ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

****

Cap. ccxcv.

An Act to enable the *North-eastern* Railway Company to construct a Railway from their *Leeds and Selby* Branch at *Austhorpe* to their *Church Fenton and Harrogate* Branch at *Wetherby;* and for other Purposes. [30th *July* 1866.]

WHEREAS it is expedient that the *North-eastern* Railway Company should be empowered to construct the Railway and Works herein-after mentioned: And whereas Plans showing the Line of the Railway, 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 the Railway, with a Book of Reference to those Plans, were in the Month of *November* One thousand eight hundred and sixty-five deposited with the Clerk of the Peace for the West Riding of the County of *York:* And whereas it is expedient that the said 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

The North-eastern Railway Company's (Leeds and Wetherby Branch) Act, 1866.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *North-eastern* Railway Company's (*Leeds and Wetherby* Branch) Act, 1866."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

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

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

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

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

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

With respect to the Transfer or Transmission of Shares;

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

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

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

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

With respect to the Conversion of borrowed Money into Capital;

With respect to the Consolidation of the Shares into Stock;

With respect to the Powers of the Directors and the Powers of the Company to be exercised only in General Meeting;

With respect to the giving of Notices; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested;

and Parts I. and II. of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act, and apply to the Company and the Shareholders thereof, and to the Share and borrowed Capital authorized and Notices required by this Act, and to the several other Matters and Things relating thereto respectively provided for by such Clauses and Provisions respectively.

Interpretation of Terms.

4. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith

herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the *North-eastern* Railway Company; the Expression "the Railway" shall mean the Railway by this Act authorized, or any Part thereof; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Power to make Railway according to deposited Plans.

5. Subject to the Provisions of this Act, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railway herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, purchase, take, and use such of the Lands delineated on the said Plans, and described in the deposited Book of Reference, as may be required for that Purpose. The Railway herein-before referred to and authorized by this Act is,—

Description of Railway.

A Railway Ten Miles Five Furlongs and One Chain or thereabouts in Length commencing in the Township of *Austhorpe* and Parish of *Whitkirk* in the West Riding of the County of *York* by a Junction with the *Leeds and Selby* Branch of the *North-eastern* Railway, and terminating in the Township of *Wetherby* and Parish of *Spofforth* in the said West Riding by a Junction with the *Church Fenton and Harrogate* Branch of the *North-eastern* Railway:

And the said intended Railway and the Works connected therewith shall for all Purposes become and be Part of the Undertaking of the Company: Provided always, that in constructing the Railway the Company shall not take or use for the Purposes thereof any Part of the consecrated Ground belonging to the School Church in the Township of *Linton* in the Parish of *Spofforth* in the West Riding of the County of *York*.

Proviso as to consecrated Ground of School Church of Linton.

Power to apply Monies raised under existing or future Acts to Purposes of this Act.

6. 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.

Power to raise 210,000*l.* additional

7. The Company may raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to their Undertaking,

Capital by new Stock or new Shares.

taking, or in part by each of those Means, the Sum of Two hundred and ten thousand Pounds, in addition to and, if thought fit, along with the Sums of Money they are authorized to raise by any of their former Acts, but have not yet raised, or may be authorized to raise by any other Act to be passed during the present Session of Parliament; and the Monies or Capital by this Act authorized to be raised may be raised by new Stock or Shares of the Company, either Ordinary or Preference, or both, and either alone or together with any other Monies or Capital which the Company may be then authorized so to raise.

Shares not to issue until One Fifth paid up.

8. The Company shall not issue any such new Shares or Stock, nor shall any such new Shares or Portion of Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such new Shares or Portion of Stock shall have been paid in respect thereof.

Rights of voting for new Shares or Stock to be in proportion to the nominal Amount thereof.

9. The new Shares or Stock by this Act authorized shall, unless otherwise provided by the prescribed Terms of Issue or Creation thereof, confer on the respective Holders or Proprietors thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Shares or Amount of such Stock, and not in proportion to the Number of such Shares, and for such Purposes every entire Sum of Fifty Pounds of such nominal Value of Shares or Amount of Stock shall be equivalent to One Share of Fifty Pounds in the Capital Stocks of the Company, and no Shareholder shall vote or be entitled to be present at the Meetings of the Company in respect of any Number of such new Shares, or any Amount of such new Stock, which shall constitute a less Interest in the Capital Stocks of the Company than Fifty Pounds.

New Shares or Stock may rank pari passu with others if so determined, and the Dividends to be a Charge against joint Revenue.

10. The Company may, by Resolution at the Meeting creating any of the new Shares or Stock by this Act authorized, determine that such new Shares or Stock shall rank *pari passu* with any other Shares or Stock of the Company created at or subsequently to that Meeting, and also, if so determined, with any other Shares or Stock which shall have been created and issued subject to such a Contingency, and the Dividends thereon shall be payable accordingly, and shall be a Charge upon and payable out of the joint net Revenue of the Company.

New Shares or Stock may be created subject to Redemption.

11. The Company may, by Resolution at the Meeting creating any of the new Shares or Stock by this Act authorized, 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

Redemption of any other Shares or Stock of the Company liable to be redeemed, the Company may from Time to Time create and issue new Shares or Stock to an Amount not exceeding the aggregate Amount of the Shares or Stock proposed to be redeemed: Provided that the Company may, subject to the Provisions of this Act, attach to the new Shares or Stock to be created for such Redemption any Rights or Privileges which by this Act they may attach to the Shares or Stock for which such new Shares or Stock are to be substituted, but so that the Dividend payable in respect thereof shall, in case such new Shares or Stock are made preferential, not exceed Four Pounds Ten Shillings *per Centum per Annum*.

Power to borrow on Mortgage.

12. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Seventy thousand 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 of Two hundred and ten thousand Pounds by this Act authorized is subscribed for, 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 the whole of the said Capital has been subscribed for, 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, and that the whole of each separate Portion of Stock, has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Existing Mortgages to have Priority.

13. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be granted by virtue of this Act.

Application of Monies.

14. All Monies raised under this Act, whether by Shares or Stock or borrowing, shall be applied for the Purposes of this Act only.

Lands for extraordinary Purposes.

15. The Quantity of Land to be taken by the Company by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Five Acres.

Powers for compulsory Purchases limited.

16. 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.

17. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Penalty if Railway not completed within Period limited.

18. If the Railway shall not be completed within Five Years after the passing of this Act, then the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Expiration of the said Period of Five Years until the Railway shall be completed and opened for public Traffic; 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, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Alteration of Inclination of Roads.

19. In altering for the Purposes of this Act the Roads next hereinafter 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,)

No. on deposited Plan.	Township.	Description of Road.	Intended Inclination.
21	Bardsey-cum-Rigton	Public Highway -	1 in 9 on one Side, and level on the other.
29	Ditto - -	Ditto - -	1 in 13.

Site of Roads stopped up to vest in Company, on another Road being substituted by them.

20. Where in constructing the Railway the Company shall, under the Powers of this Act, divert or stop up any Road and substitute another in lieu thereof, the Soil and Site of the Road so diverted or stopped up, to the Extent of the Lands on both Sides of such Road purchased by or belonging to the Company, shall thereupon vest in and thenceforth be held by them in Fee as Part of their Undertaking.

21. The

Tolls to be taken.

21. The Company may (subject to the Provisions and Restrictions contained in "The *North-eastern* Railway Company's Act, 1854," "The *North-eastern* and *Stockton and Darlington* Railways Amalgamation Act, 1863," and "The *North-eastern* Railway Company's (*Pelaw* and other Branches) Act, 1865,") demand, receive, and take for or in respect of Passengers, and of the several Articles, Matters, and Things, and of all Descriptions of Animals, conveyed on the Railway, and also for the Use of Carriages and Locomotive Engines or other Power supplied by the Company thereon, such and the like Rates, Tolls, or other Charges as by those Acts are 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 Railway had formed Part of the *North-eastern* Railway when those Acts were passed.

Interest not to be paid on Calls paid up.

22. 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 or by 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 to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

23. 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 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 authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

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

24. Nothing herein contained shall be deemed or construed to exempt the Railway 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 authorized by this Act.

25. All

The North-eastern Railway Company's (Leeds and Wetherby Branch) Act, 1866.

Expenses of Act.

25. 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.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1866.