CHAPTER 1.

An Act for enabling the North-eastern Railway Company to make new Railways and for conferring additional Powers on the Company in relation to their Undertaking and for vesting in them the Undertaking of the Tees Valley Railway Company; and for other purposes. A.D. 1882.

[19th June 1882.]

WHEREAS it is expedient that the North-eastern Railway Company (in this Act called "the Company") should be empowered to make the new railways by this Act authorised and to exercise the other powers in this Act mentioned and to acquire for the purposes of the said railways and for the general purposes connected with their undertaking the lands in this Act also mentioned:

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

And whereas the construction of the Railway No. 3 by this Act authorised will render unnecessary the construction of the railway fifthly described in and authorised by the North-eastern Railway Company's Act 1875 and it is expedient that the last-mentioned railway should be abandoned: 38 & 39 Vict. c. xciii.

And whereas it is expedient that the portion of the Cleveland Railway of the Company in this Act specified and which has been

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rendered unnecessary by the construction of other railways of the Company should be abandoned and discontinued:

And whereas it is expedient that the existing level crossing by the Company's railway of the public highway in this Act specified should be legalised sanctioned and confirmed:

And whereas the branch railway known as and in this Act called the Chaloner branch which is a short connecting line between the Company's Middlesbrough and Guisborough and Cleveland Railways has been constructed by the Company on land acquired by them for the purpose and it is expedient that the Company should be empowered to hold and maintain the said branch as part of their undertaking:

And whereas it is expedient that further powers should be conferred upon the Company with respect to the sale and lease of lands belonging to them which are not or eventually may not be required for the purposes of their undertaking:

And whereas it is expedient that the Company should be enabled to erect hold furnish maintain and manage hotels and refreshment rooms in connexion with their railways and as part of their undertaking:

And whereas it is expedient that provision should be made for the appointment of persons to act as special constables upon and about the railways and works of the Company:

And whereas under the authority of Parliament the railway of the Tees Valley Railway Company (in this Act called "the Tees Valley Company") is worked by the Company and the Company have subscribed towards and are shareholders in the undertaking of the Tees Valley Company and it is expedient that the said undertaking should be vested in the Company and amalgamated with their undertaking on the terms and conditions in this Act contained:

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

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

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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 Company's (Additional Powers) Act 1882.

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 Consolidation Acts 1845 1860 and 1869 : 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

The Railways Clauses Consolidation Act 1845 : 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20.

Part I. (relating to the Construction of a Railway) and Part V. (relating to Amalgamation) of the Railways Clauses Act 1863 : 26 & 27 Vict. c. 92.

The provisions of the Companies Clauses Consolidation Act 1845 8 & 9 Vict. c. 16. with respect to the following matters namely :

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ; and

The giving of notices ; and

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863. 26 & 27 Vict. c. 118.

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 railways by this Act authorised :

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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 make railways.

4. Subject to the provisions of this Act the Company may make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections the railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon purchase take and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for that purpose:

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

(1) A railway No. 1 (being a short junction curve two furlongs six chains and sixteen yards in length) to be wholly situate in the township of Morpeth Castle Catchburn Stobhill and Parkhouse and parish of Morpeth in the county of Northumberland commencing by a junction with the Company's Blyth and Tyne Railway and terminating by a junction with the main line of the Company's Newcastle and Berwick Railway:

(2) A railway No. 2 (being a short junction curve three furlongs three chains and seventeen yards in length) commencing in the township of Horton and parish of Woodhorn in the county of Northumberland by a junction with the main line of the Company's Blyth and Tyne Railway and terminating in the township of Cowpen in the said parish of Woodhorn by a junction with the Blyth branch of the Company's Blyth and Tyne Railway:

(3) A railway No. 3 (two miles one furlong one chain and eleven yards in length) (being in substitution for the railway fifthly described in and authorised by the North-eastern Railway Company's Act 1875) commencing in the township of Iveston and parish of Lanchester in the county of Durham by a junction with the Company's Pontop and South Shields branch and terminating in the township of Kyo in the said parish of Lanchester by a junction with the same branch:

(4) A railway No. 4 (being a short junction curve four furlongs and seventeen yards in length) to be wholly situate in the town-

ship of Conside and Knitsley in the said parish of Lanchester commencing by a junction with the Company's Consett Branch and terminating by a junction with the Stanhope and Carrhouse branch of the Company's Stockton and Darlington Railway:

(5) A railway No. 5 (three miles three furlongs and two chains in length) commencing in the township of Bishop Auckland and parish of Saint Andrew Auckland in the county of Durham by a junction with the Company's Stockton and Darlington Railway and terminating in the township of Old Park and parish of Whitworth in the same county by a junction with their Byers Green branch:

(6) A railway No. 6 (being a short junction curve four furlongs and four chains in length) to be wholly situate in the townships of Romanby and Northallerton and parish of Northallerton in the North Riding of the county of York commencing by a junction with the Company's main line of railway from York to Newcastle and terminating by a junction with their Bedale branch.

Railways for tolls and other purposes part of Company's undertaking.

5. The railways and the works connected therewith 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 tolls rates and charges not exceeding the tolls rates and charges which 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 the Company are authorised to demand receive and take in like manner as if the railways had formed part of the North-eastern Railway when those Acts were respectively passed.

17 & 18 Vict. c. ccxi.
26 & 27 Vict. c. cxxii.
28 & 29 Vict. c. cxi.
37 & 38 Vict. c. cv.

For protection of North British Railway Company.

6. In constructing Railway No. 1 the Company shall not without the previous consent of the North British Railway Company purchase take or interfere with the branch railway and property of that company numbered 2 on the deposited plans of the said railway nor shall the Company construct any work so as to obstruct the existing junction of the North British (Wansbeck) Railway with the North-eastern Blyth and Tyne Railway.

Power to cross a certain road on the level.

7. 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

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to the crossing of roads on the level the Company may in the construction of the Railway No. 2 carry the same with a double line only across and on the level of the road numbered on the deposited plans 3 in the township of Cowpen.

Site of roads stopped up to vest in Company.

8. Where in constructing the railways the Company shall 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 belonging to or under the powers of this Act acquired by the Company shall thereupon vest in and thenceforth be held by them in fee as part of their undertaking.

Lands for extraordinary purposes.

9. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed seven acres.

Period for completion of railways.

10. If the 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 railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Imposing penalty if railways not opened within period limited.

11. 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 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 the penalty has been incurred :

The said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in reference to which the penalty has been incurred in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 :

17 & 18 Vict. c. 31.

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 that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice in the bank and to the credit specified in such

warrant or order and shall not be paid thereout except as hereinafter provided:

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

Providing for application of penalty.

12. 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 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 Chancery Division of the High Court of Justice may seem fit:

And 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 either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Power to purchase additional lands.

13. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon purchase take use and appropriate for the general purposes of their undertaking and

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works connected therewith and for providing increased accommodation all or any of the lands and buildings herein-after described or referred to and delineated on the deposited plans thereof and described in the deposited books of reference relating thereto (that is to say)—

IN THE COUNTY OF DURHAM:

(At Blaydon.)

In the township of Winlaton and parish of Ryton or parish of Winlaton:

(a) Certain lands and buildings with the sidings thereon situate on the north side of and adjoining the Company's Newcastle and Carlisle Railway and near to and east of their Blaydon station:

(b) Certain lands and buildings situate on the north side of and adjoining the said railway and on the west side of and adjoining the Company's Blaydon goods warehouse:

(c) Certain lands situate on the north side of and adjoining the said railway opposite to the Blaydon Foundry and Messieurs Nicholson's saw mill:

And the Company may stop up and extinguish all rights of way on and over any of the before-mentioned lands which shall be purchased by them and also the road leading thereto across the said railway at the west end of the Blaydon station:

(Towneley trustees.)

Provided always that the owners of the lands numbered on the deposited plans 12 13 and 14 in the said township and in lease to Messieurs Laycock and Nicholson shall not be required to sell or convey the same to the Company unless the Company purchase therewith the lands and buildings belonging to such owners situate on the south side of the said railway and now leased with such first-mentioned lands to the said Messieurs Laycock and Nicholson if such owners be willing and able to sell and convey the same:

(Tyne Improvement Commissioners.)

Provided also that if the Company shall take the lands numbered 16 and 17 on the deposited plans any quay wall or other work adjoining the River Tyne to be constructed thereon shall be on or southward of a line running from the north-western corner of the said land numbered 16 to a point twelve feet south of the north-western corner of the land numbered 21 on the said plans and shall throughout as to depth of foundation and otherwise be constructed to the reasonable satisfaction of the engineer of the Tyne Improvement Commissioners:

IN THE NORTH RIDING OF THE COUNTY OF YORK:

(At South Stockton.)

In the township of Thornaby and parish of Stainton:

Certain lands lying on the south side of the Company's Stockton and Darlington Railway and near to their South Stockton

station thereon or any estates or interests in or easements over the same lands not already acquired by or vested in the Company;

(At Scarborough.)

In the township of Falsgrave and parish of Scarborough:

(a) Certain lands and buildings situate on the north-west side of the Company's York and Scarborough Railway and near the bridge carrying that railway over Wash Beck Lane and bounded southwards and westwards by Wash Beck Lane and north-westwards by Stony Causeway;

(b) Certain lands situate on the west side of and adjoining the said railway and lying between the said railway and Seamer Lane and bounded on the south by the road leading from that lane under the said railway to the Scarborough Gas Works;

(c) Certain lands and buildings situate on the east side of and adjoining the said railway and opposite and near to the Company's new engine stable and their Falsgrave coal depôts including the occupation road on or over portions of those lands and across the said railway on the level and the Company may stop up and extinguish all rights of way over the said road and across the said railway:

(Dr. Smart.)

Provided that the Company shall not without the consent of John Cass Smart his heirs or assigns enter upon purchase take or use any part of the lands numbered 4 and 7 on the deposited plans in the said township of Falsgrave which is situate on the east side of the line called "proposed new boundary line" on a copy of the deposited plans signed by George Irving on behalf of the Company and by the said John Cass Smart.

Period for compulsory purchase of lands.

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

Power to grant easements.

15. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

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Extinguishment of rights of way.

16. All rights of way over and along any roads which may under the provisions of this Act be stopped up and discontinued and over any of the lands which may under those provisions be purchased or acquired shall be and the same are hereby extinguished but this provision shall not apply to any lands which the Company may under the powers of this Act acquire for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845.

Abandonment of railway No. 5 in Company's Act of 1875.

17. The Company shall abandon the construction of the railway fifthly described in and authorised by the North-eastern Railway Company's Act 1875.

Compensation for damage to land by entry &c. for purposes of railway abandoned.

18. The abandonment under the authority of this Act of the railway specified in the last preceding section shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of the said railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or in the North-eastern Railway Company's Act 1875.

Compensation to be made in respect of railway abandoned.

19. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said railway and which shall not be required for the purposes of the Railway No. 3 by this Act authorised the Company shall be released from all liability to purchase or to complete the purchase of any such lands But notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Abandonment of portion of

20. The Company may and shall abandon and discontinue the maintenance of that portion of their Cleveland Railway in the

townships of Normanby Upsall and Guisborough and parishes of Eston Ormesby and Guisborough in the North Riding of the county of York which lies between a point about three hundred and fifty yards south of Messieurs Bell Brothers (Limited) Normanby Mines Spouts and a point about one hundred and forty yards east of the bridge carrying the Cleveland Railway over the Company's Middlesbrough and Guisborough Railway except so much of the said portion as extends for a distance of about one hundred yards in a westerly direction and for a distance of about one hundred and fifty yards in an easterly direction from the junction therewith of the Chaloner Branch And the Company may sell so much and such parts of the lands taken for the purposes of the said portion of railway as shall not be required by the Company for other purposes of their undertaking: A.D. 1882. Cleveland Railway.

After such abandonment the Company shall not be entitled to demand or charge in respect of any articles matters or things carried by them to or from any works or mines situate on or which might have been connected with the said portion of the Cleveland Railway if the same had not been abandoned or any portion of that railway eastward thereof tolls rates or charges as for a greater distance than the distance for which they would have been entitled to demand or charge tolls rates or charges in case such articles matters or things had been carried over the abandoned portion of railway.

Legalising level crossing on Cleveland Railway.

21. The construction of the Company's Cleveland Railway as the same now exists on the level of the public highway at Boosbeck in the township and parish of Skelton in the North Riding of the county of York is hereby legalised sanctioned and confirmed and the Company may maintain and use the same accordingly for all purposes.

Chaloner branch vested in Company as part of their undertaking.

22. The Chaloner branch together with the sidings works and conveniences connected therewith and all lands acquired for the purposes thereof is hereby vested in and may be maintained by the Company who may lay down additional rails thereon and the said branch shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the Company's undertaking.

Chaloner branch and certain other railways to be deemed public railways. 38 & 39 Vict. c. 55.

23. The Chaloner branch and any other railways vested in or belonging to the Company under the authority of Parliament although not originally constructed under the powers of an Act of Parliament for public conveyance shall be deemed and held to be railways so constructed for the purposes and within the meaning of sections two hundred and eleven and two hundred and thirty of the Public Health Act 1875.

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Extending time for sale of certain superfluous lands;

24. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods within which the Company may sell and dispose of any lands in the parishes enumerated in Part I of the first schedule to this Act and which were acquired under the powers of the Acts relating to the railways of the Company mentioned in Part II of that schedule are hereby extended as regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act:

and power to lease certain lands.

The Company may from time to time let on lease or otherwise any of their lands or buildings at or near to or connected with their docks at Hartlepool and West Hartlepool respectively not used or required to be used for any of the purposes of their undertaking.

Company may provide hotel accommodation.

25. The Company may hold enjoy and maintain as part of their undertaking the hotels now belonging to or held by them at York Saltburn Hull Newcastle-upon-Tyne West Hartlepool Scarborough Tynemouth and Tweedmouth respectively and they may acquire erect provide hold enjoy and maintain as part of their undertaking at or near to or connected with their stations refreshment rooms or any like accommodation They may furnish stock equip manage and conduct the said hotels and refreshment rooms and the business thereof and may employ officers managers and servants therein or in connection therewith And the officer or manager of any such hotel or refreshment room designated as such by the Company shall be deemed to be the real resident holder and occupier thereof And the Company may apply their corporate funds to those purposes or any of them and may acquire by agreement and may hold lands for and in connection with the said purposes The expenditure already incurred by the Company in or about any of the before-mentioned purposes is hereby sanctioned and confirmed The Company may let on lease or otherwise for any period not exceeding seven years any hotel refreshment room or any other like accommodation so provided by them as aforesaid:

The provisions of this section shall extend and be applicable to any refreshment rooms at any station of which the Company are owners jointly with any other company or companies.

As to appointment of special constables.

26. The provisions of section one hundred and ninety-seven of the Company's Act 6 Will. 4. cap. 81 (which Act may be cited for all purposes as "The York and North Midland Railway Act 1836") with respect to the appointment of special constables are hereby

extended and made applicable to and the powers of any constable appointed thereunder may be exercised within and upon the whole of the railways stations and works from time to time belonging to the Company and every or any part thereof and within half a mile thereof and any person who shall assault or resist any constable so appointed or obstruct him in the execution of any duty which he is authorised to perform or shall aid or incite any person so to assault or resist shall for every such offence forfeit a sum not exceeding five pounds or in the discretion of the justice before whom he is convicted may be imprisoned for any term not exceeding three calendar months :

Provided that no such constable shall act as such under the authority of this Act unless he be in uniform or provided with an authority to act as a constable which authority the justices appointing him are hereby empowered to grant and which the constable shall show if called upon to do so.

Power to Company to receive deposits from their employées.

27. The Company may receive deposits from any persons in their employ and may allow interest on such deposits.

Classification table to be open to inspection and copies to be sold :

28. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling :

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified :

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section fourteen of the Regulation of Railways Act 1873.

36 & 37 Vict. c. 48.

Vesting Tees Valley Company's under-

29. On and after the passing of this Act and subject to the provisions thereof the undertaking of the Tees Valley Company and

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taking in Company and dissolution of Tees Valley Company.

all the railways buildings lands works whether complete or incomplete property and effects whatsoever of or to which they were immediately before the passing of this Act seised or entitled at law or in equity shall be and are hereby absolutely vested in the Company as part of their undertaking subject to all existing contracts obligations debts and liabilities of the Tees Valley Company and the Tees Valley Company shall be and are hereby dissolved except for the purpose herein-after mentioned and of winding up their affairs for which purposes that Company may exercise all such powers and authorities as are necessary:

Within three months after the passing of this Act the Tees Valley Company shall at the expense of the Company execute a deed of transfer of their undertaking duly stamped and truly stating the consideration which deed may be in the form set forth in the second schedule to this Act or to the like effect with such variations and conditions as circumstances may require and if the Company shall not within the aforesaid period produce to the Commissioners of Inland Revenue such deed duly stamped as aforesaid the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the passing of this Act shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Payment to Tees Valley shareholders.

30. The Company shall within one month from the passing of this Act pay to the directors of the Tees Valley Company the sum of twenty-five thousand one hundred and eighty-eight pounds to be distributed by them amongst the holders of the fully paid up ordinary and preference shares in that Company (other than the Company) on production by each such holder of the certificates for the shares held by him or if any certificate shall be lost or destroyed then upon proof thereof to the satisfaction of those directors and upon every such payment being made the certificates for the shares in respect of which the same is made shall be delivered up to the said directors and such shares shall thereupon be cancelled:

The shares held by or in trust for the Company in the Tees Valley Company are hereby cancelled.

Receipt of two directors of Tees Valley Company to be discharge.

31. A receipt in writing under the hands of any two of the directors for the time being of the Tees Valley Company for any money payable to them under this Act shall effectually discharge the Company from the money therein expressed to be received and the Company shall not be bound to see to the application thereof or be answerable for the misapplication or non-application thereof.

Company may borrow in lieu of Tees Valley Company.

32. On and after the passing of this Act the mortgage debt of the Tees Valley Company shall be added to and form part of the mortgage debt of the Company and the powers of the Company for

borrowing and reborrowing on mortgage may from time to time be exercised so as to include the borrowing and reborrowing as part of their general mortgage debt of the sum of twenty thousand six hundred pounds which the Tees Valley Company are now authorised to borrow and the powers of the Company with reference to the creation and issue of debenture stock may be exercised with respect to the said sum.

Vesting of Tees Valley Company's undertaking to be an amalgamation under 26 & 27 Vict. c. 92.

33. The dissolution and vesting of the Tees Valley Company and their undertaking provided for by this Act shall be deemed an amalgamation within the meaning of Part V. (relating to amalgamation) of the Railways Clauses Act 1863.

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

34. The Company may appropriate and apply to the purposes or objects 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 may not be required for the purposes to which they are by those Acts made specially applicable.

Power to raise additional capital.

35. The Company may raise by the creation and issue of new shares or stock the sum of one million 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.

36. 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.

37. 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

38. The Company may by the resolution creating or authorising the creation of any of the new preference shares or stock by

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

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 and the dividends thereon shall be payable accordingly and shall be a charge upon and payable out of the net revenue of the Company.

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

39. 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.

Receipt in case of persons not sui juris.

40. If any money is payable to a holder of shares or stock 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.

Power to borrow.

41. The Company may from time to time borrow on mortgage in addition to any other sums which they are or may be authorised to borrow by this or any other Act or Acts of Parliament any sum not exceeding in the whole three hundred and thirty-two thousand pounds in manner following (that is to say) in respect of each sum of five hundred thousand pounds of the additional capital of one million pounds by this Act authorised to be raised by the creation of shares or stock any sums not exceeding in the whole one hundred and sixty-six thousand pounds but no part of any such sum of one hundred and sixty-six 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 bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same:

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

For appointment of a receiver.

42. Every provision in any Act passed prior to the passing of this Act 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 Company 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.

43. 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.

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Application of moneys.

44. All moneys raised under this Act whether by shares or stock or borrowing shall be applied to the purposes or objects of this Act and to the general purposes of the Company only.

Saving rights of the Crown.

45. Nothing contained in this Act 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 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.

46. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

47. 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.

Provision as to General Railway Acts.

48. Nothing in this Act contained shall exempt the Company or 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.

Costs of Act.

49. 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.

The SCHEDULES referred to in the foregoing Act. A.D. 1882.

FIRST SCHEDULE.

PART I. REFERRED TO IN SECTION 24.

Parishes in the County of Northumberland.

Hexham	Haltwhistle
Warden	Gosforth

In the Town and County of Newcastle-upon-Tyne.

St. Nicholas Newcastle-upon-Tyne.

In the County of Cumberland.

Upper Denton	Dacre
Nether Denton	

In the County of Westmoreland.

Kirkby Stephen	Warcop
Crosby Garrett	St. Michael's Appleby
Ravenstonedale	Longmarton
Orton	Kirkby Thore
Great Musgrave	Clifton

In the County of Durham.

Ryton	St. Helens' Auckland
Whickham	Coniscliffe
Stockton-upon-Tees	Gainford
Egglescliffe	Witton-le-Wear
Long Newton	St. Oswald Durham
Haughton-le-Skerne	Lanchester
Darlington	Muggleswick
Aycliffe	High Conscliffe
Heighington	Gateshead
St. Andrew Auckland	Chester-le-Street

In the East Riding of the County of York.

Cottingham	Blacktoft
Market Weighton	Hemingbrough
Swine	Riccall
Howden	

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In the West Riding of the County of York.

Hampsthwaite	Hatfield
Ripon	Fishlake
Spofforth	Snaith
Knaresborough	Church Fenton
Staveley	Burghwallis
Aldborough	Campsall
Kirkby-on-the-Moor	Fenwick
Thorner	Brayton
Otley	Birkin
Thorne	Bishopthorpe

In the North Riding of the County of York.

Ormesby	Kildale
Middlesbrough	Whorlton
Stainton	Stokesley
Romaldkirk	Pickering
Bowes	Middleton
Danby	Aysgarth

In the Town and County of the Town of Kingston-upon-Hull.

Drypool

PART II.—RAILWAYS REFERRED TO IN SECTION 24.

Newcastle and Carlisle	Otley
Stockton and Darlington	Market Weighton and Beverley
Blyth and Tyne	Blaydon and Conside
Hull and Hornsea	Team Valley Extension
North Yorkshire and Cleveland	Hull and Doncaster
Cleveland	York and Doncaster
Hull Station and Branches	Micklefield
Victoria Dock	Penrith (Dacre Curve)
Bishop Auckland	Knaresborough and Boroughbridge
Lanchester Valley	Leeds and Wetherby
Pateley Bridge	Helmsley and Pickering
Harrogate and Starbeck	Leyburn and Hawes
Castleton and Grosmont	

SECOND SCHEDULE.

FORM OF DEED OF TRANSFER REFERRED TO IN SECTION 29.

In pursuance of and subject to the provisions of the North-eastern Railway Company's (Additional Powers) Act 1882 and in consideration of the terms conditions and provisions in that Act contained the Tees Valley Railway Company hereby transfer and convey unto the North-eastern Railway Company the undertaking of the Tees Valley Railway Company to hold the same unto the North-eastern Railway Company and the North-eastern Railway Company do accept the same accordingly.

In witness whereof the said Companies have hereunto affixed their respective common seals this day of one thousand eight hundred and eighty-two.

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