



CHAPTER clix.

An Act to confer additional powers upon the North Eastern Railway Company for the construction of Works and the acquisition of additional Lands and for other purposes. A.D. 1896.
[20th July 1896.]

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

And whereas plans and sections showing the lines and levels of the said 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 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 should be empowered to raise further capital for the purposes aforesaid and for the general purposes of their undertaking:

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

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

1. This Act may be cited for all purposes as the North Eastern Railway Act 1896. Short title.

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—
Incorporation of
general
Acts.

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

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

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

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ; and

The giving of notices ;

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

Interpretation.

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

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.

Power to
Company to
widen and
alter existing
railways.

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 alteration and the widening of railways herein-after described with all proper stations sidings approaches roads 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: A.D. 1896.

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

In the county of Durham—

An alteration of the Company's York and Newcastle Railway in the parish of St. Oswald between points thereon respectively about one hundred and seventy yards north and about three hundred and twenty yards south of the crossing of the River Browney by that railway and in connexion therewith an alteration of the Company's Lancaster Valley Branch between its junction with the said York and Newcastle Railway and a point about two hundred yards west of the said junction: (Relley Mill Viaduct.)

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

A widening of the Company's railway in the parish of Holy Trinity and St. Mary between a point near the southern end of Clarendon Street and another point near the Park Street bridge. (Widening of railway at Hull.)

5. The alteration and the widening of railways by this Act authorised shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the railways to be altered and widened respectively. Rates to be taken by the Company.

6. 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):— Further works to be made by Company.

In the county of Northumberland—

They may subject to and in accordance with the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes which provisions are hereby incorporated with this Act lay down and maintain in the parish of Bedlington a conduit or line of pipes under and along the public road from Sheepwash Mill on the River Wansbeck to Choppington Station: (Line of pipes from Sheepwash Mill to Choppington Station.)

In the county of Durham—

They may in the parish of Ryton divert and alter the lines and levels of the portion of the road from Ryton to Newburn Bridge crossed by the Company's Newcastle and Carlisle (Ryton level crossing.)

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Railway at Ryton on the level which lies between a point thereon one hundred and seventy yards or thereabouts north of the said level crossing and another point thereon fifty yards or thereabouts south of the said level crossing and may carry the said road over the said railway by means of a bridge and in connexion therewith they may also divert and alter the lines and levels of the portion of the road from the Haughs to Ryton which lies between the junction of such road with the road from Ryton to Newburn Bridge and a point sixty yards or thereabouts north of such junction ;

When and so soon as the said diversions and alterations are completed and opened to the public the Company may stop up and discontinue as a road and appropriate to the purposes of their undertaking such portion of the road from Ryton to Newburn Bridge as is shown on the deposited plans as proposed to be stopped up and is bounded on both sides by lands of the Company or of which under the powers of this Act they become the owner including the said level crossing :

(Annfield Plain level crossing.)

They may in the parish of Lanchester make a subway for foot passengers at the level crossing by which the road from Lanchester to Newcastle-upon-Tyne crosses the Company's Pontop and South Shields Railway at Annfield Plain ;

So soon as the said subway is completed and opened to the public all rights of footway over the said level crossing shall by virtue of this Act be extinguished :

(Penshaw level crossing.)

They may in the parish of Houghton-le-Spring make a subway under the Company's York and Newcastle Railway and the private railway belonging to the Right Honourable the Earl of Durham known as the Lambton Railway with road approaches thereto extending for a distance of one hundred and ten yards or thereabouts on either side of the level crossing over the said railway at Penshaw Station and may appropriate and use for the purposes of such subway and approaches the disused waggonway under the said railways ;

So soon as the said subway and approaches are completed and opened to the public the Company may stop up and abolish the said level crossing except as against road traffic which is incapable of passing through the subway and all rights of way over the said level crossing (except as aforesaid) shall by virtue of this Act be extinguished :

(Cliff House level crossing.)

They may in the parish of Stranton make a footbridge over the Company's Stockton and Hartlepool Railway at the Cliff House level crossing ;

So soon as the said footbridge is completed and opened to the public all rights of footway over the said level crossing shall by virtue of this Act be extinguished: A.D. 1896.

They may stop up and abolish the level crossing for foot-passengers over the Company's Annfield Plain Branch Railway in the parish of Chester-le-Street at the east end of Pelton Station and all rights of way over the said level crossing are hereby extinguished: (Pelton Station level crossing.)

In the North Riding of the county of York—

They may widen on both sides thereof the bridge carrying the Company's Middlesbrough Branch Railway over the street called Hilda Place in the parish of Marske: (Widening of bridge at Saltburn.)

They may in the parish of Seamer make a footbridge at the level crossing by which the road from Seamer to Cayton crosses the Company's York and Scarborough Railway at Seamer Station; (Seamer Station level crossing.)

So soon as the said footbridge is completed and opened to the public all rights of footway over the said level crossing shall by virtue of this Act be extinguished.

7. The following provisions shall have effect with reference to the laying down of the conduit or line of pipes under and along the public road from Sheepwash Mill to Choppington Station by this Act authorised (in this section referred to as "the said line of pipes") (that is to say):— Provisions as to line of pipes from Sheepwash Mill to Choppington Station.

(1) The said line of pipes shall be laid down upon or alongside the bridge carrying the said public road over the Willow Burn and the approaches thereto in such manner as shall be agreed upon between the engineer of the Company and the engineer of the county council of Northumberland (herein-after referred to as "the county council") or in case of difference as shall be settled by arbitration and in the event of the county council at any time hereafter widening such bridge the Company will repay the county council any additional expense incurred by them arising from the existence and necessary diversion of such line of pipes:

(2) The said line of pipes shall be laid down under and along the said road at a depth not being at any point less than six feet below the surface of the roadway except with the consent under their common seal of the Bedlingtonshire Urban District Council (in this section referred to as "the district council"):

(3) The said line of pipes shall be laid down under and along the said road in such a position as shall be agreed upon between the engineer of the Company and the engineer of the district

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council or in case of difference as shall be settled by arbitration and so as not to unnecessarily interfere with the existing sewers and water pipes of the district council. All openings made in the roadway of the said bridge or the approaches thereto or in the said road shall be kept properly fenced by and at the expense of the Company until the work is completed and the surface restored as herein-after provided:

(4) The Company shall not commence any works (other than works of renewal or maintenance) affecting the said bridge or the approaches thereto vested in the county council or in any part of the said road vested in the district council until they shall have given to the county council or to the district council as the case may be notice in writing of their intention to commence the same by leaving such notice at the office of the clerk to the county council or to the district council as the case may be with plans elevations sections and other necessary particulars of the construction of the said works nor until the county council or the district council as the case may be shall have signified their approval of the same unless the respective council fail to signify their approval or disapproval or other requirements within twenty-eight days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid in which event the Company may proceed forthwith with the works so far as they affect the council so failing according to the said plans elevations sections and particulars and in case such plans elevations sections and other particulars are not agreed upon any difference between the Company and the county council or the district council as the case may be with reference to any of the matters aforesaid shall be determined by arbitration as herein-after provided:

(5) Unless the county council or the district council as the case may be otherwise agree in writing as regards the bridge and the approaches thereto or the portion of the road vested in the respective council the works (other than works of maintenance or renewal) shall be executed in accordance with the following requirements (that is to say):—

(A) So much only of the said bridge and the approaches thereto or of the said road as shall be reasonably approved by the respective council shall be opened by the Company at any one time;

(B) All portions of the surface of the respective bridge and the approaches thereto or road which may be disturbed by the works of the Company shall as soon as reasonably may

be after the completion of the work be restored by the Company and at their expense with such materials and in such manner as shall be reasonably required or approved by the engineer of the respective council. The new roadway shall be rolled consolidated and formed by and at the expense of the Company with a 15-ton steam roller. The certificate of the surveyor of the county council or of the surveyor of the district council as the case may be of the due completion of the works as required by this section (which certificate shall not be unreasonably refused or withheld) shall be the only evidence that the works have been so completed;

- (c) The restored portions of the said bridge and of the said road respectively shall be maintained by the Company at their own expense to the reasonable satisfaction of the surveyor of the county council or the district council as the case may be for eighteen months after the works have been completed as provided in paragraph (B) of this subsection;
- (D) All valves or other appliances brought up to the surface of the road shall be paved round by the Company at their own expense to the reasonable satisfaction of the surveyor of the district council and the surfaces so formed shall be for ever maintained by the Company at their own expense;
- If the Company fail so to maintain the said surfaces the district council may execute all such works as shall be necessary and may recover the expense thereof from the Company in any court of competent jurisdiction;
- (E) The costs charges and expenses reasonably incurred by the respective council for superintending or otherwise in relation to any works or operations of the Company under this section during the execution thereof shall be paid by the Company:
- (6) The Company shall indemnify the county council and the district council respectively against any claims or demands whatsoever arising from the exercise of the powers by this Act conferred with reference to the said line of pipes:
- (7) If by reason of the alteration of the levels of the said road an alteration of the levels or position of the said line of pipes shall become necessary the Company shall at their own expense alter the levels or position of the said line of pipes in such manner as may be reasonably required by the surveyor of the district council:
- (8) Any difference under this section shall unless otherwise agreed be determined by a single arbitrator in accordance with the provisions of the Arbitration Act 1889.

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Company prohibited from selling water &c.

8. The Company shall not sell or dispose of any water which they may take under the powers of this Act or otherwise from the Wansbeck at or near Sheepwash nor use any water which they may so take for any purposes other than those of their own undertaking.

Confirming scheduled agreement.

9. The agreement set forth in the First Schedule to this Act and made between the Company of the first part the Earl of Durham of the second part and the Houghton-le-Spring and Sunderland District Highway Board of the third part is hereby confirmed and made binding upon the parties thereto and their successors or sequels in estate respectively.

Provision as to repair of new roads &c.

10. Every new or diverted or altered road or footpath made under the powers or in pursuance of the section of this Act of which the marginal note is "Further works to be made by the Company" shall when completed and opened to the public be maintained by the persons liable to maintain the roads or footpaths of the same nature within the district in which such road or footpath will be situate. If any question shall arise between the Company and any of such persons as to the due completion of any such 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 two justices of the due completion of such road or footpath shall be conclusive evidence of the fact so certified.

Power to Company to purchase additional lands.

11. 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 use and appropriate for the purpose of extending their works and conveniences and for any other purposes connected with their undertaking 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:—

In the county of Northumberland—

(Sheepwash Mill.)

Certain lands in the parish of Bedlington situate on the east side of and adjoining the River Wansbeck at Sheepwash and known as the Sheepwash Mill:

In the county of Durham—

(Shildon.)

Certain lands in the parishes of St. Andrew Auckland and Heighington situate on the south and east sides of and adjoining the Company's waggon shops yard at Shildon:

In the North Riding of the county of York—

(Saltburn.)

Certain lands in the parish of Marske situate on the north side of and adjoining the Company's Middlesborough and Saltburn Railway between points respectively ninety yards and six hundred and forty yards or thereabouts west of the street called Hilda Place

In the town and county of the town of Kingston-upon-Hull— A.D. 1896.
Certain lands in the parish of Holy Trinity and St. Mary (Hull.)
situate on the south side of and adjoining Collier's Street
and West Street and on the north side of and adjoining
the Company's Paragon Station.

12. 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. Extinguish-
ment of
rights of
way.

13. 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 the Company in fee for the purposes of their undertaking. Vestin
site of roads
and footpaths
stopped up.

14. 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.

15. 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 right or privilege of water in which other persons than the parties to the agreement have an interest) 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.

16. And whereas in the construction of the 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 properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:— Owners may
be required
to sell parts
only of
certain lands
and build-
ings:

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the

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purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed

from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit :

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845 :

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

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

Restrictions on displacing persons 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

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

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

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order

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

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme 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 subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 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.

(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

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

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

18. The Company may appropriate and apply to all or any of the purposes or objects of this Act being purposes to which capital is properly applicable any of the moneys which under and by virtue of any existing Acts they have raised or are 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
additional
capital.

19. The Company may raise by the creation and issue of new shares or stock the sum of one hundred and fifty 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 and any preference shares or stock created or issued under such powers may be comprised in any scheme or schemes for the consolidation of the guaranteed and preference shares and stocks of the Company authorised by the North Eastern Railway Act 1895.

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

20. 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

21. 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.

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or stock to be in proportion to the nominal amount thereof.

22. 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 condition.

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

23. 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 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 exceeding four pounds ten shillings per centum per annum.

24. Notwithstanding anything contained in Part II of the Companies Clauses Act 1863 the Company may from time to time in issuing any portion of the additional capital by this Act authorised dispose of all or any of the shares or stock representing the same at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company.

As to disposal of new shares or stock.

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Power to
borrow.

25. The Company may in respect of the said additional capital of one hundred and fifty 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 fifty thousand pounds :

But no part of any such sum of fifty thousand pounds shall be borrowed until shares for so much of the said capital 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 such 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 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 may 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.

26. If any money is payable to a shareholder mortgagee or debenture stock 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.

For appoint-
ment of a
receiver.

27. 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. 1896.

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.

28. 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. Existing mortgages to have priority.

29. 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.

30. Any stocks shares or securities of the Company or in respect of which they are responsible either solely or jointly with any other Company may be transferred to and held in the names of an individual and a body corporate or of two or more bodies corporate and any such holding shall in its relation to the Company or to the Company and any such other company be deemed a joint tenancy. Holding of stocks by bodies corporate.

31. 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.

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

33. Nothing in this Act contained shall exempt the Company or their railwa from the provisions of any general Act relating to Provision as to general Railway Acts.

A.D. 1896. ——— 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. **34.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

AN AGREEMENT made the twenty-second day of February one thousand eight hundred and ninety-six between THE NORTH EASTERN RAILWAY COMPANY (herein-after called "the Company") of the first part THE RIGHT HONOURABLE JOHN GEORGE EARL OF DURHAM (herein-after called "Lord Durham") of the second part and THE HOUGHTON-LE-SPRING AND SUNDERLAND DISTRICT HIGHWAY BOARD (herein-after called "the Highway Board") of the third part.

WHEREAS by a Bill now being promoted in Parliament by the Company whereof the short title when the same is passed into law will be "The North Eastern Railway Act 1896" powers are sought to authorise the Company to make a subway under the Company's York and Newcastle Railway and the private railway belonging to Lord Durham known as the Lambton Railway with road approaches thereto extending for a distance of 110 yards or thereabouts on either side of the level crossing over the said railway at Penshaw Station in the lines shown on the plans and sections deposited in connection with the said Bill with the clerk of the peace for the county of Durham and to appropriate and use for the purposes of such subway and approaches the disused waggonway under the said railways and purchase the land delineated on the deposited plans required for the proposed works :

And whereas the Company are seeking to obtain such powers by agreement with Lord Durham who has agreed to give the lands belonging to him required for such purpose and with the Highway Board who have agreed to contribute to the cost of the said works the amount herein-after mentioned upon and subject to the terms and conditions herein-after contained ;

NOW THEREFORE IT IS AGREED as follows:—

1. The Company shall as soon as may be after the passing of the said Bill into law proceed with the said works.

2. Lord Durham shall give and if so required by the Company convey to them or to the Highway Board in fee simple free of cost the site of the disused waggonway under the said railways and any other lands delineated on the deposited plans required for the purpose of the said works and shall obtain the concurrence in such conveyance of all parties whose concurrence shall be necessary to effectuate the same.

3. Upon the completion and opening of the said works the Highway Board shall pay to the Company the sum of £333 towards the cost thereof and the level crossing over the said railways at the said station shall thereupon be closed except as against road traffic which is incapable of passing through the subway.

4. Any dispute or question arising between the Company and Lord Durham and the Highway Board or either or any of them touching this agreement or anything therein contained shall be from time to time determined by a single arbitrator to be appointed in manner provided by the Arbitration Act 1889.

In witness whereof the Company and the Highway Board have hereunto affixed their respective common seals and Lord Durham hath set his hand and seal the day and year first above written.

The common seal of the North Eastern
Railway Company was hereunto affixed in
the presence of

J. SHILLITO

Secretary's Office

North Eastern Railway

York.

15,724
C.N.W.

L.S.

Signed sealed and delivered by the said John
George Earl of Durham in the presence of

J. S. ROBINSON Lt.-Col.

Private Secretary

Lambton Castle.

DURHAM

L.S.

The common seal of the Houghton-le-Spring
and Sunderland District Highway Board was
hereunto affixed in the presence of

D. MILLAR

Clerk to the said Highway Board.

L.S.

A.D. 1896.

SECOND SCHEDULE.

DESCRIBING PROPERTIES whereof portions only are required to be taken by the Company.

Number on Deposited Plan.	Parish.	Description of Property.
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WIDENING OF RAILWAY NEAR PARAGON STATION HULL.

4	Holy Trinity and St. Mary -	Garden and shed
5	Holy Trinity and St. Mary -	Garden and ashpit
6	Holy Trinity and St. Mary -	Garden
7	Holy Trinity and St. Mary -	Garden

FOOTBRIDGE AT CLIFF HOUSE CROSSING WEST HARTLEPOOL.

1	Stranton - - -	Land
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