CHAPTER xxii.

An Act for enabling the North-eastern Railway Company to construct a Railway from Alnwick to Cornhill in the county of Northumberland; and for other purposes. A.D. 1882.

[19th May 1882.]

WHEREAS it is expedient that the North-eastern Railway Company (in this Act called "the Company") should be empowered to make the new railway in the county of Northumberland by this Act authorised and to raise capital for that purpose:

And whereas plans and sections showing the line and levels of the said railway 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 clerk of the peace for the county of Northumberland 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 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 Company's (Alnwick and Cornhill Branch) Act 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20.

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:

The Railways Clauses Consolidation Act 1845:

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

26 & 27 Vict. c. 92. 8 & 9 Vict. c. 16.

The provisions of the Companies Clauses Consolidation Act 1845 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 nonpayment 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

26 & 27 Vict. c. 118.

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

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" means the railway by this Act authorised:

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 railway.

4. Subject to the provisions of this Act the Company may make and maintain in the line shown on the deposited plans and according to the levels shown on the deposited sections the railway 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 as may be required for that purpose:

The railway herein-before referred to and authorised by this Act is—

A railway (thirty-five miles two furlongs two chains and five yards in length) in the county of Northumberland commencing in the township and parish of Alnwick by a junction with the Company's Alnwick branch and terminating in the township of Cornhill and parish of Norham by a junction with the Company's Kelso branch.

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

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

5. The railway 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 railway had formed part of the North-eastern railway when those Acts were passed.

Power to cross certain roads on the level.

6. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next hereinafter mentioned (that is to say)—

Number on Deposited Plans.	Township.	Description of Road.
14	Alnwick - - -	Public highway.
5A	Roseden - - -	Ditto.
12	Middleton Hall - -	Ditto.
8	Wooler - - -	Ditto.
15	Ditto - - -	Ditto.
24	Ditto - - -	Ditto.

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Number on Deposited Plans.	Township.	Description of Road.
3	Akeld - - -	Public highway.
4	Coupland - - -	Ditto.
8	Kirknewton - - -	Ditto.
10	Kilham - - -	Ditto.
21	Ditto - - -	Ditto.
5	Learmouth - - -	Ditto.

Power to divert a certain road.

7. In lieu of crossing on the level as shown on the deposited plans and sections the public road numbered on the said plans 34 in the township of Alnwick the Company may divert the said road so as to join the road numbered on the said plans 39 in the said township on the west side of the railway and the Company may make the first-mentioned road when diverted of any inclination not steeper than 1 in 12.

Inclinations of certain roads.

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

Number on Deposited Plans.	Township.	Description of Road.	Intended Inclination.
8	Lemmington -	Public highway -	1 in 8 on one side and level on the other.
6	Roseden -	Ditto -	1 in 10 on one side and level on the other.

Site of roads stopped up to vest in Company.

9. Where in constructing the railway 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.

Period for compulsory purchase of lands.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of railway.

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

Imposing penalty if railway not opened within period limited.

12. If the Company fail within the period limited by this Act to complete the railway 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 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 :

The said penalty may be applied for by any landowner or other person claiming to be compensated 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 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 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.

13. 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 or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate

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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:

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 to 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.

Lands for extraordinary purposes.

14. 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 ten acres.

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.

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

16. The Company may appropriate and apply to the purposes of this Act any of the moneys which under and by virtue of any existing Acts they have raised or are authorised to raise and which may not be required for the purposes to which they are by those Acts made specially applicable.

Power to raise additional capital.

17. The Company may raise by the creation and issue of new shares or stock the sum of three hundred and seventy-five 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.

18. 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.

19. 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 and the dividends to be a charge against revenue.

20. 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 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.

21. 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:

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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.

22. 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.

23. 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 any other Act or Acts of Parliament any sum not exceeding in the whole one hundred and twenty-five thousand pounds but no part thereof shall be borrowed until shares for so much of the additional capital of three hundred and seventy-five thousand pounds which they are by this Act authorised to raise 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 capital to be raised by means of shares 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 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 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.

24. 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.

25. 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.

26. All moneys raised under this Act whether by shares or stock or borrowing shall be applied only to the purposes of this Act.

Interest not to be paid on calls paid up.

27. 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.

28. 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.

29. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of

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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.

30. 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.

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