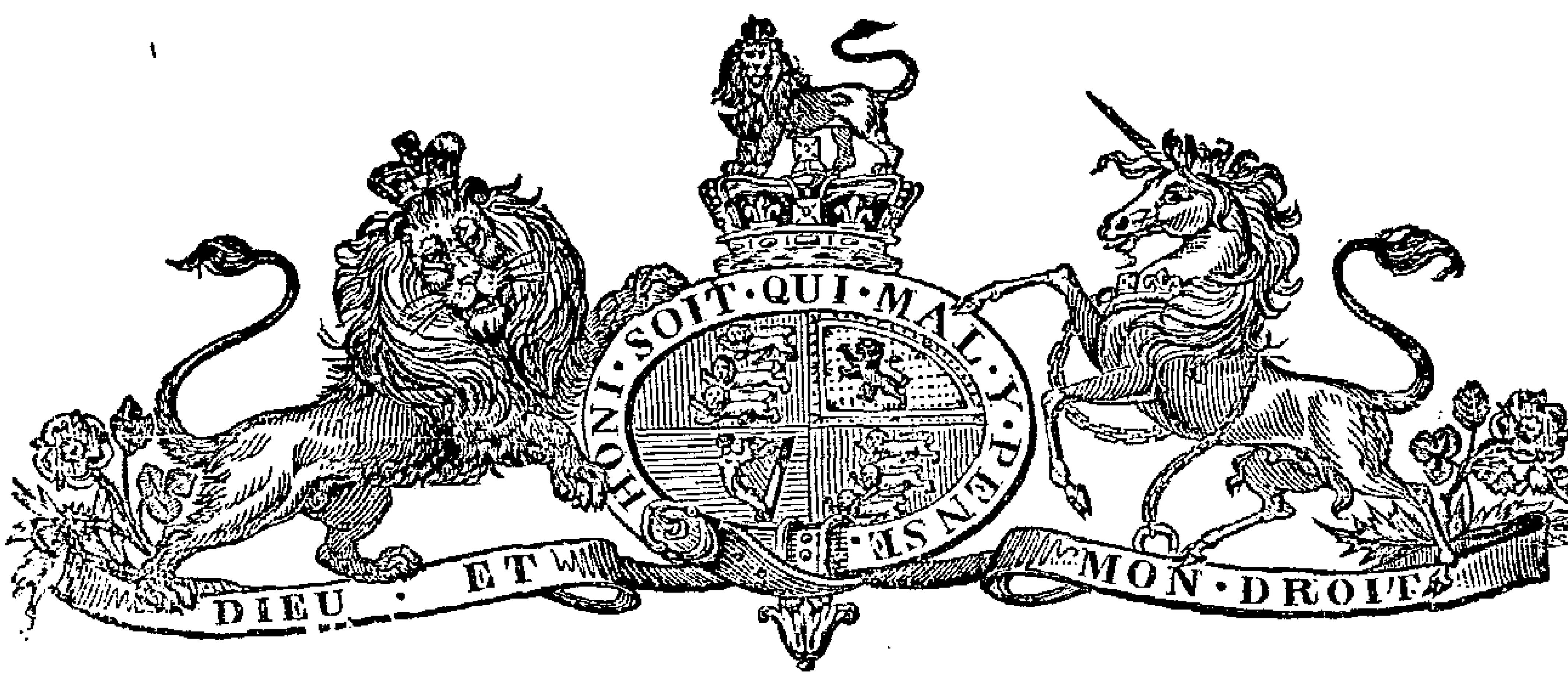


ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. cxi.

An Act to enable the *North-eastern* Railway Company to construct Branch Railways and other Works in the Counties of *Durham* and *York*; to acquire additional Lands; and for other Purposes. [19th *June* 1865.]

WHEREAS it is expedient that the *North-eastern* Railway Company (in this Act called "the Company") should be empowered to make the Railways, Road, and other Works herein-after mentioned, and acquire for the Purposes of their Undertaking the additional Lands and Property following; (that is to say,)

Certain Lands in the Township and Parish of *Jarrow* in the County of *Durham*, Part of *Jarrow Slake* or adjoining thereto;

Certain Lands in the Township and Parish of *Saint Mary Bishophill Junior* in the County of the City of *York*, on the East and West Sides of the *North-eastern* Railway;

Certain Lands and Houses in the Township of *Ruswarp* and Parish of *Whitby* in the North Riding of the County of *York*, on the Eastern and Western Sides of the Railway Station and Station Ground of the Company at *Whitby*; and

The North-eastern Railway Company's (Pelaw and other Branches) Act, 1865.

Certain Lands in the Township of *Greenhow* and Parish of *Ingleby Greenhow* in the said North Riding, adjoining or near to the *Ingleby* Branch and the *Rosedale* Branch of the *North-eastern* Railway respectively:

And whereas it is expedient that the Company should be authorized to subscribe towards and hold Shares in the Undertaking of the Dock Company at *Kingston-upon-Hull:* And whereas there are divers Sections of Shareholders of the Company, and there are joint Capital, joint Capital Expenditure, and Revenue and Interest Accounts of the Company, and separate Capital and Revenue Accounts of the several Sections of Shareholders thereof: And whereas under the Agreement for Amalgamation confirmed by "The *North-eastern* Railway Company's Act, 1854," herein-after called "the Amalgamation Act of 1854," (Section 20,) the separate Revenue Account of the *Berwick* Section of Shareholders in the Company is entitled to be credited in perpetuity, out of the Monies constituting the joint Revenue of the Companies whose Undertakings were amalgamated by that Act, with several annual Sums amounting in the aggregate to 12,750*l.*, and the separate Revenue Account of the *York* Section of Shareholders in the Company is in like Manner entitled to be credited out of those joint Revenue Monies with the annual Sum of 1,750*l.*; and by the "*North-eastern and Carlisle* Railways Amalgamation Act, 1862," (herein-after called "the Amalgamation Act of 1862,") (Section 35,) One Tenth of those annual Sums is payable out of the Proportion of joint net Revenue to which the *Carlisle* Section of Shareholders in the Company is by that Act entitled; and under the "*North-eastern and Stockton and Darlington* Railways Amalgamation Act, 1863," herein-after called "the Amalgamation Act of 1863," (Section 55,) 15·25 *per Centum* of that One Tenth has from Time to Time to be credited to the separate Revenue Account of the *Darlington* Section of the Company, and the remaining 84·75 *per Centum* has from Time to Time to be credited to the joint Revenue Account of the Shareholders in the Company representing those who constituted it as existing prior to the passing of the Amalgamation Act of 1862: And whereas under the Amalgamation Act of 1862 (Section 31) a joint Capital Expenditure Account has to be kept, to which Account various Sums then expended were directed to be debited, as also all future Expenditure on the joint Capital Account of the Companies amalgamated by that Act, and under that Act 10 *per Centum* of the Interest or Dividends of all Monies expended, and from Time to Time owing, on joint Capital Expenditure Account, was payable to joint Interest Account out of the separate Revenue Account of the *Carlisle* Section, the remaining 90 *per Centum* of such Interest or Dividends being in like Manner payable to joint Interest Account out of the separate Revenue Account of the other Sections of Shareholders in the Company as then constituted:

17 & 18 Vict. c. ccxi.

25 & 26 Vict. c. cxlv.

26 & 27 Vict. c. cxxii.

constituted: And whereas, under the Amalgamation Act of 1863, certain of the Monies directed by the Amalgamation Act of 1862 to be debited to the joint Capital Expenditure Account required to be kept by that Act were transferred to a new joint Capital Account, and the separate Revenue Account of the *Darlington* Section has, under the Amalgamation Act of 1863, (Section 55,) from Time to Time to be credited with 15·25 *per Centum* of the Interest payable out of the separate Revenue Account of the *Carlisle* Section on the remaining Capital expended on and directed to be debited to joint Capital Account, under the Amalgamation Act of 1862: And whereas it is expedient that the joint Revenue, joint Interest, joint Capital, and joint Capital Expenditure Accounts of the Company, as constituted under the Amalgamation Acts of 1854 and 1862, should no longer be kept, and that the Monies which under those Acts are required to be credited or debited to those respective Accounts should instead thereof be at once appropriated and debited or credited, as the Case may require, to the separate Accounts of the several Sections of Shareholders of the Company as constituted under those Acts and the Amalgamation Act of 1863 respectively, in the respective Proportions in which they are entitled or liable thereto, or to pay the Interest thereof respectively, with which Objects the Company has already debited and credited to the joint and separate Capital Accounts of the Company as constituted under the Amalgamation Acts of 1854 and 1862, and of the several before-mentioned Sections of Shareholders therein respectively entitled or liable thereto respectively, Principal Sums which at an assumed average Rate of Interest of Four and a Quarter *per Centum per Annum* are equivalent to the several annual Sums or Proportions of Sums to which those several Sections are respectively entitled and liable as aforesaid, and the Sums standing to the Debit of the joint Capital and joint Capital Expenditure Accounts of 1854 and 1862 have been divided and debited to the separate Capital Accounts of those several Sections of Shareholders in the Company, as constituted under the Amalgamation Acts of 1854 and 1862, in the several Proportions in which they were respectively liable to contribute to or bear the Interest standing to the Debit of the joint Interest Accounts of the Company as constituted by those Acts respectively, and the Residue of those Sums has been debited to the joint Capital Expenditure Account under the Amalgamation Act of 1863; and it is expedient to ratify these several Matters: And whereas it is expedient that the Company should be empowered to raise a further Sum of Money, and have further Powers 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

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 be cited for any Purpose whatever as "The *North-eastern* Railway Company's (*Pelaw* and other Branches) Act, 1865."

8 & 9 Vict. cc. 18. & 20., 10 & 11 Vict. c. 27., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92., extended to this Act.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Part I. of "The Railways Clauses Act, 1863," and the Provisions "with respect to the Construction of the Harbour, Dock, or Pier" of "The Harbours, Docks, and Piers Clauses Act, 1847," so far as the same are applicable, and are not expressly altered or otherwise provided for by this Act, shall apply to the Railways, Works, and Lands by this Act authorized to be made and purchased, and shall be incorporated with and form Part of this Act, and in construing the Provisions with respect to "Protection of Navigation" of Part I. of "The Railways Clauses Act, 1863," and the before-mentioned Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," the Words "Harbour, Dock, or Pier," and the Word "Work" and "Railway" shall be taken to include any Works to be executed below High-water Mark of *Whitby* Harbour, to be executed under the Authority 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;

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 Provisions 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," shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act, and apply to the Company and the Shareholders thereof, and to the Capital authorized, 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. The Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act or in the Acts incorporated herewith, shall 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.

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

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

Power to apply Monies raised under existing or future Acts to the 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.

320,000*l.* additional Capital may be raised either by new Stock or new Shares.

7. 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 Three hundred and twenty 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, or may be authorized to raise by any other Act to be passed during the present Session of Parliament; and all and every Part of the Money so to be raised shall be applied to the Purposes of the Railways, Works, and Objects by this Act authorized, and to no other Purpose whatsoever; 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 vest until One Fifth paid up.

8. It shall not be lawful for the Company to issue any such new Shares or Stock, nor suall any such new Shares or Portion of Stock vest in the Person accepting the same, until a Sum, not being less than Twenty *per Centum* of the Amount of such new Shares or Portion of Stock, shall have been paid up in respect thereof.

Rights of voting for new Shares or new 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, confer on the respective Holders or Proprietors thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Shares or Amount of such Stock, and not in proportion to the Number of such Shares; and for such Purposes every entire Sum of Fifty Pounds of such nominal Value of Shares or Amount of Stock shall be equivalent to One Share of Fifty Pounds in the original Capital of the Company; and no Shareholder shall vote 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 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 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 from Time to Time may raise by borrowing on Mortgage any Sums not exceeding in the whole One hundred and six 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

the whole of the Capital by this Act authorized shall have been subscribed for, and One Half thereof shall have been actually paid up, and until the Company shall have proved to the Justice who is to certify, under the Provisions of the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the said Capital has been subscribed for *bonâ fide*, and that One Half thereof has been paid up and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, and that all the Shares or Stock for the same have been issued, and that Twenty *per Centum* at least has been paid on each separate Share or Portion of Stock; and such Justice shall grant his Certificate accordingly upon such Evidence as he shall think sufficient, which Certificate shall be sufficient Evidence that the Matters aforesaid have been duly proved; and every Part of the Monies to be raised under this Act by borrowing shall be applied only in carrying into execution the Powers of this Act.

Saving Rights of existing Mortgages.

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

Power to take Lands.

14. And whereas Plans showing the Lines of the Railways by this Act authorized to be made, and the Lands in or through which the same and the Works connected therewith are intended to pass or be made, and Plans of the Roads and Streets by this Act authorized to be made and altered, and of the Lands to be acquired or used for the Purposes thereof respectively, and Sections showing the Levels of the said Railways, Roads, and Streets, and Plans of the additional Lands and Property before mentioned, with a Book of Reference to those Plans respectively, were in the Month of *November* One thousand eight hundred and sixty-four deposited with the respective Clerks of the Peace for the County of *Durham*, the North and East Ridings of the County of *York*, and the City of *York* and County of the same City, according to and in whichever of those Counties and Ridings such Railways, Roads, Streets, Lands, and Property respectively are or will be situate: Therefore, subject to the Provisions in this Act and in the Acts incorporated herewith contained, the Company may enter upon, purchase, take, use, and appropriate all or any of those Lands and Properties; provided that the Company shall not enter upon, purchase, take, or use the Lands numbered on the deposited Plans 54 and 55 in the Township of *Brandon* and *Byshottles*, or any Part of those Lands, nor shall the Company, without the Consent of the Right Honourable Lord *Feversham*, enter upon, purchase, take,

or

or use any of his Lands in the Parish of *Lastingham* shown upon the deposited Plans.

Power to construct Railways.

15. Subject to the Provisions in this Act and the Acts and Parts of Acts incorporated herewith contained, the Company may make and maintain, in the Lines delineated on the said Plans and according to the Levels shown by the said Sections, and in and upon the Lands acquired by them under this Act, the Railways following, and all proper Stations, Works, and Conveniences connected therewith; (that is to say,)

First, a Railway commencing in the Township of *Heworth* otherwise *Nether Heworth* and Parish of *Jarrow* in the County of *Durham* by a Junction with the *Brandling* Junction Railway of the Company near their *Pelaw* Station, and terminating in the Township of *Westoe* and Parish of *Jarrow* in the said County near the Company's *Tyne* Docks Station by a Junction with the *South Shields* Branch of the said *Brandling* Junction Railway:

Secondly, a Railway commencing by a Junction with the first-described Railway in a Field called the *Back Field* belonging to the Dean and Chapter of *Durham* and *Cuthbert George Ellison*, or One of them, and terminating by a Junction with the *Pontop and Jarrow* Railway near where that Railway crosses the Road from *Black Lane* to *Jarrow Grange*, all in the Township of *Hedworth Monckton* and *Jarrow* and Parish of *Jarrow* aforesaid:

Thirdly, a Railway commencing in the Township of *Harton* and Parish of *Jarrow* aforesaid by a Junction with the first-described Railway in a Field belonging to the Dean and Chapter of *Durham*, and terminating in the said Township of *Westoe* and Parish of *Jarrow* by a Junction with the Westernmost Rails of the Low Level Branch of the *North-eastern* Railway to the *Tyne* Docks:

Fourthly, a Railway commencing by a Junction with the said *South Shields* Branch near the said *Tyne* Docks Station, and terminating by a Junction with the *Harton* Branch of the *North-eastern* Railway near where that Branch crosses the Road called the *Green Lane*, all in the said Township of *Westoe* and Parish of *Jarrow*:

Fifthly, a Railway commencing in the Township of *Elvet* and Parish of *Saint Oswald* in the said County by a Junction with the *Bishop Auckland* Branch of the *North-eastern* Railway at or near the Point of Junction therewith of the Company's *Lanchester Valley* Branch, and terminating in the Township of *Cassop* and Parish of *Kelloe* by a Junction with the Main Line of the *North-eastern* Railway:

Sixthly, a Railway commencing in the Townships of *Appleton-le-Moor*, *Hutton-le-Hole*, *Lastingham*, *Rosedale West*, and *Spaunton*, and Parish of *Lastingham*, in the North Riding of the County of *York*, by a Junction with the *Rosedale* Branch of the *North-eastern* Railway, and terminating in the Township of *Rosedale East* and Parish of *Middleton* in the said North Riding:

Seventhly, a Railway commencing by a Junction with the *Thirsk and Malton* Branch of the *North-eastern* Railway, and terminating by a Junction with the Main Line of the *North-eastern* Railway, all in the Township and Chapelry of *Raskelf* and Parish of *Easingwold* in the said North Riding:

Eighthly, a Railway commencing in the Township and Parish of *Rillington* in the East Riding of the County of *York* by a Junction with the *Whitby and Pickering* Branch of the *North-eastern* Railway, and terminating in the Township of *Scampston* and Parish of *Rillington* aforesaid by a Junction with the *York and Scarborough* Branch of the *North-eastern* Railway:

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

Prohibiting Deviation from Centre Line between certain Points.

16. In constructing the Railway in this Act fifthly described through the Lands numbered on the deposited Plans 40, 44[a], and 45, in the Township of *Sunderland Bridge*, the Company shall not deviate from the Centre Line of that Railway shown on those Plans through those Lands so as to bring the Centre of that Railway nearer to *Croxdale Hall* than as shown by that Line, without the Consent in Writing of *Gerard Salvin* or other the Owner for the Time being of *Croxdale Hall*.

Provision for Protection of Whitby Harbour.

17. Previously to commencing any Work below High-water Mark of *Whitby* Harbour which will cut off the tidal Water from the said Harbour, the Company shall deposit at the Board of Trade Plans, Sections, and Working Drawings of such Works, for the Approval of the Board of Trade, such Approval to be signified in Writing under the Hand of the Secretary of the said Board, and every such Work shall be constructed only in accordance with such Approval; and if upon the Plans being submitted to the Board of Trade it shall appear to that Board that the Works will injure the Harbour of *Whitby* by depriving it of tidal Water, the Company shall, for the Purpose of compensating for the Loss of such Water, make and maintain, by dredging or otherwise, such Works, if any, as the Board of Trade may require.

Power to make new Road and stop up level Crossing at Felling.

18. The Company may, subject to the Provisions in this Act and in the Acts incorporated herewith contained, make in the Line and in accordance with the Levels shown on the deposited Plans and Sections, and in and upon the Lands shown upon those Plans, the Road herein-after mentioned; (that is to say,)

A new public Bridle and Foot Road in the Township and Chapelry of *Heworth* and Parish of *Jarrow* in the County of *Durham*, from the Road called *Green Lane*, commencing at or near to a Point about Eighty-five Yards North of the Point where the *Felling* Wagon-way crosses that Lane, and thence continuing up to and through an existing Bridge under the *North-eastern* Railway to the *Monkwearmouth and Tyne Bridge* Turnpike Road at or near to the *Felling* Toll Bar thereon:

And when and so soon as the said new Road shall have been completed the Company may stop up and discontinue as a Road, and may appropriate to the Purposes of the Company, the Site of the existing Road called the *Felling* Level Crossing over the *North-eastern* Railway near the *Felling* Colliery, so far as the Limits of the Property of the Company extend.

Power to alter Streets and stop up Occupation Road at Darlington.

19. The Company may alter the Line and Levels of *Nestfield Street* and *Cleveland Street*, *Darlington*, and of the Occupation Road over the *North-eastern* Railway between those Streets, and of *Allan Street*, *Darlington*, as shown on the deposited Plans of the said Streets and Road, and may carry the said Occupation Road under the said Railway instead of on the Level thereof, and *Cleveland Street* under the Railway of the *Darlington* Iron Company instead of on the Level thereof; and upon the Completion of those Alterations the Company may stop up and discontinue as a Road, and appropriate to the Purposes of the Company, the Site of the said Occupation Road as at present existing; and the Company may also stop up as a Carriage Road from and to *Nestfield Street* the Road out of that Street on the North Side thereof, and on the East of and immediately adjoining the *North-eastern* Railway, and may also stop up as a Carriage Road from and to *Cleveland Street* the Road out of that Street on the South Side thereof, and on the West of and immediately adjoining the *North-eastern* Railway.

Powers for compulsory Purchases limited.

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

Land for extraordinary Purposes.

21. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may by Agreement

Agreement purchase any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Ten Acres.

Power to cross Road on the Level.

22. The Company, in the Construction of the Railway fifthly by this Act authorized, may carry the same with a Double Line of Railway across and on the Level of the Road numbered 19 on the said deposited Plans in the Township of *Brandon* and *Byshottles*.

Power to alter Rate of Inclination of Road.

23. At or near the Point at which the Railway fifthly by this Act authorized is intended to cross the Turnpike Road numbered 10 on the said deposited Plans in the Township of *Brandon* and *Byshottles*, the Rate of Inclination of that Road may be altered so that the same when altered shall not exceed the Rate of Inclination of One in Twenty.

Power to stop up certain Wagonways.

24. Within Twenty-one Days from the Time when the Company give Notice to purchase the Lands required by them for the Railway first by this Act authorized, and for ever thereafter, the Wagonways or private Railways numbered respectively on the deposited Plans 74, 78, and 80, in the Township of *Hedworth Monckton* and *Jarrow*, which will be crossed by the said first authorized Railway, shall cease to be used, and may be stopped up by the Company where the same will be so crossed.

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

25. Where, in constructing the Railways and other Works by this Act authorized, the Company shall, under the Powers thereof, 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.

Certificate of Justices Evidence of Restoration of Roads interfered with.

26. Where any Road shall have been interfered with in the Exercise of the Powers of this Act, or a new Road substituted in lieu thereof, the Certificate of Two Justices in Petty Sessions assembled that such Road has been restored or a new Road substituted in lieu thereof, according to the Provisions of this Act, (which Certificate such Justices are hereby required to grant, on the Application of the Company, after reasonable Notice by them to the Trustees, Commissioners, Surveyor, or other Person having the Management of such Road, if a public Road, or to the Owner thereof, if a private Road, of the Intention of the Company to make such Application, and on being satisfied from a View of such Road or by Evidence that such Road has been properly restored and put into a permanently substantial

substantial Condition, or a new or sufficient Road substituted in lieu thereof, and put into a permanently substantial Condition,) shall in all Cases be taken and received as sufficient Evidence that such Road has been so restored or such substituted Road completed and put into a permanent and substantial Condition.

Railways to be completed within Five Years.

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

Penalty if Railways not completed within Period limited.

28. If the Railways by this Act authorized shall not be completed and open for public Traffic within the Period limited by this Act, 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 Period so limited until the Railways 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 and opening the Railways 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.

Costs of Arbitrations and Inquiries before Justices to be settled by Master of the Queen's Bench, in certain Cases.

29. The Costs of and incident to any Arbitration, or to any Question, Inquiry, Adjudication, Appeal, or other Proceedings in reference to the Purchase or taking of or Compensation to be paid by the Company for any Lands, or in reference to any Matter connected with the Construction of the Railways, Roads, and other Works by this Act authorized, shall, where such Costs exceed Ten Pounds, and in case the Parties shall not agree as to the Amount thereof, be taxed and settled by One of the Masters of the Court of Queen's Bench of *England*, on Application made in that Behalf by either Party interested; and the Amount of such Costs, when so taxed and settled, together with the Costs of recovering the same, if not paid to the Party entitled thereto within Seven Days after Demand thereof, may be recovered by Distress, as by "The Lands Clauses Consolidation Act, 1845," provided in regard to the Recovery of Costs.

Tolls to be taken for Railways.

30. The Company may (subject to the Provisions and Restrictions contained in this Act, and in "The *North-eastern* Railway Company's

pany's Act, 1854," and the "*North-eastern* and *Stockton and Darlington* Railways Amalgamation Act, 1863,") demand, receive, and take for or in respect of Passengers, and of the several Articles, Matters, and Things, and of all Descriptions of Animals conveyed on the Railways by this Act authorized to be made, and also for the Use of Carriages and Locomotive Engines or other Power supplied by the Company thereon, such and the like Rates, Tolls, or other Charges as by "The *North-eastern* Railway Company's Act, 1854," and the "*North-eastern* and *Stockton and Darlington* Railways Amalgamation Act, 1863," are authorized to be demanded and received for the like Passengers, Animals, Articles, Matters, and Things conveyed on their Railways, and for the Use of the like Carriages and Locomotive Engines or other Power, as well for ordinary as for Express Trains, supplied by the Company on the same Railways, in like Manner as if the Railways hereby authorized had formed Part of the *North-eastern* Railway when those Acts were passed: Provided that as regards Coals or Coke sent as Samples in Boxes or Sacks, or in any other Manner than that in which Coals or Coke are ordinarily carried by the Company, and also as regards Guano and artificial Manures, the Company may for the Conveyance thereof by them on any of their Railways demand, receive, and take the same Tolls as they are authorized by "The *North-eastern* Railway Company's Act, 1854," to demand, receive, and take for the Conveyance of Merchandise, Matters, or Things not therein specially enumerated.

Power to Company to subscribe to Hull Docks.

31. The Company may from Time to Time subscribe towards and become Shareholders in the Undertaking of the Dock Company at *Kingston-upon-Hull* (herein-after called "the Dock Company") to any Extent not exceeding Fifty thousand Pounds, and shall, in respect of the Money thus subscribed, and the Shares or Stock in the Dock 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 herein-after contained), and be subject to all the Obligations and Liabilities of Proprietors of Shares in the Dock Company: Provided always, that the Company shall not sell or dispose of any Shares or Stock in the Undertaking of the Dock Company which may be required by them under the Authority of this Act.

Company may nominate Directors of Dock Company.

32. The Company from Time to Time may nominate One of their Directors to be a Director of the Dock Company in respect of their Subscription of Fifty thousand Pounds to the Capital of the Dock Company, and every such Nomination shall be made in Writing under Seal,

Seal, and shall be deposited with the Secretary of the Dock Company, and may in like Manner be revoked and renewed; and so long as any such Director from Time to Time remains in Office the Number of the Directors of the Dock Company shall, subject as after mentioned, be Twelve, namely, the Chairman and Deputy Chairman for the Time being of the Dock Company, the Nine Directors appointed by the Proprietors of the Dock Company, and the Director appointed by the Company; and every Director so appointed by the Company shall enter upon Office immediately upon his Appointment, and shall remain in Office until his Appointment be revoked, or until he die or resign, and need not be a Shareholder in the Dock Company: Provided always, that nothing herein contained shall prejudice the Powers of the Dock Company to reduce the Number of Directors appointed by their Proprietors.

Company may nominate Person to vote at Meetings of Dock Company.

33. The Directors of the Company, when and so long as the Company are Shareholders in the Capital of the Dock 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 any Meeting of the Dock Company; and every such Person shall (except as to the Appointment of Directors of the Dock 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 in the Undertaking of the Dock Company: Provided always, that the Number of Votes to which the Company shall be entitled in respect of their Subscription towards the Capital of the Dock Company shall not exceed Five hundred.

As to Debits and Credits of Principal Sums, in lieu lieu of the annual Sums of 12,750*l.* and 1,750*l.*, &c.

34. The Debits and Credits of Principal Sums which the Company has made to the joint Capital Account of the Company as constituted under the Amalgamation Act of 1854, and to the separate Capital Accounts of the Sections of Shareholders in the Company respectively liable or entitled to and in lieu of the said several annual Sums of Twelve thousand seven hundred and fifty Pounds and One thousand seven hundred and fifty Pounds, and the Proportions thereof respectively heretofore due and required to be debited and credited to the joint Revenue Accounts of the Company, as constituted under the Amalgamation Act of 1854, and to the separate Revenue Accounts of those several Sections in the Company respectively, are hereby confirmed and legalised, and those several annual Sums shall no longer be so debited and credited.

As to joint Revenue, joint In-

35. The joint Revenue, joint Interest, joint Capital, and joint Capital Expenditure Accounts required to be kept by or in accordance with

with the Agreements or Arrangements for Amalgamation ratified by the Amalgamation Acts of 1854 and 1862, shall no longer be kept in the Books of the Company, and all Sums which, but for this Act, would have had to be debited or credited to the joint Capital or joint Capital Expenditure Accounts of the Company, as constituted under those Acts, shall in lieu thereof from Time to Time be divided in the Proportions in which the Balance on the joint Interest Accounts kept in accordance with those Acts had to be divided and debited to the separate Revenue Accounts of the several Sections of Shareholders in the Company as constituted under those Acts respectively, and shall thereupon be debited or credited, as the Case may require, to the separate Capital Accounts of those several Sections accordingly, and the Debits or Credits to those separate Accounts of Proportions of those Sums which have already been made in the Books of the Company are hereby confirmed and legalised.

terest, joint Capital, and joint Capital Expenditure Accounts ratified by Acts of 1854 and 1862.

36. Except only as by this Act expressly provided, this Act shall not in any way take away, diminish, alter, or prejudice any of the Rights, Powers, Privileges, or Authorities of the Trustees for the more effectual repairing, maintaining, and improving the Piers and Harbour of the Town and Port of *Whitby*.

Saving Rights of Whitby Piers and Harbour Trustees.

37. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Crown.

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

Interest not to be paid on Calls paid up.

39. The

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

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

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

40. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or the Rates for small Parcels.

Expenses of Act.

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

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