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An Act for enabling the North-eastern Railway Company to construct a railway from Leyburn to Hawes, and other works, and acquire additional lands; for the abandonment of the authorised Hawes and Melmerby Railway; and for vesting in the Company the undertaking of the West Durham Railway Company; and for other purposes. A.D. 1870.

[4th July 1870.]

WHEREAS by "The Hawes and Melmerby Railway Act, 1865," the Hawes and Melmerby Railway Company (herein-after called "the Hawes Company") were incorporated, and authorised to make railways (herein-after called "the Hawes Railway") from Hawes to the Bedale and Leyburn branch of the North-eastern Railway at Leyburn, and from that branch to the North-eastern Railway near Melmerby; and the Hawes Company and the North-eastern Railway Company (herein-after called "the Company") were authorised to enter into agreements for the maintenance, management, working, and using by the Company of the Hawes Railway, and for other purposes; and the Company were also authorised to subscribe one hundred and seventy-five thousand pounds towards the authorised capital of three hundred and fifty thousand pounds of the Hawes Company, and to raise that amount by new stock or shares of the Company: 28 & 29 Vict. c. ccxliv.

And whereas the Company accordingly agreed to subscribe the said sum of one hundred and seventy-five thousand pounds, and have raised the same by the creation and issue of new stock, and have applied part of that sum to or for purposes or liabilities of the Hawes Company, but no further part of the capital of the Hawes Company has been subscribed for, and no shares have been issued by them, and their authorised railways have not been commenced:

And whereas it is expedient that the Company should be empowered to make the railway from Leyburn to Hawes herein-after

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mentioned in substitution for that portion of the Hawes Railway which is authorised to be made between those places, and to apply to the purposes of the intended railway so much of the said sum of one hundred and seventy-five thousand pounds as has not been already expended; and it is also expedient, and the Hawes Company are willing, that their undertaking should be abandoned, and that provision should be made for their dissolution, and for the partial repeal of their said Act:

And whereas by "The Midland Railway (Settle to Carlisle) Act, 1866," the Midland Railway Company were empowered to make (amongst other railways) a railway from Settle to Hawes, terminating by a junction with the authorised line of the Hawes and Melmerby Railway, and to pass over and use the railway of the Hawes Company between Hawes and Leyburn, including the station at Leyburn belonging to the Company authorised to be used by the Hawes Company, and the Company are willing that the powers so granted to the Midland Railway Company over or in respect of the Hawes and Leyburn Railway should be exercised by them over or in respect of the railway by this Act authorised, in substitution for the Hawes and Leyburn Railway, and it is expedient that the Company and the Midland Railway Company should be authorised to enter into agreements as herein-after provided:

And whereas it is also expedient that the Company should be empowered to make the new road herein-after mentioned, and acquire for the purposes of their undertaking the additional lands herein-after described:

And whereas plans showing the line of the proposed railway, and the lands in or through which the same and the works connected therewith are intended to pass or be made, and plans of the roads by this Act authorised to be made and altered, and of the lands to be acquired or used for the purposes thereof, and sections showing the levels of the proposed railway, road, and works, and plans of the additional lands before mentioned, with a book of reference to those plans respectively, were, in the month of November one thousand eight hundred and sixty-nine, deposited with the respective clerks of the peace for the north riding of the county of York, the town and county of the town of Kingston-upon-Hull, the city of York and county of the same city, and the county of Cumberland, according to and in whichever of the said riding, counties, town, and city the railway, road, and lands respectively are or will be situate, and which plans, sections, and book of reference are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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And whereas by an Act (local) of the second and third years of Her Majesty, chapter seventy-one, the West Durham Railway Company (herein-after called "The West Durham Company") were incorporated, and authorised to make a railway in the county of Durham (which they afterwards made), called "The West Durham Railway," and to raise a share capital of - - £ 33,923

And by an Act (local) of the fourth year of Her Majesty, chapter twenty-six, the West Durham Company were authorised to raise a further share capital of - - - - - 34,770

Making the aggregate of their authorised share capital - - - - £ 68,693

And whereas the share capital of the West Durham Company consists of four thousand seven hundred and seventy-one shares of ten pounds each, fully paid up, representing - - £ 47,710

Of which one hundred and eighty-two shares are held by or in trust for the West Durham Company, representing - - £ 1,820

And two thousand nine hundred and thirty-seven shares are held by or in trust for the Company, in right of the Berwick section of shareholders in the Company, under the authority of "The York, Newcastle, and "Berwick (West Durham) Railway Act, "1851," (section 3,) representing - - 29,370

31,190

Leaving one thousand six hundred and fifty-two shares, held by other shareholders in the West Durham Company, representing - - £ 16,520

And whereas the West Durham Railway is a short mineral line connected at both ends with the railways of the Company, and has for some time past been worked by them in connexion with their railways:

And whereas it is expedient, and the West Durham Company and the Company are desirous, that the undertaking of the West Durham Company should be vested in the Company on the terms and conditions in this Act contained; and it is also expedient that the before-mentioned shares in the capital of the West Durham

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Company, held by or in trust for them and the Company respectively, should be cancelled:

18 & 19 Vict. c. cxvi.

And whereas by "The North Yorkshire and Cleveland Railway Act, 1855," the North Yorkshire and Cleveland Railway Company (herein-after called "The North Yorkshire Company") were authorised to make a railway from the North Yorkshire and Cleveland Railway to the Middlesbrough and Guisbrough Railway, with two junction lines or spurs (herein-after called "the Guisbrough branches"), and also a railway in the parish of Whorlton (herein-after called "the Whorlton branch"), and to complete the same within five years from the passing of that Act:

22 & 23 Vict. c. xci.

And whereas by "The North-eastern Railway Company's (Bedale and Leyburn and Rosedale Railways Amalgamation) Act, 1859," the North Yorkshire Company was dissolved, and their undertaking vested in the Company, and the powers for completing the Guisbrough branches were extended for two years from the passing of that Act; and by "The North-eastern Railway Company's (Grosmont and Whitby Branches) Act, 1861," those powers were further extended to the seventh day of August one thousand eight hundred and sixty-two:

And whereas the Whorlton branch was completed within the time limited by the said Act of 1855, but that branch was only intended to be, and has only been, opened and used for the conveyance of minerals and goods, and not for the public conveyance of passengers:

And whereas the greater part of one of the Guisbrough branches (being that first described in the said Act of 1855), and one of the junction lines or spurs therefrom, have been made and opened for public traffic, but the remainder of those branches has not been completed, and is not now required:

And whereas by reason of the Whorlton branch not being constructed for the conveyance of passengers, and of the Guisbrough branches not being completed as authorised, the conditions of the bond given by the North Yorkshire Company and their sureties, in pursuance of section 6 of the said Act of 1855, with reference to the opening for the public conveyance of passengers of the Whorlton branch and the Guisbrough branches cannot be complied with; and inasmuch as the Whorlton branch is not required for the conveyance of passengers, and the uncompleted portions of the Guisbrough branches are also not required, it is expedient that the Lords Commissioners of Her Majesty's Treasury should be authorised to cancel the said bond:

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28 & 29 Vict. c. xci.

And whereas by "The Tees Valley Railway Act, 1865," the Tees Valley Railway Company and the Company were empowered to enter into agreements with respect to the maintenance, management, and working of the Tees Valley Railway, and for other purposes, and the Company were authorised to subscribe towards and become shareholders in that undertaking to the extent of twenty-five thousand pounds, being one half of the then authorised capital of the Tees Valley Railway Company:

And whereas the Company agreed to subscribe the said sum of twenty-five thousand pounds on condition and on the understanding that they should be allowed to appoint directors of the Tees Valley Railway Company, and they have since paid the said sum on that understanding:

And whereas the Tees Valley Railway Company are seeking power to raise a further share capital of twelve thousand pounds, and it is expedient that the Company should be authorised to subscribe half of that sum, and to appoint directors of the Tees Valley Railway Company:

And whereas it is expedient that further provision should be made with respect to lands acquired by the Company for the purposes of their railways, but which may hereafter be found to be superfluous or unnecessary:

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 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 for all purposes be cited as "The North-eastern Railway Company's (Leyburn and Hawes Branch, &c.) Act, 1870."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., 26 & 27 Vict. c. 92., and 32 & 33 Vict. c. 48. incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, "The Railways Clauses Consolidation Act, 1845," and Parts I. and V. 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. incorporated.

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;

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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 authorised 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 have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the North-eastern Railway Company; the expression "the Hawes Company" means the Hawes and Melmerby Railway Company; the expression "the West Durham Company" means the West Durham Railway Company; the expression "the Tees Valley Company" means the Tees Valley Railway Company; the expression "the railway" means the railway by this Act authorised, or any part thereof; the expression "the Hawes Railway" means the railways and works authorised by "The Hawes and Melmerby Railway Act, 1865;" the expression "the Hawes Railway Act" means "The Hawes and Melmerby Railway Act, 1865;" 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.

Description of railway.

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

A railway (sixteen miles two furlongs and five chains or thereabouts in length) commencing in the township of Leyburn and parish of Wensley, in the north riding of the county of York, by a junction with the Bedale and Leyburn branch of the North-eastern Railway, and terminating in the township of Hawes and parish of Aysgarth, in the said north riding, by a junction with the authorised line of the railway first described in and sanctioned by "The Midland Railway (Settle to Carlisle) Act, 1866:"

And the said railway and the works connected therewith shall for all purposes become and be part of the undertaking of the Company.

Power to make new road and alter levels of existing roads at Hull.

6. Subject to the provisions of this Act, the Company may make in the line and in accordance with the levels shown on the deposited plans and sections, and in and upon the lands shown on the deposited plans, a new public road in the parish of Holy Trinity, in the town and county of the town of Kingston-upon-Hull, commencing from and out of the road called Anlaby Road, and terminating by a junction with the road or street called Saint Stephen Street, and may carry such new road over the North-eastern Railway by a bridge, and may enter upon, purchase, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose, and may appropriate to the purposes of the new road and the works connected therewith such parts of the road or street called Park Street or Elm Tree Avenue, and the footpaths thereof, as may be required for the same; and upon the completion of the said new road the Company may stop up and discontinue as a road, and appropriate to the purposes of the Company, the site of so much of the said road or street called Park Street or Elm Tree Avenue, and of the footpaths thereof, as is shown on the said plans as proposed to be stopped up; and the Company may alter the levels of Saint Stephen Street and Park Street or Elm Tree Avenue, at and near the termination of the

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said new road, as shown on the deposited plans and sections: Provided always, that nothing herein contained shall take away, prejudice, or affect the rights of the owners of any gas or water mains and pipes now laid under the portion of the said road authorised to be stopped up to use, maintain, repair, alter, or take up those mains and pipes, and lay down others under the said portion of road, such maintenance, repairing, altering, taking up, and laying down being always done under the superintendence and to the satisfaction of the engineer of the Company.

Agreements with Hull Corporation and local board in reference to the new road, &c. at Hull.

7. The Company and the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull, and the local board of health for that borough, may respectively make and carry into effect such agreements and arrangements as they may think proper in reference to the construction and cost of the said new road and alteration of the said existing roads at Hull, and with respect to the appropriation to the purposes of the said new road of any lands required for the same, belonging to the said mayor, aldermen, and burgesses, and the contribution by the said mayor, aldermen, and burgesses, or by the said local board, and application of any sum or sums towards the same.

Provision for repair of new road.

8. The new road which the Company are by this Act authorised to make, when made and completed, shall from time to time be repaired and maintained by and at the expense of the same parties and in the same manner as the existing road or street in lieu of which the new road is to be substituted is now liable to be repaired or maintained: Provided always, that if any question shall arise between the Company and such parties as to the due completion of the new road, such questions shall from time to time be determined by two justices on the application of either of the parties in difference, and after not less than seven days notice to both parties of the sitting of such justices for the purpose; and the certificate of such justices of the due completion of the new road shall be conclusive evidence of the fact so certified.

Power to purchase additional lands.

9. In addition to the other lands which the Company are by this Act authorised to acquire, they may, subject to the provisions of this Act, from time to time enter upon, purchase, take, use, and appropriate for the purposes of their undertaking all or any of the lands following, delineated on the deposited plans and described in the deposited book of reference respectively relating thereto; (that is to say,)

Certain lands in the township and parish of Saint Mary Bishophill Junior, in the county of the city of York, on the south-east and north-west sides of the North-eastern Railway; and

Certain lands in the townships of Botchardgate and Harraby and parish of St. Cuthbert, Carlisle, in the county of Cumberland, on the north side of and adjoining to the Newcastle and Carlisle line of the Company.

Lands for extraordinary purposes.

10. 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.

11. 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.

12. 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.

Imposing penalty if line not opened within period limited.

13. 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, and 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, and in the same manner as the penalty provided in the third section of the Act seventeen and eighteen Victoria, chapter thirty-one, known as "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in the said third section of that Act, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such 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 in compensa-

14. 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 may have been interfered with or other-

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tion to parties injured.

wise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of the 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 Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have 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 be paid to the Company.

Power to cross certain roads on the level.

15. 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, in the construction of the railway, may carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited plan.	Township.	Description of road.
23	Wensley - - - -	Public highway.
32	Castle Bolton - - - -	Public highway.

Alteration of inclination of roads.

16. 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,)

No. on deposited plan.	Township.	Description of road.	Intended inclination.
28	Redmire -	Public highway -	1 in 10 on one side.
22	Castle Bolton -	Public highway -	1 in 12 on one side, and level on the other.
32	Castle Bolton -	Public highway -	1 in 20 on one side, and level on the other.
63	Askrigg -	Public highway -	1 in 12 on one side, and level on the other.
38	Low Abbotside -	Public highway -	1 in 12 on one side, and level on the other.
65	Carperby-cum-Thoresby.	Public highway -	1 in 10 on one side.

And the said road numbered 28 may be diverted to the south and carried along the east side of the field numbered 25 in the township of Redmire, and then over the railway and along the south side of the field numbered 26 in the said township.

Site of roads stopped up to vest in Company on another road being substituted by them.

17. 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.

Tolls to be taken.

18. 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 authorised 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.

Abandonment of Hawes Railway.

19. The Hawes Company may and shall abandon the construction of the Hawes Railway.

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

20. The abandonment by the Hawes Company, under the authority of this Act, of the Hawes Railway, shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry 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 of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or

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occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the last-mentioned Act or in the Hawes Railway Act.

Compensation to be made in respect of railway abandoned.

21. Where before the passing of this Act any contract may have been entered into or notice given for the purchasing of any land for the purposes of or in relation to the Hawes Railway authorised to be abandoned by this Act, and which shall not be required for the purposes of this Act, full compensation shall be made by the Hawes Company to the owners and occupiers or other persons interested in such land 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," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Court of Chancery to order transfer of Hawes Company's deposit.

22. Notwithstanding anything in the Hawes Railway Act or in any other Act, the Court of Chancery may and shall at any time after the passing of this Act, on application by the Hawes Company, or on their behalf, by petition or motion, in a summary way, order and direct that the sum of thirty-one thousand seven hundred and sixteen pounds seventeen shillings Bank new three pounds per centum annuities (being the balance of the sum of forty-five thousand two hundred pounds like annuities deposited with the Court of Chancery in respect of the application to Parliament for the Hawes Railway Act), now standing in the name of the Accountant General of that court in trust to the credit of an account entitled "Ex parte a projected undertaking proposed to be authorised by a "Bill to be cited as 'The East and West Yorkshire Union Railway,'" together with the dividends thereon, be transferred and paid to the Hawes Company, or to such person or persons as they may appoint; and on such order being made the said sum and the dividends thereon shall be transferred and paid accordingly.

Application of moneys in hands of Hawes Company, and its dissolution, and repeal of its Act.

23. The Hawes Company shall apply all moneys from time to time in their hands or under their control, first in paying or providing for all their debts, liabilities, and engagements, and, subject thereto, they shall pay the surplus thereof (if any) to the Company, and thereupon the Hawes Company shall be dissolved and the Hawes Railway Act repealed, except sections 47 to 51, both inclusive, relating to the raising by the Company of the said sum of one hundred and seventy-five thousand pounds.

Midland Company to have same running powers over new railway as they had over Hawes and Leyburn Railway.

24. The Midland Railway Company may pass over and use the railway by this Act authorised, and all stations, watering places, water, booking offices, warehouses, wharves, sidings, works, and conveniences connected therewith, including the station of the Company at Leyburn, in the same manner, to the same extent, and on and subject to the same terms and conditions as by "The Midland Railway (Settle to Carlisle) Act, 1866," they were authorised to pass over and use "The Hawes and Leyburn Railway," as defined in the 33rd section of that Act: Provided that in construing the provisions of that Act for the purposes of this enactment the Company shall be substituted for the Hawes Company.

Power to make agreements with Midland Company as to joint stations at Hawes.

25. The Company and the Midland Railway Company may enter into arrangements and agreements with respect to the construction, maintenance, apportionment, and use of joint or separate stations, sidings, and other works connected therewith at or near the junction of the railway with the authorised line of the Midland Railway Company, and as to the cost of constructing, maintaining, working, and managing such stations, sidings, and other works respectively, upon payment of such tolls, rates, and charges, or upon such other terms and conditions as may be agreed upon.

Defining undertaking of West Durham Company.

26. The undertaking of the West Durham Company vested in the Company by this Act is hereby declared to be the railways, stations, sidings, approaches, buildings, fixed plant, works, and conveniences, and all the land and all other the property, estate, moneys, and assets, whether real or personal (except only as by this Act excepted), and all estates, interests, rights, powers, privileges, and authorities incident to or affecting the same, which on the passing of this Act belonged to or were vested in or held in trust for the West Durham Company, or which they could or might lawfully hold, use, exercise, or enjoy, whether alone or jointly with any other company or companies, and whether in respect of their own undertaking or the undertakings of other companies, all which premises are included in the expression in this Act of "the undertaking of the West Durham Company."

Dissolution of West Durham Company and vesting its undertaking in Company.

27. On the passing of this Act the West Durham Company shall be dissolved, except for the purpose of winding up its affairs; and the undertaking of the West Durham Company shall, subject to the existing charges, debts, leases, covenants, contracts, obligations, and liabilities of the West Durham Company affecting the same, become and be absolutely vested in the Company, and shall and may be held, possessed, enjoyed and used, exercised and executed by the Company in the same manner and to the same extent as

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that undertaking was or could, or might, if this Act had not passed, have been held, possessed, enjoyed, used, exercised, or executed by the West Durham Company, and thereupon and thenceforth the undertaking of the West Durham Company shall become part of the undertaking of the Company: Provided always, that all debts and liabilities of the West Durham Company on account of revenue or income up to the first day of July one thousand eight hundred and seventy shall be paid by them, and all moneys in their hands or due to them on that day on that account shall belong to and be received by them.

Repeal of parts of West Durham Acts, powers to raise capital under those Acts extinguished, and shares belonging to West Durham Company and the Company cancelled.

28. On the passing of this Act, section 139 of the recited Act of the second and third years of Her Majesty, chapter seventy-one, and section 17 of the recited Act of the fourth year of Her Majesty, chapter twenty-six, respectively relating to the West Durham Company, are repealed, and all the powers of the West Durham Company under those Acts for raising capital by shares or by borrowing are extinguished, except so far as the same have been exercised, and the one hundred and eighty-two shares in that company held by or in trust for the West Durham Company are cancelled, and the two thousand nine hundred and thirty-seven shares in that company held by or in trust for the Company in right of the Berwick section of shareholders in the Company are also cancelled, and the separate capital account of the said Berwick section shall be credited by the Company with the sum of twenty-nine thousand three hundred and seventy pounds, the nominal value of the last-mentioned shares, which sum shall thereupon be debited to the joint or general capital account of the Company.

West Durham shareholders to be paid off within three months.

29. The Company shall, within three months from the passing of this Act, pay to each holder of shares in the West Durham Company (other than of the shares belonging to the West Durham Company and the Company) the sum of eleven pounds for every ten-pound share held by him, together with interest on the amount paid up thereon at the rate of five pounds ten shillings per centum per annum from the first day of July one thousand eight hundred and seventy inclusive, until such payment is made, 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 Company, and such shares shall thereupon be cancelled.

West Durham Company to continue to exercise powers necessary for winding up its affairs.

30. Notwithstanding the vesting of the undertaking of the West Durham Company in the Company, the West Durham Company shall, until its dissolution, retain and be entitled to exercise all such powers and authorities as are requisite for the winding up of its affairs.

Power to subscribe to Tees Valley Railway.

31. In case the Tees Valley Company be authorised to increase their share capital, the Company may from time to time subscribe towards the undertaking of the Tees Valley Company, to any extent not exceeding half, or six thousand pounds in the whole, of such increased share capital (in addition to the sum already subscribed by the Company), and shall, in respect of the money thus subscribed, and the shares in the Tees Valley Company representing that money which shall from time to time be held by the Company, have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be regulated by the special provisions hereinafter contained), and be subject to all the obligations and liabilities of proprietors of shares in the Tees Valley Company: Provided always, that the Company shall not sell or dispose of any shares in the Tees Valley Company for which they may subscribe under the authority of this Act.

Four directors of Tees Valley Company to retire, and North-eastern Company may nominate directors in their place.

32. On the passing of this Act four of the directors of the Tees Valley Company (to be selected by ballot amongst them, unless they shall otherwise agree) shall go out of office, and in their place and from time to time the Company may nominate four persons to be directors of the Tees Valley Company in respect of the subscription by the Company to the capital of the Tees Valley Company; and every such nomination shall be made in writing under the seal of the Company, and shall be deposited with the secretary of the Tees Valley Company, and may in like manner be revoked and renewed by the Company; and every person so nominated may act as a director of the Tees Valley Company, whether a shareholder in that company or not, and shall be entitled to and may exercise in all respects all the rights, privileges, and powers of a director of that company, and every director so appointed shall enter on office immediately upon his appointment, and shall remain in office until his appointment be revoked, or until he die or resign.

Company may nominate person to vote at meetings of Tees Valley Company.

33. The directors of the Company, so long as the Company are shareholders in the capital of the Tees Valley Company, may from time to time nominate (such nomination to be signified in writing under the hand of the chairman or secretary of the Company) some person to attend on behalf of the Company and represent them at any meeting of the Tees Valley Company, and every such person shall (except as to the appointment of directors of the Tees Valley Company) have all the privileges and powers attaching to other shareholders at such meetings, and may vote thereat in respect of the capital held by the Company: Provided always, that any one or more of the directors nominated by the Company may be appointed by them to attend any such meeting, and in the event

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of no special appointment by the Company being produced at any such meeting, the director or directors nominated by the Company present at such meeting shall be deemed to hold such appointment, and in the event of there not being any director or such other representative as aforesaid of the Company so present the Company may exercise the rights, powers, and privileges of voting at such meeting by proxy in the mode prescribed by "The Companies Clauses Consolidation Act, 1845."

Bond given by North Yorkshire and Cleveland Railway Company to be cancelled.

34. The Lords Commissioners of Her Majesty's Treasury may cancel the bond given by the North Yorkshire and Cleveland Railway Company and their sureties, in pursuance of section 6 of "The North Yorkshire and Cleveland Railway Act, 1855," without further proof than the production of this Act.

Repeal of restriction in Jarrow Dock Act, 1854, as to granting leases of lands west of dock.

35. So much of section 43 of "The Jarrow Dock and Railway Act, 1854," as provides that as regards such portion of the lands acquired by the Company from Jarrow Slake as shall be on the west side of the Company's Tyne Docks they shall not grant any lease thereof for any term exceeding fourteen years, is hereby repealed.

Registers of transfers of shares and stock may be closed for 28 days prior to general meetings.

36. The Company may close the books kept for entering memorials of transfers of stock and shares for any period not exceeding twenty-eight days previous to each general meeting of the Company, whether ordinary or special, and may fix a day for closing the same, of which seven days notice at the least shall be given by advertisement in some newspaper published in the town of Newcastle-upon-Tyne or county of Durham and in the city or county of York respectively, and during the time when the transfer books are so closed the Company shall not be bound to take notice of any transfer which shall not have been delivered for registration previously to the day so fixed, and any transfer delivered for registration during such time shall, as between the Company and the party claiming under the same, but not otherwise, be considered as made subsequently to such meeting.

Registers of debenture stock may be closed for 28 days prior to 30th June and 31st December in each year.

37. The Company may close the registers of the holders of their debenture stock or shares for any period not exceeding twenty-eight days previous to the thirtieth day of June and the thirty-first day of December in each year, or other the half-yearly days whereon the interest on their debenture stocks or shares is made payable, and may fix a day for closing the same, of which seven days notice at the least shall be given in the manner prescribed in the last preceding enactment, and during the time when those registers are so closed the Company shall not be bound to take notice of any

transfer which shall not have been delivered for registration previously to the day so fixed, and any transfer delivered for registration during such time shall, as between the Company and the party claiming under the same, but not otherwise, be considered as made subsequently to the thirtieth day of June or the thirty-first day of December, or other the half-yearly day for payment of interest as aforesaid in the particular year, as the case may be.

Certificates of shares or stock transferred to accompany transfers, &c.

38. On every transfer or transmission of shares or stock (including debenture stock) in the Company, the certificates for such shares or stock shall be delivered to the secretary of the Company, along with the transfer or declaration or other document authenticating the transmission, for the purpose of being exchanged for a new certificate or certificates, as the case may require, or of having an indorsement made thereon of such transfer or transmission.

Power to retain and sell lands.

39. The Company may, notwithstanding anything to the contrary in "The Lands Clauses Consolidation Act, 1845," or any Act relating to the Company with which that Act is incorporated, retain and hold for the period of ten years from the passing of this Act any lands now belonging to them, acquired and not already sold by them under the powers of the Acts relating to the railways of the Company known as the York and Knaresborough branch, the Bedale and Leyburn branch, the Hull and Holderness branch, the Leeds Northern Railway, and the Victoria Dock branch, and may at any time within that period sell and dispose of any of those lands which are not required for the undertaking or purposes of the Company: Provided that, as regards any of those lands which become superfluous after that period, the same may be sold by the Company at any time not exceeding five years after they have become superfluous, and upon any such sale a declaration by some officer of the Company that the lands sold have ceased to be required within five years then immediately preceding shall be sufficient evidence of the fact.

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

40. 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, or of any other Act of the present session of Parliament, they have raised, or are or may be authorised to raise, and which shall not be wanted for the purposes of those Acts, and so much of section 47 of the Hawes Railway Act as is inconsistent with such appropriation and application is hereby repealed.

50,000*l.* additional capital may be raised either by

41. 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 fifty thousand pounds, in addition to any money they are authorised to raise by any

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new stock or new shares.

of their former Acts, but have not yet raised, or may be authorised to raise by any other Act to be passed during the present session of Parliament; and the moneys or capital by this Act authorised 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 moneys or capital which the Company may be then authorised so to raise.

Shares or stock not to issue until one fifth paid up.

42. The Company shall not issue any such new shares or portion of 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.

43. The new shares or stock by this Act authorised shall, unless otherwise provided by the prescribed terms of issue or creation thereof, confer on the respective holders or proprietors thereof rights of voting and qualifications in proportion to the aggregate nominal value of such shares or amount of such stock, and not in proportion to the number of such shares; and for such purposes every entire sum of fifty pounds of such nominal value of shares or amount of stock shall be equivalent to one share 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 shares or stock may rank pari passu with others if so determined, and the dividends to be a charge against joint revenue.

44. The Company may, by the resolution creating or authorising the creation of any of the new 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 created subsequently to the passing of that resolution, 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.

45. The Company may, by the resolution creating or authorising the creation of any of the new shares or stock by this Act authorised, attach thereto a condition that the same may be redeemed on the terms then determined; and for the purpose of such redemption, and for the redemption of any other shares or stock of the Company liable to be redeemed, the Company may from time to time create and issue new shares or stock to an amount not exceeding the aggregate amount of the shares or stock proposed to be redeemed;

provided that the Company may, subject to the provisions of this Act, attach to the new shares or stock to be created for such redemption any rights or privileges which by this Act they may attach to the shares or stock for which such new shares or stock are to be substituted, but so that the dividend payable in respect thereof shall, in case such new shares or stock are made preferential, not exceed four pounds ten shillings per centum per annum.

Power to borrow 58,000*l.* and 16,000*l.* on mortgage.

46. The Company may, in respect of the one hundred and seventy-five thousand pounds share capital already raised by them for their subscription to the Hawes Railway, from time to time borrow on mortgage any sum not exceeding in the whole fifty-eight thousand pounds, and may also from time to time borrow on mortgage any sum not exceeding in the whole sixteen thousand pounds, in addition to the sums which they are authorised to borrow under any of the existing Acts of Parliament relating to the Company, but no part of such last-mentioned sum shall be borrowed until shares or stock for the whole of the capital of fifty thousand pounds by this Act authorised have been issued and taken up, and one half thereof has been 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 or stock for the whole of the said 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 or portion of stock in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such shares or stock were issued bonâ fide, and are held by the persons to whom the same were issued or their assigns, and that such persons 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.

47. 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.

Repealing provisions of former Acts with respect to appointment of a receiver.

48. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking, with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money, or 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.

Arrears may be enforced by appointment of a receiver.

49. 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 principal, or principal and interest, 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.

Application of moneys.

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

Interest not to be paid on calls paid up.

51. The Company shall not, out of any money by this Act or any other Act relating to the Company authorised 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.

52. The Company shall not, out of any money by this or any other Act relating to the Company authorised 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 authorising the Company to construct any other railway, or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

53. 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, authorised by this Act.

Expenses of Act.

54. 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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