. A Railway, Five Furlongs and Nine Chains or thereabouts in Length, commencing in the Township of *Pinchinthorpe* and Parish of *Guisbrough* in the said North Riding by a Junction with the *Middlesbrough and Guisbrough* Branch of the *North-eastern Railway*, and terminating in the Township and Parish of *Guisbrough* aforesaid by a Junction with the *Cleveland Line* of the *North-eastern Railway* :
4. A Railway, Four Furlongs and Four Chains or thereabouts in Length, situate wholly in the Township of *Battersby* and Parish of *Ingleby Greenhow* in the said North Riding, commencing by a Junction with the *Ayton* Branch of the *North-eastern Railway*, and terminating by a Junction with the *North Yorkshire and Cleveland Line* of the Company :
5. A Railway, One Mile Two Furlongs and Two Chains or thereabouts in Length, commencing in the Township of *Holgate* and Parish of *Saint Mary Bishophill Junior* in the said West Riding by a Junction with the Main Line of the *North-eastern Railway*, and terminating in the Township and Parish of *Saint Mary Bishophill Junior* in the County of the City of *York* by a Junction with the Main Line of the *North-eastern Railway* :
6. A Railway, One Furlong or thereabouts in Length, situate wholly in the Township and Parish of *Saint Mary Bishophill Junior* in the County of the City of *York*, commencing by a Junction with the *York and Scarborough Railway*, and terminating by a Junction with the Railway No. 5. by this Act authorized :

And also a Station on or in connexion with the said Railways numbered 5 and 6 to be situate between the said *York and Scarborough Railway* and the public Road, called *Thief Lane*, and in the Township and Parish of *Saint Mary Bishophill Junior* in the County of the City of *York* :

And the said intended Railways and Station and the Works connected therewith respectively shall for all Purposes become and be Part of the Undertaking of the Company.

Power to
make new
Roads, and
stop up
Portion of
Road at
York.

6. The Company may, subject to the Provisions of this Act, make in the Lines and in accordance with the Levels shown on the deposited Plans and Sections relating thereto, and in and upon the Lands shown upon those Plans, the Roads herein-after mentioned, with all proper Approaches and Works, and may enter upon, purchase, take, and use such of the Lands delineated on the said Plans, and described in the deposited

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

deposited Book of Reference relating thereto, as may be required for those Purposes. The Roads herein-before referred to and authorized by this Act are :—

First, a new Road through the Walls of the City of *York* commencing at a Point near the *York* Station Hotel in the Township and Parish of *Saint Martin-cum-Gregory* in the City of *York* and County of the same City, and terminating in the public Road called *Thief Lane* in the Township and Parish of *Saint Mary Bishophill Junior* in the County of the City of *York* :

Secondly, a new Road wholly in the said Township and Parish of *Saint Mary Bishophill Junior* commencing in the Occupation Road called *Thief Lane*, and terminating at a Point near the *Ebor Works* :

And when and so soon as the said new Road secondly by this Act authorized shall have been completed, the Company may stop up and discontinue as a Road, and may appropriate to the Purposes of the Company, the Site of so much of the existing Occupation Road called *Thief Lane* as is shown on the said Plans as proposed to be stopped up.

7. In addition to the other Lands which the Company are by this Act authorized to acquire, they may, subject to the Provisions of this Act, from Time to Time enter upon, purchase, take, use, and appropriate for the Purposes of their Undertaking all or any of the Lands following, delineated on the deposited Plans and described in the deposited Books of Reference respectively relating thereto ; (that is to say,) Additional Lands.

Certain Lands in the Townships of *Morton* and *Upsall* and Parish of *Ormesby* in the North Riding of the County of *York* on the North-west Side of the *Middlesbrough and Guisbrough* Branch of the *North-eastern* Railway :

Certain Lands, Houses, and Buildings in the Parish of *Holy Trinity* in the Town and County of the Town of *Kingston-upon-Hull* on the North Side of and near to the *Hull and Selby* Railway, and on the East Side of *Manor House Street*, and South Side of *Kingston Street*, consisting of the Borough Gaol and House of Correction there, and the Offices, Buildings, Yards, Gardens, and Lands connected therewith, except so much of those Lands and Premises next adjoining to *Manor House Street* as shall be required by the Municipal Corporation of *Kingston-upon-Hull* for the Purpose of enabling the Local Board of Health for *Kingston-upon-Hull* to widen that Street on the East Side thereof.

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

Hull
Borough
Gaol not to
be interfered
with while
required for
Prisoners.

8. Provided that the Company shall not enter upon or appropriate for the Purposes of their Undertaking any Part of the Borough Gaol in *Kingston-upon-Hull*, and Premises connected therewith, by this Act authorized to be purchased, so long as the same are required by the said Corporation to be retained for the Purposes of a Prison, and until Possession thereof can be given the Company shall not be required to pay the Purchase Money for the same, or any Interest thereon.

Authorizing
Sale of Lands
belonging to
the Duchy of
Lancaster,
and provid-
ing for Ap-
plication of
Purchase
Money.

9. And whereas Part of the Lands which may be required for the Purposes of this Act belong to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster*: Be it enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being to agree with the said Company for the absolute Sale in Fee Simple of the Lands, or any Part thereof, of or belonging to Her said Majesty in right of Her said Duchy, which shall be required for the Purposes of this Act, at or for such Price or Compensation in Money, and upon such Terms and Conditions, as shall be settled and agreed upon between the said Chancellor and Council and the said Company, and upon Payment of such Price or Compensation, by any Deed or Writing under the Seal of the Duchy in the Name of Her said Majesty, Her Heirs and Successors, to convey the same Lands and the Fee Simple and Inheritance thereof to the said Company, their Successors and Assigns, for the Purposes of this Act; and the Purchase Money or Consideration for the same Lands shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same either shall and may be invested in the Purchase of Bank Annuities, according to the Powers and Provisions contained or referred to in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy under the therein-recited Acts, or the same or any Part thereof may, either without any previous Investment, or after such, and either alone or together with any other Monies which shall for the Time being have arisen or shall hereafter arise from the Sale of Lands and Hereditaments, Part of the Possessions of the said Duchy, be laid out according to the Provisions of an Act passed in the Fifty-seventh Year of His said Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable Henry Hale Viscount Gage, and the Commissioners of His Majesty's Woods and Forests and Land Revenues, and for the better Management and Improvement of the Land Revenues*

48 G. 3.
c. 73.

57 G. 3.
c. 97.

of

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

of the Crown, or the said Monies, and also any such other Monies, whether previously invested or not, or any Part thereof respectively, may be laid out in the Purchase of Lands which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held with any Possession of the said Duchy as the Chancellor and Council for the Time being of the said Duchy shall direct by any Order or Orders in that Behalf; and the said Chancellor and Council shall, for the Purposes of this Act, have and be entitled to all such Powers and Provisions in reference to the Monies (if any) so invested in Bank Annuities, and so to be laid out and invested as aforesaid, as, under or by virtue of the said recited Act of the Fifty-seventh Year of King George the Third, they are entitled to concerning any Sums or Funds of or belonging to the Duchy of *Lancaster* in the same Act particularly mentioned or referred to; and the Lands and Hereditaments (if any) so purchased on behalf of the said Duchy as aforesaid shall be conveyed and assured to the Use of Her Majesty, Her Heirs and Successors, in right of Her said Duchy of *Lancaster*, and shall vest in Her said Majesty, Her Heirs and Successors, in the same Right and as fully and effectually as the Lands to be conveyed to the said Company were vested in Her immediately before such Conveyance, and be held with the like Incidents, and be subject to the same Application to all Intents and Purposes, as the said Lands so to be conveyed to the said Company were held by Her immediately before such Conveyance; and every such Conveyance to the Use of Her Majesty, Her Heirs and Successors, may be in the Form in the Schedule to this Act annexed, or as near thereto as may be.

10. And whereas Part of the Lands which may be required for the Purposes of this Act are held by Copy of Court Roll, or other Customary Tenure of Honours, Manors, or Lordships belonging to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster*: Be it enacted, That it shall be lawful for the Chancellor and Council for the Time being of Her Majesty's Duchy of *Lancaster* to agree with the said Company for the Enfranchisement, subject nevertheless and without Prejudice to any Lease which may be for the Time being subsisting of any such Manor, Honour, or Lordship, of any such Copyhold or Customary Lands, and for the Release and Discharge of the same Lands of and from all or any of the Rents, Suits, and Services which by the Custom of such Manors, Honours, or Lordships the same Lands may be charged with or liable to, at or for such Price or Compensation in Money, and upon such Terms and Conditions, and with such Reservations, as shall be settled and agreed upon between the said Chancellor and Council and the said Company; and in case the same Lands shall be subject and liable jointly with any other Lands to any such Rents, Suits, or Services, it shall be lawful for the

Authorizing
the Enfran-
chisement
of Copyhold
Lands be-
longing to
the Duchy of
Lancaster.

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

the said Chancellor and Council to agree as well with the Company, as also with the Tenant or Proprietor of such other Lands, for the Release or Apportionment of such Rents, Suits, and Services, either with or without any Consideration being paid for the same; and upon any such Agreement for Enfranchisement, Release, or Apportionment it shall be lawful for the said Chancellor and Council, by any Deed or Writing under the Seal of the said Duchy in the Name of Her said Majesty, Her Heirs and Successors, to release the Lands so to be enfranchised or released, as the Case may be, from all Customary Fines, Rents, Suits, and Services, or such of them, or such Part or Parts thereof, as shall be agreed to be released to the said Company and their Successors for ever, to be holden by the said Company and their Successors as of the Honour or Manor whereof they are or were Parcel in Free and Common Socage; and the Purchase Money or Compensation for every such Enfranchisement, and also (if any) for every such Release, shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same shall be applied and disposed of in the Manner and for the Purposes herein directed of and concerning any other Monies which shall come to his Hands by virtue of this Act; and every such Release of Lands as aforesaid, if the same shall be made previously to the Purchase or Acquisition by the Company of the Estate and Interest of the Copyhold or Customary Tenant of such Lands, shall after such Purchase or Acquisition operate and take effect as if the Company had been in possession of the Lands at the Time of the Execution of such Release: Provided always, that the Enfranchisement of any such Copyhold or Customary Lands shall not in other respects affect any Custom by or under which any other Copyhold or Customary Lands not required for the Purposes of this Act shall be holden; and wherever any such Release shall be made as aforesaid the other Lands subject to such Rent, and not required for the Purposes of this Act, shall thenceforth be subject to the whole of such Rents, Suits, and Services, or to a proportionate Part thereof (as the Case may be), in the same Manner in all respects as the Entirety of the said Lands so previously subject to such Rent would have continued subject to the whole thereof if such Release had not been made; and all the Powers, Remedies, and Conditions subsisting previously to such Release for Recovery of the said Rents, Suits, and Services shall, except as against the Lands so released, at all Times thereafter remain, continue, and be good, valid, and effectual in the Law to all Intents and Purposes for the whole or the proportionate Part of such Rents, Suits, and Services (as the Case may be) as if the Lands not so released as aforesaid had been originally alone subject to the same Rent or proportionate Part respectively.

11. And

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

11. And whereas the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster* is entitled, either in possession or subject to Leases granted by the said Duchy, to the Mines, Minerals, and Quarries lying and being in or under Part of the Lands required for the Purposes of this Act, or in the Neighbourhood thereof: Be it therefore enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster*, either before or after the making of the Railway, or any Part thereof, to agree with the said Company for the absolute Sale of the said Mines, Minerals, and Quarries, or any Part or Parts thereof, subject nevertheless and without Prejudice to the Lease or Leases (if any) for the Time being subsisting thereof, at or for such Price or Consideration in Money, and upon such Terms and Conditions, and with such Reservations, Exceptions, and Restrictions in all respects, as may be agreed upon between the said Chancellor and Council and the said Company; and it shall be lawful for the said Chancellor and Council also to enter into any Arrangement or Agreement with the said Company concerning the working by Her said Majesty, Her Successors and Assigns, of the said Mines, Minerals, or Quarries, or any of them, or any Part or Parts thereof, whether the same may be in, under, or upon the Line of the Railway, or in the Neighbourhood thereof; and the Purchase or Consideration Money for the same Mines, Minerals, or Quarries, or Part or Parts thereof, shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same shall be paid and applied by him in the Manner and for the Purposes in and by this Act directed and provided concerning any Monies which shall come to his Hands by virtue of this Act: Provided always, that nothing in this Act contained shall extend to prevent or hinder Her said Majesty or Her Lessees from working, but, on the contrary, it shall be lawful for Her said Majesty and Her Lessees to work, as well before as after the making of the Railway, any such Mines, Minerals, or Quarries, or any Part or Parts thereof, whether the same shall be situate in, under, or upon the Line of the said Railway, or in the Neighbourhood thereof, nor to make Her said Majesty, Her Heirs or Successors, in any way liable for any Damage which may be done to or on the Railway by the working of any such Mines, Minerals, or Quarries, unless the said Chancellor and Council shall have expressly agreed in Writing with the said Company that the said Duchy shall become so liable, and then to the Extent (if any) only and in the Manner in such Agreement specified and provided: Provided also, that it shall not be lawful for the Company, by reason of any such Conveyance, to work, get, or use any such Mines, Minerals, or Quarries (except so far as may be necessary in making the Railway),

As to the Sale and working of Mines belonging to the Duchy of Lancaster.

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

unless they shall, in the Conveyance or Assurance thereof, be expressly authorized by the said Chancellor and Council so to do, and then to the Extent only which shall be so authorized.

For Enrolment of all Deeds of Conveyance of Land belonging to the Duchy of Lancaster.

12. Every Deed or Writing whereby any Lands, Hereditaments, Estate, Right, or Interest shall be conveyed or assured by the said Chancellor and Council of Her said Majesty's Duchy of *Lancaster* by virtue of the Powers of this Act shall be enrolled in the Court of the Duchy Chamber of *Lancaster* within Six Calendar Months from the Date thereof.

Power to apply Monies raised under existing or future Acts to the Purposes of this Act.

13. The Company may appropriate and apply to the Purposes of this Act any of the Monies which under and by virtue of their existing Acts, or of any other Act of the present Session of Parliament, they have raised, or are or may be authorized to raise, and which shall not be wanted for the Purposes of those Acts.

Power to raise additional Capital by new Stock or Shares.

14. The Company may raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to their Undertaking, or in part by each of those Means, the Sum of One million three hundred and seventy thousand Pounds, in addition to and, if thought fit, along with the Sums of Money they are authorized to raise by any of their former Acts, but have not yet raised, or may be authorized to raise by any other Act to be passed during the present Session of Parliament; and the Monies or Capital by this Act authorized to be raised may be raised by new Stock or Shares of the Company, either ordinary or preference, or both, and either alone or together with any other Monies or Capital which the Company may be then authorized so to raise.

Shares not to issue until One Fifth paid up.

15. The Company shall not issue any such new Shares or Stock, nor shall any such new Shares or Portion of Stock 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 or Portion of Stock, shall have been paid in respect thereof.

Rights of voting for new Shares or Stock to be in proportion to the nominal Amount thereof.

16. 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 of Fifty Pounds in the Capital Stocks of the Company; and no Shareholder shall vot or be

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

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 shall constitute a less Interest in the Capital Stocks of the Company than Fifty Pounds.

17. The Company may, by Resolution at the Meeting creating any of the new 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 created at or subsequently to that Meeting, and also, if so determined, with any other Shares or Stock which shall have been created and issued subject to such a Contingency, and the Dividends thereon shall be payable accordingly, and shall be a Charge upon and payable out of the joint net Revenue of the Company.

New Shares or Stock may rank *pari passu* with others if so determined, and the Dividends to be a Charge against joint Revenue.

18. The Company may, by Resolution at the Meeting creating any of the new 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 shall, in case such new Shares or Stock are made preferential, not exceed Four Pounds Ten Shillings *per Centum per Annum*.

New Shares or Stock may be created subject to Redemption.

19. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Four hundred and fifty-six thousand Pounds, in addition to the Sums which they are authorized to borrow under any of the existing Acts of Parliament relating to the Company, but no Part of such Sum shall be borrowed until the whole of the Capital of One million three hundred and seventy thousand Pounds by this Act authorized is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify, under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said Capital has been subscribed for, 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, and that the whole of each separate Portion of Stock, has been paid on account

Power to borrow on Mortgage.

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Existing
Mortgages
to have
Priority.

20. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall, during the Continuance of such Mortgages, have Priority over any Mortgages to be granted by virtue of this Act.

Application
of Monies.

21. All Monies raised under this Act, whether by Shares or Stock, or borrowing, shall be applied for the Purposes of this Act, and to the general Purposes of the Company only.

Lands for ex-
traordinary
Purposes.

22. The Quantity of Land to be taken by the Company by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Seven Acres.

Powers for
compulsory
Purchases
limited.

23. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised as regards those in *Kingston-upon-Hull* after the Expiration of One Year, and as regards the other Lands so required after the Expiration of Three Years, from the passing of this Act.

Period for
Completion
of Railways.

24. The Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Penalty if
Railways not
completed
within
Period
limited.

25. If the Railways shall not be completed and open for public Traffic within the Period limited by this Act the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the Railways shall be completed and opened for public Traffic; 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 Railways by unforeseen Accident or Circumstances beyond their Control,

The North-eastern Railway Company's (Yorkshire Lines) Act, 1866.

Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

26. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, the Company in the Construction of the Railway No. 2. by this Act authorized may carry the same with a single Line of Railway only whilst that Railway shall consist of a single Line, and afterwards with a double Line of Railway only, across and on the Level of the Road next herein-after mentioned; (that is to say,) Power to cross a certain Road on the Level.

| No. on deposited Plan. | Township. | Description of Road. |
|------------------------|--------------------|----------------------|
| 6 | Brafferton - - - - | Public Road. |

27. Where in constructing the Railways and other Works by this Act authorized the Company shall under the Powers of this Act divert or stop up any Road, and substitute another in lieu thereof, the Soil and Site of the Road, so diverted or stopped up to the Extent of the Lands on both Sides of such Road purchased by or belonging to the Company shall thereupon vest in and thenceforth be held by them in Fee as Part of their Undertaking. Site of Roads stopped up to vest in Company on another Road being substituted by them.

28. The Company may (subject to the Provisions and Restrictions contained in "The *North-eastern Railway Company's Act, 1854,*" "*The North-eastern and Stockton and Darlington Railways Amalgamation Act, 1863,*" and "*The North-eastern Railway Company's (Pelaw and other Branches) Act, 1865,*") demand, receive, and take for or in respect of Passengers, and of the several Articles, Matters, and Things, and of all Descriptions of Animals, conveyed on the Railways, and also for the Use of Carriages and Locomotive Engines or other Power supplied by the Company thereon, such and the like Rates, Tolls, or other Charges as by those Acts are authorized to be demanded and received for the like Passengers, Animals, Articles, Matters, and Things conveyed on their Railways, and for the Use of the like Carriages and Locomotive Engines or other Power, as well for Ordinary as for Express Trains supplied by the Company on the same Railways, in like Manner as if the Railways had formed Part of the *North-eastern Railway* when those Acts were passed. Tolls to be taken.

29. Except as by this Act expressly provided, this Act shall not in any way take away, diminish, alter, or prejudice any of the Rights, Saving Rights of Hull and Powers,
 [Local.] 40 B

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

Selby Rail-
way Com-
pany.

Powers, Privileges, or Authorities of the *Hull and Selby* Railway Company.

Saving
Rights of
the Crown
and the
Duchy of
Lancaster.

30. Provided always, 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 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*.

Interest not
to be paid on
Calls paid up.

31. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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
the Com-
pany's
Capital.

32. The Company shall not, out of any Money by this or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, 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.

Railways not
exempt from
Provisions of
present and
future Ge-
neral Acts.

33. Nothing herein contained shall be deemed or construed to exempt the Railways from the Provisions of any General Act relating to Railways, or the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, authorized by this Act.

Expenses of
Act.

34. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

*The North-eastern Railway Company's (Yorkshire Lines)
Act, 1866.*

The SCHEDULE referred to in this Act.

These are to witness, that in consideration of the Sum of £
paid to *A.B.* of _____ by *C.D.* the Receiver General of the
Revenues of the Duchy of Lancaster on behalf of Her Majesty, he
the said *A.B.* doth by these Presents grant, convey, and assure unto
the said *C.D.*, his Heirs and Assigns, all that
to have and to hold the same unto the said *C.D.*, his Heirs and
Assigns, to the Use of Her said Majesty, Her Heirs and Successors,
in right of Her said Duchy.

Conveyance
to Her
Majesty in
right of Her
Duchy of
Lancaster.

In witness, &c.

LONDON:

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