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An Act for enabling the North-eastern Railway Company to construct Railways and other Works in the counties of York, Northumberland, and Durham, and in the borough and county of Newcastle-upon-Tyne; and for other purposes. [13th July 1871.]

WHEREAS it is expedient that the North-eastern Railway Company (herein-after called "the Company") should be empowered to make the railways and works herein-after mentioned, and to acquire for the purposes of their undertaking the additional lands herein-after described, and that the powers conferred on the Company by "The North-eastern Railway Company's (Yorkshire Lines) Act, 1866," for the compulsory purchase of the lands herein-after mentioned should be revived:

And whereas plans showing the lines of the proposed railways and the lands in or through which the same and the works connected therewith are intended to pass or be made, and plans of the alterations of railways and road by this Act authorised and of the lands to be acquired or used for the purposes thereof, and sections showing the levels of the proposed railways and other works, and plans of the additional lands before mentioned, with a book of reference to those plans respectively, were in the month of November one thousand eight hundred and seventy deposited with the respective clerks of the peace for the north riding of the county of York, the town and county of Newcastle-upon-Tyne, and the counties of Northumberland and Durham, according to and in whichever of the said riding, town, and counties the said railways, road, and lands respectively are or will be situate, and which plans, sections, and book of reference are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas the Company are under and by virtue of the Hull and Selby Railway Purchase Act, 1846 (9 & 10 Vict. c. 241.), lessees

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for a long term of years, with an option of purchase (on their giving six calendar months notice of their intention to exercise such option), of the undertaking of the Hull and Selby Railway Company, and have power to raise for the completion of that purchase two million pounds by the issue of shares, and by subsequent Acts of Parliament the Company are empowered to purchase and hold the shares in the Hull and Selby Railway Company, and to issue to the holders of those shares, in exchange for the same, shares created by the Company: And whereas difficulties and inconveniences exist on the part of the Company in raising (in anticipation of any time fixed by notice) by calls on shares such a sum of money as will be required to enable them to complete the said purchase in case they give the required notice of their intention so to do, and it being expedient that the said purchase should be completed, the Company are desirous with that object of borrowing temporarily such a sum of money as may be sufficient for that purpose:

And whereas it is expedient that the Company should be empowered to raise a further sum of money, and that the restrictions imposed upon the Company in reference to their borrowing powers under the North-eastern Railway Company's (Yorkshire Lines) Act, 1866, should be modified, and that other powers should be granted to them, but the purposes of this Act cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may for all purposes be cited as "The North-eastern Railway Company's Act, 1871."

Provisions of general Acts herein named incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Certain provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. extended to this Act.

3. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

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

With respect to the distribution of the capital of the Company into shares;

With respect to the transfer or transmission of shares;

With respect to the payment of subscriptions and the means of enforcing the payment of calls;
With respect to the forfeiture of shares for nonpayment of calls;
With respect to the remedies of creditors of the Company against the shareholders;
With respect to the borrowing of money by the Company on mortgage or bond;
With respect to the conversion of borrowed money into capital;
With respect to the consolidation of the shares into stock;
With respect to the powers of the directors and the powers of the Company to be exercised only in general meeting;
With respect to the giving of notices; and
With respect to the provision to be made for affording access to the special Act by all parties interested;

and Parts I. and II. of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act, and apply to the Company and the shareholders thereof, and to the share and borrowed capital authorised, and notices required by this Act, and to the several other matters and things relating thereto respectively provided for by such clauses and provisions respectively.

Interpretation of terms.

4. 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 Company" means the North-eastern Railway Company; the expression "the Wear Commissioners" means the Commissioners of the river Wear; the expression "the railways" means the railways by this Act authorised, or any part thereof; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, purchase, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes.

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Description of railways.

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

No. 1. A railway (seven miles four furlongs and four chains or thereabouts in length) commencing in the township and parish of Wath in the north riding of the county of York by a junction with the Melmerby and Northallerton Branch of the North-eastern Railway, and terminating in the township of Burton-upon-Ure and parish of Masham in the said riding:

No. 2. A railway (six miles four furlongs and seven chains or thereabouts in length) commencing in the township of Byker and parish or parochial chapelry of All Saints, in the parish of Saint Nicholas, in the borough and county of Newcastle-upon-Tyne, by a junction with the Tynemouth Branch of the North-eastern Railway, and terminating in the township of Chirton and parish of Tynemouth in the county of Northumberland by a junction with the said Tynemouth Branch near the Percy main station thereon:

No. 3. A railway (three furlongs and eight chains or thereabouts in length), being a short junction to connect railway No. 2 by this Act authorised with the Cramlington Waggonway:

No. 4. A railway (two miles two furlongs and three chains or thereabouts in length) commencing in the parish of Monkwearmouth in the county of Durham by a junction with the Monkwearmouth Branch of the North-eastern Railway in the Monkwearmouth passenger station, and terminating in the parish of Bishopwearmouth in that county by a junction with the Durham and Sunderland Branch of the North-eastern Railway:

No. 5. A railway (two furlongs or thereabouts in length), being a short junction to connect railway No. 4 by this Act authorised with the Pensher Branch of the North-eastern Railway:

And the said intended railways, and the works connected therewith respectively, shall for all purposes become and be part of the undertaking of the Company.

Power to alter levels of part of Pensher Branch.

6. Subject to the provisions of this Act the Company may alter the levels of their Pensher Branch Railway, in the said parish of Bishopwearmouth, as shown on the deposited plans and sections.

Alteration of Norton Road and of railway at Stockton-on-Tees.

7. Subject to the provisions of this Act the Company may divert and alter the course or direction and levels of the road called Norton Road, and raise the line and alter the levels of their Stockton Branch Railway where it crosses the said Norton Road, and on each side thereof, all in the township of Stockton and parish of Stockton-upon-Tees in the county of Durham, as respectively shown on the

deposited plans and sections, and may make, in the line and in accordance with the levels shown on those plans and sections and in and upon the lands shown on the deposited plans, a new public road in the said township and parish, and may carry it under the said branch railway by a bridge, and may enter upon, purchase, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be necessary for the purposes aforesaid and for constructing the necessary approaches to the said altered road. And upon the completion and opening to the public of the said new road the Company may stop up and discontinue as a road and may appropriate to the purposes of the Company the site of so much of the said Norton Road as is shown on the deposited plans as proposed to be stopped up.

Provisions as to construction of new road.

8. With reference to the said new road in the township of Stockton and parish of Stockton-upon-Tees, the following provisions shall apply, and so far as those provisions are to be performed by the Company they shall perform them at their own expense; videlicet,

(*a.*) The Company shall not deviate from the centre line of the new road, as shown on the deposited plans, between the letters C. and D. thereon:

(*b.*) The Company shall provide the new road with effective drainage, and with all gutters, drains, traps, and other works necessary for that purpose, and shall make and maintain the bridge or arch over the new road drip dry, or as nearly so as may be:

(*c.*) The Company shall make on each side of the new road, and throughout its whole length, good and sufficient footways of asphalte, with curbs of stone, and the footways shall be of such width as the surveyor for the time being of the mayor, aldermen, and burgesses of the borough of Stockton-on-Tees by notice in writing under his hand may, before or during the construction of the new road, require, but so that the Company shall not be required to make the new road, including the footways, of a greater width than forty feet, and the Company shall also make a good and sufficient paved crossing across the intended new road at such points at or near each end thereof as the said surveyor shall in manner aforesaid require:

(*d.*) The Company shall at all times effectually light the new road, where it passes under the said bridge or arch, from sunset to sunrise:

(*e.*) Everything by this section required to be done shall be done to the reasonable satisfaction of the said surveyor:

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(*f.*) The new road, when completed, and the footways thereof and crossings, shall be under the management and control of the said mayor, aldermen, and burgesses:

Provided that the Company and the said mayor, aldermen, and burgesses may, if they so think fit, by mutual agreement vary any of the provisions of this section, and in that case the said provisions may be carried into effect with the variations so agreed upon.

Provision for repair of new road.

9. The new road which the Company are by this Act authorised to make, when made and completed, shall from time to time be repaired and maintained by and at the expense of the same parties and in the same manner as the existing road in lieu of which the new road is to be substituted is now liable to be repaired or maintained: Provided always, that if any question shall arise between the Company and such parties as to the due completion of the new road, such questions shall from time to time be determined by two justices, on the application of either of the parties in difference, and after not less than seven days notice to both parties of the sitting of such justices for the purpose, and the certificate of such justices of the due completion of the new road shall be conclusive evidence of the fact so certified.

Power to purchase additional lands.

10. In addition to the other lands which the Company are by this Act authorised to acquire, they may, subject to the provisions of this Act, from time to time enter upon, purchase, take, use, and appropriate for the purposes of their undertaking all or any of the lands following, delineated on the deposited plans and described in the deposited book of reference relating thereto; (that is to say,)

Certain lands in the township of Elswick and parish or parochial chapelry of Saint John, in the parish of Saint Nicholas, in the borough and county of Newcastle-upon-Tyne, on the south side of the Newcastle and Carlisle line of the Company, and near to the Crooked Billet level crossing over that line.

Revival of powers for compulsory purchase of lands in the parish of Saint Mary Bishophill Junior, York.

11. The powers granted by "The North-eastern Railway Company's (Yorkshire Lines) Act, 1866," for the compulsory purchase of lands for the purposes of the railway No. 5 by that Act authorised are hereby revived, and shall continue in force for one year from the passing of this Act, as regards certain lands numbered on the deposited plans of that railway, referred to in the said Act, 5, in the township of Holgate and parish of Saint Mary Bishophill Junior, in the west riding of the county of York, and 1, 4, 49, 51, 52, 53, and 54, in the township and parish of Saint Mary Bishophill Junior, in the county of the city of York.

Lands for extraordinary purposes.

12. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed twenty acres.

Powers for compulsory purchases limited.

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

Company not required to purchase the whole of certain properties.

14. And whereas in constructing the railways Nos. 2 and 4 the Company may require parts only of the several works or properties numbered respectively on the deposited plans as follows; that is to say,

Township or Parish.	Numbers on deposited Plans.
Railway No. 2.	
Byker township - - -	2 to 23, 98 to 107, and 263 to 269, all inclusive, 113, and 342.
All Saints township - -	7, 8, and 9.
Walker township - -	63 to 186, both inclusive, and 280.
Wallsend township - -	17 to 36, both inclusive, and 44.
Willington township - -	76, 79*a*, and 79*b*.
Railway No. 4.	
Monkwearmouth parish -	15, 22, 37, 39, and 40.

And those parts can be severed from the remainder of the several works or properties without any material detriment thereto: Therefore the Company may, notwithstanding the 92nd section of "The Lands Clauses Consolidation Act, 1845," purchase and take such parts only as they may require, without being obliged or compellable to purchase the whole or any greater portion than they so require of the said several works or properties, the Company paying for the portions so required and making compensation for any damage sustained by the owners thereof by severance or otherwise.

Period for completion of railways.

15. The railways shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

Imposing penalty if lines not opened within period limited.

16. If the Company fail within the period limited by this Act to complete the 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 railways are completed and opened for public

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traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the respective railways which shall not be so completed, and the said penalty may be applied for by any landowner or other person claiming to be compensated with respect to such of the said railways as shall not be so completed 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 Act seventeen and eighteen Victoria, chapter thirty-one, known as "The Railway and Canal Traffic Act, 1854," and 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 that Act, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such order, and shall not be paid thereout except as herein-after provided, but no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening the respective railways 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.

Providing for application of penalty in compensation to parties injured.

17. 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 may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of such of the said railways as shall not be completed as aforesaid 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 the railways, 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 Court of Chancery in England may seem fit. And if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have 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 be paid to the Company.

Power to cross certain roads on the level.

18. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company, in the construction of the railway No. 1, may carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; (that is to say,)

Number on deposited Plan.	Township.	Description of Road.
27	Wath - - -	Public highway.
5	Sutton Howgrave -	Public highway.
1	East Tanfield - -	
1	West Tanfield - -	Public highway.
28	West Tanfield - -	Public highway.

Alteration of inclinations of roads.

19. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
	Railway No. 1.		
28	West Tanfield -	Public highway -	1 in 12 on one side and level on the other.
	Railway No. 4.		
9	Monkwearmouth -	Public street -	1 in 15 on one side and 1 in 20 on the other.
10	Monkwearmouth -	Back street -	1 in 15.
27	Monkwearmouth -	Public street -	1 in 15 on each side.
14	Bishopwearmouth -	Public street -	1 in 15 on one side and level on the other.

Height of bridges for carrying railway over certain streets at Monkwearmouth.

20. The Company may make the arch of each of the bridges for carrying the railway No. 4 over the public streets respectively numbered on the deposited plans 9 and 27, in the parish of Monkwearmouth, of such height as they think fit, not being less than fourteen feet.

Provision as to bridge over Willington Gut.

21. The bridge or viaduct by which railway No. 2 shall be carried across the navigable creek or rivulet called Willington Gut shall be so constructed that there shall be a clear headway of thirty-

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five feet at least above high-water mark at ordinary spring tides beneath the underside of the platform or arch of the said bridge or viaduct, and a clear space of seventy feet in width between the piers of the said bridge or viaduct on each side of the said creek or rivulet, and the foundations of the said piers shall be carried down to such a depth as will admit of the bed of the said creek or rivulet being deepened to the extent of ten feet below low water of spring tides.

Provision as to bridge over Blyth and Tyne Railway.

22. The railway No. 2 by this Act authorised shall be carried over the Blyth and Tyne Railway by means of a bridge of one span of at least thirty feet in width on the square, and with not less than thirteen feet four inches clear headway above the surface level of the rails of the Blyth and Tyne Railway throughout under the same, which bridge and the works connected therewith shall be made and constructed in a substantial and workmanlike manner, and to the reasonable satisfaction of and according to plans to be previously approved by the engineer of the Blyth and Tyne Railway Company, and so as not to endanger or interfere with the security of their railway or to impede the traffic thereof, and shall for ever afterwards be so maintained and kept in good and proper repair by and at the expense of the Company. And the Blyth and Tyne Railway Company may require all such precautions to be taken by the Company in constructing, maintaining, and repairing the said bridge as their engineer may deem expedient for protecting their railway from injury and the traffic thereon from interruption. And in case any damage or injury shall be caused to their railway, or interruption or injury to the traffic thereon, by reason of the said bridge, or during the construction, maintenance, use, or repair thereof, the same shall forthwith be made good by the Company to the Blyth and Tyne Railway Company, or the Blyth and Tyne Railway Company may make good such damage or injury to their railway and recover the cost and expense thereof, and also compensation for such interruption or injury to their traffic as aforesaid, from the Company in any court of competent jurisdiction.

Blyth and Tyne Railway Company's property not to be purchased compulsorily, and interference therewith restricted.

23. The Company shall not purchase or take compulsorily any land or property of the Blyth and Tyne Railway Company, but they may purchase and acquire from that company an easement or right of constructing and maintaining the said bridge and the said railway over it in accordance with the provisions of this Act, nor (save only so far as may be necessary for the purpose of constructing, maintaining, and using the said bridge and railway) shall the Company, or any person in the execution of this Act, enter upon, use, or inter-

fere with the railway or property of the Blyth and Tyne Railway Company except with their consent in writing first obtained.

Restricting powers of deviation of railway No. 3, near Brewers Lane.

24. In making the railway No. 3 the Company shall not deviate the line thereof, or purchase any land for the same, to a greater extent than one hundred feet measured southwards from the centre line of the same railway, as shown on the deposited plans, between the terminus of that railway and the lane called Brewers Lane.

All works affecting Sunderland Water and Gas Companies to be executed to the satisfaction of their engineers.

25. All works, matters, or things which, under the provisions of "The Railways Clauses Consolidation Act, 1845," or this Act, the Company may be empowered or required to do or execute with reference to the mains, pipes, syphons, plugs, or other works of the Sunderland and South Shields Water Company, or of the Sunderland Gas Company respectively, shall be done and executed by and at the cost of the Company, but to the reasonable satisfaction of the engineer for the time being of the said water and gas company respectively, and such works, matters, or other things shall not be commenced, except in case of emergency, until after seven days previous notice thereof in writing shall have been given to the company to whom such mains, pipes, syphons, plugs, and other works shall respectively belong.

Company to construct road bridges so that pipes may be laid by Sunderland Water and Gas Companies.

26. Where the Company shall, in the execution of the powers of this Act, make any bridge for carrying any street, road, or public way over either of the railways Nos. 4 and 5, except as to the three bridges hereafter mentioned, they shall make provision for enabling each of the before-mentioned water and gas companies to lay down and maintain two pipes of twenty-four inches diameter over each such bridge, and as to the bridges for Matlock Street, Thomas Street, and Athenæum Street, they shall make similar provision for one pipe of twelve inches diameter for each of the companies, and each of the said companies shall have full power and authority from time to time to lay down and maintain such or smaller pipes over such bridges, and from time to time repair, alter, and renew the same; provided that, if in any case the relative levels of the rails and any such bridge should not admit of sufficient depth being left to enable such pipes to be so laid, then and in every such case the Company shall make such convenient provision alongside or within the parapets of the bridge as will enable such pipes to be laid alongside or within the same.

Water and gas companies empowered to lay and

27. It shall be lawful for the said respective water and gas companies, and the engineers, workmen, and others in their respective employment, at all reasonable times to enter upon the railways Nos. 4 and 5, and the lands of the Company connected therewith,

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repair pipes on lands of Company.

and to do all such works in and upon those railways and lands as may be necessary for repairing, maintaining, altering, removing, or replacing any mains or pipes belonging to them respectively under or over the said railways and lands respectively: Provided always, that in so doing the water or gas company, or their engineers or workmen or others in the employ of such company, shall not interrupt the traffic passing on the said railways; and provided also, that the water or gas company, as the case may be, shall make good and reimburse to the Company all damages, if any, occasioned by the exercise of such powers.

Alteration of level of Borough Road in the borough of Sunderland.

28. Notwithstanding anything herein or in the Acts incorporated herewith contained, the Company shall not, in making the bridge for passing the railway No. 4 under the Borough Road in the borough of Sunderland, raise the present level of that road more than two feet seven inches at the summit of such bridge, and the gradient of such road eastward when altered shall be one in thirty from the summit thereof, as and where such summit is indicated on the deposited plans and sections.

Provision as to acquisition by Company of site of county courts at Sunderland for purposes of Act.

29. Whereas the Company will require to take down the existing county courts at Sunderland, numbered on the deposited plans 75 in the parish of Bishopwearmouth in the county of Durham, and apply the site thereof to the purposes of this Act: And whereas the Commissioners of Her Majesty's Works and Public Buildings (herein-after called "the commissioners") have required, and the Company are willing, that they shall, before taking or using the site of the said county courts or removing the buildings thereon or any part thereof, provide another site to be approved by the commissioners for new courts at Sunderland in lieu thereof, and pay to the commissioners the sums of money herein-after provided: Therefore the powers of this Act for taking by compulsion the said county courts shall be exercised only subject to and in accordance with the following provisions:

1. The Company shall not enter upon or take or in any way interfere with the existing county courts at Sunderland until twelve months after the said site for new courts shall have been conveyed, and the sum of money, costs, and expenses following shall have been paid to the commissioners; (that is to say,)

   (*a.*) The amount of the estimated cost of constructing new courts identical in all respects with the existing courts, such estimated cost to be ascertained in case of difference as herein-after provided:

(*b.*) All the costs, charges, and expenses consequent on the acquisition of the said site, and of the conveyance of the same to the commissioners, together with the cost of removal and consequent thereon and on this Act:

2. If the commissioners and the Company shall be unable to agree on the sum to be paid as the amount of the said estimated cost, or as to any other payment to be made by the Company to the commissioners under the provisions of this enactment, or otherwise in relation thereto, the same shall from time to time, at the option of either party, be determined by a single arbitrator in the manner prescribed by the "Railway Companies Arbitration Act, 1859," and for the purpose of this arbitration the commissioners shall be deemed to be a railway company within the provisions of that Act:

3. The purchase money or consideration paid by the Company for the site of the new courts, and the sums of money payable by the Company to the commissioners as herein-before provided, shall be deemed to be the purchase money or consideration for the said lands and buildings numbered on the deposited plans 75, in the parish of Bishopwearmouth, and upon the expiration of twelve months after the payment of the sums of money so payable to the commissioners, and the conveyance to them of the new site as herein-before provided, the Company may enter upon, take, and use the said existing county courts and the site thereof for the purposes of this Act.

Provisions as to construction of main arch of bridge over river Wear, and the works connected therewith.

30. With reference to the crossing of the river Wear by the railway No. 4 and the works connected therewith, the following provisions shall apply:

(*a.*) The bridge for carrying the railway No. 4 over the river Wear shall be constructed with one arch or span only over that river of not less than three hundred and thirty feet on the square, the headway under it to be not less above high-water mark of ordinary spring tides than that under the present bridge over the said river at Sunderland, which work shall be executed under the inspection of the engineer for the time being of the Wear Commissioners, and according to plans to be previously approved by him and the engineer of the Company or their umpire:

(*b.*) The Company may (under the inspection of the engineer of the Wear Commissioners, and according to plans to be

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previously approved by him and the engineer of the Company or their umpire) temporarily erect and place, and while necessary keep up, alter, and repair, within and on the banks or shores of the said river, at and near to the site of the said bridge over it, and in the bed thereof, such piling, scaffolding, centering, and other works and conveniences as may be necessary for executing, maintaining, and repairing the bridge and the works connected therewith:

(*c.*) Previously to commencing the bridge over the river or erecting any scaffolding for it or the works connected therewith, the Company shall deposit at the Board of Trade plans, sections, and working drawings of the said bridge and works for the approval of that Board, such approval to be signified in writing under the hand of the Secretary of the Board, and such bridge, scaffolding, and works shall be constructed only in accordance with such approval, and when such bridge or works shall have been constructed it shall not be lawful for the Company at any time to alter or extend the same without previously obtaining the like approval, as well as the approval of the Wear Commissioners; and if such bridge or works shall be commenced or completed, or be altered, extended, or constructed contrary to the provisions of this Act, it shall be lawful for the said Board to abate, alter, and remove the same, and to restore the site thereof to its former condition, at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs of suit, or may be recovered, with costs, as a penalty is or may be recoverable from the Company:

(*d.*) During the construction, maintenance, and removal of the scaffolding or works connected therewith, or other temporary works affecting the navigation of the river, the Wear Commissioners may make such regulations as they think necessary for the safety of shipping passing under or near such scaffolding or other temporary works, and for the protection of such scaffolding and temporary works, and for preventing any greater obstruction to the navigation of the river than may be unavoidable; and if any dispute shall arise between the Company and the Wear Commissioners with respect to the necessity or efficiency of any such regulations, such dispute shall be determined by the Board of Trade, and such regulations may be published and enforced with such penalties attached thereto

as byelaws are under the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," required to be published or may be enforced; and the Wear Commissioners may, during the construction, maintenance, and removal of the scaffolding and works aforesaid, appoint competent persons, not exceeding two, one for the day and the other for night time, to carry into effect and secure the observance of such regulations, and to superintend the passage of vessels under and near the bridge, and the safety of the scaffolding and works, and the wages of such persons, not exceeding thirty shillings per week for each person, shall be paid by the Company, and it shall be lawful for any two justices, on the application of the Company or the Wear Commissioners, to remove any such person or persons for any cause which shall appear reasonable to such justices, and the Wear Commissioners may appoint another person or persons in his or their place or places and stead:

(*e.*) During such time as the bridge over the river shall be building or repairing, and for ever after the construction thereof, the Company shall keep the navigation of the river at and about the bridge, so far as it may be affected by the bridge and the works connected therewith, free and clear, so that vessels navigating in and upon the river may have sufficient and convenient room to navigate and pass thereon.

Notice to be given of taking houses of labouring classes.

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

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

32. Where in constructing the railways the Company shall, under the powers of this Act, divert or stop up any road and substitute another in lieu thereof, the soil and site of the road so diverted or stopped up to the extent of the lands on both sides of such road purchased by or belonging to the Company shall thereupon vest in and thenceforth be held by them in fee as part of their undertaking.

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Tolls to be taken.

33. The Company may (subject to the provisions and restrictions contained in "The North-eastern Railway Company's Act, 1854," the "North-eastern and Stockton and Darlington Railways Amalgamation Act, 1863," and "The North-eastern Railway Company's (Pelaw and other Branches) Act, 1865,") demand, receive, and take for or in respect of passengers, and of the several articles, matters, and things, and of all descriptions of animals conveyed on the railways, and also for the use of carriages and locomotive engines or other power supplied by the Company thereon, such and the like rates, tolls, or other charges as by those Acts are authorised to be demanded and received for the like passengers, animals, articles, matters, and things conveyed on their railways, and for the use of the like carriages and locomotive engines or other power as well for ordinary as for express trains supplied by the Company on the same railways, in like manner as if the railways had formed part of the North-eastern Railway when those Acts were passed.

Company may employ their carriages in carrying goods, though not intended for carriage on their railway.

34. The Company may, if and when they think proper, use and employ their carriages, waggons, and horses, or other moving power, and servants, in carrying for hire and reward any goods, articles, or things which may be entrusted to them for carriage, although the same may not be so entrusted to them for the purpose of being carried on their railway.

Power to borrow money for completion of purchase of Hull and Selby Railway.

35. The Company, with a view to the completion of the purchase of the Hull and Selby Railway, authorised by "The Hull and Selby Railway Purchase Act, 1846," may borrow any sum not exceeding in the whole two million pounds, in addition to the other sums which they are authorised to borrow under this Act or any of the existing Acts of Parliament relating to the Company, and may secure such moneys, with interest, by the issue of North-eastern Hull and Selby Railway purchase debentures, which debentures shall be transferable as any other mortgages or debentures of the Company, and shall, with the interest thereof, be the first charge on the undertaking of the Hull and Selby Railway Company after and subject to the mortgage debt and the interest thereof from time to time of that Company, and also after and subject to the rent payable to the Hull and Selby Railway Company during the continuance of the lease of the Hull and Selby Railway, and shall also be a charge on the undertaking of the Company next after the mortgage debt and debenture stock of the Company and the interest thereof: Provided always, that no money shall be borrowed under this enactment for any longer period than fifteen years; provided also, that all moneys borrowed under this enactment shall be applied by the

Company to the completion of the purchase of the Hull and Selby Railway, and to no other purpose, but this provision shall not impose on any person any obligation to see to the application to that purpose of the money lent by him; provided also, that nothing in this Act contained shall be construed as dispensing with the giving to the Hull and Selby Railway Company by the Company of the required notice of not less than six calendar months, in case they determine to exercise their option of purchasing the Hull and Selby Railway.

Company may issue North-eastern Hull and Selby purchase debentures to Hull and Selby shareholders in exchange for their shares.

36. The Company may issue to the holder of any share in the Hull and Selby Railway Company (willing to accept the same), in exchange for such share, a North-eastern Hull and Selby Railway purchase debenture of the nominal value of one hundred and twelve pounds ten shillings for every fifty pounds share, and so in proportion for each share of a less nominal value, being the amount or rate at which the Company are now bound to pay off those shares in case they elect to complete the purchase of the Hull and Selby Railway, and so in proportion for any greater number of those shares which such holder may be willing thus to exchange, and thereupon the certificates for the shares exchanged shall be delivered up to the Company and be cancelled, and the purchase money payable by the Company to the Hull and Selby Railway Company for the purchase of the Hull and Selby Railway shall be reduced accordingly: Provided always, that until the completion of the purchase of the Hull and Selby Railway, the Company shall in respect of all the shares in that company exchanged and cancelled under this Act be entitled to the same dividends as the holders of those shares would have been entitled to if the same had not been so exchanged and cancelled.

North-eastern Hull and Selby purchase debentures to be in prescribed form, and duly stamped.

37. Every North-eastern Hull and Selby Railway purchase debenture shall be in the form as nearly as may be set forth in the Schedule to this Act annexed or to the like effect, and shall be transferable as and duly stamped with the same amount of stamp duty as is payable on a mortgage of the like amount as that for which such debenture is issued.

North-eastern Hull and Selby purchase debentures to rank alike, and holders thereof to have powers of mortgagees.

38. The North-eastern Hull and Selby Railway purchase debentures shall all rank alike, and the holders thereof shall have the same rights and remedies in all respects against the Company and its undertaking as the mortgagees of the Company for the like amounts have or can exercise, and the holders of debentures to the amount of ten thousand pounds in nominal value shall have power to require the appointment of a receiver.

Provisions in Companies Clauses Act as to registering mortgages and appointment of receiver, &c. to apply to the purchase debentures.

39. The provisions contained in sections 45 to 55, both inclusive, of the Companies Clauses Consolidation Act, 1845, shall apply (mutatis mutandis) to the North-eastern Hull and Selby Railway purchase debentures and the holders thereof as if those debentures and holders had been mortgages and mortgagees of the Company.

Power to trustees, &c. to hold North-eastern Hull and Selby Railway purchase debentures.

40. Any executor, trustee, committee of a lunatic, or guardian of an infant who holds in trust any shares in the Hull and Selby Railway Company, may accept and hold upon the like trusts North-eastern Hull and Selby Railway purchase debentures in exchange for such shares or any of them.

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

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

550,000*l.* additional capital may be raised by new shares or stock.

42. The Company may raise by the creation and issue of new shares or stock the sum of five hundred and fifty thousand pounds in addition to any money they are authorised to raise by any of their former Acts, but have not yet raised, and such new shares or stock may be created and issued either as ordinary or preference, or both, and either alone or together with any other moneys or capital which the Company may be then authorised so to raise.

Shares or stock not to be issued until one fifth part thereof paid up.

43. The Company shall not issue any such new shares or portion of stock nor shall any such new shares or portion of stock vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such new shares or portion of stock shall have been paid in respect thereof.

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

44. 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 of fifty pounds in the capital stocks of the Company, and no shareholder shall vote or be entitled to be present at the meetings of the Company in respect of any number of such new shares, or any amount of such new stock, which, with any other shares or stock held by him in the Company, shall constitute a less interest in the capital stocks of the Company than fifty pounds in nominal value,

New shares or stock may rank pari passu with others if so determined, and the dividends to be a charge against joint revenue.

45. The Company may, by the resolution creating or authorising the creation of any of the new shares or stock by this Act authorised, determine that such new shares or stock shall rank pari passu with any other shares or stock of the Company created subsequently to the passing of that resolution, and also, if so determined, with any other shares or stock which shall have been created and issued subject to such a contingency, and the dividends thereon shall be payable accordingly, and shall be a charge upon and payable out of the joint net revenue of the Company.

New shares or stock may be created subject to redemption.

46. The Company may, by the resolution creating or authorising the creation of any of the new shares or stock by this Act authorised, attach thereto a condition that the same may be redeemed on the terms then determined, and for the purpose of such redemption, and for the redemption of any other shares or stock of the Company liable to be redeemed, the Company may from time to time create and issue new shares or stock to an amount not exceeding the aggregate amount of the shares or stock proposed to be redeemed; provided that the Company may, subject to the provisions of this Act, attach to the new shares or stock to be created for such redemption any rights or privileges which by this Act they may attach to the shares or stock for which such new shares or stock are to be substituted, but so that the dividend payable in respect thereof shall, in case such new shares or stock are made preferential, not exceed four pounds ten shillings per centum per annum.

Power to borrow 183,000*l.*

47. The Company may from time to time borrow on mortgage any sum not exceeding in the whole one hundred and eighty-three thousand pounds in addition to the sums by this Act previously authorised, or which they are authorised to borrow under any of the existing Acts of Parliament relating to the Company, but no part of such sum shall be borrowed until shares or stock for the whole of the capital of five hundred and fifty thousand pounds by this Act authorised have been issued and taken up, and one half thereof has been 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 or stock for the whole of the said 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 or portion of stock in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such shares or stock were issued bonâ fide and are held by the persons to whom the same were issued or their assigns, and that such persons or their

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assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

48. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall, during the continuance of such mortgages, have priority over any mortgages to be granted by virtue of this Act.

Application of moneys.

49. All moneys raised under this Act, whether by shares or stock or borrowing (except those to be raised for the completion of the purchase of the Hull and Selby Railway), shall be applied to the purposes of this Act only.

Power to borrow 366,000*l.* under Company's Yorkshire Lines Act, 1866, when 1,100,000*l.* share capital is subscribed for.

50. When and at any time after one million one hundred thousand pounds of the one million three hundred and seventy thousand pounds which by The North-eastern Railway Company's (Yorkshire Lines) Act, 1866, the Company were authorised to raise by new stock or shares is subscribed for, issued, and accepted, and one half thereof paid up, the Company may, in respect of the said sum of one million one hundred thousand pounds, and notwithstanding anything in the said Act contained, from time to time borrow on mortgage any sum not exceeding three hundred and sixty-six thousand pounds, part of the sum by the said Act authorised to be borrowed, but no part of such sum of three hundred and sixty-six thousand pounds shall be borrowed until 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 or stock for the whole of the said capital of one million one hundred thousand pounds 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 or portion of stock in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such shares or stock were issued bonâ fide and are held by the persons to whom the same were issued or their assigns, and that such persons or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Saving rights of Wear Commissioners.

51. Except as by this Act expressly provided, nothing in this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any powers, authorities, or privileges whatsoever of or belonging to the Wear Commissioners.

Saving deed of covenant with the Duke of Northumberland.

52. Nothing in this Act contained shall any way prejudice, interfere with, or affect the deed of covenants or agreement dated the twenty-sixth April 1845, made between the Most Noble Hugh Duke and Earl of Northumberland, K.G., of the one part, and George Hudson, acting on behalf of the promoters of the Newcastle and Berwick Railway (which railway now forms part of the undertaking of the Company), of the other part, or any deed or agreement made in pursuance thereof.

Saving rights of the Crown under management of Woods, Forests, &c.

53. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the Company to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such commissioners are hereby respectively authorised to give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown under management of Board of Trade.

54. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Interest not to be paid on calls paid up.

55. The Company shall not, out of any money by this Act or any other Act relating to the Company authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on

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the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bills not to be paid out of the Company's capital.

56. The Company shall not, out of any money by this or any other Act relating to the Company authorised to be raised for the purposes of such Act or Acts, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Railways not exempt from provisions of present and future general Acts.

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

Expenses of Act.

58. 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.

North-eastern Hull and Selby Railway Purchase Debenture, No. .

By virtue of The North-eastern Railway Company's Act, 1871, we, the North-eastern Railway Company, do hereby, for ourselves and our successors, covenant and agree to pay to *A.B.*, of, *&c.*, his executors, administrators (*or* successors), or assigns, the sum of on the day of 18 , with interest thereon, or on so much thereof as shall remain unpaid, payable half-yearly until such payment is made, at the rate of per centum per annum, from the day of 18 ; and for securing the same principal money and interest, we, the North-eastern Railway Company, do assign unto the said *A.B.*, his executors, administrators (*or* successors), and assigns, the undertaking of us the North-eastern Railway Company, and all tolls, sums of money, and profits arising from or in respect thereof, and all the estate, right, title, and interest of us the same Company in the same premises, to hold unto the said *A.B.*, his executors, administrators (*or* successors), and assigns, until the said sum of £ , with such interest as aforesaid, be satisfied.

Given under our common seal this day of , in the year of our Lord 18 .

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