ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. lxxxv.

An Act to enable the *North-eastern* Railway Company to construct Branch Railways from *Market Weighton* to *Beverley* and at *Hull*, to raise additional Capital; and for other Purposes.

[30th *June* 1862.]

WHEREAS it is expedient that the *North-eastern* Railway Company (in this Act called "the Company") should be empowered to construct the Railways herein-after mentioned: And whereas it is expedient that the Company should be empowered to raise a further Sum of Money, and that further Powers should be granted to them; but the Purposes of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose whatever as "The *North-eastern* Railway Company's (*Beverley* Branch) Act, 1862."

8 & 9 Vict. cc. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," so far as the same are not expressly altered or otherwise provided for by this Act, shall apply to the Railways and Works by this Act authorized to be made, and shall be incorporated with and form Part of this Act.

Same Meanings to Words in incorporated Acts as in this Act.

3. The several Words and Expressions to which in the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings unless excluded by the Subject or Context.

Power to make Railways, &c. according to deposited Plans.

4. And whereas Plans showing the Lines of the Railways hereby authorized to be made, and the Lands in or through which the same and the Works connected therewith are intended to pass or be made, and Sections showing the Levels of those Railways, with a Book of Reference to those Plans, were in the Month of *November* One thousand eight hundred and sixty-one deposited with the Clerks of the Peace for the East Riding of the County of *York* and for the Town and County of the Town of *Kingston-upon-Hull*: Therefore, subject to the Provisions in this Act and in the Acts incorporated herewith contained, the Company may enter upon, take, and use all or any of the Lands shown on the deposited Plans and described in the deposited Book of Reference, and may make and maintain in or upon those Lands the Railways hereinafter mentioned, with all proper Stations, Works, and Conveniences connected therewith, in the Lines delineated on the said Plans and according to the Levels shown by the said Sections; (that is to say,)

Firstly, a Railway commencing by a Junction with the *York and Market Weighton* Branch of the *North-eastern* Railway, near the *Market Weighton* Station on that Railway, in the Township of *Market Weighton and Arras* and Parish of *Market Weighton* in the East Riding of the County of *York*, and terminating by a Junction with the *Hull and Bridlington* Branch of the *North-eastern* Railway in the Parish of *Saint Nicholas Beverley* in the said East Riding:

Secondly, a Railway commencing by a Junction with the *Victoria Dock* Branch of the *North-eastern* Railway, at the *Southcoates* Station of that Railway, in the Township of *Southcoates* otherwise *Sudcoates* in the Parish of *Drypool* in the Town and County of the Town of *Kingston-upon-Hull*, and terminating by a Junction with the *Hull and Holderness* Railway near the *Victoria* Station, in the Township and Parish of *Drypool* in the said Town and County:

And the said intended Railways and the Works connected therewith respectively shall for all Purposes become and be Part of the Undertaking of the Company.

5. Subject

Power to cross Road on a Level.

5. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on a Level, the Company, in the Construction of the Railway firstly herein-before described, may carry the same with a single Line of Railway while the Railway continues a single Line, and with a double Line of Railway if and when the Line be doubled, across and on the Level of the Road numbered 18 on the said deposited Plans in the Township of *Molescroft*: Provided always, that it shall not be lawful for the Company in shunting Trains to pass any Train over such level Crossing, or to allow any Train, Engine, Carriage, or Truck to stand across the same.

Company to erect Station or Lodge at Point of Crossing, and abide by Rules, &c. of Board of Trade.

6. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge fitted for the Residence of a Gatekeeper at the Point where the said Railway will cross the before-mentioned Road on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect, or at all Times maintain, such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge in lieu of level Crossing.

7. The Board of Trade may (if it shall appear to them to be necessary for the Public Safety) at any Time either before or after the Railway firstly herein-before described shall have been completed and opened for public Traffic, require the Company, within such Time as that Board shall direct, and at the Expense of the Company, to carry the before-mentioned Road either under or over that Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, and to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Power to alter the Rate of Inclination of Road.

8. At or near the Point at which the Railway firstly herein-before described is intended to cross the Road numbered 12 on the said deposited Plans in the Township of *Market Weighton and Arras*, the Rate of Inclination of that Road may be altered so that the same when altered shall not exceed One in Ten on One Side of the Bridge, and that the altered Road be carried out level to the existing Road on the other Side thereof.

9. The

Land for extraordinary Purposes.

9. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may by Agreement purchase any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Five Acres.

Powers for compulsory Purchases limited.

10. The Powers for the compulsory Purchase or taking of Lands for the Purposes or Objects of this Act shall not be exercised after the Expiration of Three Years from the passing thereof.

Works to be completed within five Years;

11. The Railways by this Act authorized shall be completed within Five Years from the passing thereof, and on the Expiration of that Period the Powers by this Act, or the Acts incorporated herewith, granted for executing the same, or otherwise in relation thereto, shall cease to be exercised except as to so much of those Railways as shall then have been completed, and also except those Powers which are by the same Acts or any of them declared to be continued, or which may lawfully be exercised for a longer Period.

if not completed in Five Years, certain Dividends to be suspended.

12. After the Expiration of Five Years from the passing of this Act, the Payment of any Dividend on the ordinary Capital of the Company shall be suspended until the Railways by this Act authorized shall have been completed and opened for public Traffic.

Lands of Hull and Selby and Hull and Holderness Companies not to be taken, &c. except for certain Purposes.

13. The Company or any Person in the Execution of this Act shall not in any Manner, either permanently or temporarily, enter upon, take, or use any of the Land or Property of the *Hull and Selby* Railway Company or the *Hull and Holderness* Railway Company, or in any Manner alter, vary, or interfere with their respective Railways, or any of the Works appertaining thereto, save only so far as may be necessary for the Purpose of forming Junctions therewith, as shown on the said Plans, or as may be otherwise mutually agreed upon between and by the Company and those Companies respectively, under the Provisions of this Act.

Communication with the Railway of the Hull and Holderness Company to be made to their Satisfaction.

14. All Communications between the Railway firstly hereby authorized and the *Hull and Bridlington* Branch Railway belonging to the *Hull and Selby* Railway Company, and between the Railway secondly hereby authorized and the *Hull and Holderness* Railway, and all Openings in the Ledges and Flanches of those respective Railways for effecting any such Communication, shall be made and effected at the Expense of the Company, in a substantial and workmanlike Manner, by means of Connexion Rails and Points, constructed and laid down under the Direction and Superintendence and to the reasonable Satisfaction of the Engineers for the Time being of the *Hull and Selby* and *Hull and Holderness* Railway Companies respectively, or of some Person duly authorized by them respectively for that Purpose.

15. The

Company to be at the Expense of maintaining and watching the Points.

15. The Company shall from Time to Time and at all Times hereafter maintain and keep in good and proper Order and Condition the Switches and Points at the Places of Communication between the Railways hereby authorized and the *Hull and Bridlington* Branch Railway and the *Hull and Holderness* Railway respectively, and shall, at their sole Expense, hire and employ proper and sufficient Persons to watch and regulate the same; or such Switches, Points, and Persons shall, at the Option of the *Hull and Selby* and *Hull and Holderness* Railway Companies, be in the first instance so maintained, kept, hired, and employed by those Companies respectively, in which Case the Company shall, on Demand, from Time to Time repay to those Companies respectively the Costs and Expenses thereby incurred by them respectively.

Signals, &c. to be erected and maintained, and proper Persons to be provided to prevent Danger at Point of Junction.

16. The Company shall at their sole Expense erect and from Time to Time and at all Times hereafter maintain such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Pointsmen, and other Servants as may be necessary for the Prevention of Damage to or Detention of or Interference with Traffic at or near the Junctions between the Railways hereby authorized and the *Hull and Bridlington* Branch Railway and the *Hull and Holderness* Railway; or, at the Option of the *Hull and Selby* and *Hull and Holderness* Railway Companies respectively, such Signals, Works, and Conveniences may be erected, maintained, and altered, and such Watchmen, Pointsmen, and other Servants may be appointed and removed by those Companies respectively, in which Case the working and Management of such Signals, Works, and Conveniences, and the Control and Direction of such Watchmen, Pointsmen, and other Servants shall belong exclusively to those Companies respectively, and all the Costs and Expenses during each Half Year of erecting and maintaining and altering such Signals, Works, and Conveniences, and of employing and paying such Watchmen, Pointsmen, and other Servants, shall, at the Expiration of each Half Year, be repaid by the Company to the *Hull and Selby* and *Hull and Holderness* Railway Companies respectively on Demand, and in default the Amount thereof unpaid may be recovered from the Company in any Court of competent Jurisdiction.

Additional Capital may be raised.

17. The Company may raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to their Undertaking, or in part by each of those Means, the Sum of Eighty-eight thousand Pounds in addition to the Sums of Money they are authorized to raise by any of their former Acts, or may be authorized to raise by any other Act to be passed during the present Session of Parliament; and all and every Part of the Money so to be raised shall be applied to the Purposes of the Railways and Works connected therewith by this Act authorized, and to no other Purpose whatsoever.

Additional Capital to be divided into new Shares or Stock.

18. The Monies or Capital so to be raised may be divided into new Shares of any nominal Value, or the same may be raised by new Stock of the Company, and such new Shares or Stock shall be issued and disposed of or distributed in such Manner, and (subject to the Provisions of this Act) upon such Terms, not being less than the nominal Amount of such Shares or Stock, and subject to such Provisions and Restrictions, and with such Rights as any General Meeting of the Company shall from Time to Time direct or authorize or attach thereto, and shall be considered as Part of the General Capital of the Company; and all the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," which are incorporated with this Act, shall, so far as the same are applicable, apply to such new Capital and new Shares or Stock and to the respective Proprietors thereof for the Time being, in the same Manner in all respects as if the same were (within the Meaning of the same Clauses and Provisions) original Capital and original Shares or Stock, except as to the Amount and Time of making and Payment of Calls which (subject as herein-after mentioned) the Directors of the Company shall fix from Time to Time as they shall think proper.

Power to borrow on Mortgage.

19. The Company from Time to Time may raise by borrowing on Mortgage any Sums not exceeding in the whole the Sum of Twenty-nine thousand three hundred Pounds, in addition to the Sums which they are authorized to borrow under any of the existing Acts of Parliament relating to the Company, but no Part of such Sum shall be borrowed until the whole of the Capital by this Act authorized shall have been subscribed for, and One Half thereof shall have been actually paid up, and until the Company shall have proved to the Justice who is to certify, under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide* and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, and every Part of the Monies to be raised under this Act by borrowing shall be applied only in carrying into execution the Powers of this Act.

Saving Rights of existing Mortgagees.

20. All Mortgages created by the Company under the Powers of any of the existing Acts of Parliament relating to the Company, and which shall be subsisting at the passing of this Act, shall have Priority over all Mortgages to be created by the Company under the Powers of this Act.

Certain Provisions of 8 & 9 Vict. c. 16. extended to this Act.

21. All the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters, that is to say,

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

With

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of borrowed Money into Capital;

With respect to the Consolidation of the Shares into Stock;

With respect to the giving of Notices; and

With respect to the Recovery of Damages not specially provided for, and Penalties;

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act, and apply to the Company and the Shareholders thereof and to the Capital authorized by this Act to be raised by Shares or borrowing.

Rights of new Shareholders to be in proportion to the Value of new Shares or Stock.

22. Subject to the Provisions of this Act, and to the Terms of Issue of any new Shares or Stock to be created thereunder, every Person who shall accept or become entitled to any such new Shares or Stock shall in respect thereof be a Shareholder of the Company, and be considered to have subscribed towards the Capital thereof and of the Undertaking to the Extent of the nominal Amount of the Shares or Stock so accepted by him in the Undertaking, and such new Shares or Stock shall, unless otherwise provided by the prescribed Terms of Issue or Creation, confer on the respective Holders or Proprietors thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Shares or Amount of such Stock, and not in proportion to the Number of such Shares, and for such Purposes every entire Sum of Fifty Pounds of such nominal Value of Shares or Amount of Stock shall be equivalent to One Share of Fifty Pounds in the original Capital of the Company, and no Shareholder shall vote in respect of any Number of such new Shares or any Amount of such new Stock which shall constitute a less Interest in the Capital of the Company than Fifty Pounds.

Power to assign Preference to new Shares or Stock.

23. With the Approbation of Three Fifths at least of the Votes of the Proprietors present, in Person or by Proxy, at any Meeting of the Company specially convened for the Purpose, the Company may assign to any new Shares or Stock to be created by virtue of this Act such Dividend, not exceeding Five Pounds *per Centum per Annum*, in preference to or so as to rank or be paid *pari passu* with (if so determined) the Dividends upon any other Shares or Stock of the Company (except as in this Act subsequently provided with respect to Shares or Stock theretofore

theretofore created and issued) as any such Meeting may from Time to Time direct; provided that if in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of such preferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year or out of any other Funds of the Company, and the Terms and Conditions of such preferential Capital shall be stated on the Certificates of the Shares or Stock therein.

Dividends to be a Charge against Joint Revenue.

24. The Dividends (whether Preference or not) payable in respect of any such Shares or Stock shall be a Charge upon and shall be payable out of the joint net Revenue of the Company prior to any Division of the Balance or Residue thereof, and Appropriation of the respective Shares of such Balance or Residue to the separate Accounts of or amongst the respective Classes of Proprietors of the other Shares or Stocks in the several Capital Stocks of the Company.

Saving Rights of Holders of existing Preference Shares.

25. Provided always, That any Preference or Priority in the Payment of Interest or Dividends on any Shares or Stock to be created by virtue of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividends on any other Shares or Stock which shall have been granted by the Company in pursuance of or which may have been confirmed by any Act passed prior to the passing of this Act or which may otherwise be lawfully subsisting.

Calls.

26. Provided also, That Twenty Pounds *per Centum* on the nominal Amount of a Share shall be the greatest Amount of any One Call which the Company may make on the Holders of Shares created in respect of the Money by this Act authorized to be raised, and Three Months at the least shall be the Interval between successive Calls.

Tolls as in 17 & 18 Vict. c. cxi. to be taken.

27. The Company are hereby authorized and empowered (subject nevertheless to the Provisions contained in this Act and in "The *North-eastern* Railway Company's Act, 1854,") to demand, receive, and take for or in respect of Passengers, and of the several Articles, Matters, and Things, and of all Descriptions of Animals conveyed on the Railways by this Act authorized to be made, and also for the Use of Carriages and Locomotive Engines or other Power supplied by the Company thereon, such and the like Rates, Tolls, or other Charges as by "The *North-eastern* Railway Company's Act, 1854," are authorized to be demanded and received for the like Passengers, Animals, Articles, Matters, and Things conveyed on their Railways, and for the Use of the like Carriages and Locomotive Engines or other Power, as well for Ordinary as for Express Trains supplied by the Company on the same Railways, in like Manner as if the Railways hereby authorized had formed Part of the *North-eastern* Railway when the said last-mentioned Act was passed.

28. The

Application of Monies raised under Company's Acts.

28. The Company may appropriate and apply to the Purposes of this Act any of the Monies which, under and by virtue of their existing Acts or of any other Act of the present Session of Parliament, they have raised or are or may be authorized to raise, and which shall not be wanted for the Purposes of those Acts.

Powers of Act to be exercised by Directors.

29. All the Powers by this Act conferred upon the Company may (except where directed to be exercised only at a General Meeting of the Company) be exercised by the Directors of the Company, but nevertheless in accordance with and subject to the Provisions of this Act and of the Acts incorporated herewith, and also subject to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolution passed by such General Meeting.

Interest not to be paid on Calls paid up.

30. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company from paying Interest on Money paid in anticipation of Calls in conformity with "The Companies Clauses Consolidation Act, 1845."

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

31. The Company shall not, out of any Money by this or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Railways not exempt from Provisions of present and future General Acts.

32. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or the Rates for small Parcels.

Saving Rights of the Hull and Selby Company.

33. Provided always, That, except as is by this Act expressly provided, this Act shall not in any way take away, diminish, alter, or prejudice any of the Rights, Powers, Privileges, or Authorities of the *Hull and Selby* Railway Company.

Expenses of Act.

34. All the Costs, Charges, and Expenses of and attending the applying for and passing of this Act, or incidental thereto, shall be paid by the Company.

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