



## CHAPTER lxxiv.

An Act for enabling the North Eastern Railway Company. A.D. 1893.  
to make new Railways and other works and to acquire  
additional lands and for other purposes.

[29th June 1893.]

**W**HEREAS it is expedient that the North Eastern Railway Company (in this Act called "the Company") should be empowered to make and execute the railways and other works by this Act authorised and to acquire and hold the lands in this Act described and that the other powers in this Act mentioned should be conferred on the Company :

And whereas plans and sections showing the lines and levels of the said railways and other works and plans of the said lands and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerks of the peace for the several counties and ridings within which the said railways and works will be constructed and the said lands are situate which plans and sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference :

And whereas it is expedient that the Company the Tees Conservancy Commissioners and the Commissioners of Woods should be empowered to enter into agreements with each other as hereinafter provided :

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

[Ch. lxxiv.] *North Eastern Railway Act, 1893.* [56 & 57 VICT.]

A.D. 1893. and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title. 1. This Act may be cited for all purposes as the North Eastern Railway Act 1893.

Incorporation of general Acts. 2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 :

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the company against the shareholders ;

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

The conversion of the borrowed money into capital ;

The consolidation of shares into stock ;

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

The making of dividends ; and

The giving of notices :

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

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

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

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes

of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1893

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

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

In the county of Northumberland—

- (1) A railway (No. 1) three furlongs two chains and eighteen yards in length situate wholly in the parish of Bedlington commencing by a junction with the Company's Blyth and Tyne Railway from Newbiggin to Newcastle-on-Tyne and terminating by a junction with the Cambois Branch of the said Blyth and Tyne Railway : (Cambois Curve.)
- (2) A railway (No. 2) one mile five furlongs six chains and eighteen yards in length situate wholly in the parish of Bedlington commencing by a junction with the said Cambois Branch of the Blyth and Tyne Railway and terminating at the south end of a jetty to be erected in the River Blyth : (Railway from Cambois to Blyth Jetty.)
- (3) A widening and alteration one mile seven furlongs and nine chains in length of the said Cambois Branch of the Blyth and Tyne Railway in the parish of Bedlington between the junction of the said Cambois Branch with the said Blyth and Tyne Railway and the junction of the said Cambois Branch with Railway No. 2 : (Widening of Cambois Branch.)
- (4) A railway (No. 4) two furlongs and two chains in length situate wholly in the parish of Warkworth commencing by a junction with the Company's Amble Branch Railway and terminating at a point about ten yards south-west of the level crossing by which the Radcliffe Colliery Waggonway crosses the said Amble Branch Railway : (Railway at Amble.)

Provided always that in the construction of Railway No. 4 the Company instead of executing the works in accordance with the deposited plan and section shall execute the same in accordance with the plan and section signed by the Right Honourable the Earl of Northbrook the Chairman of the Committee of the House of Lords to whom the Bill for this

A.D. 1893.

Act was referred and shall not under the powers of this Act enter upon take use or interfere with the said level crossing But nothing in this proviso shall empower the Company to enter upon purchase or take any lands not shown on the deposited plans and described in the deposited books of reference :

In the county of Durham—

(Railway near Haver-ton Hill.)

(5) A Railway No. 5 one mile five furlongs four chains and eighteen yards in length situate wholly in the parish of Billingham commencing by a junction with the Company's Port Clarence Railway and terminating at or near the north side of Billingham Beck :

In the West Riding of the county of York—

(Railway at Castleford.)

(6) A Railway No. 6 two furlongs and four chains in length situate wholly in the parish of Castleford commencing by a junction with the siding known as Breffit's siding on the Company's York and Normanton Railway and terminating at or near the gasworks of the Castleford and Whitwood Gas Light and Coke Company and the Aire and Calder Glass Bottle Works :

(Railway at Hunslet.)

(7) A Railway No. 7 five furlongs and four chains in length situate wholly in the parish of Leeds commencing by a junction with the Company's Leeds and Selby Railway and terminating on the east side of the River Aire near the bridge which carries South Accommodation Road over the said river.

Power to cross roads on the level.

5. 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 may in the construction of the new railway and widening and alteration of railway herein-after mentioned carry the same with a single line only whilst such railway or widening and alteration of railway shall consist of a single line and afterwards with a double line only across and on the level of the roads hereinafter mentioned :—

Railway or widening and alteration of Railway.	No. on deposited Plan.	Parish.	Description of Road.
Railway No. 2	6	Bedlington	Public road
Widening of Cambois Branch	12	Bedlington	Public road
Widening of Cambois Branch	23	Bedlington	Public road

Provided always that the powers by this section conferred upon the Company of crossing the said roads on the level shall only be exercised subject to the following conditions—

A.D. 1893.

(1) As regards the said roads numbered 6 and 23 in the parish of Bedlington the same shall be diverted so as to make the angle of crossing not less than sixty degrees :

(2) As regards all the said roads a footbridge or subway for foot passengers shall be provided at each crossing and the crossing shall be closed as regards foot passengers except at such times as it is open for road traffic.

6. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Works below high water-mark not to be commenced without consent of Board of Trade.

7. The Company shall on or near the works below high water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve :

Lights on works.

If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

8. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct :

Company to exhibit lights.

A.D. 1893.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

For the protection of the corporation of Leeds.

9. For the protection of the corporation of Leeds (in this section called "the corporation") the following provisions shall have effect (that is to say):—

- (1) Notwithstanding anything shown on the deposited plans and sections the bridge carrying Pontefract Lane numbered 8 on the deposited plans over Railway No. 7 shall be constructed of a width of forty-eight feet between the parapets measured at right angles to the road and the bridge carrying Cross Green Lane numbered 27 on the deposited plans over the said railway shall be constructed of a width of fifty feet between the parapets measured at right angles to the road:
- (2) A bridge shall be constructed by the Company over the said Railway No. 7 on the line of the footpath numbered 22 on the deposited plans of a minimum width of thirty-six feet unless at the time of the commencement of the construction of such bridge the Acts of Parliament or byelaws in force within the city of Leeds or which shall have received the sanction of Parliament require a minimum width of not less than forty-eight feet in cases of laying out a new street exceeding one hundred and fifty yards in length in which event the said bridge shall be constructed of a width of forty-eight feet and such bridge shall be so constructed as to carry any road which may hereafter be laid out by the corporation on the site of such footpath:
- (3) The Company shall when so required by the corporation give to them the land on each side of the said railway required for the construction by them of a road (herein-after called Road A) forty-eight feet wide with two feet in addition to provide space for a boundary fence or a subsequent widening of the said road on the eastern side thereof across the field numbered 28 on the deposited plans so far as such land is within the limits of deviation and the corporation shall make such road and the Company shall construct a bridge fifty feet wide between the parapets measured at right angles to the road to carry such road when made over the said railway:
- (4) Such road shall be constructed within the limits of deviation according to a plan marked E and signed on behalf of the corporation by Thomas Hewson the city engineer and on behalf of the Company by Harold Copperthwaite the engineer

of the Company the surface level of such road over the Railway No. 7 being not lower than one hundred and twelve feet six inches above ordnance datum except that the said road may be deviated at the northern end thereof so far as the same is outside the Company's limits of deviation and the Company shall not be liable to pay any part of the cost of making sewerage draining flagging levelling paving or macadamising such road. The Company shall have free and full access to such road for all purposes on the west side thereof and for railway purposes on the east side thereof and the Company shall have power at any time or times hereafter to extend the last-mentioned bridge by additional arches to the full extent of their limits of deviation :

- (5) No adjoining landowner or grantee of the Company other than the Hunslet Railway Company shall have access to the said road on the east side thereof unless and until he shall have purchased from the corporation the two feet of land co-extensive with the land owned by him and shall have dedicated the same for the purpose of widening the said road and shall have contributed to the corporation one-half the expense of forming sewerage draining levelling flagging paving or macadamising the said road including the widening thereof co-extensive with the land owned by him :
- (6) The corporation shall improve the portion of South Accommodation Road which is situate between Clarence Road and the said Road A partly by widening the same and partly by making an additional road in accordance with the lines shown on the said plan E signed by the said Thomas Hewson and Harold Copperthwaite so as to make such widened and additional road of a width of fifty feet and shall rebuild the bridge carrying South Accommodation Road over the River Aire of a width of fifty feet and of strength sufficient to accommodate all road traffic across the said river and the Company shall contribute the sum of two thousand pounds towards the cost thereof and shall give to the corporation the land necessary for making the said widened and additional road fifty feet wide so far as such land may be within the limits of deviation shown on the deposited plans of the said railway and will also contribute five hundred pounds towards the expenses incurred by the corporation in the purchase of any other lands beyond the said limits of deviation necessary for the said improvement :
- (7) Notwithstanding anything in this Act contained the corporation shall have full and free enjoyment of their existing easement

A.D. 1893.

in respect of so much of their intercepting sewers to Knostrop as passes or may pass through land taken by the Company under the powers of this Act and the Company shall be liable to make good to the corporation any increased cost which they may be put to in regard to such intercepting sewers by reason of the works of the Company and all injury or damage thereto caused by or resulting from any of such works. In all operations of the corporation in connexion with the said sewers necessitating any interference with the works of the Company the reasonable requirements of the Company's engineer shall be observed :

- (8) The Company shall pay to the corporation the sum of one hundred and seventy-six pounds in repayment to them of the expense which they have been put to in sewerage and draining streets which the Company are empowered to acquire under this Act :
- (9) The bridges carrying streets over the railway shall be built so as to conform as far as possible to the building line of such streets as fixed by the corporation before the construction of such bridges :
- (10) The parapets of any such bridge shall be at least six feet in height from the level of the highway throughout the entire length of the bridge :
- (11) The entire space between the parapets of any such bridge shall for the full width thereof be dedicated to the public use :
- (12) The Company shall not break up any street or interfere with any sewer drain or watercourse or any gas or water main pipe or apparatus of the corporation until they shall have given to the city engineer three clear days' notice in writing of their intention to commence the intended works accompanied by plans and sections showing the works proposed to be executed by the Company so far as they will affect such street sewer drain watercourse gas and water mains pipe and apparatus :
- (13) The provisions of the Railways Clauses Consolidation Act 1845 contained in sections eighteen to twenty-three inclusive shall subject to the provisions of this Act extend and apply to the water and gas mains pipes and apparatus of the corporation and whenever in those sections the words "company" and "society" are used the same shall for the purposes of this Act be held to extend to and include the corporation :
- (14) Whenever it may be necessary to intercept or interfere with any sewer or drain the Company shall before intercepting or



interfering with such sewer or drain construct according to a plan to be reasonably approved of by the corporation another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by the corporation at the expense of the Company with any existing sewer or drain. Provided that if the corporation shall require a sewer or drain of a better description or larger size to be constructed than the one so intercepted or interfered with the additional expense caused thereby shall be borne by them :

- (15) Except so far as is provided by sub-section thirteen whenever the water or gas mains pipes or apparatus of the corporation shall be severed or interfered with in the execution of any of the powers of this Act so as to make it necessary for maintaining the supply of water or gas to lay down additional mains or pipes such additional mains or pipes shall previous to the severance or interference be laid down by the corporation at the expense of the Company. Provided that the Company shall not be called upon to pay any additional cost which may be incurred by the corporation by using mains or pipes of a better description or larger size than those taken up :
- (16) If by reason of the execution of any of the powers of this Act the corporation shall necessarily incur any cost in altering any existing sewer drain gas or water main or apparatus the Company shall repay to the corporation such additional cost :
- (17) In case it shall be necessary to construct the railway over any sewer drain gas or water main of the corporation provision shall be made to the reasonable satisfaction of the corporation for protecting such sewer gas or water main from injury :
- (18) The Company shall not use or permit to be used any of their bridges by this Act authorised or any parapets or screens upon such bridges for the posting of bills or other advertising purposes except for bills or advertisements of the Company :
- (19) Any difference which may arise between the corporation and the Company as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be determined by a single arbitrator and in accordance with the provisions of the Arbitration Act 1889.

**10.** The railways and widening and alteration of railway by this Act authorised shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the undertaking of the Company and the Company may demand receive and take in respect

A.D. 1893. — thereof for the conveyance of merchandise thereon the maximum rates and charges authorised by the Railway Rates and Charges No. 15 (North Eastern Railway &c.) Order Confirmation Act 1892 and for the conveyance thereon of passengers and (except so far as is provided by Part V. of the schedule to the said Order) of merchandise by passenger train the tolls rates and charges authorised by the North Eastern Railway Company's Act 1854 the North Eastern and Stockton and Darlington Railways Amalgamation Act 1863 the North Eastern Railway Company's (Pelaw and other Branches) Act 1865 and the North Eastern Railway Company's (New Lines) Act 1874 and may also demand receive and take in respect of any jetty staiths spouts shipping places quays wharfs or works made by them in connexion with Railway No. 2 or for any services rendered thereat the same rates dues tolls and charges as are authorised to be taken by the North Eastern Railway Company's (Additional Powers) Act 1874 (except the rates and dues specified in Schedule B. to the same Act) in respect of the Company's existing Tyne Dock at Jarrow and the jetties staiths spouts shipping places quays wharfs and works connected therewith Provided that the Company shall not be entitled to charge for the conveyance and shipment of coal conveyed to and shipped at any shipping place made or used in connexion with Railway No. 2 any sums exceeding the following :—

Where the total distance for which the traffic is conveyed over any of the existing or authorised railways of the Company does not exceed four miles sevenpence per ton :

Where such total distance exceeds four miles for the first four miles sevenpence per ton and for the remainder of the distance one penny per ton per mile.

As to traffic on Cambois Branch.

11. The land taken by the Company for the widening and alteration of so much of the Cambois Branch as passes over lands belonging to the Honourable Atholl Charles John Liddell shall be taken and held by the Company upon and subject to the terms of a lease dated the first day of July one thousand eight hundred and seventy-four made between the Right Honourable the Earl of Ravensworth of the one part and the Blyth and Tyne Railway Company of the other part and the Company shall not construct Railway No. 1 by this Act authorised unless they at the same time widen and alter such portion of the said branch as aforesaid.

Period for completion of works.

12. If the new railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and com-

pleting the new railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed. A.D. 1893.

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

Imposing penalty if railways not opened within period limited.

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 :

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the said Act to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided :

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway in respect of which the penalty has been incurred by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

**14.** Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway in respect of which the penalty has been incurred or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit :

Providing for application of penalty.

A.D. 1893.

If no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Further works to be made by Company.

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

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

(Widening of Gas House Lane and Dunn Street bridges Newcastle-upon-Tyne.)

(1) They may widen on the south side thereof respectively the following bridges in the parish of Saint Nicholas and parish or parochial chapelry of Saint John (that is to say):—

- (A) The bridge carrying the Company's Newcastle and Carlisle Railway over the street called Gas House Lane ;
- (B) The bridge carrying the said railway over Dunn Street :

(Crooked Billet level crossing Newcastle-upon-Tyne.)

They may in the parish of Saint Nicholas and parish or parochial chapelry of Saint John or one of them in substitution for the Crooked Billet level crossing on their Newcastle and Carlisle Railway and on the siding adjoining thereto of Sir W. G. Armstrong Mitchell and Co. Limited make a new road commencing on the south side of Scotswood Road at or near the junction of that road with Edgeware Road and terminating by a junction with the road leading to the boat landing on the river Tyne and may carry the same under their said railway and the said siding by means of a bridge :

So soon as the said new road is completed and opened to the public the Company may stop up and abolish the said level crossing and the footbridge thereat :

- (2) They may in the parish of Saint Nicholas and parish or parochial chapelry of Saint John or one of them make a new road commencing by a junction with Water Street and terminating by a junction with Dunn Street :

A.D. 1893.  
 (New road between Water Street and Dunn Street Newcastle-upon-Tyne.)

So soon as the said new road is completed and opened to the public the Company may stop up and appropriate to the purposes of their undertaking so much of the existing roads as is shown on the deposited plans as proposed to be stopped up :

In the county of Durham—

- (3) They may in the parish of Bishopwearmouth divert and alter the line and levels of so much of the road from Hylton to Pallion as lies between a point thereon about eighty yards measured along the said road in a northerly direction from the point where such road is crossed by the Company's railway from Penshaw Junction to Sunderland on the level at Pallion Station and another point thereon about one hundred and ten yards measured as aforesaid in a southerly direction from the said level crossing and may carry the said road under the railway by means of a bridge :

(Pallion level crossing.)

So soon as the said diversion of road is completed and the diverted roadway is formed and paved to the reasonable satisfaction of the mayor aldermen and burgesses of the county borough of Sunderland and opened to the public the Company may stop up and abolish the said level crossing and the said mayor aldermen and burgesses shall thereupon pay to the Company the sum of eight hundred pounds as a contribution towards the cost of the said diversion of road and for the purpose of providing money for such contribution the same shall be deemed expenses for the purpose of the Public Health Act 1875 :

- (4) They may make a new road in the parish of Stockton-on-Tees commencing by a junction with the road from Durham to Stockton at a point thereon about thirty-three yards north of the Lustring Beck and extending for a distance of about eighty yards in a north-easterly direction and may also in the said parish make a new footpath commencing by a junction with the street bounding the east side of the gasworks at the south side of the bridge carrying the same under the Company's Stockton and Hartlepool Railway extending thence in a northerly direction for a distance of about two hundred and fifty yards to the south side of the Lustring Beck and thence for a distance of about one hundred and sixty yards along the south side of the said beck to a junction

(Primrose Hill level crossing.)

A.D. 1893.

with the public footpath and occupation road leading from Ragworth Farm to Stockton near the bridge carrying the same over the said beck :

Provided always that notwithstanding anything herein contained or shown upon the deposited plans the Company may with the consent of the mayor aldermen and burgesses of the borough of Stockton-on-Tees and of the owners lessees and occupiers for the time being of the said Lustring Beck and of the land on the north side thereof required for the purpose carry the said footpath across and over the said beck and along the north side thereof :

When and so soon as the said new road and footpath are completed and opened to the public the Company may stop up and abolish so much of the said footpath and occupation road leading from the said Ragworth Farm to Stockton as is shown on the deposited plans as proposed to be stopped up including the level crossing over the Company's Stockton and Hartlepool Railway known as the Primrose Hill level crossing and all rights of way over and along the same shall thereupon be extinguished :

(Footpath near Port Clarence Station.)

- (5) They may make a new footpath in the parish of Billingham commencing by a junction with the road between Tees Ferry and Port Clarence Station at or near the entrance to such station and terminating by a junction with the Haverton Hill and Port Clarence Road at a point about thirty yards east of the eastern end of the cottages belonging to Bell Brothers Limited and may carry the same under the Company's Port Clarence Railway by means of a subway :

So soon as the said footpath is completed and opened to the public all rights of way (if any) along or across and on the level of the said Port Clarence Railway between Haverton Hill Station and the terminus of the said railway adjoining the works of Bell Brothers Limited at Port Clarence shall thereupon be extinguished and the Stockton and Hartlepool highway board shall thereupon pay to the Company the sum of one hundred pounds as a contribution towards the cost of the said footpath and subway :

(New road in the parish of Billingham.)

- (6) They may make a new road in the parish of Billingham commencing by a junction with Billingham Lane at or near the point where the said lane is crossed by Railway No. 5 and terminating on the north side of Billingham Beck at or near the termination of such railway :

(Widening of Bishopton Lane bridge

- (7) They may widen on the west side thereof the bridge carrying the Company's Railway from Eaglescliffe to North

A.D. 1893.

Stockton over the street called Bishopton Lane in the parish of Stockton-on-Tees :

Stockton-on-Tees.)

- (8) They may in the parish of Easington substitute a footbridge for the existing level crossing for foot passengers at the north end of Haswell Station over the Company's Sunderland and Hartlepool Railway :

(Footbridge at Haswell Station.)

So soon as the said footbridge is completed and opened to the public the Company may stop up and abolish the said level crossing for foot passengers :

In the North Riding of the county of York—

- (9) They may in the parish of Eston divert and alter the line of so much of one of the new footpaths authorised by the North Eastern Railway Act 1889 as lies between a point thereon about two hundred and fifty yards west and another point about one hundred and twenty yards west of the west end of Eston Old Station and may construct a bridge to carry the diverted footpath over the line of railway giving access from the Company's Middlesbrough and Redcar Railway to the Eston Steel Works of Bolckow Vaughan and Company Limited Provided always that notwithstanding anything shown on the deposited plans the gradients of the diverted footpath shall not be steeper than one in ten and the approaches to the bridge shall be provided with suitable handrails The fence on the south side of the diverted footpath shall not exceed four feet in height and the Company shall provide such lamp or lamps on the bridge as may be necessary for lighting the same but the gas or other means necessary for such lighting shall be provided by the local board for the urban sanitary district of Eston :

(Diversion of footpath near Eston Old Station.)

In the West Riding of the county of York—

- (10) They may in substitution for the Welbeck Street level crossing in Castleford and the footbridge thereat make a new road in the parish of Castleford commencing by a junction with Cambridge Street and terminating by a junction with Carlton Street at or near the junction of that street and Station Road and carry the same under their York and Normanton Railway by a bridge and also make a subway for foot passengers under the said railway with approaches thereto at or near to the said level crossing :

(Welbeck Street level crossing Castleford.)

So soon as the said new road and subway are completed and opened to the public the Company may stop up and abolish the said level crossing and footbridge and also the occupation level crossing numbered on the deposited plans 15

A.D. 1893.

in the said parish and may appropriate to the purposes of their undertaking so much of the existing roads as are shown on the deposited plans as proposed to be stopped up so far as the same are bounded upon both sides by property now belonging to or hereafter acquired by the Company under the powers of this Act :

(High Street level crossing Castleford.)

- (11) They may in substitution for the High Street level crossing for foot passengers in Castleford and for the footbridge thereat make a subway for foot passengers in the parish of Castleford under the said York and Normanton Railway at or near to the said level crossing and in connexion therewith may divert and alter the lines of High Street and Albion Street :

So soon as the said subway is completed and opened to the public the Company may stop up and abolish the High Street level crossing for foot passengers and footbridge :

(Lumby Lane level crossing near Milford Junction.)

- (12) They may make a new road commencing in the parish of Monk Fryston by a junction with the road leading from Monk Fryston to Lumby at or near the east end of the bridge carrying the said road over the Company's York and Normanton Railway and terminating in the parish of Sherburn by a junction with the road known as Lumby Lane or Ingthorne Lane at a point about sixty yards east of the level crossing by which the said lane crosses the said York and Normanton Railway :

So soon as the said new road is completed and opened to the public the Company may stop up so much of the said Lumby Lane or Ingthorne Lane as is shown on the deposited plans as proposed to be stopped up including the said level crossing :

(Osmondthorpe Lane level crossing Leeds.)

- (13) They may in the parish of Leeds divert and alter the line and levels of so much of Osmondthorpe Lane as lies between a point thereon about seventy yards measured along the said lane in a northerly direction from the point where such lane is crossed by the Company's Leeds and Selby Railway on the level and another point thereon about fifty-six yards measured as aforesaid in a southerly direction from the said level crossing and may carry the said lane under the railway by means of a bridge and may appropriate and use for the purposes of such works so much of the site of Osmondthorpe Lane as may be required :

So soon as the said diversion of Osmondthorpe Lane is completed and opened to the public the Company may stop up and abolish the said level crossing :



(14) They may substitute footbridges for the following level crossings :— A.D. 1893.

(A) The level crossing by which the footpath leading from Leeds to Burley crosses the Company's Leeds and Thirsk Railway near their Burley coal depôt in the parish of Leeds and the footbridge substituted therefor shall be seven feet in width and be approached by inclined planes ; (Footbridge at Burley Leeds.)

(B) The level crossing by which the footpath leading from Starbeck to Harrogate crosses the Company's Leeds and Thirsk Railway at Starbeck Station in the parish of Bilton with Harrogate : (Footbridge at Starbeck Station.)

So soon as the said footbridges are respectively completed and opened to the public the Company may stop up and abolish the said level crossings for which the same are substituted and all rights of way over the same shall thereupon be extinguished.

16. 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 take and use all or any of the lands herein-after described or referred to and delineated on the deposited plans and described in the deposited books of reference and may hold and retain any of such lands which they have already purchased :— Power to purchase and hold additional lands.

In the county of Northumberland—

Certain lands in the parish of Tweedmouth situate on the south side of and adjoining the Company's Kelso Branch Railway near the Bone Mill at East Ord : (Tweedmouth.)

Certain lands in the parish of Woodhorn situate on both sides of and adjoining the Company's railway at Blyth Station : (Blyth.)

Certain lands in the parish of Warkworth situate on the west side of and adjoining the Company's Amble Branch Railway near Broomhill Station : (Broomhill.)

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

Certain lands in the parish of Saint Nicholas and parish or parochial chapelry of All Saints or one of them situate on the north side of and adjoining the Company's property at and near the junction of Union Street and Register Street : (Union Street Newcastle-upon-Tyne.)

Certain lands in the parish of Saint Nicholas and parish or parochial chapelry of All Saints or one of them situate on the east side of Picton Terrace at and near its junction with Vincent Street : (Picton Terrace Newcastle-upon-Tyne.)

Certain lands in the parish of Saint Nicholas and parish or parochial chapelry of All Saints or one of them situate (The Close Newcastle-upon-Tyne.)

A.D. 1893.

between the Close and the River Tyne on the east side of the street called the Javel Groupe :

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

(East Heaton.)

Certain lands in the parishes of Saint Nicholas Long Benton and parish or parochial chapelry of All Saints or some or one of them situate on both sides of the Company's Newcastle and Berwick Railway near its junction with the Company's Tynemouth Branch Railway at East Heaton with power to stop up the existing public footpath thereon between the north side of the bridge carrying the same under the Company's Newcastle and Berwick Railway and the junction between such footpath and the public road leading from Benton to Walker Gate Station near that station in this Act referred to as the East Heaton footpath :

In the county of Durham—

(Tyne Dock.)

Certain lands in the parish of Jarrow situated at or near the entrance to the Company's Tyne Dock and on both sides of and adjoining the public road from Jarrow to South Shields :

(Annfield Plain.)

Certain lands in the parish of Lanchester situated on the north side of and adjoining the Company's Pontop and South Shields Railway and west of and adjoining the road from Annfield Plain to Lanchester :

In the North Riding of the county of York—

(Redcar.)

Certain lands in the parish of Kirkleatham situate on both sides of and adjoining the Company's Darlington and Saltburn Railway at Redcar Station :

In the West Riding of the county of York—

(Castleford Station.)

Certain lands in the parish of Castleford situate on the south side of and adjoining the Company's York and Normanton Railway near Castleford Station :

(Leeds.)

Certain lands in the parish of Leeds situate on the south-east side of and adjoining the Company's Leeds and Selby Railway near to Osmondthorpe Colliery :

In the town and county of the town of Kingston-upon-Hull—

(Newington Hull.)

Certain lands in the parish of Newington situate on the east side of and adjoining the Company's railway between Hessle Road Junction and Dairycoates Junction :

(Drypool Hull.)

Certain lands in the parishes of Drypool and Southcoates situate on both sides of and adjoining the Company's Hull and

Holderness Railway near the Craven Street level crossing on the Company's railway : A.D. 1893.

Certain lands in the parish of Sculcoates situate on the north side of and adjoining the Company's Victoria Dock Branch Railway near their Stepney station and on the west side of and adjoining Cottingham Drain. (Sculcoates Hull.)

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

(1) The widening of the bridges carrying the said Newcastle and Carlisle Railway over Gas House Lane and Dunn Street respectively shall have throughout in each case the same span and as nearly as possible the same height above the surface of the ground underneath as the existing bridges carrying the said Newcastle and Carlisle Railway over those respective streets :

(2) The bridge as widened over Gas House Lane shall be efficiently lighted by day and by night to the reasonable satisfaction of the city engineer of the corporation :

(3) All widenings of bridges constructed over public streets under the powers of this Act shall be so constructed as to prevent the dropping of water on the footways beneath and the abutments thereof shall be so constructed as not to encroach upon the line of the street on either side thereof :

(4) The new road in substitution for the Crooked Billet level crossing on the said Newcastle and Carlisle Railway and on the siding adjoining thereto of Sir W. G. Armstrong Mitchell and Co. Limited and the roadways pathways steps and other works in connexion with such new road shall be executed to the satisfaction of the city engineer of the corporation and according to plans submitted to and approved of by them and the said steps and other works but not the roadways or footpaths shall at all times be maintained and kept in proper repair and condition by the Company :

(5) The new road in the parish of Saint Nicholas and parish or parochial chapelry of Saint John or one of them commencing by a junction with Water Street and terminating by a junction with Dunn Street shall be sewered drained levelled flagged and paved and otherwise completed to the satisfaction of the corporation and shall be made of inclinations not greater than the corresponding inclinations of Railway Terrace the existing street which is to be stopped up :

A.D. 1893.

- (6) All works so far as they affect the said respective streets shall subject to the provisions of this section be executed in accordance with the deposited plans and sections to the reasonable satisfaction of the city engineer of the corporation and when commenced shall be completed with all reasonable despatch and so as not to obstruct or interfere with the traffic of the streets and the said works (other than roadways and footpaths) shall be maintained by the Company :
- (7) So much of section sixty-eight of the Newcastle-upon-Tyne Improvement Act 1870 and of section sixty-seven of the Newcastle-upon-Tyne Improvement Act 1882 and of the section of the Newcastle-upon-Tyne Improvement Act 1892 of which the marginal note is "Exemption of certain buildings" as exempts certain buildings of a railway company from certain provisions of those Acts respectively shall not apply to buildings erected or provided by the Company for the purpose of any scheme under the section of this Act of which the marginal note is "Restriction as to houses of labouring class" :
- (8) If any difference shall arise between the Company and the corporation touching anything to be done or not to be done under this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed on) by the Board of Trade on the application of either party and the costs of such settlement shall be borne as he shall direct :
- (9) Before the Company stop up the East Heaton footpath they shall make and complete to the reasonable satisfaction of the corporation and dedicate to public use a road not less than fifteen feet wide in the line shown and coloured red on a plan signed in duplicate by William George Laws on behalf of the corporation and Charles Augustus Harrison on behalf of the Company one copy of which plan shall be kept by the corporation and the other by the Company.

Provision as to repair of new roads &c.

18. Every new or diverted or altered road or footpath constructed under the powers of this Act (other than any new road or footpath made or diverted or altered for the purpose of any new railway by this Act authorised and except the structure of any bridge carrying the same over or under any railway which structure shall unless otherwise agreed be maintained by the Company) shall when completed be maintained by the persons liable to maintain the public highways within the respective districts in which such new and diverted or altered roads and footpaths will be situate. If any question shall arise between the Company and any of such persons as to the due completion of any new or diverted or altered road or

footpath such question shall from time to time be determined by two justices on the application of either of the parties in difference and the certificate of the justices of the due completion of such new or diverted or altered road or footpath shall be conclusive evidence of the fact so certified. A.D. 1893.

**19.** All rights of way over or along the several level crossings roads footpaths or other highways or portions thereof which shall under the provisions of this Act be stopped up and over any of the lands which shall under the compulsory powers of this Act be acquired shall be and the same are as from such stopping up or acquisition hereby extinguished. Provided always that the Company shall not stop up the existing footpath over the lands in the parishes of Drypool and Southcoates until they shall have provided a new footpath in lieu thereof to the reasonable satisfaction of the mayor aldermen and burgesses of the borough of Kingston-upon-Hull. Extinguish-  
ment of  
rights of  
way.

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

**21.** The powers by this Act conferred upon the Company for the compulsory purchase of lands and buildings shall cease after the expiration of three years from the passing of this Act. Period for  
compulsory  
purchase of  
lands.

**22.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to  
owners to  
grant ease-  
ments to  
Company  
&c.

**23.** And whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the Company and that such portions may be severed from the remainder of the said properties without material detriment thereto. Therefore the Owners may  
be required  
to sell parts  
only of cer-  
tain lands  
and build-  
ings.

A.D. 1893. — owners of and persons interested in the lands buildings or manufactoryes described in the schedule to this Act and whereof parts only are required for the purposes of the Company may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without such material detriment as aforesaid be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise :

If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges that such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of the said tribunal any such portion or portions cannot be severed from the remainder of such property without such material detriment the Company may withdraw their notices to treat for the portion or portions of the property required by them and thereupon they shall pay to the owner of or other person interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice Provided also that if in the opinion of such tribunal any such portion or portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

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

A.D. 1893.  
Restriction  
as to houses  
of labouring  
class.

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

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

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

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

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

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the

A.D. 1893. scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

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

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

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

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

(8) So much of section one hundred and fifty-seven of the Public Health Act 1875 as provides that the provisions of that section and of sections one hundred and fifty-five and one hundred and fifty-six of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or



provided by the Company for the purpose of any scheme under this section. A.D. 1893.

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

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

(11) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

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

25. The Company's Newsham and Blyth Railway and the Cambois Branch of the Blyth and Tyne Railway as widened and

Vesting of  
Newsham  
and Blyth

A.D. 1893.  
and Cambois  
Branch  
Railways in  
Company.

altered under the powers of this Act together with the sidings works and conveniences connected therewith and all lands acquired or held on lease for the purposes thereof may be maintained and held by the Company and shall for the purposes of tolls rates and charges and for all other purposes be deemed to be part of the Company's undertaking and to be part of the Blyth and Tyne section of the railway within the meaning of the Railway Rates and Charges No. 15 (North Eastern Railway &c.) Order Confirmation Act 1892.

Newsham  
and Blyth  
and Cambois  
Branch and  
certain other  
railways to  
be deemed  
public rail-  
ways.

**26.** The Company's Newsham and Blyth Railway and the Cambois Branch Railway as widened and altered under the powers of this Act and any other railways vested in or belonging to the Company although not originally constructed under the powers of an Act of Parliament for public conveyance shall be deemed and held to be railways so constructed for the purpose and within the meaning of sections two hundred and eleven and two hundred and thirty of the Public Health Act 1875.

Agreements  
with Tees  
Conservancy  
Commission-  
ers and Com-  
missioners of  
Woods.

**27.** The Company the Tees Conservancy Commissioners and (with the approval of the Treasury) the Commissioners of Woods may from time to time (subject to the provisions of the section of this Act of which the marginal note is "Tolls") enter into agreements with respect to the following purposes or any of them (that is to say):—

The construction maintenance and management of the Railway No. 5 and the new road between Billingham Lane and Billingham Beck by this Act authorised or any part thereof and of the works connected therewith respectively or any of them:

The use or working of the said railway or any part thereof and the conveyance of traffic thereon:

The fixing collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic.

Power to  
Company to  
apply funds  
to purposes  
of this Act.

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

Power to  
raise addi-  
tional capital.

**29.** The Company may raise by the creation and issue of new shares or stock the sum of five hundred 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 wholly or partially as ordinary or wholly or partially as preference shares or stock and either alone or together with any other moneys or capital which the Company may be then authorised so to raise.

A.D. 1893.

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

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

**31.** 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.

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

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

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

**33.** The Company may by the resolution creating or authorising the creation of any of the new preference 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 :

New preference shares or stock may be created subject to redemption

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

A.D. 1893. — 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.

Power to borrow.

**34.** The Company may in respect of the said additional capital of five hundred thousand pounds from time to time borrow on mortgage of their undertaking in addition to any other sums which they are or may be authorised to borrow by any other Act or Acts of Parliament any sum not exceeding in the whole one hundred and sixty-six thousand pounds in manner following (that is to say) In respect of each sum of two hundred and fifty thousand pounds of the additional capital by this Act authorised to be raised by the creation of shares or stock any sums not exceeding in the whole eighty-three thousand pounds :

But no part of any such sum of eighty-three thousand pounds shall be borrowed until shares for so much of the respective portion of capital in respect of which it is authorised to be borrowed as is to be raised by means of shares are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of the respective portions 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 portion of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same :

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

Receipt in case of persons not sui juris.

**35.** If any money is payable to a shareholder mortgagee or debenture holder in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

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

A.D. 1893.  
For appointment of a receiver.

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

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

Existing mortgages to have priority.

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

Application of moneys.

**39.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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 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

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

A.D. 1893. — Company to construct any other railway or to execute any other work or undertaking.

Saving rights of Crown under Crown Lands Act.

41. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving for Postmaster General.

42. Nothing in this Act shall be deemed to impose upon the Postmaster General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster General and the Company made in pursuance thereof any larger number of telegraphic messages of the Company free of charge than he would have been bound to transmit had this Act not become law.

Provision as to general Railway Acts.

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

Costs of Act.

44. 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.

SCHEDULE referred to in the foregoing Act.

A.D. 1893.

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

Railway or Work.	Parish.	No. on deposited Plans.
Railway No. 6 - -	Castleford - -	18
Railway No. 7 - -	Leeds - -	17, 18, 19, 20
Footbridge at Haswell Station	Easington - -	1
Additional lands at Redcar -	Kirkleatham - -	14
Footpath near Port Clarence Station.	Billingham - -	2
New road and footpath at North Stockton.	Stockton-on-Tees - -	8
New road in substitution for Welbeck Street level crossing Castleford.	Castleford - -	20
Stopping up of level crossing and substitution of a bridge at Osmondthorpe Lane.	Leeds - -	8

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