CHAPTER cliii.

An Act to confer additional powers upon the North Eastern Railway Company and upon that Company and the London and North Western Railway Company for the construction of new railways and other works and the acquisition of additional Lands for transferring to the North Eastern Railway Company the powers of the Wear Valley Extension Railway Company and for other purposes. [31st July 1894.] A.D. 1894.

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

And whereas it is expedient that the Company and the London and North Western Railway Company (in this Act called "the North Western Company") should be empowered to acquire the lands in this Act described and that the other powers in this Act mentioned in that behalf should be conferred upon the Company and the North Western Company:

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

And whereas it is expedient that the powers in this Act mentioned should be conferred upon the Company and the Most Honourable

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the Marquess of Londonderry with reference to the railway of the said Marquess and that the agreement between the said Marquess and the Company set forth in the Second Schedule to this Act should be confirmed:

And whereas by the Wear Valley Extension Railway Act 1892 the Wear Valley Extension Railway Company (herein-after called "the Wear Valley Company") were incorporated and authorised to make a railway extending from the Company's Railway at Stanhope to Wearhead in the county of Durham to be called the Wear Valley Extension Railway with a capital of sixty thousand pounds towards which the Company were empowered subject to the provisions of the said Act to subscribe to the extent of forty thousand pounds and to raise additional capital for that purpose:

And whereas the Wear Valley Company have not raised any part of their authorised capital but the Company have from time to time applied their funds to the purposes of the said Act and it is expedient that the powers of the Wear Valley Company should be transferred to the Company:

And whereas it is expedient that the Company should be authorised to abandon and discontinue the portions of railway in this Act respectively mentioned in that behalf:

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 that the North Western Company should be empowered to apply their capital to the purposes of this Act in which they are interested:

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):—

Short title.

1. This Act may be cited for all purposes as the North Eastern Railway Act 1894.

Incorporation of general Acts.

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

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845:

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

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

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

The making of dividends; and

The giving of notices:

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

Interpretation.

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

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

The expression "the Joint Companies" means the Company and the North Western Company:

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 make new and 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 railways and other works 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

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delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes:

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

In the county of Durham—

(Dunston Extension to Gateshead and deviation of Team Valley Railway.)

A railway (No. 1) one mile six furlongs and four chains in length commencing in the parish of Whickham by a junction with the Company's Dunston Extension Railway and terminating in the parish of Gateshead by a junction with the Company's Redheugh Branch Railway and in connexion therewith a deviation and alteration seven furlongs and five chains in length of the Company's Team Valley Railway in the parish of Gateshead:

(Junction between Tanfield Branch and Dunston Extension Railway.)

A railway (No. 2) four furlongs and thirteen yards in length situate wholly in the parish of Whickham commencing by a junction with the Company's Tanfield Branch Railway and terminating by a junction with the Company's Dunston Extension Railway:

(Junction between Consett and Redheugh Branches.)

A railway (No. 3) three furlongs and twenty yards in length situate wholly in the parish of Ryton commencing by a junction with the Company's Consett Branch Railway and terminating by a junction with the Company's Redheugh Branch Railway:

(Hartlepool and Seaham Harbour Railway.)

A railway (No. 4) nine miles and seven chains in length commencing in the parish of Hart by a junction with the Company's Hartlepool and Sunderland Railway and terminating in the parish of Dalton-le-Dale by a junction with the Back Branch of the Londonderry Seaham and Sunderland Railway:

In the west riding of the county of York—

(Railway at Hunslet.)

A railway (No. 5) seven furlongs three chains and nine yards in length situate wholly in the parish and city of Leeds (being in substitution for a portion of the Railway No. 7 authorised by the North Eastern Railway Act 1893) commencing by a junction with the said authorised Railway No. 7 at a point on the centre line of the said railway five hundred and twenty-five yards or thereabouts from the commencement of the said railway as shown on the deposited plans referred to in the said Act and terminating in the field numbered 166 on the $\frac{1}{2500}$ Ordnance map of the said parish of Leeds:

In the north riding of the county of York—

(Widening of York and Newcastle Railway.)

A widening and alteration five miles four furlongs three chains and thirteen yards in length of the Company's York and

Newcastle Railway between Shipton Station in the parish of Shipton and Alne Station in the parish of Alne. A.D. 1894.

Rates to be taken by the Company.

5. The railways and widening and alteration of railway by this Act authorised shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the undertaking of the Company and the Company may demand receive and take in respect thereof for the conveyance of merchandise thereon (including perishable merchandise by passenger train) the maximum rates and charges authorised by the Railway Rates and Charges No. 15 (North Eastern Railway &c.) Order Confirmation Act 1892 and for the conveyance thereon of passengers and parcels by passenger train the rates and charges authorised by the North Eastern Railway Company's Act 1854 the North Eastern and Stockton and Darlington Railways Amalgamation Act 1863 the North Eastern Railway Company's (Pelaw and other Branches) Act 1865 and the North Eastern Railway Company's (New Lines) Act 1874.

For the protection of the Tyne Improvement Commissioners.

6. Notwithstanding anything contained in this Act the exercise of the powers of the Company for making and maintaining the said Railway No. 1 and any works connected therewith shall be subject to the following provisions for the protection of the Tyne Improvement Commissioners (in this section called "the commissioners") (that is to say):—

(1.) The Company shall not deviate the centre line of the said railway to the northward of the centre line as shown on the deposited plans at the point where it crosses the River Team and the Company shall make and shall thereafter maintain to the reasonable satisfaction of the engineer for the time being of the commissioners (herein-after called "the said engineer") an adequate and proper retaining wall or at the option of the Company an adequate and proper sloping river wall on the south bank of the said river for the protection of the said river and for the support of so much of the said Railway No. 1 as shall be constructed on the property adjoining the said river numbered on the deposited plans 5 in the parish of Whickham:

(2.) All material excavated from the foreshore or bed of the River Team in the construction of the said Railway No. 1 or of any of the works connected therewith shall be removed by and at the expense of the Company and none of such material or any other materials excavated or used in the construction of the said railway and works shall be allowed to fall into or remain in the said river:

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(3.) The Company shall before commencing the said retaining wall or sloping wall submit to the commissioners for their approval plans and sections thereof and the said works shall not be commenced until the commissioners shall have expressed their approval in writing of such plans and sections unless the commissioners do not within twenty-one days of the receipt thereof signify their approval or disapproval thereof and any difference between the commissioners and the Company with reference to the said plans and sections shall be settled by arbitration as herein-after provided:

(4.) Any difference which may arise between the commissioners and the Company as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be determined by a single arbitrator and in accordance with the provisions of the Railways Clauses Consolidation Act 1845.

As to construction of works in the borough of Gateshead.

7. For the protection of the mayor aldermen and burgesses of the borough of Gateshead (in this section referred to as "the corporation") the Company shall in constructing the works by this Act authorised within the borough of Gateshead notwithstanding anything shown upon the deposited plans and sections conform to and comply with the following regulations and requirements unless otherwise agreed between the Company and the corporation (that is to say):—

(1.) The Company shall make the bridge or bridges to be constructed for carrying Redheugh Bridge Road numbered 86 on the deposited plans over Railway No. 1 and over the deviation and alteration of their Team Valley Railway by this Act authorised of a clear width of forty feet between the parapets:

(2.) The Company shall make the bridge to be constructed for carrying Derwentwater Road numbered 38 on the deposited plans over the said deviation and alteration of their Team Valley Railway of a clear width of forty feet between the parapets and they shall increase the width of the existing bridge which carries the same road over their Team Valley Railway to forty feet between the parapets:

(3.) The Company shall not alter the present level of Redheugh Bridge Road or Derwentwater Road:

(4.) The Company shall at such points at or near the points where Railway No. 1 crosses the roads numbered respectively 4 7 and 22 on the deposited plans in the parish of Gateshead as will meet the requirements of the owners of the lands through which the railway will pass construct three bridges for the

purpose of carrying the railway over existing or future roads each of such bridges to have a clear span of not less than forty feet with the exception of the bridge at or near the said road numbered 7 on the deposited plans which shall have a clear span of not less than fifty feet and in the event of any dispute between the Company and the owners or any of them or between the owners themselves as to the position of the said bridges or any of them the same shall be determined by two justices in manner provided by the Railways Clauses Consolidation Act 1845:

(5.) The Company shall not without the consent of the corporation take or interfere with any part of the roadway or footways of Mulgrave Terrace or at the junction between Prest Street and Derwentwater Road:

(6.) The Company shall carry the public footpath numbered 35 on the deposited plans over Railway No. 1 by a bridge:

(7.) In carrying out the alterations of the public sewer in Askew Road and Lower Cuthbert Street rendered necessary by the works by this Act authorised the Company shall relay the same for such a distance in Lower Cuthbert Street as shall be necessary to maintain the same fall as at present and the altered sewer where the same will pass under Railway No. 1 and the said deviation and alteration of the Team Valley Railway shall be protected by an arch or culvert of sufficient strength and dimensions:

(8.) In constructing the said deviation and alteration of their Team Valley Railway the Company before they take or stop up the cross street connecting Eton Street with Harrow Street on the west side of the railway shall in lieu thereof construct a new street sixteen feet wide along the western side of the railway as deviated and extending from Askew Road to Derwentwater Road and such new street shall when completed be vested in and maintained by the corporation as a public highway:

(9.) The whole of the said railways and works where the same adjoin existing streets and public roads shall be fenced off by substantial walls of brick or stone of a sufficient height:

(10.) As far as reasonably practicable all bridges over roads shall be made watertight and constructed so as to prevent noise from trains passing over the same:

(11.) The works in this section provided for shall be constructed to the reasonable satisfaction of the surveyor for the time being of the borough of Gateshead:

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(12.) If any difference shall arise between the Company and the corporation or between the Company's engineer and the borough surveyor as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be from time to time determined by arbitration in manner prescribed by the Arbitration Act 1889.

For protection of public footpaths at Dunston.

8. In the construction of Railway No. 2 the Company shall not stop up the occupation road and public footpath numbered 3 on the deposited plans in the parish of Whickham but shall divert such road and footpath along the west side of that railway and carry the diverted road and footpath and also the public footpath numbered 6 on the deposited plans in the said parish under the said railway by means of a bridge at or near to the site of the said footpath numbered 6 so as to connect the said road and footpaths with the Dunston Road level crossing.

For the protection of the owners of the Towneley Estate.

9.—(1.) The Company shall carry Railway No. 3 over the occupation road which crosses the field numbered 4 on the deposited plan of Railway No. 3 by a bridge having a clear span on the square of not less than twenty-four feet and a clear headway throughout of not less than fourteen feet six inches:

And all rights of passing along or over so much of such road as crosses lands taken by the Company shall continue to be exerciseable by the persons entitled to use the same in as free a manner as heretofore or for the purposes of a tramway:

(2.) The owners of the lands numbered 4 and 5 on the said plan or of any lands adjoining the said Railway No. 3 shall have the same rights in respect of the said Railway No. 3 as are reserved to adjoining landowners by section 154 of the Act 10 Geo. IV. chapter lxxii. in respect of the railways by that Act authorised.

For the protection of Francis Arnold Hull Terrell.

10. Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not for the purposes of Railway No. 5 by this Act authorised purchase or acquire any lands belonging to Francis Arnold Hull Terrell which are not within the limits of deviation shown on the deposited plans referred to in the North Eastern Railway Act 1893 with respect to Railway No. 7 by that Act authorised nor stop up or cause to be stopped up the road numbered 23 on the deposited plans and the Company shall serve notice to treat for any of the lands belonging to the said Francis Arnold Hull Terrell within the said limits of deviation which they may require within two months from the passing of this Act.

For the protection of the Aire and Calder Navigation.

11. If in the construction of Railway No. 5 the Company cross the road numbered on the deposited plans 133 in the parish of Leeds or any road substituted therefor they shall carry the said

railway over such road by means of a bridge having a span of not less than thirty feet and a headway of not less than sixteen feet in every part above the surface of the said road and the undertakers of the navigations of the Rivers Aire and Calder and their assigns tenants servants and workmen and all persons authorised by them shall have full and free right of way through and under such bridge and over such road at all times and for all purposes and nothing in this Act contained shall enable the Company to extinguish the right of the undertakers in the said road numbered 133 or any road substituted therefor or to interfere with their user thereof except as provided by this section :

The Company shall not stop up or interfere with the user by the said undertakers of the road numbered on the deposited plans 129 in the parish of Leeds or any road which may be substituted therefor by the Hunslet Railway Company or the Great Northern Railway Company unless and until they shall have constructed a road from South Accommodation Road to the eastern end of the bridge over the Knostrop Cut adjoining the Knostrop Flood Lock and shall also have granted to the said undertakers their assigns tenants servants and workmen and all persons authorised by them a right to use such road at all times and for all purposes Such road shall be as direct between the said points as practicable regard being had to the traffic requirements of the Company and the Great Northern Railway Company and not less than twenty feet in width and with no worse gradient than one in twenty-five and shall ever after be maintained in a good state of repair by the Company.

For the protection of the Corporation of Leeds.

12. For the protection of the mayor aldermen and citizens of the city of Leeds (in this section called "the corporation") the following provisions shall have effect (that is to say) :—

(1.) Notwithstanding anything contained in this Act the Company shall be subject to and shall discharge perform and fulfil all the liabilities and obligations imposed upon the Company by section 9 of the North Eastern Railway Act 1893 and all the provisions of that section shall be deemed to be incorporated with this Act and shall apply (subject to the provisions of this section) to the Railway No. 5 authorised by this Act as fully as if the said Railway No. 5 had been mentioned therein instead of the abandoned portion of Railway No. 7 Provided that the words "the limits of deviation" in the said section shall be deemed to mean the limits of deviation as shown on the plans deposited in connexion with the North Eastern Railway Act 1893 and not the limits of deviation as shown on the plans deposited in connexion with this Act :

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(2.) The Company shall not (except with the consent of the corporation) enter upon or take any portion of the lands required for or in connexion with the roads A and B referred to in section 35 (sub-section 12) of the Hunslet Railway Act 1893:

And the Company shall not exercise the powers conferred by this Act in such way as to interfere with the execution of the works or exercise of the powers mentioned or referred to in section 35 of the Hunslet Railway Act 1893.

Period for completion of works.

13. If the new railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the new railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Imposing penalty if railways not opened within period limited.

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

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

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the said Act to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as 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 were prevented from completing or opening the railway in respect of which the penalty has been incurred by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty.

15. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or

other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway in respect of which the penalty has been incurred or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit:

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

Further works to be made by Company.

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

In the county of Durham—

They may in the parish of Jarrow in substitution for the Luke's Lane level crossing on their Newcastle and South Shields Railway make a bridge over the said railway with road approaches thereto extending for a distance of one hundred and thirty yards or thereabouts on either side of the said level crossing:

So soon as the said bridge and approaches are completed and opened to the public the Company may stop up and abolish the said level crossing:

They may in the parish of Ryhope make a new footpath commencing by a junction with the public road from Ryhope to the sea banks at or near the north end of the bridge carrying the Londonderry Seaham and Sunderland Railway over that road and terminating by a junction with the

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existing footpath from Ryhope to the sea banks at a point about one hundred yards east from where such footpath crosses the said Londonderry Seaham and Sunderland Railway on the level:

So soon as the said footpath is completed and opened to the public the Company may stop up so much of the existing footpath as is shown on the deposited plans as proposed to be stopped up including the said level crossing and all rights of way over and along the same shall thereupon be extinguished:

They may in the parish of Trimdon substitute a footbridge for the existing level crossing for foot-passengers over the Company's Hartlepool and Ferryhill Railway at the Trimdon Grange level crossing:

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

In the city and county of the city of York—

They may in the parish of St. Olave Marygate divert and alter the line of the footpath which is parallel to and adjoins the Company's York and Scarborough Railway on the east side thereof and which lies between the road known as St. Mary's Road and the steps leading up to the bridge that carries a continuation of such footpath over the River Ouse.

Arching Mill Goit Leeds New Station.

17. Subject to the provisions of this Act the joint companies may in the lines and in accordance with the levels shown on the deposited plans and sections arch or bridge over the Mill Goit at the north side of and adjoining the cabstand at the entrance to Leeds New Station in the parish and city of Leeds in the west riding of the county of York and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes.

Power to Company to purchase additional lands.

18. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take and use all or any of the lands herein-after described or referred to and delineated on the deposited plans and described in the deposited books of reference:—

In the county of Northumberland—

Certain lands in the parish of Earsdon situate on the east side of and adjoining the sidings near to the Company's coal staiths at South Blyth:

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

Certain lands in the parish of St. Nicholas and parish or parochial chapelry of St. John or one of them situate on the north side of and adjoining the Company's Newcastle and Carlisle Railway between Water Street and Dunn Street:

In the county of Durham—

Certain lands in the parish of Jarrow situate on the north side of and adjoining the Company's Newcastle and South Shields Railway between Luke's Lane and the public road leading from Newcastle-on-Tyne to South Shields:

Certain lands in the parish of Monk Hesleden situate on the north side of and adjoining Wingate Station:

In the north riding of the county of York—

Certain lands in the parish of Rudby situate on the south-west side of and adjoining the Company's North Yorkshire and Cleveland Railway at Trenholme Bar Station:

Certain lands in the township and parish of Goathland situate on the east side of and adjoining the Company's Pickering and Whitby Railway and extending for a distance of thirty-one chains or thereabouts in a northerly direction from the north end of Goathland Station and the Company may divert the existing public footpath thereon in the manner shown on the deposited plans:

In the west riding of the county of York—

Certain lands in the parish of High and Low Bishopside situate on the north-east side of and adjoining the Company's sidings at Pately Bridge Station:

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

Certain lands in the parish of Sutton and Stoneferry situate on the south side of and adjoining the Company's Wilmington Goods Station:

Certain lands in the parish of Southcoates situate on the west side of and adjoining the Company's Victoria Dock Branch near Southcoates Station.

Additional lands at Leeds New Station.

19. Subject to the provisions of this Act the joint companies may for the purposes of their Leeds New Station enter upon take and use all or any of the lands herein-after described or referred to and delineated on the deposited plans and described in the books of reference:—

In the west riding of the county of York—

Certain lands in the parish of Holbeck and city of Leeds situate between Globe Road and Water Lane at the junction thereof.

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Provision as to repair of new roads &c.

20. Every new or diverted or altered road or footpath constructed under the powers of this Act (other than any road or footpath made or diverted or altered for the purpose of any new railway by this Act authorised and except the structure of any bridge carrying the same over or under any railway which structure shall unless otherwise agreed be maintained by the Company or the joint companies as the case may be) shall when completed and opened to the public be maintained by the persons liable to maintain the public highways within the respective districts in which such new and diverted or altered roads and footpaths will be situate. If any question shall arise between the Company or the joint companies as the case may be and any of such persons as to the due completion of any new or diverted or altered road or footpath such question shall from time to time be determined by two justices on the application of either of the parties in difference and the certificate of two justices of the due completion of such new or diverted or altered road or footpath shall be conclusive evidence of the fact so certified.

Extinguishment of rights of way.

21. 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.

Vesting site of roads and footpaths stopped up.

22. Where the Company or the joint companies as the case may be 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 the joint companies as the case may be 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 or companies exercising such powers in fee for the purposes of their undertaking.

Period for compulsory purchase of lands.

23. The powers by this Act conferred upon the Company or the joint companies as the case may be for the compulsory purchase of lands and buildings shall cease after the expiration of three years from the passing of this Act.

Power to owners to grant easements.

24. 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 or the joint companies as the case may be any easement right or privilege (not being an easement right or privilege of water in which other persons

than 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.

Owners may be required to sell parts only of certain lands and buildings.

25. And whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore the owners of and persons interested in the lands buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of the Company may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without such material detriment as aforesaid be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise:

If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges that such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of the said tribunal any such portion or portions cannot be severed from the remainder of such property without such material detriment the Company may withdraw their notices to treat for the portion or portions of the property required by them and thereupon they shall pay to the owner of or other person interested in the property in respect of

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which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice Provided also that if in the opinion of such tribunal any such portion or portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises :

Provided always that as regards the property mentioned in the said schedule and numbered on the deposited plans 42 in the parish of Gateshead the provisions of this section shall not apply in the event of the Company requiring to take more of that property than is within the limits of deviation delineated on the said plans.

Restrictions on displacing persons of labouring class.

26.—(1.) Neither the Company nor the joint companies shall under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company or the joint companies as the case may be—

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

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

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

of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

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

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

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

(5.) If the Company or the joint companies 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 any of the said companies may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections one hundred and seventy-six and two hundred and ninety-seven of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by any of the said companies for the purposes of any scheme under this section in the same manner in all respects as if the company or companies exercising the said powers 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 or the joint companies as the case may be 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

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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 or the joint companies as the case may be 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 sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section one hundred and fifty-seven of the Public Health Act 1875 as provides that the provisions of that section and of sections one hundred and fifty-five and one hundred and fifty-six of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company or the joint companies as the case may be 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 or companies exercising the said powers 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 or the joint companies as the case may be and for which houses no substitutes

have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company or companies by whom the same were acquired shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" includes mechanics 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.

Conversion of part of Londonderry Seaham and Sunderland Railway into passenger line.

27. The Company and the Marquess of Londonderry or other the owner or owners for the time being of the Londonderry Seaham and Sunderland Railway (all of whom are herein-after included in the expression "the Marquess of Londonderry") or the Company with the consent of the Marquess of Londonderry may convert the said railway of the Marquess of Londonderry between the junction with the Back Branch thereof of Railway No. 4 and the bridge carrying the said railway over the Seaham and Rainton collieries waggon-way into a passenger railway so as to comply with the Board of Trade requirements for a passenger railway and may make and provide any stations sidings works signals points and conveniences necessary for that purpose.

Confirming scheduled agreement.

28. The agreement made between the Marquess of Londonderry and the Company as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto.

Dissolution of Wear Valley Company and transfer of powers to Company.

29. On the passing of this Act the Wear Valley Company shall be and the same is hereby dissolved and all the property rights powers privileges and authorities conferred upon or vested in the Wear Valley Company under or by virtue of the Wear Valley Extension Railway Act 1892 are subject to the contracts obligations debts and liabilities of that company by this Act

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transferred to the Company who may hold and exercise all such property rights powers privileges and authorities as fully and effectually in all respects as the Wear Valley Company might have exercised the same if this section of this Act had not been passed.

Wear Valley Railway to become after transfer part of the undertaking of the Company.

30. All the provisions of the Wear Valley Extension Railway Act 1892 except those relating to the constitution and to the share and loan capital of the Wear Valley Company and to tolls rates and charges shall (so far as applicable) have effect as if the Company had been named throughout the same instead of the Wear Valley Company and the undertaking authorised by the said Act shall subject to the provisions of the said Act be executed worked and managed by the Company as part of their undertaking And the Company may apply to the purposes of this Act relating to the Wear Valley Extension Railway any capital which under the powers of the said Act they were authorised to raise and apply to the subscription authorised by that Act.

Rates on Wear Valley Railway.

31. The Company may demand receive and take in respect of the Wear Valley Extension Railway for the conveyance of merchandise thereon (including perishable merchandise by passenger train) the maximum rates and charges authorised by the Railway Rates and Charges No. 15 (North Eastern Railway &c.) Order Confirmation Act 1892 and for the conveyance thereon of passengers and parcels by passenger train the rates and charges authorised by the North Eastern Railway Company's Act 1854 the North Eastern and Stockton and Darlington Railways Amalgamation Act 1863 the North Eastern Railway Company's (Pelaw and other Branches) Act 1865 and the North Eastern Railway Company's (New Lines) Act 1874.

Imposing penalty if Wear Valley Railway not opened within period limited.

32. If the Company fail within the period limited by the Wear Valley Extension Railway Act 1892 to complete the railway authorised by that Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted railway:

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

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the said Act to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as 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 railway in respect of which the penalty has been incurred by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty.

33. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said Wear Valley Extension Railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Wear Valley Company by the Wear Valley Extension Railway Act 1892 of taking property for the purposes of such railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit :

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

Release of the Wear Valley Railway deposit.

34. In consideration of the liability hereby imposed upon the Company to the penalty by this Act provided in respect of the Wear Valley Extension Railway as authorised by the Wear Valley Extension Railway Act 1892 sections thirty-nine and forty of

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the said Act are hereby repealed and the High Court may at any time after the passing of this Act and without requiring the production of a certificate of the passing of the said Act of 1892 order (according to the provisions of the Act of the ninth year of the reign of Her present Majesty chapter twenty) the payment or transfer to the depositors referred to in the said sections or other the persons entitled thereto of the sum of two thousand six hundred and sixty-nine pounds thirteen shillings and twopence two and three-quarters per centum consolidated stock now in court in respect of the said railway and any interest or dividend payable thereon.

For protection of Postmaster-General.

35. Nothing in this Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking authorised by the Wear Valley Extension Railway Act 1892 and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the rights powers and authorities in relation to the said undertaking are transferred to and vested in the Company.

Saving rights of Post-master-General.

36. Nothing in the Wear Valley Extension Railway Act 1892 shall be deemed to have imposed and nothing in this Act shall be deemed to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster-General and the Company made in pursuance thereof any larger number of telegraphic messages of the Company free of charge than he would have been bound to transmit had the Wear Valley Extension Railway Act 1892 and this Act or either of them not become law.

Abandonment of railway at Hunslet.

37. Subject to the provisions of this Act the Company may abandon the construction of so much of Railway No. 7 authorised by the North Eastern Railway Act 1893 as lies between the junction therewith of Railway No. 5 by this Act authorised and its termination and the Company may sell any part of the lands taken for the purposes of the abandoned portion of railway and adjoining thereto which shall not be required by them for the purposes of Railway No. 5 or for other purposes of their undertaking as if the same were superfluous lands within the meaning of the Lands Clauses Acts.

Abandonment of Sherburn

38. The Company may abandon and discontinue the maintenance of so much of their Sherburn House and Shincliffe Railway in the

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House and Shincliffe Railway and Whitwell Branch Railway.

parish of St. Oswald in the county of Durham as lies between the point where it crosses the Sherburn House Beck and the east side of the River Wear and also their Whitwell Branch Railway in the same parish and county or any part or parts of such railways respectively and the Company may determine the subsisting leases of the land forming the site of such railways or any part or parts thereof within such periods and upon such terms and conditions as may be prescribed by such leases or in the case of leases containing no power of determination by the lessees then upon payment of reasonable compensation to the owners or other persons interested in the lands comprised therein for any damage or injury sustained by them respectively by reason of the determination of such leases and the amount of such compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount of compensation payable for lands taken under the provisions thereof.

Apportionment of rent of lands forming site of abandoned railways.

39. In case any lands which form part of the site of any portion of railway hereby authorised to be abandoned are comprised in any lease for a term of years unexpired together with other lands which the Company require to retain for the purposes of their undertaking the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required to be retained and the residue of such lands and such apportionment shall failing agreement between the parties interested be settled by two justices in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the settlement by two justices of questions of disputed compensation and after such apportionment the Company shall only be liable to so much of the rent as shall be apportioned in respect of the lands required to be retained for the purposes of their undertaking and the lessor shall with regard to that part of the land which shall be retained by the Company have the same rights and remedies for the recovery of such last-named portion of the rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease and all the covenants conditions and agreements of such lease except as to the amount of rent to be paid shall remain in force in the same manner as they would have done in case such part only of the land as shall be retained by the Company had been originally included in the lease.

Power to Company and North Western Company to apply funds to purposes of this Act.

40. The Company and the North Western Company respectively may appropriate and apply to all or any of the purposes or objects of this Act in which they are interested being purposes to which capital is properly applicable any of the moneys which under and by virtue of any existing Acts or of any Act of the present session of Parliament they have respectively raised or are or may be authorised

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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.

41. The Company may raise by the creation and issue of new shares or stock the sum of eight hundred and forty 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.

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

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

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

43. The new shares or stock by this Act authorised shall unless otherwise provided by the prescribed terms of issue or creation thereof confer on the respective holders or proprietors thereof rights of voting and qualifications in proportion to the aggregate nominal value of such shares or amount of such stock and not in proportion to the number of such shares and for such purposes every entire sum of fifty pounds of such nominal value of shares or amount of stock shall be equivalent to one share or sum of fifty pounds in the capital stocks of the Company And no shareholder shall vote or be entitled to be present at the meetings of the Company in respect of any number of such new shares or any amount of such new stock which with any other shares or stock held by him in the Company shall constitute a less interest in the capital stocks of the Company than fifty pounds in nominal value.

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

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

New preference shares or stock may be created subject to redemption.

45. 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 :

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.

46. The Company may in respect of the said additional capital of eight hundred and forty 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 two hundred and eighty thousand pounds in manner following (that is to say) In respect of each sum of four hundred and twenty thousand pounds of the additional capital by this Act authorised to be raised by the creation of shares or stock any sums not exceeding in the whole one hundred and forty thousand pounds :

But no part of any such sum of one hundred and forty thousand pounds shall be borrowed until shares for so much of the respective portion of capital in respect of which it is authorised to be borrowed as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of the respective portion of capital have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such respective portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said respective portion of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same :

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

Receipt in case of persons not sui juris.

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

For appointment of a receiver.

48. 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 :

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.

Existing mortgages to have priority.

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

Application of moneys.

50. 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.

Interest not to be paid on calls paid up.

51. 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.

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

52. 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.

Saving rights of the Crown.

53. Nothing in this Act contained shall authorise the Company to take use or in any manner interfere with any foreshore or other land soil tenements or hereditaments or any rights of whatsoever nature belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown without the consent in writing of the Commissioners for the time being of Her Majesty's Woods Forests and Land Revenues 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 this Act contained divest take away prejudice diminish or alter any estate right privilege power or authority vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Duchy of Lancaster.

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

Provision as to general Railway Acts.

55. Nothing in this Act contained shall exempt the Company or their railway or the North Western Company or their railway from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration

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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 those companies respectively.

Costs of Act.

56. 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. A.D. 1894.

THE FIRST SCHEDULE.

Describing Lands Buildings and Manufactories whereof portions only are required to be taken by the Company.

Railway.	Parish.	No. on deposited Plan.
Railway No. 1 - -	Gateshead - -	42
Railway No. 4 - -	Dalton-le-Dale - -	30

THE SECOND SCHEDULE.

Agreement made the first day of May one thousand eight hundred and ninety-four between the Most Honourable Charles Stewart Marquess of Londonderry K.G. (herein-after called "the Marquess") of the first part and the North Eastern Railway Company (herein-after called "the Company") of the other part.

Whereas the Company are promoting a Bill in the present session of Parliament to empower them (inter alia) to make and maintain a railway (No. 4) nine miles and seven chains in length commencing in the parish of Hart by a junction with the Company's Hartlepool and Sunderland Railway and terminating in the parish of Dalton-le-Dale by a junction with the Back Branch of the Londonderry Seaham and Sunderland Railway of the Marquess

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and it has been agreed by and between the Marquess and the Company as follows:—

1. The junction of the Railway No. 4 (herein-after referred to as "the proposed railway") with the said railway of the Marquess shall at the option of the Company be at the point marked A or at the point marked B on the plan annexed to this agreement.

2. In the event of the said junction being made at the point marked B the Marquess shall have the option (such option to be exercised within three months after the completion of the proposed railway) of purchasing from the Company the portion of the proposed railway lying between the said point B and the point C at the price of one thousand pounds plus the compensation paid or payable by the Company in respect of the land purchased or taken by the Company for such portion of the proposed railway.

3. The Company shall not take compulsorily any lands of the Marquess north of Dalton Dene to a greater extent than twenty-two yards on each side of the centre line of the proposed railway as constructed.

4. The Company in making the proposed railway shall if so required by the Marquess construct at such points between the South Hetton Wagonway and Dalton Dene as the Marquess may require two under-bridges of not less width than twenty-five feet and with a clear headway of fifteen feet for the continuation of streets or roads on building land and one under-bridge of similar width and headway for a branch wagonway from the Londonderry Railway.

5. On the completion of the proposed railway the Company shall have running powers for all purposes over the railway of the Marquess between the junction of the proposed railway therewith and the Ryhope Grange Junction and the Marquess shall have in perpetuity for passenger and coaching traffic running powers over the Company's line between Ryhope Grange Junction and Sunderland Station and the right to use such station and also running powers for the conveyance of sea coal raised from any royalty at present owned or leased by him solely or jointly with others to the eastward of the proposed railway between Noses Point and Fox Holes or of colliery plant material or stores in connexion therewith over so much of the proposed railway as shall lie between the junction thereof with the railway of the Marquess and a junction giving access to any pit hereafter to be sunk for the purpose of working such royalty.

6. The terms of the reciprocal running powers and the user in the last preceding clause mentioned shall be such as may be agreed between the parties hereto or in case of difference settled by arbitration.

7. Any dispute or difference arising between the parties with reference to the terms provisions intent or meaning of this agreement shall be referred to an arbitrator to be appointed in case of difference by the Board of Trade in accordance with the provisions of the Arbitration Act 1889.

In witness whereof the Marquess hath hereunto set his hand and seal and the Company have affixed their common seal the day and year first above written.

Signed sealed and delivered by the said Marquess of Londonderry in the presence of } LONDONDERRY.

L.S.

JOHN H. TEESDALE
6 Frederick's Place Old Jewry E.C.
Articled clerk to Messrs. Maples Teesdale & Co.

The common seal of the North Eastern Railway Company was hereunto affixed in the presence of } 15471 C.N.W.

Seal of the North Eastern Railway Company.

J. SHILLITO
Secretary's Office
North Eastern Railway
York.

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