



CHAPTER cxxxiv.

An Act for conferring additional Powers on the North-eastern Railway Company for the construction of Works, and for the acquisition of Lands, and for other purposes connected with their undertaking. A.D. 1874.
[16th July 1874.]

WHEREAS it is expedient that the North-eastern Railway Company (in this Act called "the Company") should be empowered to make the new roads and footpaths, and to stop up the existing roads and footpaths, in this Act mentioned, and to widen a portion of their existing railway at Leeds, and to convert into open cutting portions of their North Shields Tunnel, and to execute the other works in this Act mentioned, and to acquire for the purposes of the works by this Act authorised, and for general purposes connected with their undertaking, the lands and property in this Act also mentioned :

And whereas plans and sections showing the respective lines and levels of the new roads and works authorised by this Act, and plans of the lands by this Act authorised to be acquired, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required, or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerks of the peace for the several counties, ridings, towns, and cities within which those works will be constructed and those lands are situate :

And whereas the private railway known as and in this Act called "the Kiltonthorpe Railway," being a short mineral line forming a junction with the Cleveland Railway of the Company, has been purchased by and conveyed to and is now vested in certain persons as nominees of the Company, the purchase money for the same having been paid out of funds belonging to the Company, and it is expedient that the said railway should be vested in the Company, and that they should be empowered to hold it as part of their under-

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taking, and that the powers by this Act conferred with respect to that railway should be granted :

And whereas it is expedient that the portion of the Eden Valley Railway of the Company in this Act specified, and which has been rendered unnecessary by the construction of another railway by the Company, should be abandoned :

And whereas the Company's dock at Hartlepool was originally designed for the shipping of coal, and the Company are about to alter the accommodation at that dock and extend the same to goods and merchandise, and to construct a communication between that dock and their docks at West Hartlepool, whereby great additional accommodation will be afforded to the public :

And whereas it is expedient that the rates, tolls, or dues which the Company are authorised to take in respect of their several docks at Hartlepool, West Hartlepool, Middlesbrough, and Jarrow should be equalised and assimilated, and that such further powers in relation to those docks should be granted to the Company as are in this Act contained :

And whereas by the North-eastern, Hull, and Hornsea Railway Amalgamation Act, 1866, provision is made with respect to the keeping by the Company of separate accounts connected with the Company's Hull and Hornsea Railway, in that Act called "the Hull and Hornsea capital expenditure account," and "the Hull and Hornsea revenue account," and with respect to the moneys to be credited and debited thereto, and the dividends to be paid to the proprietors of shares in the Hull and Hornsea capital of the Company during the period of time, in that Act called "the trial period," which should elapse from the passing of that Act, until the date named in any resolution of the Company for the determination of such period as by that Act authorised :

And whereas it is expedient that "the trial period" should be determined, and that the said separate accounts should cease to be kept, and that the provisions of the said Act should be amended as by this Act provided, and the proprietors of three fourths in value of the Hull and Hornsea capital have assented in writing to the provisions of this Act with reference thereto.

And whereas by the North-eastern Railway Company's (Pelaw and other Branches) Act, 1865, the Company were empowered to subscribe towards and to hold shares in the undertaking of the Dock Company at Kingston-upon-Hull (in this Act called "the Hull Dock Company"), and it is expedient that they should be empowered to subscribe a further sum towards that undertaking :

And whereas it is expedient that the Company should be empowered to subscribe towards and hold shares in the undertaking of the Leeds, Castleford, and Pontefract Junction Railway Company (in this Act called "the Castleford Company") :

And whereas it is expedient that the Company should be empowered to raise further capital for the purposes of this Act, and also for the completion of works already authorised, and for the making and enlargement of stations, sidings, and other works and conveniences for the accommodation of the traffic on their railways, and for providing additional plant and rolling stock, and for the general purposes of their undertaking, and that other powers should be granted to them :

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, in manner following; (that is to say,)

1. This Act may be cited for all purposes as "The North-eastern Railway Company's (Additional Powers) Act, 1874." Short title.

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,) Provisions of certain general Acts incorporated.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 :

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 construction of the Act and of other Acts to be incorporated therewith ;

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 nonpayment 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 borrowed money into capital ;

The consolidation of the shares into stock ;

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The making of dividends ;
The giving of notices ; and
The provision to be made for affording access to the special Act by all parties interested ; and
Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction,” or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make new roads and footpaths according to deposited plans.

4. Subject to the provisions of this Act, the Company may make in the lines and according to the levels shown on the deposited plans and sections, the new roads, footpaths, and other works herein-after described, with all proper approaches, works, and conveniences connected therewith, and may exercise the powers herein-after mentioned, and may enter upon, purchase, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those and other purposes ; (that is to say,)

1. They may make in the parish of Holy Trinity, in the town and county of the town of Kingston-upon-Hull, a new road or street, commencing from and out of English Street about one hundred and ninety-three yards east of Saint James's Street, where that street crosses English Street, and terminating by a junction with Lister Street, at or near the junction therewith of Cogan Street :

When the said new road is completed and opened to the public the Company may stop up and discontinue as a public road and appropriate to the purposes of their undertaking so much of English Street as lies between the commencement of the said new road and Bath Place :

2. They may make in the said parish of Holy Trinity a new footpath, commencing from and out of the Humber Bank footpath about fifty yards east of Alfred Street, and terminating

by a junction with Kingston Street, about twenty-five yards east of the western termination of Kingston Street : A.D. 1874.

When the said new footpath is completed and opened to the public, the Company may stop up and discontinue as a footpath and appropriate to the purposes of their undertaking so much of the Humber Bank footpath as is situate eastwards of the point of commencement of the new footpath :

3. They may make in the township of Linthorpe and parish of Middlesbrough, in the north riding of the county of York, a new road, commencing from and out of Marsh Street about one hundred and thirty yards measured along that street, in a southerly direction from the main line of the Company's railway between Stockton-on-Tees and Middlesbrough, where it crosses the said street on the level, and terminating on the north-westerly side of the said main line, about one hundred and thirty-five yards measured in a north-easterly direction from the said level crossing :

Provided always, that in constructing the last-mentioned new road the Company, if required by the urban sanitary authority of the borough of Middlesbrough so to do, may, notwithstanding anything shown on the deposited plans and sections, with the consent of the owners, lessees, and occupiers of the lands required for such purpose, construct such new road, and may alter a portion of Newport Street, in accordance with the plan and section signed in duplicate by Thomas Elliot Harrison on behalf of the Company, and by Edwin Davenport Latham on behalf of the said urban sanitary authority :

When 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 existing road as is crossed by the railway on the level, and as lies within the boundaries of the Company's property :

4. They may make in the said township of Linthorpe and parish of Middlesbrough a new road, commencing from and out of the last-mentioned new road about one hundred and fifty-three yards from the commencement thereof, thence passing over the Company's siding lines near their mineral office on the north-western side of those siding lines, and terminating about forty-seven yards measured in a south-westerly direction from the said mineral office :

When 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

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the existing road, in continuation (north-westwards) of Marsh Street, as lies within the boundaries of the Company's property :

5. They may make in the township of Stockton and parish of Stockton-upon-Tees, in the county of Durham, a new road, commencing from and out of the road called Bowesfield Lane about one hundred and fifty-four yards, measured along the road in a southerly direction, from the main line of the North-eastern Railway from Darlington to Stockton-on-Tees, where it crosses the said road on the level, and terminating on the said road about one hundred and twenty-six yards, measured along the road in a northerly direction from the said main line where it crosses the said road :

When 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 existing road as lies within the boundaries of their property :

6. They may make in the said township of Stockton and parish of Stockton-upon-Tees a new footpath on the south side of their main line of railway from Darlington to Stockton-upon-Tees, commencing from and out of the last-mentioned new road about one hundred and twenty-five yards from the commencement thereof, and terminating by a junction with the existing footpath from Bowesfield Lane which crosses the Company's Hartburn curve and their said main line, at or near the southern boundary of the Company's property where crossed by the said footpath :

When the said new footpath is completed and opened to the public the Company may stop up and discontinue as a public footpath so much of the said existing footpath as is situate between Bowesfield Lane and the point of termination of the new footpath, and the Company may appropriate to the purposes of their undertaking so much of the said existing footpath as lies within the boundaries of their property :

7. They may make in the said township of Stockton and parish of Stockton-upon-Tees a new footpath, commencing from and out of Bridge Road, about fifty-five yards in a south-easterly direction from the Company's branch to Stockton Quay, where it crosses the said road on the level, and terminating by a junction with the existing footpath from Bridge Road which crosses the Company's said branch and goods yard at or near the point where that footpath enters a field belonging or

reputed to belong to Joseph Dodds, Joseph Richardson, and John Stevenson, in the occupation of Joseph Ventriss :

When the said new footpath is completed and opened to the public the Company may stop up and discontinue as a public footpath and appropriate to the purposes of their undertaking so much of the said existing footpath as is situate between Bridge Road and the point of termination of the said new footpath :

8. They may make in the township and parish of Bishop Wearmouth, in the county of Durham, a new road or street commencing from and out of High Street West, about twelve yards measured in a westerly direction from where Union Street joins High Street West, and terminating by a junction with Brougham Street, about eighteen yards measured in a westerly direction from where Union Street joins Brougham Street :

When the said new road or street is completed and opened to the public, the Company may stop up Union Street and discontinue it as a road, and appropriate it to the purposes of their undertaking :

They may also stop up and discontinue as a road and appropriate to the purposes of their undertaking so much of Saint Thomas Street as extends from its junction with Union Street to a point about twenty-five yards measured along Saint Thomas Street from the centre of Union Street.

5. The following provisions shall apply to the works in the borough of Kingston-upon-Hull and the Foreign Cattle Depôt and other property of the mayor, aldermen, and burgesses of the said borough (in this section called "the corporation") authorised to be purchased under this Act, and which is situate between Manor House Street and Cogan Street :

Provisions for protection of Corporation of Kingston-upon-Hull.

1. The Company shall within twelve calendar months after the passing of this Act by notice to be given to the corporation elect to take and purchase the Foreign Cattle Depôt and such other part of the said property of the corporation as they may require for the purposes of this Act, or in default the compulsory powers of the Company under this Act to take and purchase the same, or such part thereof as shall not be included in such notice, shall absolutely cease :
2. The compensation to be paid by the Company to the corporation in respect of the property so elected to be taken may be fixed or settled by agreement between the Company and

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the corporation, or in the manner prescribed by "The Lands Clauses Consolidation Act, 1845 :"

3. The Company shall not, without the consent of the corporation, interfere with or actually take possession of the Foreign Cattle Depôt, nor stop up, alter, or divert any of the streets or roads leading thereto, until the corporation shall have provided a new or substituted foreign cattle depôt in lieu thereof for the use of the public, unless as regards the said streets or roads the Company provide a sufficient substituted road to the said cattle depôt to the reasonable satisfaction of the surveyor of the corporation, but such new or substituted cattle depôt shall be provided by the corporation within twelve calendar months after the compensation for the property to be taken by the Company shall have been fixed and ascertained, or this provision shall cease and be no longer in force :
4. The Company shall, if required by the corporation by notice signed by their town clerk, advance and pay to the corporation on account of the compensation which may have been fixed and ascertained to be payable by the Company for the Foreign Cattle Depôt and property so to be taken and purchased as aforesaid, such sum or sums of money (not exceeding the balance of such compensation after deducting therefrom any moneys which may be payable in respect of mortgages or other incumbrances charged on such depôt or property, or any part thereof,) as may be required by the corporation to enable them to provide such new or substituted foreign cattle depôt for the use of the public, and such sum or sums of money shall from time to time be payable by the Company to the corporation on the certificate of the borough surveyor that the same are required, and are to be actually applied in payment of expenses incurred or contracted for in providing such new or substituted foreign cattle depôt :
5. Subject to these provisions, the corporation shall and may sell and convey to the Company the said Foreign Cattle Depôt and other property which may be elected to be taken and purchased by the Company as aforesaid, and the money payable by the Company to the corporation as compensation in respect thereof shall, subject to these provisions, be dealt with by the corporation in accordance with the laws in force relating to money arising from the sale of real estate of municipal corporations in England and Wales.

6. The following provisions shall be carried into effect by the Company in reference to the several works and things in this enactment mentioned; videlicet,

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Provisions
for protec-
tion of Cor-
poration of
Kingston-
upon-Hull as
the local
board of
health.

1. The new street or road in the parish of Holy Trinity, in the town and county of the town of Kingston-upon-Hull, shall be (including footways) forty feet in width, and be laid out with footways on each side thereof, and a new sewer shall be formed under the new street from English Street to Lister Street which shall be properly connected with the other neighbouring sewers:

2. The new footpath in the said parish for the diversion of the Humber Bank footpath shall be not less than twelve feet wide, and shall be properly drained:

3. Nothing in this Act contained shall authorise the Company, without the sanction of the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull (herein-after called the corporation) as the local board and urban sanitary authority for the said borough, to interfere with the main sewer and works in connexion therewith under or near Manor House Street; and the Company shall permit the corporation, their officers, servants, and workmen, to enter upon, into, and over the same sewer and works for all necessary purposes at all reasonable times, and if in the opinion of the corporation the works of the Company shall at any time hereafter obstruct or interfere with the said sewer or works, or with the corporation's present or future means or mode of access thereto respectively, then the Company shall within three months after notice from the corporation, and at the costs of the Company, and to the satisfaction herein-after mentioned, make, and thenceforth maintain for the use of the corporation, proper and suitable means of access and entrances to the said sewer and works:

4. The new street or road and new footpath, and other works mentioned in this enactment, shall be completed to the reasonable satisfaction of the engineer for the time being of the corporation in their capacity of a local board of health and urban sanitary authority, or, in case of disagreement, then of some umpire to be agreed upon between him and the engineer in chief for the time being of the Company.

7. The agreement between the Hull Dock Company and the Company set forth in Schedule (A.) to this Act is hereby confirmed and made binding upon those Companies respectively.

Confirming
agreement
with Hull
Dock Com-
pany.

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Widening
railway and
bridge over
Wellington
Road, Leeds.

8. Subject to the provisions of this Act, the Company may, in the lines shown on the deposited plans, and according to the levels shown on the deposited sections relating thereto, widen so much of their railway and the bridge which carries it over Wellington Road, in the township of Wortley and parish of Leeds, in the west riding of the county of York, as extends for about one hundred and twenty-five yards measured in an easterly direction from the centre of Wellington Road, and for about eighty-five yards measured in a westerly direction from the centre of that road, and they may lay down additional rails and sidings, and construct and execute all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for the purposes aforesaid, and the said widening shall for the purposes of tolls and charges and for all other purposes whatsoever be part of the undertaking of the Company.

Power to
substitute
open cutting
for portions
of North
Shields
Tunnel.

9. Subject to the provisions of this Act, the Company may convert into open cutting portions of the North Shields Tunnel on their Newcastle and North Shields Railway between the east side of Stephenson Street and Hudson Street, in the township and parish of Tynemouth, in the county of Northumberland, and may enter upon, take, and use the lands required for that purpose delineated on the deposited plans and described in the deposited books of reference relating thereto, and the parapets or fences to be made between the openings of the tunnel and the several adjoining streets shall be constructed of brick with stone copings, and shall be six feet in height at the least.

Provision as
to land for
new street at
Tynemouth.

10. The Company shall, so soon after being thereto requested by the urban sanitary authority of the borough of Tynemouth (in this Act called the sanitary authority) as the tenancy of the land can be determined, give up to the sanitary authority so much of the land belonging to the Company, or which they may acquire under any other Act of this session, lying on the north side of the existing footpath numbered 2 and 3, in the parish of Tynemouth, on the deposited plans, as with the site of that footpath will be sufficient to enable the sanitary authority to make a new street between Norfolk Street and Stephenson Street, in the said borough, of the same width as Stephenson Street, where it adjoins the said land: Provided always, that it shall be lawful for the Company from time to time, subject to the provisions of the Tynemouth Improvement Act, 1866, to enter upon the said intended street, and to break

open the same for the purpose of examining the condition of and repairing or reinstating the tunnel and works of the Company thereunder: Provided further, that when the said street shall be opened for any of the purposes aforesaid the works for which it shall have been opened shall be proceeded with forthwith, and the street shall after the completion of the work be forthwith reinstated by the Company to the reasonable satisfaction of the engineer of the sanitary authority. And in case the Company shall not forthwith reinstate the same the sanitary authority may execute the necessary works, and the expenses thereof shall be repaid to them by the Company.

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11. The Company shall permit the sanitary authority to construct a footbridge with approaches eight feet in width from the junction of George Street and East Percy Street in the said borough over the Newcastle and Tynemouth Railway of the Company to the Tynemouth and Shields turnpike road, so nevertheless that such footbridge and approaches be in accordance with plans and sections to be agreed on between the engineers of the Company and the sanitary authority, and be constructed to the reasonable satisfaction of the engineer of the Company; and in the event of the said engineers differing in opinion, the matter with respect to which they differ shall be referred to and executed according to the direction of an engineer to be appointed by the Board of Trade on the application of either party: Provided always, that if after the construction of the said footbridge and approaches, the Company shall require any of the land upon which the same shall have been constructed for the purpose of making a railway or railway sidings over such land, or for connecting their existing railway with any other railway, the said footbridge and approaches shall be removed by the sanitary authority within six months after notice from the Company requiring the said footbridge and approaches to be removed, and the sanitary authority shall pay to the Company by way of rent or wayleave in respect of the said footbridge the yearly sum of five shillings on every first day of January, the first payment to be made on the first day of January which shall happen next after the completion of the said footbridge, such payment to cease on such footbridge being removed.

Provision as to footbridge over Company's railway at Tynemouth.

12. The new roads and footpaths to be made by the Company under the authority of this Act (except the stone, iron, or other structure carrying any new road or footpath over the railway of the Company, which structure shall be repaired and maintained by and at the expense of the Company,) shall when made and completed re-

Provision as to repair of new roads and footpaths.

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Power to
purchase
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 purposes connected with their undertaking, all or any of the lands and property following, delineated on the deposited plans thereof, and described in the deposited books of reference relating thereto, and may do the acts herein-after specified; (that is to say,)

Certain lands and buildings in the township and parish of Saint Mary Bishophill Junior, in the county of the city of York, near to the Company's new coal depôts and waggon shops at York, and on the north-east side of the main line of the North-eastern Railway, and lying between that railway and the York new station lines of railway now in course of construction:

Certain lands in the township of Holgate and parish of Saint Mary Bishophill Junior, in the west riding of the county of York, on the northern side of the York new station lines of railway, and adjoining Holgate Beck:

Certain lands in the said township and parish of Saint Mary Bishophill Junior, in the county of the city of York, and in the said township of Holgate and parish of Saint Mary Bishophill Junior, in the said west riding, on the western side of and partly adjoining the North-eastern Railway, and extending to the lane leading from the York and Boroughbridge Road to the Acomb landing:

Certain lands, houses, and buildings in the parish of Holy Trinity, in the town and county of the town of Kingston-upon-Hull, adjoining Manor House Street on the east, Cogan Street on the west, Kingston Street on the north, and Bath Place on the south, including the sites of Manor House Street and Bath

- Place, and of so much of Cogan Street as lies between the point where that street joins Kingston Street and Bath Place :
- Certain lands, houses, and buildings in the said parish of Holy Trinity, bounded on the east by Cogan Street, on the north by Lister Street, and on the south by English Street :
- Certain lands, houses, and buildings in the said parish of Holy Trinity, on the south of and adjoining English Street :
- Certain lands, houses, and buildings in the said parish of Holy Trinity on the west side of and in part adjoining Saint James's Street, and in other part adjoining the Humber Bank footpath, including the site of a portion of Saint James's Street at its southern terminus :
- Certain lands in the townships of Wortley and Armley and parish of Leeds, in the west riding of the county of York, situate between the Leeds and Bradford line of the Midland Railway and the Leeds Northern line of the North-eastern Railway, and also certain other lands near thereto, situate on the eastern side of and adjoining the said Leeds Northern line, and north-west of the bridge carrying the Armley Road over the said lines :
- Certain lands, houses, and buildings in the township of Wortley and parish of Leeds aforesaid, bounded on the north-east by Armley Road, and on the south-east by Wellington Road, including the sites of Devonshire Street, Londesborough Street, Douro Street, Neill Street, Bushire Street, Lucknow Street, and Cawnpore Street :
- Certain lands, houses, and buildings in the township and parish of Pickering, in the north riding of the county of York, on the west side of the Company's railway, and south of and adjoining or near to their Pickering Railway Station :
- Certain lands and houses in the township and parish of Great Driffield, in the east riding of the county of York, on the north side of the Company's railway from Hull to Bridlington, and near to the Driffield Station thereon, bounded on the south by the said railway, on the east by a beck, on the north by Witty's Lane, and on the west by Saint John's Lane, including the site of Saint John's Lane or part thereof; and the Company may stop up and discontinue as a road so much of Saint John's Lane as is crossed by the said railway on the level :
- Certain lands in the townships of Redworth and Middridge Grange and parishes of Heighington and Saint Andrew Auckland, in the county of Durham, near the Shildon engine works, on the north and south sides of and adjoining the Company's branch railway to those works :

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Certain lands in the township of Stockton and parish of Stockton-upon-Tees aforesaid, extending from Bridge Road along and on the south-eastern side of the Company's coal depôts and branch to Stockton Quay :

Certain lands in the said township of Stockton and parish of Stockton-upon-Tees on the east side of and partly adjoining the Leeds Northern line of the North-eastern Railway, the southern boundary of which lands is about thirty-three yards north of the public footpath leading from Stockton-on-Tees to Leadpipe Hall :

Certain lands, houses, and buildings in the township of Hartlepool and parish of Hart, in the county of Durham, on the north-east side of the Company's Hartlepool Branch, and lying between that branch and Northgate Street, and between that branch and Commercial Street, and extending from where the boundary of the township of Hartlepool crosses Northgate Street to or near to the northern end of Bond Street, and including the site of North Place :

Certain lands, houses, and buildings in the township of Westoe and parish of Jarrow, in the county of Durham, at or near Low Simondside, and lying between the Company's Pelaw and Tyne Dock branch and Leam Lane, and the road leading from East Jarrow to that lane :

Certain lands, houses, and buildings in the township and parish of Bishop Wearmouth, in the county of Durham, on the west side of Union Street, and extending from High Street West to Brougham Street, including the sites of Union Street and of parts of Middle Street, South Street, Northumberland Street, Brougham Street, and Saint Thomas Street :

Certain lands, houses, and buildings in the township of Monkwearmouth Shore and parish of Monkwearmouth, in the county of Durham, called Ropery Row, and certain private lines of railway near thereto, situate on the west side of the Company's Monkwearmouth goods yard and station, and including the sites of the roads or streets called Ropery Row and Back Edmundson Street, or parts thereof respectively.

Extinguish-
ment of
rights of way
over streets,
&c. acquired
or stopped
up.

14. All rights of way in, over, and along the several roads, streets, and footpaths, or portions thereof, which may under the provisions of this Act be stopped up and discontinued, or the sites of which may under the provisions of this Act be acquired, and over any lands or property which may under the provisions of this Act be purchased or taken, shall be and the same are hereby extinguished.

15. Where in constructing the new roads and other works by this Act authorised 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 in fee, shall thereupon vest in and thenceforth be held by them in fee as part of their undertaking.

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 Site of roads stopped up to vest in Company on another road being substituted by them.

16. And whereas it is expedient that this Act should contain certain provisions relative to lands, hereditaments, estates, rights, and interests belonging to the Queen's most Excellent Majesty in right of her Duchy of Lancaster (in the rest of this section called "the Duchy"), as are herein-after contained: Be it therefore enacted, that,—

Authorising dealings with property of the Duchy of Lancaster.

1. With respect to any lands belonging to Her Majesty in right of the Duchy, held by copy of court roll or other customary tenure of any honour, manor, or lordship belonging to Her Majesty in right of the Duchy, which may be required for the purposes of this Act, the following provisions (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting of the same manor, honour, or lordship,) shall have effect; that is to say,

(As to the enfranchisement of copyhold lands.)

The Chancellor and Council for the time being (herein-after called "the Chancellor and Council") of the Duchy may agree with the Company for the enfranchisement of all or any of such lands, and for the release thereof from all or any of the customary fines, rents, suits, and services which the same may be charged with or liable to, in consideration of such gross sum of money, or of such annual rentcharge, or in consideration partly of such gross sum and partly of such annual rentcharge, payable by the Company, and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Company:

And in case the same lands shall be liable jointly with any other lands to any such aforesaid rents, suits, or services, the Chancellor and Council may 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:

Upon any such agreement for enfranchisement, release, or apportionment, and upon payment of such (if any) agreed gross sum, and upon such (if any) agreed rentcharge as last

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aforesaid being secured in manner herein-after provided, the Chancellor and Council may release the lands so to be enfranchised or released from all customary fines, rents, suits, and services, or (as the case may be) such of them or such part or parts thereof as shall have been in that behalf agreed, and the lands so released shall thenceforth be holden by the Company, their successors and assigns, as of the honour, manor, or lordship whereof they are or were holden or parcel in free and common socage. And every such release of lands, if 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 same lands at the time of the execution of such release. Provided, that no such enfranchisement, release, or apportionment shall in any other respects affect any custom by or under which any copyhold or customary lands not required for the purposes of this Act shall be holden :

And whenever any such aforesaid release of lands shall be made any other lands which were previously subject jointly with the released lands to any such rents, suits, and services as aforesaid shall, as between the Company and Her Majesty in right of the Duchy, (but expressly without prejudice to any right of contribution in respect of such rents, suits, or services which previously to such release the tenant or proprietor of such other lands may have had against the tenant or proprietor of the released lands,) thenceforth be subject to the whole of such rents, suits, and services, or (as the case may be) to such of them or such parts or part thereof as shall not have been comprised in and intended to be extinguished by that release, in the same manner in all respects as the entirety of the lands so previously subject as aforesaid would have continued subject to the whole of such rents, suits, and services if such release had not been made, and all the rights, powers, and remedies subsisting previously to such release for the recovery of the whole of the said rents, suits, and services shall, as against the lands not so released, be and thenceforth remain as between the Company and Her Majesty in right of the Duchy (but without prejudice as aforesaid) as available and as valid and effectual in the law to all intents for the recovery of the same rents, suits, and services, or (as the case may be) such of them, or such parts or part thereof, as shall not have been comprised in and intended to be extinguished by the same release, as if the said last-mentioned

lands had originally been alone subject to the same rents, suits, and services, or such of them, or such parts or part thereof as last aforesaid :

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2. With respect to any mines, minerals, and quarries to which Her Majesty in right of the Duchy is entitled (either in possession or subject to any lease or tenancy) in, under, or upon any lands required for the purposes of this Act, the following provisions (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting of the same mines, minerals, or quarries,) shall have effect ; that is to say,

(As to the sale and working of mines).

The Chancellor and Council, either before or after the execution of the works authorised by this Act, or any part thereof, may agree with the Company for the absolute sale of all or any of the said mines, minerals, and quarries, for such price or consideration in money, and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Company, and upon payment of such agreed price or consideration as last aforesaid, in manner hereinafter provided, the Chancellor and Council may grant and assure such last-mentioned mines, minerals, and quarries unto the Company, their successors and assigns, for the purposes of this Act. The Chancellor and Council may also enter into any agreement with the Company concerning the working by Her Majesty, her heirs, successors, and assigns, of all or any of the said mines, minerals, or quarries, whether being in, under, or upon any lands taken by the Company under the powers of this Act :

Provided, that nothing contained in this Act shall extend or operate to prevent or hinder Her Majesty, her heirs, successors, or assigns, or her or their lessees, from working (subject and without prejudice only to any such agreement as last aforesaid), as well before as after the execution of the works authorised by this Act, any such mines, minerals, or quarries, whether being in, under, upon, or in the neighbourhood of any lands taken by the Company under the powers of this Act ; nor shall anything in this Act contained extend or operate to make Her Majesty, her heirs, successors, or assigns, in any way liable for any damage or injury which may be done to or on the works authorised by this Act, by any such working, unless and except only to such extent as the Chancellor and Council shall have expressly agreed in writing with the Company that the Duchy shall become so liable :

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Provided also, that it shall not be lawful for the Company, their successors or assigns, by reason of any aforesaid grant or assurance of mines, minerals, or quarries, to work, get, or use any of the same, except so far as may be necessary in executing the works authorised by this Act :

(As to the application of purchase moneys).

3. With respect to any gross sum of money which under this section shall become payable in consideration of any sale, enfranchisement, or release thereby authorised, the following provisions shall have effect; that is to say, each such sum shall be paid into the hands of the receiver general of the revenues of the Duchy, or of his deputy or deputies, and a receipt shall be given by him or them for the same ;

And such sum shall be applicable and dealt with to all intents and purposes as if it were the purchase money of lands sold by the Chancellor and Council under the authority of "The Duchy of Lancaster Lands Acts, 1855." And the Chancellor and Council shall for the purposes of this Act have and be entitled to the benefit of all such powers and provisions in reference to moneys invested in bank annuities under this present section as under "The Duchy of Lancaster Lands Act, 1855," they are entitled to concerning moneys invested in bank annuities under that Act :

(As to the annual rent-charges payable to the Duchy).

4. With respect to any annual rentcharge which under this section shall become payable in consideration of any sale, enfranchisement, or release by this section authorised, the following provisions shall have effect; that is to say,

Each such annual rentcharge shall be a perpetual rentcharge, and shall be such charge on the tolls or rates payable under this Act, and shall be recoverable in like manner as by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, provided concerning the rentcharges thereby authorised to be granted, and shall, if the Chancellor and Council think fit, be otherwise secured in such manner as may be settled between the Chancellor and Council and the Company ;

And the same shall be limited to the use of Her Majesty, her heirs and successors, in right of the Duchy, and shall vest in her and them in the same right as fully and effectually as the lands or hereditaments which shall be granted, assured, or released in consideration of the same annual rentcharge stood vested in her and them immediately before such grant and assurance thereof :

Provided, that every such annual rentcharge shall be subject to the same application to all intents and purposes as the rents

and profits of the said lands or hereditaments to be granted and assured in consideration thereof would be subject if the same lands or hereditaments had not been so granted and assured :

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Provided also, that notwithstanding anything contained in "The Railway Companies Act, 1867," no money borrowed by the Company on mortgage or bond or debenture stock, under the provisions of any Act authorising the borrowing thereof, shall have priority over or affect any claim of Her Majesty, her heirs or successors, against the Company, their successors or assigns, or against their property for the time being in respect of any such last-mentioned rentcharge :

5. Any lands, hereditaments, estate, right, or interest conveyed or assured or released by the Chancellor and Council by virtue of any of the foregoing provisions of this section shall be so conveyed, assured, or released in the name of Her Majesty, her heirs or successors, in right of the Duchy, and by deed or writing under the seal of the Duchy, and every such deed or writing shall be enrolled in the court of the Duchy of Lancaster within six calendar months from the date thereof.

(As to the enrolment of deeds).

17. The provisions of the Railways Clauses Consolidation Act, 1845, contained in the sections of that Act numbered 18 to 23 inclusive, shall apply to the water mains, pipes, and apparatus of the Municipal Corporation of Hull, and the gas mains, pipes, and apparatus of the British Gaslight Company (Limited), wherever interfered with for the purposes of this Act, and in construing the sections so applied the purpose for which the main pipe or apparatus is interfered with shall be deemed to be the construction of a railway.

Provision as to Hull Corporation and British Gaslight Company's mains.

18. The powers by this Act conferred upon the Company for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Powers for compulsory purchases limited.

19. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have so made known their intention.

Notice to be given of taking houses of labouring classes.

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—
Kilnonthorpe
Railway
vested in
Company as
part of their
undertaking.

20. The Kilnonthorpe Railway, and the lands on which the same has been constructed, together with the sidings, works, and conveniences connected therewith, are hereby vested in the Company, and shall, for the purposes of tolls and charges, and for all other purposes whatsoever, be part of the Company's undertaking, and that railway shall be deemed and held to be a railway constructed under the powers of an Act of Parliament for public conveyance, and liable to be rated accordingly, and not otherwise.

Discon-
tinuance of
portion of
Eden Valley
Railway.

21. The Company shall abandon and cease to use as a railway the following portion of railway; namely,

So much of their Eden Valley Railway authorised by the Eden Valley Railway Act, 1858, in the township and parish of Clifton, in the county of Westmoreland, as extends for a distance of about one thousand three hundred and twenty yards, measured along that railway in an easterly direction from the junction thereof with the Lancaster and Carlisle Railway, near the Clifton Station thereon;

And shall, within two years from the passing of this Act, sell as superfluous lands, under the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands, so much and such parts of the lands taken for the purposes of the portion of railway abandoned as shall not be used by the Company for other purposes of their undertaking.

Hartlepool,
West
Hartlepool,
Middles-
brough, and
Tyne Dock
rates.

22. In lieu of the rates, tolls, and dues which the Company are now authorised to demand and take in respect of their docks at Hartlepool, West Hartlepool, and Middlesbrough, and their Tyne Docks at Jarrow, they may demand, receive, and take from the master or owner of every ship or vessel entering or using those docks respectively, or any staith, quay, wharf, or other works of the Company connected therewith or near thereto respectively, any rate or dues, not exceeding the rate or dues specified in the Schedule (B.) to this Act, for every ton burden of such ship or vessel for each and every time she enters or uses those docks or works respectively, and every such rate shall be payable by the master of such vessel; and the Company may also demand, receive, and take for or in respect of all goods, animals, articles, matters, and things mentioned in Schedule (C.) to this Act, which shall be shipped or unshipped, received, loaded, or delivered at those docks respectively, or from or upon the staiths, quays, wharves, or works of the Company, any sums not exceeding the several rates or dues in that schedule specified, and as to all such goods, animals, articles, matters, or things as are not specified in that schedule, the Company may demand, receive, and take a rate equal to that for the

time being payable at those docks respectively in respect of goods, animals, articles, matters, or things of a similar nature, package, and quality, and every such rate shall be payable to the Company by the owner or consignee of the goods, animals, articles, matters, or things. A.D. 1874.

23. The Company may levy, receive, and take (in addition to the said dock rates or dues) for the use of any warehouses, wharfs, staiths, spouts, drops, cranes, weighing machines, slips or ways, and engines or shears erected by them, and for and in respect of the warehousing or storing of any goods, wares, merchandise, or other commodities which shall be warehoused, deposited, or kept within any warehouse or on any premises of the Company, and for and in respect of building, repairing, coopering, loading, or unloading, weighing, measuring, sampling, painting, marking, and any other work to be performed and materials to be supplied in respect of any ships, vessels, goods, wares, merchandise, coals, coke, cinders, or other articles or things, such rates and charges as may be from time to time agreed upon between the masters or owners of any ships, vessels, goods, wares, merchandise, and other commodities and the Company, or as may be usual and reasonable, and shall from time to time be appointed by the Company, and the Company may recover such rates and charges from such master or owner, or from the consignee or other person having the charge of such goods and merchandise, or by distress and sale thereof. Rates for the use of cranes, weighing machines, &c.

24. Sections 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, and 24 of the North-eastern, Hull, and Hornsea Railway Amalgamation Act, 1866, shall be and are hereby repealed, and in lieu of the dividends which, under the provisions of that Act, the proprietors of shares or stock in the Hull and Hornsea capital of the Company would be entitled to receive during the period of time in the said Act called "the trial period," those proprietors shall be entitled to, and shall receive in respect and according to the amount of their respective holdings of shares or stock in the said capital, a fixed dividend of three pounds per centum per annum from the first day of January one thousand eight hundred and seventy-four to the thirty-first day of December one thousand eight hundred and seventy-five, both inclusive, payable half-yearly out of the net revenue of the Company at the respective times when the dividends are paid to the holders of the ordinary stocks and shares of the Company, and section 18 of the said Act shall be read and have effect as if the date for the determination of the trial period was the thirty-first day of December one thousand eight hundred and seventy-five, and as if the words "from the first day of January one thousand eight hundred and Repeal and amendment of certain provisions in North-eastern, Hull, and Hornsea Railway Amalgamation Act, 1866.

A.D. 1874. — “seventy-six inclusive” were inserted therein at the commencement thereof, instead of the words “from the date named in the resolution of the shareholders of the Company for the determination of the trial period.”

Power to
Company to
subscribe to
Hull Docks.

25. The Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking of the Hull Dock Company not exceeding (exclusive of the sum which the Company have already subscribed to that Company) fifty thousand pounds, and the Company may, with the like authority, contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise, and which may not be required by them for the purposes of their undertaking, and also any moneys which they are by this Act authorised to raise, and the provisions contained in sections 31 and 33 of the North-eastern Railway Company's (Pelaw and other Branches) Act, 1865, relating to the power of the Company to subscribe to the Hull Docks, and to nominate a person to vote at meetings of the Dock Company, shall, so far as they are applicable, apply *mutatis mutandis* to the additional subscription hereby authorised: Provided always, that the number of votes to which the Company shall be entitled in respect of their subscription under the powers of this Act towards the capital of the Dock Company shall not exceed five hundred.

Power to
subscribe to
undertaking
of Castleford
Company.

26. The Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking of the Castleford Company, not exceeding in the whole ninety thousand pounds, and the Company may, with the like authority, contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise, and which may not be required by them for the purposes of their undertaking, and also any moneys which they are by this Act authorised to raise.

The Company shall, in respect of the sum subscribed and the corresponding shares in the undertaking of the Castleford Company held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided), and be subject to all the obligations and liabilities of proprietors of shares in that undertaking.

Provided always, that the Company shall not sell, dispose of, or transfer any of the shares in the Castleford Company for which they may subscribe. A.D. 1874.

27. The Company, while shareholders of the Castleford Company may, by writing under their common seal, from time to time appoint some person to attend any meeting of the Castleford Company, and such person shall have all the privileges and powers attaching to other shareholders at such meetings, and, except in the election of directors, may vote thereat in respect of the capital held by the Company in that undertaking, and every such appointment by the Company of any person to vote on their behalf shall be delivered to the Castleford Company, and kept with their records, and shall be at all reasonable times open to the inspection and transcription of all parties interested; and every such instrument shall as between the Company and the Castleford Company be sufficient evidence of the facts therein stated. Company while shareholders may vote at meetings of Castleford Company.

28. The Company from time to time may in respect of their subscription of ninety thousand pounds to the capital of the Castleford company nominate three of their directors to be directors of that Company, and every such nomination shall be made in writing under seal, and shall be deposited with the secretary of the Castleford Company, and may in like manner be revoked and renewed, and every director so appointed by the Company shall enter upon office immediately upon his appointment and shall remain in office until his appointment be revoked or until he die or resign, and need not be a shareholder in the Castleford Company: Provided always, that the directors so appointed by the Company shall be in lieu of a like number of the directors which the Castleford Company have power to appoint, and such number of the directors for the time being of the Castleford Company as may be necessary to make room for the directors to be appointed by the Company, so that the number of the directors of the Castleford Company shall not be more than seven, shall, on the application of the Company, retire, and the directors so to retire shall be selected by agreement, or failing agreement, by ballot amongst the directors of the Castleford Company for the time being. Company may nominate directors of Castleford Company.

29. The Company may appropriate and apply to the purposes of this Act any of the moneys which under and by virtue of any existing Acts they have raised or are authorised to raise, and which shall not be wanted for the purposes of those Acts. Power to apply moneys raised under existing Acts to purposes of this Act.

30. The Company may raise by the creation and issue of new shares or stock the sum of one million three hundred and fifty Power to raise addi-

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 tional
 capital.

thousand pounds; (that is to say, for the purposes of the subscription to the undertakings of the Hull Dock Company and the Castleford Company the sum of one hundred and forty thousand pounds, and for the purposes of the new works by this Act authorised and the general purposes of the Company the sum of one million two hundred and ten thousand pounds,) in addition to the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament, and such new shares or stock may be created and issued either as ordinary or preference, or both, and either alone or together with any other moneys or capital which the Company may be then authorised so to raise.

Shares not
 to issue until
 one fifth
 paid up.

31. 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 pro-
 portion to
 the nominal
 amount
 thereof.

32. The new shares or stock by this Act authorised 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 shares
 or stock to
 rank pari
 passu with
 others if so
 determined,
 and the
 dividends to
 be a charge
 against
 revenue.

33. The Company may, by the resolution creating or authorising the creation of any of the new shares or stock by this Act authorised, determine that such new shares or stock shall rank pari passu with any other shares or stock of the Company created subsequently to the passing of that resolution, 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 net revenue of the Company.

New shares
 or stock may
 be created
 subject to
 redemption.

34. The Company may, by the resolution creating or authorising the creation of any of the new shares or stock by this Act authorised, 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 :

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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.

35. The Company, in respect of the said sum of one million two hundred and ten thousand pounds, part of the share capital by this Act authorised, may from time to time borrow on mortgage, in addition to the sums which they are or may be authorised to borrow by any other Act or Acts of Parliament, any sum not exceeding in the whole four hundred and three thousand pounds, in manner following ; (that is to say,) in respect of each sum of three hundred and two thousand five hundred pounds of the said additional capital of one million two hundred and ten thousand pounds, any sum not exceeding in the whole one hundred thousand seven hundred and fifty pounds, but no part of any such sum of one hundred thousand seven hundred and fifty pounds shall be borrowed until shares for so much of the respective portions of capital in respect of which it is authorised to be borrowed as is to be raised by 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 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of the respective portion of capital 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 respective portion of 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 respective portions of the 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 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, if the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same ; and upon production to such justice of the books of the

Power to
borrow on
mortgage.

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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.

Arrears may be enforced by appointment of a receiver.

36. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

37. 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, but 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 to the purposes of this Act, and to the general purposes of the Company only.

Saving rights of the Duchy of Lancaster.

39. Nothing contained in this Act shall extend or operate to authorise the Company to take, use, enter upon, or in any manner interfere with any land, soil, water, or hereditaments, or any manorial rights, or any other rights of whatsoever description, belonging to Her Majesty in right of her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give), or take away, prejudice, or diminish any estate right, privilege, power, or authority vested in or enjoyed or exerciseable by Her Majesty, her heirs or successors, in right of her said Duchy.

Interest not to be paid on calls paid up.

40. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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.

41. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may

be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

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42. Nothing in this Act contained shall exempt the railways of the Company 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, authorised to be taken by the Company.

Railways not exempt from provisions of present and future general 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.

Expenses of Act.

The SCHEDULES to which this Act refers.

SCHEDULE (A.)

MEMORANDUM of Agreement, made the eighteenth day of May one thousand eight hundred and seventy-four, between the Dock Company at Kingston-upon-Hull, herein-after called the "Dock Company," of the one part, and the North-eastern Railway Company, herein-after called the "Railway Company," of the other part: Whereas by the Hull Docks Act, 1866, the Dock Company was empowered to construct a footbridge over the North-eastern Railway from Bellevue Terrace to the Quay of the Albert Dock, and they subsequently constructed such bridge: And whereas by a Bill now being promoted in Parliament by the Railway Company, intituled "The North-eastern Railway (Additional Powers) Bill," it is proposed to divert the footpath leading to the northern access to the said bridge, without providing any substituted access in lieu thereof: And whereas by the North-eastern Railway Company's Act, 1872, the Railway Company were empowered to stop the existing level crossing over the North-eastern Railway at the end of Manor House Street in Hull, if and when the said Company should provide certain other substituted roads and approaches in lieu thereof, as shown on a plan, dated the nineteenth of March one thousand eight hundred and seventy-two, and signed "Thos. E. Harrison" and "John Hawkshaw:" And whereas by the said herein-before recited Bill the Railway Company propose to acquire the sites of Bath Place and Manor House Street, which are proposed by the said Bill to be stopped up, thereby taking away the access to one of the said proposed substituted roads, namely, the road intended to lead from Bath Place: And whereas the said Dock Company have presented

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A.D. 1874. a petition to Parliament against the said Bill, and have consented to abstain from further opposing the said Bill upon the terms and conditions herein-after contained: Now, therefore, it is agreed as follows:—

1. The Railway Company shall, before interfering with the accesses to the said footbridge, remove the said bridge from its present position to a point opposite to the southern end of St. James Street in Hull, and complete the said bridge with its approaches, so that the same may be opened to the public within two months after the removal is commenced, and such removal and reconstruction shall be done at the cost of the Railway Company and to the reasonable satisfaction of the engineer of the Dock Company.

2. The Railway Company shall, in lieu of the proposed substituted road intended to lead from Bath Place (the access to which substituted road will be taken away as above referred to), make and, until adopted by the Local Board of Health of Hull, maintain the proposed road from Kingston Street, and the bridge over the North-eastern Railway in continuation thereof, of the width of at least fifty feet, and the said road, which on the said plan is shown as to be constructed with a gradient of one in fifteen, shall be constructed with a gradient of one in twenty from the north end of the said bridge to the junction with Kingston Street. The Railway Company shall use their best endeavours to obtain the assent of the said Local Board to raise the level of Kingston Street so as to admit of the said gradient being obtained, failing which the Railway Company shall apply for Parliamentary powers to construct the road of the aforesaid gradient of one in twenty.

3. The present level crossing at Manor House Street and the approaches thereto, shall not be interfered with until the said Railway Company shall have made and completed the said bridge over the said railway, with the various approaches thereto, as shown by the said plan, with such improved gradient and other alterations as are provided by this agreement.

4. A plan showing the works as now agreed on shall be prepared and signed by the engineers of the said Companies respectively.

As witness the seals of the said respective Companies the day and year first above written.

L.S.
of the
Dock Company
at
Kingston-upon
Hull.

L.S.
of the
North-eastern
Railway
Company.

SCHEDULE (B.)

A.D. 1874.

| | Tonnage Rates. | Rates. |
|---------------------|--|--------------|
| OUTWARD CHARGES. | For every ship clearing for any port or place in the United Kingdom, the Isle of Man, the White Sea, or any port between the North Cape and Gibraltar, including the Baltic, and for the British possessions in North America, per ton - | s. d. - 2 |
| | For every ship clearing for any port or place within the Straits of Gibraltar, or in the United States, on the East Coast of America, and the West Indies, per ton - - - - | - 4 |
| | For every ship clearing for any other port or place than above specified, per ton - - - - | - 6 |
| | For every ship with a cargo from any port or place in the United Kingdom, the Isle of Man, or the Islands of Jersey and Guernsey, per ton - | - 2 |
| INWARD CHARGES. | For every ship with a cargo from any port or place in Europe between Ushant and the Naze in Norway, except the ports in the Baltic Sea, per ton - - - - - | - 4 |
| | For every ship with a cargo from any port or place in the Baltic Sea, or between Ushant and the Straits of Gibraltar, or between the Naze and the North Cape, per ton - - - - | - 6 |
| | For every ship with a cargo from any port or place within the Straits of Gibraltar, or to the east of the North Cape, or in Madeira, the Azores, or the British possessions, and the United States on the East Coast of America, north of Florida, per ton - - - - - | - 6 |
| | For every ship with a cargo from any other port or place, per ton - - - - - | 1 - |
| | For every ship entering and leaving the docks without delivering or loading any cargo or coals, per ton - - - - - | - 2 |

For the above rates any ship may remain in the docks for any time not exceeding four weeks from the date of the ship entering the docks, and after the expiration of that time a further sum of one penny per ton per week or part of a week shall be payable in respect of such ship.

For keels, lighters, or other river craft entering and leaving the docks for the purpose of loading or discharging minerals or merchandise, one shilling each way when carrying fifty tons or less, and when carrying more in addition thereto one penny per ton for every ton beyond fifty tons.

[Ch. cxxxiv.] *The North-eastern Railway* [37 & 38 VICT.]
Company's (Additional Powers) Act, 1874.

A.D. 1874.

SCHEDULE (C.)

| Dues, Rates, or Tolls on Goods and Cattle. | Rates. | |
|--|-----------|-----------|
| | <i>s.</i> | <i>d.</i> |
| For every ton of coals put on board any vessel - - - | - | 2 |
| For every ton of coke, culm, or cinders put on board any vessel - | - | 3 |
| For every load of timber of whatever description, each load containing fifty cubic feet, received or delivered from any vessel - | - | 3 |
| And in case such timber shall continue in the docks for a longer period than fourteen days, then for each week or part of a week beyond such fourteen days, per load - - - - | - | 3 |
| For every ton weight of goods or merchandise of every other description received or delivered from any vessel - - - | - | 4 |
| Or at the option of the company for every ton measurement of such goods and merchandise, each such ton measurement containing forty cubic feet - - - - - | - | 6 |
| And for every package or parcel of goods less than a ton either of weight or measurement, the same sum as is payable in respect of a ton. | | |
| Horses, per head - - - - - | 1 | 6 |
| Oxen, cows, and bulls, per head - - - - - | 1 | - |
| Ponies, mules, and asses, per head - - - - - | - | 6 |
| Calves and deer, per head - - - - - | - | 2 |
| Lambs, sheep, goats, and pigs, per head - - - - - | - | 1 |

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