ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cliv.

An Act to enable the *North-eastern* Railway Company to construct the *Team Valley* and other Branch Railways in the County of *Durham*; and for other Purposes. [17th *July* 1862.]

WHEREAS it is expedient that the *North-eastern* Railway Company (in this Act called "the Company") should be empowered to construct the Railways herein-after mentioned: And whereas it is expedient that the Company should be empowered to raise a further Sum of Money, and that further Powers should be granted to them; but the Purposes of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and 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 (*Team Valley* Extension) Act, 1862."

8 & 9 Vict. cc. 18. and 20. and

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Con-

23 & 24 Vict. c. 106. incorporated.

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

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

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

Railways and Works to be constructed according to deposited Plans.

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

Firstly, a Railway commencing by a Junction with the Main Line of the *North-eastern* Railway in the Township and Parish of *Gateshead* within the Borough of *Gateshead* in the County of *Durham*, and terminating by a Junction with the *Bishop Auckland* Branch of the *North-eastern* Railway in the Township of *Framwellgate* and Parish of *Saint Oswald* in the said County of *Durham*:

Secondly, a Railway commencing by a Junction with the *Pensher and Sunderland* Branch of the *North-eastern* Railway, and terminating by a Junction with the Railways belonging to the Earl of *Durham*, all in the Township and Parish of *Bishop Wearmouth* in the said County of *Durham*:

Thirdly, a Railway commencing by a Junction with the said secondly authorized Railway, and terminating in a Piece of vacant Ground belonging to *James Laing* adjoining *Deptford Terrace*, all in the said Township and Parish of *Bishop Wearmouth*:

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.

Plans, &c. to be deposited at at Admiralty

5. Previously to commencing any Work interfering with the River *Wear* the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Work, for the approval of the Lord High

before commencing Works.

High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Work shall be constructed only in accordance with such Approval, and when any such Work shall have been commenced or constructed it shall not be lawful for the Company at any Time to alter or extend the same, without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Admiralty may order local Survey at Expense of Company.

6. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works constructed by the Company, under the Authority of this Act, in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination; and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned may be removed by Admiralty, at Expense of Company.

7. If any Work which shall be constructed by the Company, under the Authority of this Act, in, under, over, through, or across any tidal Water or navigable River, or which may affect any such Water or River or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Power to alter the Rates of

8. At or near the Points at which the Railway firstly herein-before described is intended to cross the Roads numbered on the said deposited Plans,

The North-eastern Railway Company's (Team Valley Extension) Act, 1862.

Inclination of certain Roads.

Plans as herein-after mentioned, the Rates of Inclination of those Roads may be altered, so that the same, when altered, shall not exceed the respective Rates of Inclination herein-after mentioned; (that is to say,)

No. on Plan.	Township.	Proposed Inclination.
92	Gateshead - -	1 in 11 on One Side and 1 in 30 on the other.
109	Ditto - -	1 in 30.
24	Chester-le-Street -	1 in $10\frac{7}{10}$ on One Side and 1 in 16 on the other.
104	Ditto - -	1 in 11 on One Side and level on the other.
150	Ditto - -	1 in 14 on One Side and level on the other.
7	Plawsworth -	1 in 11 on One Side and level on the other.

Power to alter Engineering Works.

9. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railway may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, or they may substitute any other Engineering Work not shown on those Plans or Sections instead of a Tunnel, Viaduct, or Arches as shown thereon; provided that every such Alteration or Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to the Board, upon due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby; provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

Company not required to purchase the whole of certain Properties.

10. And whereas in constructing the said secondly and thirdly hereby authorized Railways the Company may require a small Portion only of the Works or Properties in the Township of *Bishop Wearmouth* known and numbered on the deposited Plans as follows; (that is to say,)

Certain Brick and Tile Works, numbered 2, 3, 4, 4a, 6, 7, 8, 9, 10, 11, and 12:

Mr. *Candlish*'s Glass Works, numbered 13, 14, 15, 16, 17, 18, and 19:

And the *Deptford* Chemical Works, numbered 20, 21, 22, 23, 24, 25, 26, and 27:

And it is expedient that the Company should not be compelled to purchase the whole of those Works or Properties: Therefore the Company may take such Portions only of those several Works or Properties as they

they shall specify and describe in the Notices given by them for the compulsory Purchase and taking thereof respectively, without being obliged to purchase the whole or any greater Portion of those Properties respectively or any of them.

Power to stop up Portion of Old Durham Turnpike and Hylton Road.

11. And whereas in the Construction of their *Pensher and Sunderland* Branch Railway the Company diverted the Old *Durham* Turnpike Road and the *Hylton* Road at and near the Points where they were respectively crossed by that Branch Railway on the Level in the Township and Parish of *Bishop Wearmouth*, and it is expedient that the said Crossings on the Level should be discontinued: Therefore the Company may stop up and discontinue as public Thoroughfares those Portions of the said Roads which lie between the Gates erected on each Side of the said Branch Railway at the said Crossings, and appropriate the Sites thereof to the Purposes of the Company: Provided always, that a good and sufficient Bridge for Foot Passengers shall be constructed, and for ever afterwards upheld, maintained, and kept in good Order and Condition, by and at the Cost of the Company, over the Railway where the same crosses the Old *Durham* Turnpike Road, at the Centre of such Road, so as to maintain the Highway between the Parts of that Road East and West of the Railway, and such Bridge shall be Nine Feet wide between the Parapets.

Mode of constructing certain Works in Borough of Sunderland.

12. In the Construction of the Railways and Works by this Act authorized in the Township and Parish of *Bishop Wearmouth* the Company shall be subject to the following Regulations and Restrictions; (that is to say,)

First, in carrying the Road called *Diamond Hall Road*, numbered on the deposited Plans 28 in the said Township and Parish, over the Railway, the Rate of Inclination of such Road and of the Footpath thereof shall not exceed One Foot in 11·35 Feet:

Secondly, in carrying the Railway over the Road called *Wellington Lane*, numbered on the deposited Plans 52 in the said Township and Parish, the Width of the Arch over the Road shall be such as to leave a clear Roadway of not less than Forty Feet; and the Approaches to such Arch shall be of such Width as to give a clear Roadway of Forty Feet at least between the Parapets or Fences thereof:

Thirdly, the Bridge and the Approach thereto for carrying the Street called *Anne Street*, numbered on the deposited Plans 58 in the said Township and Parish, over the Railway shall be so constructed as that *Anne Street* and *Crescent Row* shall converge at One Point upon the Approach, so as to enable the Traffic from such Street and Road to pass over the said Bridge:

Fourthly, the Bridge and the Approaches thereto for carrying the Road called *Ayres Quay Road* over the Railway shall have a clear Space between the Parapets or Fences thereof of Thirty Feet at the least:

Fifthly, the Road leading from *Church Street* called *Dean Road*, numbered on the deposited Plans 145 in the said Township and Parish, shall be so altered or constructed as that the Rate of Inclination thereof shall not exceed One Foot in Ten Feet; and the Street in continuation of *Aylmer Street* shall be so formed as to converge on the Bridge to be constructed for carrying the Road from *Church Street* over the Railway.

Land for extraordinary Purposes.

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

Powers for compulsury Purchases limited.

14. 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.

Period for Completion of Works.

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

If Railways not completed in Five Years certain Dividends suspended.

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

Power to raise additional Capital.

17. The Company may raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to their Undertaking, or in part by each of those Means, the Sum of Two hundred and ninety thousand Pounds, in addition to the Sums of Money they are authorized to raise by any of their former Acts, or may be authorized to raise by any other Act to be passed during the present Session of Parliament, and all and every Part of the Money so to be raised shall be applied to

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the Purposes of the Railways and Works connected therewith by this Act authorized, and to no other Purposes whatsoever.

Additional Capital to be divided into new Shares or Stocks.

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

Power to borrow on Mortgage.

19. The Company from Time to Time may raise, by borrowing on Mortgage, any Sums not exceeding in the whole the Sum of Ninety-six thousand six hundred Pounds, in addition to the Sums which they are authorized to borrow under any of the existing Acts of Parliament relating to the Company; but no Part of such Sum shall be borrowed until Shares for the whole of the Sum by this Act authorized to be raised by Shares shall have been taken up, and One Half of such Sum shall have been paid up, and the Company shall have proved to the Justice who is to certify, under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all the Capital which the Company are by this Act authorized to raise by the Creation of new Shares have been *bonâ fide* taken up, and are held by Persons or their Assigns, and for which such Persons or their Assigns shall be legally liable, and One Half thereof shall have been actually paid up; 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: Provided always, that 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.

Saving Rights of existing Mortgages.

20. All

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

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

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

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

With respect to the Conversion of borrowed Money into Capital; and

With respect to the giving of Notices;

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

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

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

Power to assign Preference to new Shares or Stock.

22. With the Approbation of Three Fifths at least of the Votes of the Proprietors present, in Person or by Proxy, at any Meeting of the Company specially convened for the Purpose, the Company may assign to any new Shares or Stock to be created by virtue of this Act such Dividend, not exceeding Five Pounds *per Centum per Annum*, in preference

ference to or so as to rank or be paid *pari passu* with (if so determined) the Dividends upon any other Shares or Stock of the Company (except as in this Act subsequently provided with respect to Shares or Stock theretofore created and issued) as any such Meeting may from Time to Time direct: Provided that if in any Year ending the Thirty first Day of *December* there shall not be Profits available for the Payment of the full Amount of such preferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Terms and Conditions to be stated on Certificates.

23. The Terms and Conditions of such preferential Capital shall be stated on the Certificates of the Shares or Stock therein.

Dividends to be a Charge against joint Revenue.

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

Saving Rights of Holders of existing Preference Shares.

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

Calls.

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

Tolls of 17 & 18 Vict. c. ccxi. to be taken.

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

Things conveyed on their Railways, and for the Use of the like Carriages and Locomotive Engines or other Powers supplied by the Company on the same Railways, in like Manner as if the Railways hereby authorized had formed Part of the *North-eastern* Railway when the said last-mentioned Act was passed.

Application of Monies raised under existing or future Acts.

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

Powers of Act to be exercised by the Directors.

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

Interest not to be paid on Calls paid up.

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

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

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

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

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

The North-eastern Railway Company's (Team Valley Extension) Act, 1862.

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.

33. 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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