ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

***

ship of *Swanland* or *North Ferriby* in the East Riding of the County of *York* to the *Victoria* or *East* Dock in the said Town or Borough of *Kingston-upon-Hull*: And whereas, under and by virtue of another of the said recited Acts, namely, "The *York and North Midland* (*Hull* Station) Railway Act, 1847," a new Station has been erected at *Hull*, and certain Branch Railways have been formed connecting the said Station with the *Hull and Selby* Railway and the *Bridlington* Branch thereof, and in consequence it became inexpedient to construct the said Branch to the *Victoria* or *East* Dock as so authorized as aforesaid, and the same has not been commenced, and it is expedient that another Line of Railway should be constructed in lieu thereof: And whereas it is also expedient that the Company should be empowered to raise a further Sum of Money, and that some of the Powers and Provisions of the said recited Acts should be repealed, altered, and amended, and that further Powers should be granted to the said Company, but the Purposes aforesaid cannot be effected without the Authority of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 Authority of the same, in manner following; that is to say:

Provisions of 8 & 9 Vict. cc. 18. and 20. extended to this Act.

I. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," so far as the same are not altered or otherwise provided for by this Act, shall apply to the Railway and Works by this Act authorized to be made, and shall be incorporated with this Act.

Power to make Railway according to deposited Plans, &c.

II. And whereas Plans and Sections, describing the Line and Levels of the Railway and Works hereby authorized to be made, together with a Book of Reference to the said Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same respectively are intended to pass or be made, have been deposited with the respective Clerks of the Peace for the East Riding of the County of *York*, and for the Town or Borough of *Kingston-upon-Hull* and County of the same Town or Borough: Be it enacted, That, subject to the Provisions in this Act and "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the *York and North Midland* Railway Company to make and maintain the Railway herein-after mentioned, with all proper Works and Conveniences connected therewith, in the Line and according to the Levels shown upon the said Plans and Sections, and upon the Lands delineated on the said Plans, and described in the said

said Book of Reference, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Railway.

III. That the Line of Railway to be made under the Authority of this Act shall be the following; that is to say, a Railway commencing in the Parish of *Holy Trinity* in the Town or Borough of *Kingston-upon-Hull*, by a Junction with the Branch Railway leading from the *Hull and Bridlington* Branch Railway to the new Railway Station in *Kingston-upon-Hull*, near to the Point where the said first-mentioned Branch Railway crosses the *Anlaby* Turnpike Road, and passing into or through the Parishes, Townships, and Extra-parochial Places of *Holy Trinity*, *Sculcoates*, *Sutton*, *Drypool*, *Southcoates*, and the *Garrison Side*, or some of them, and terminating at or near a certain Dock called the *Victoria* or *East* Dock in the Parish of *Drypool* or in the Extra-parochial Place called the *Garrison Side*, both in the said Town or Borough and County of the same Town or Borough.

The Company to execute Works for the Protection of the Hull Cemetery.

IV. And whereas the Line of the said Railway will pass near to the Entrance to the Cemetery at *Hull*, belonging to the *Hull* General Cemetery Company, who have required that Provision should be made for the Accommodation of Vehicles, and for the better Protection of Persons frequenting the said Cemetery: Be it therefore enacted, That the *York and North Midland* Railway Company shall and they are hereby required, before the said Railway shall be opened to the Public, to make and construct within the Grounds of the said Cemetery, at the South-east Corner thereof, a circular Carriage Road, of the Width of Thirty Feet, commencing at the present Entrance Gates thereof, and thence passing round the present Lodge there to new Exit Gates, to be made by the said Railway Company, on the Northerly Side of the said Lodge, so as to allow Vehicles entering by either of the said Gates to pass into the Cemetery, and round the said Lodge, and out at the other of the said Gates, the external Side of which Carriage Road shall extend into the Cemetery One hundred and thirty Feet from the present Entrance Gates, and shall extend Northwards One hundred and thirty Feet from the Southern Wall or Fence of the said Cemetery.

Corner of Land opposite the Cemetery Gates to be purchased and appropriated to the Public.

V. That the Line of the said Railway shall be made at least Sixty Feet from the Gates of the said Cemetery; and the Railway Company shall purchase and appropriate to the Use of the Public the Piece of Land forming the Corner at the Junction of the Roads called *Spring Bank* and *Princes Bank*, opposite the Entrance to the said Cemetery, and extending from *Spring Bank* Road Northward along the Line of the said intended Railway Forty Feet, and shall throw back the Ditch now skirting each of the said Roads on the South and

West

West to the North and East of the Land so appropriated to the Public.

Railway Company to erect a Foot Bridge over the level Crossing over the Road called Spring Bank.

VI. That the Company shall, if required so to do by the Local Board of Health of the Town of *Hull*, erect and complete, and open for the Use of the Public, a sufficient Foot Bridge over the said Railway where the same crosses the said Occupation Road called *Spring Bank* in the Parish of *Sculcoates*, and shall thereafter maintain such Bridge in sufficient Repair.

Certain Roads may be crossed on the Level.

VII. That, subject to the Provisions in the Railways Clauses Consolidation Act, 1845, contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company in the Construction of the Railway by this Act authorized to be made to carry the same across the several Roads herein-after mentioned on the Level thereof; that is to say,

The Turnpike Road in the Parish of *Holy Trinity* in the Town or Borough of *Kingston-upon-Hull*, numbered 1 on the said Plans;

The Occupation Road called *Spring Bank* Road in the Parish of *Sculcoates*, numbered 1 on the said Plans;

The Public Highway or Turnpike Road from *Hull* to *Beverley* in the Parish of *Sculcoates*, numbered 17 on the said Plans;

The Public Highway called *Church Street* in the Parish of *Sculcoates*, numbered 32 on the said Plans;

The Turnpike Road called *Holderness Road* in the Parish of *Drypool*, numbered 20 on the said Plans;

The Public Road called *Dansom Lane* in the Parish of *Drypool*, numbered 1 on the said Plans;

The Turnpike Road from *Hull* to *Hedon* in the Parish of *Drypool*, numbered 34 on the said Plans.

Stations or Lodges to be erected at level Crossings, and be subject to Rules, &c. of Board of Trade.

VIII. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the beforementioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the said Company shall fail to erect or at all Times to maintain any such Station or Lodge or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

IX. That

Board of Trade may require Bridges to be erected in lieu of level Crossing.

IX. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time either before or after the Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and open for public Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway, by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from any such level Crossing.

Protection of the Navigation of River Hull whilst Bridge building, &c.

X. And whereas the said intended Railway will cross the River *Hull* by a Bridge: Be it enacted, That whilst the said Bridge shall be building, or at any future Time repairing, the said Company shall not do or permit or cause to be done any Act or Thing, further or otherwise than shall be absolutely necessary, which shall or may in any way interfere with the free and uninterrupted Navigation of the said River, unavoidable Accidents excepted.

Size and Formation of the Bridge.

XI. That the said Bridge shall be erected over the said River so as to leave a clear Opening for Vessels navigating the same, and such Opening shall be properly situated with reference to the Depth of Water in the said River; and the said Bridge shall be constructed either on the Swing or Swivel Principle, or as a Drawbridge, and so as to be One Foot higher than the proposed Level thereof as shown by the Section thereof drawn on the said deposited Plans, and to the Satisfaction of the Engineer for the Time being of the said Company and of the Engineer for the Time being of the Mayor, Aldermen, and Burgesses of the Borough of *Beverley*, or in case such Engineers cannot agree, then to the Satisfaction of such other Engineer as the said Two First Engineers shall agree upon as Umpire.

Stream not to be narrowed.

XII. Provided always, That nothing in this Act contained shall authorize the said Company in building the said Bridge to construct any Stone Work or Abutments from the Banks of the said River, but such Bridge and the Machinery thereof shall, so far as regards the said River, be erected upon Piles fixed in the River, and so as not to narrow the Stream or Course thereof, but to allow the said River to flow freely; and such Bridge shall be so constructed as that the Sectional Area of the Waterway of the said River between the Banks thereof, where crossed by the said Bridge, shall be greater than the same is at present, exclusive of the said Piles or other Works.

Working Plans to be submitted to Admiralty for Approval.

XIII. Provided always, nevertheless, That previously to commencing the said Bridge or any other Works in, over, or across, or connected with the said River, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of all such Works for the Approval of the Lord 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 Works shall be constructed only in accordance with such Approval.

Company to keep Bridge in repair, and provide Bridge-keepers; their Duty.

XIV. That the said Bridge when so erected and completed shall be for ever thereafter maintained in good working Condition and Order by the said Company, and the said Company shall find and provide at their own Costs and Charges a proper Person or proper Persons to be in attendance at the said Bridge, by Night as well as by Day, and who shall open the same (subject, nevertheless, as herein-after provided,) whenever necessary, for the Passage of every Ship, Vessel, Barge, or Boat which cannot pass under the same without lowering its Mast, or altering its Rigging, or shifting its Cargo, such Vessels taking their Turns in the Course as they arrive, and their Owners or Captains or the Persons in charge thereof not being guilty of any Neglect or unnecessary Delay, so as to keep the said Bridge open longer than is proper and necessary, and for which opening of the said Bridge no Fee shall be paid or required from any Person connected with any such Ship, Vessel, Barge, Boat, or Cargo; but nevertheless the Trains, Carriages, and Engines using the said intended Railway shall be entitled to have Precedence of Passage over the said Bridge before any such Ships, Vessels, Barges, or Boats about to pass through or under the same.

Company to put down Mooring Posts for Vessels while Bridge is closed.

XV. That the said Company shall place down and maintain proper and sufficient Mooring Posts adjoining or near to the said intended Bridge over the said River and on either Side thereof, so that any Ship, Vessel, Barge, or Boat may be moored thereto during such Time as she shall be necessarily detained and obliged to wait, before she can pass through the said Bridge.

Penalty on Company not appointing proper Bridge-keepers.

XVI. That for each and every Day that the said Company shall neglect or refuse to appoint such proper Person or Persons to attend and open the said Bridge as aforesaid the Company shall forfeit the Penalty or Sum of Ten Pounds.

Penalty on Bridge-keeper for

XVII. That if any Person whose Duty it shall be to open the said Bridge shall neglect or refuse to open the same, contrary to the Provisions

visions herein-before contained, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds. Neglect of Duty.

XVIII. That if after Working Drawings of the Works hereby authorized in or affecting any tidal or navigable Water shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works or of the intended Site thereof, the Company shall defray the Costs of 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. Admiralty may order a local Survey at Expense of Company.

XIX. That if any Work to be constructed by the Company under the Authority of this Act in or across any tidal Water or navigable River, or if any Portion of the Work which affects 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 be recoverable accordingly, with Costs of Suit. If Works across tidal Waters are abandoned, &c. Admiralty may remove them at the Expense of the Company.

XX. And whereas the said intended Railway will cross certain Drains numbered respectively on the said Plans 23 and 26 in the Parish of *Sculcoates*, and 11 in the Parish of *Sutton*: Be it enacted, That the said intended Railway shall be carried over the said Drains by means of Girder or flat Bridges, and that the same shall be so constructed as that the under Side of each such Bridge shall not be below the Level of the Bank of the River *Hull* at the Point where the same is proposed to be crossed by the said intended Railway as laid down on the said Plans. Railway to be carried over certain Drains by Girder Bridges.

XXI. That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes connected with the Railway and Works by this Act authorized, not exceeding Five Acres. Land for extraordinary Purposes.

XXII. That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of the Railway and Works authorized by Powers for compulsory Purchase of Lands limited.

by this Act shall not be exercised after the Expiration of One Year from the passing thereof.

Period for Completion of the Works.

XXIII. That the Railway and Works by this Act authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the Acts incorporated herewith granted to the Company for executing the same Railway and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such Railway and Works as shall then have been completed, and except such Powers as are by the same Acts or any of them declared to be continued for a longer Period.

Company to take the same Tolls as taken on certain Railways herein mentioned.

XXIV. That from and after the passing of this Act it shall be lawful for the *York and North Midland* Railway Company and they are hereby authorized and empowered (subject, nevertheless, to the Provisions in this Act and in "The *Hull and Selby* Railway Purchase Act, 1846," and "The *York and North Midland* Railway Act, 1849," contained) to demand, receive, and take for and in respect of Passengers, and of the several Articles, Matters, and Things, and of all Descriptions of Animals, conveyed on the Railway by this Act authorized to be made, and also for the Use of Carriages and Locomotive Engines or other Power supplied by the *York and North Midland* Railway Company thereon, such and the like Rates, Tolls, or other Charges as by "The *Hull and Selby* Railway Purchase Act, 1846," and "The *York and North Midland* Railway Act, 1849," are authorized to be demanded and received for the like Passengers, Animals, Articles, Matters, and Things conveyed on the Railways respectively thereby authorized to be purchased and leased or constructed, 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 same Company on the same Railways: Provided always, that in fixing the Rates, Tolls, and Charges to be taken or charged on the Railway by this Act authorized, the same shall be calculated and imposed as if the said intended Line of Railway formed Part of the existing Lines of Railway of the said Company and not as a distinct and separate Railway.

York and North Midland and Hull Dock Company empowered to make Arrangements.

XXV. That it shall be lawful for the *York and North Midland* Railway Company and the Dock Company at *Kingston-upon-Hull*, Proprietors of the said *Victoria* or *East* Dock, to enter into mutual Arrangements and Agreements with reference to the purchasing, taking, Use, Occupation, or Enjoyment of any of the Lands, Grounds, Property, or Works of the said Dock Company which may be required to be taken, used, occupied, or enjoyed for or in connexion with the said intended Railway and Works, and also with reference to the Construction,

Construction, Maintenance, Repairs, working, Management, Use, and Supervision of any Lines of Railway and other Works within the Limits of the Docks and Premises belonging to the said Dock Company which may be found necessary in order to facilitate the Transmission, loading or unloading, Discharge or Receipt of Goods, Merchandise, and other Traffic between the said Railway and Docks respectively, and for the convenient Use and Enjoyment of the said intended Railway and Works and the Docks and Works of the said Dock Company in connexion the One with the other; and also with reference to the Payment or Contribution by or between the said Two Companies, or for or by the One of them to the other of them, of or towards the Costs, Charges, and Expenses of such Maintenance, Repairs, working, Management, Use, and Supervision; and also with reference to the Rates, Dues or Duties, Tolls and Charges to be charged or taken by both or either of the said Two Companies on Goods, Merchandise, Articles, Matters, and Things brought by or shipped from or on to the said intended Railway and Works to, into, or from the said Docks, or the Staiths, Wharfs, and other Works of the said Dock Company, and with reference to the Division and Apportionment between the said Two Companies of such Rates, Dues or Duties, Tolls and Charges, and (notwithstanding anything in any of the Acts of Parliament relating to the said Two Companies, or either of them, to the contrary) for allowing special Exemptions from or for the Reduction wholly or partially of any such Rates, Dues or Duties, Tolls and Charges, or other special Rights, Privileges, or Exemptions to, in favour, or in respect of any such Goods, Merchandise, Articles, Matters, and Things alone; and generally with reference to all such Matters and Things as may be considered necessary or desirable for the mutual Convenience, Advantage, and Accommodation of the same Two Companies respectively, and of the Traffic which may be brought by the said intended Railway to or taken by it from the said Docks and Works of the said Dock Company; and the same Agreements, with the Assent of the Two Companies, or the Directors thereof for the Time being, from Time to Time to alter and vary, as Occasion may require; and any provisional or other Deed or Agreement which shall have been entered into and executed by or between the said Two Companies, or the Directors thereof, before the passing of this Act, with reference to the several Matters and Things aforesaid or any of them shall, so far as the same are consistent with the Provisions of this Act, be valid and binding on the same Two Companies.

Board of Trade may require Inconveniences and Evils to be removed.

XXVI. That if at any Time after the passing of this Act it shall appear to the Board of Trade to be necessary for the Interests of the Public, it shall be lawful for the said Board to require the said *York and North Midland* Railway Company and the Dock Company at

Kingston-upon-Hull, or either of them, as the Case may require, to proceed forthwith to the Correction or Prevention of any Inconveniences or Evils arising out of or caused by any Agreement entered into between the said Companies or the Directors thereof, under the Powers of or confirmed by this Act, by the said Board specified; and upon the Failure or Inability of the said Companies or Company, as the Case may be, to comply with the Requisitions of the said Board within the Period of Six Months from the Date of such Requisition in the Particulars aforesaid, it shall be lawful for the said Board to serve the said Companies or Company, as the Case may be, with Notice to introduce into Parliament in the then existing Session, if Parliament should then be sitting, and, if not, in the then next ensuing Session, a Bill or Bills for amending this Act in such Particulars as aforesaid, and thereupon the said Companies or Company, as the Case may be, shall and they are hereby required to introduce such Bill or Bills accordingly, and duly to prosecute the same, in default whereof it shall be lawful for the said Board to introduce or prosecute (as the Case may be) such Bill at the Expense of the Companies or Company (as the Case may be) making such Default.

Power to raise additional Capital by Creation of new Shares.

XXVII. And whereas the estimated Expense of making the said Railway and Works amounts to the Sum of Sixty thousand Pounds: Be it enacted, That it shall be lawful for the *York and North Midland* Railway Company to 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 Sixty 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 Act to be passed during the present Session of Parliament, or by Debenture Shares or Stock to be created under this Act; and all and every Part of the said Sum of Sixty thousand Pounds to be raised by virtue of this Act shall be applied to the Purposes of the Railway and Works by this Act authorized, and to no other Purposes whatsoever.

Additional Capital to be divided into new Shares or Stock.

XXVIII. That the Capital of Sixty thousand Pounds so to be raised shall be divided into new Shares or Stock as the said Company shall think fit, and such new Shares or Stock shall be of such nominal Value, and shall be distributed in such Manner and, subject to the Provisions of this Act, upon such Terms as any General Meeting of the Company shall hereafter direct, 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, and the respective Proprietors thereof for the Time being, in the same Manner in all respects as

as if the same were, within the Meaning of the same Clauses and Provisions, original Capital and original Shares, except as to the Amount and Time of making and Payment of Calls, which (subject as hereinafter mentioned) the Directors of the Company shall fix from Time to Time as they shall think proper.

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

XXIX. That 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 Consolidation of Shares into Stock;

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 be applicable to the Company and the Shareholders thereof, and to their Capital authorized by this Act, and to the several Matters and Things relating thereto respectively provided for by such Clauses and Provisions respectively.

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

XXX. That, subject to the Provisions of this Act and to the Terms of Issue of any new Shares to be created thereunder for raising the said Sum of Sixty thousand Pounds or any Part thereof, every Person who shall become entitled to any such new Share shall in respect thereof be a Shareholder in the Undertaking, and shall, unless a special Rate of Interest or Dividend be guaranteed to such Share, be entitled to Dividends rateably with the Proprietors of the original Capital or Stock of the Company in the Proportion which the Amount paid up on such new Shares shall bear to the aggregate Amount for the Time being of the General Stock of the Company; and such new Shares shall confer on the respective Holders or Proprietors thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Shares, and not in proportion to the Number thereof; and for such Purposes every entire Sum of Fifty Pounds of such nominal Value 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 which shall constitute a less Interest in the Capital of the Company than Fifty Pounds.

XXXI. That

Powers of Act to be exercised by the Directors.

XXXI. That all the Powers by this Act conferred upon the Company shall and 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.

Power for Company to guarantee Dividends on new Shares.

XXXII. That it shall be lawful for the Company, 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, to guarantee the Payment upon the Shares or Stock so to be created by virtue of this Act for raising the said Sum of Sixty thousand Pounds, or any Part thereof, of any Dividend not exceeding Five Pounds *per Centum per Annum*, in preference to the Payment of any Dividends upon any other Shares or Stock in the Company, (except on the Shares called "*Hull and Selby* Purchase, *&c.* Shares," and on any Debenture Shares or Stock which may be created under the Powers of this Act,) and such preferential Dividends may be guaranteed either permanently or for a limited Period or Periods, and shall be payable by such Instalments, upon such Conditions, and in such Manner as any General Meeting of the Company may from Time to Time direct.

Saving Rights of Holders of existing Preference Shares.

XXXIII. Provided always, That any Preference or Priority in the Payment of Dividends which may be assigned to any Shares or Stock to be created by virtue of this Act for the Purpose of raising the said Sum of Sixty thousand Pounds, or any Part thereof, shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividends which may have been assigned to 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.

XXXIV. 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 Sum of Sixty thousand Pounds by this Act authorized to be raised, and Three Months at the least shall be the Interval between successive Calls.

Power to apply a Portion of the

XXXV. That it shall be lawful for the Company to appropriate and apply to the Purposes of the Railway and Works by this Act authorized

authorized any Portion, not exceeding Sixty thousand Pounds, of the Monies which under or by virtue of their existing Acts they have raised or are yet authorized to raise on Mortgage or Bond: Provided always, that it shall not be lawful for the Company to appropriate for the Purposes of this Act any Monies which they have raised or are authorized to raise under any of their existing Acts, and which are by such Acts or any of them specially applicable to any Works thereby authorized and not yet completed.

Monies borrowed under existing Acts to Purposes of this Act.

XXXVI. And whereas it is expedient to enable the said *York and North Midland* Railway Company to raise more efficiently than as at present authorized Monies or Funds to capitalize Debts: Be it enacted, That it shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders thereof present, in Person or by Proxy, at any General Meeting of the Company specially convened, with due Notice of such Object, to raise all or any Part of the Monies which they shall for the Time being have raised or be authorized to raise by Mortgage or Bond, by the Creation and Issue or Disposal, at such Times, in such Manner, on such Terms, subject to such Conditions, and with such Rights and Privileges (not being inconsistent with this Act) as the Company shall, with such Consent as aforesaid, resolve and determine, of new and additional Shares or Stock of the Company, to be called "*York and North Midland* Debenture Shares or Stock," instead of and to the same Amount as, or, if so agreed, in exchange for the whole or any Part of the Money which is now or may at any Time hereafter be owing by the Company, or which they may have Power to raise on Mortgage or Bond, and at such Meeting to fix the nominal Amount of the Shares which shall then be created, and to guarantee to such Shares or Stock a fixed Dividend or Interest, payable half-yearly, on the First Day of *January* and the First Day of *July* in each Year, and to commence at once, or at any future Time or Times when and as any such Shares or Stock shall be issued, or as such Meeting shall resolve, such Dividend or Interest to be at any Rate or Rates not exceeding the Rate of Four Pounds *per Annum* for every net Amount of One hundred Pounds of the Capital or Money *bonâ fide* raised by such Shares or Stock, or for which the same shall be given in exchange.

Conversion of Loan Capital into guaranteed Shares or Stock bearing a fixed Dividend.

XXXVII. That in case any of the said Debenture Shares or Stock shall be created and issued, subject to a Right or Power to call in, cancel, or redeem the same, it shall be lawful for the Company (but subject nevertheless, and without Prejudice to the Terms on which any such Shares or Stock shall have been created and issued,) from Time to Time, by the Direction and with the Consent of Three Fifths of the Votes of the Shareholders of the Company present, in Person or

Power to redeem Debenture Shares.

or by Proxy, at any General Meeting of the Company specially convened for the Purpose, to resolve and determine or authorize that the whole or any Number or Portion of the Debenture Shares or Stock to be created and issued under the Authority of this Act be called in, cancelled, or redeemed, and thereupon, or when and as such Meeting shall (but subject as aforesaid) direct or authorize, the Debenture Shares or Stock so resolved to be called in, cancelled, or redeemed shall be paid off and redeemed by and out of any Capital which the Company may raise, as herein-after provided, and upon any such Debenture Shares or Stock being so paid off or redeemed the same shall immediately merge in the Capital of the Company, and be cancelled and destroyed.

Power to issue new Debenture Shares in lieu of those to be redeemed.

XXXVIII. That for the Purpose of raising Money to pay off or redeem any such Debenture Shares or Stock so resolved to be called in and cancelled as aforesaid, and of replacing the Capital represented thereby, it shall be lawful for the Company, from Time to Time, with such Consent as aforesaid, to create and issue such Number or Amount of new Debenture Shares or Stock, under the Powers herein-before contained, as any such Meeting shall determine; provided that the aggregate Amount of Capital to be raised by the Issue of any such new Debenture Shares or Stock shall not exceed the aggregate Amount of the nominal Value of the Debenture Shares or Stock to be called in, cancelled, or redeemed, and in lieu of which such new Debenture Shares or Stock shall be issued.

Debenture Shares to be a permanent Charge on Undertaking.

XXXIX. That the Debenture Shares or Stock to be created under the Authority of this Act, and the Dividends or Interest thereof, shall (subject nevertheless to such Power of Redemption, if reserved, as herein-before authorized) be a permanent Charge upon the general Undertaking, and the Lands, Tenements, Hereditaments, Property, and Effects of whatsoever Nature of the Company, but shall be transmissible and transferable as other Shares or Stock of the Company, and shall in other respects have the Incidents of Personal Estate.

Dividends on Debenture Shares to be a primary Charge over all other Dividends.

XL. That the Dividends or Interests on such Debenture Shares or Stock shall for ever have Priority of Payment over all other Dividends or Interest on any other Stock or Shares of the Company, whether ordinary or preference or guaranteed, in the same Manner and to the same Extent as the Interest on Money raised by Loans on the Mortgages or Bonds of the Company have Priority over the Payment of the Dividends or Interest on such other Stock or Shares, but nevertheless the several Persons entitled to the Debenture Shares or Stock to be so from Time to Time created shall not, as between themselves, be entitled to any Preference or Priority whatever.

XLI. That

Arrears may be enforced by Appointment of a Receiver.

XLI. That the Powers and Provisions contained in Sections 53 and 54 of "The Companies Clauses Consolidation Act, 1845," with respect to the Recovery of Interest or Arrears of Interest due on Mortgages or Bonds, shall be applicable, so far as may be, to the Recovery of the Dividends or Interest on the said Debenture Shares and Stock if and when the same shall be in arrear, and the Amount of such Debenture Shares or Stock entitling the Holder or Holders thereof to require the Appointment of a Receiver shall be Twenty thousand Pounds whereon Arrears of Dividend or Interest shall then be due.

Arrears may be recovered by Action or Suit.

XLII. That if the Dividends or Interest on any such Debenture Shares or Stock shall be in arrear for Thirty Days next after any of the respective Days whereon the same shall be due, the Proprietor for the Time being of such Shares or Stock may (without Prejudice to his Power to apply for the Appointment of a Receiver) recover such Arrears, with Costs, by Action or Suit against the Company in any Court of competent Jurisdiction.

Debenture Shares and Stock to be registered.

XLIII. That the Company shall cause an Entry or Registration of the Debenture Shares or Stock so from Time to Time created to be made in some Book or Books to be kept for that Purpose, and to be called "The Register of Holders of *York and North Midland* Debenture Shares and Stock," wherein they shall enter the Names and Additions of the several Persons and Corporations from Time to Time entitled to any such Debenture Shares or Stock, with the respective Numbers of such Shares or Amounts of such Stock to which such Parties shall be respectively entitled, and such Books shall be accessible for Inspection and Perusal at all reasonable Times to every Mortgagee or Bond Holder, Debenture Share or Stock Holder, or other Share or Stock Holder of the Company, without the Payment of any Fee or Charge.

Existing Mortgages to have Priority.

XLIV. That nothing in this Act contained shall affect the existing Priorities of the several Mortgages or Bonds granted by the Company previous to the passing of this Act, but the respective Holders of all such Mortgages and Bonds shall, during the Continuance thereof respectively, be entitled to the same Priorities, Rights, and Privileges in all respects as they would have been entitled to if this Act had not been passed.

Holders of Debenture Shares not to vote.

XLV. That the Debenture Shares or Stock hereby authorized to be created shall not entitle the Holders thereof to be present or vote at any Meetings of the Company, but shall, in all respects not otherwise by this Act provided for, be taken and considered as entitling the

the Holders thereof to the Rights and Powers of Mortgagees of the said Undertaking, other than the Right to require Repayment of the Principal Money paid up in respect of the said Debenture Shares or Stock.

Present borrowing Powers of the Company not to be affected.

XLVI. That nothing herein contained shall increase, lessen, or in any way affect the Powers to borrow Money on Mortgage or Bond now vested in the Company under their said recited Acts or any of them, or this Act, but nevertheless it shall not be lawful for the Company at any Time to borrow and raise on Mortgage or Bond any Sum or Sums of Money which, with the Amount for the Time being actually received by the Company in respect of the Debenture Shares or Stock created under this Act and then existing, shall exceed in the whole One Third of the Stock and Share Capital for the Time being of the Company, exclusive of such Debenture Shares or Stock.

Accounts of Debenture Share Money and its Application to be kept.

XLVII. That separate and distinct Accounts shall be kept by the said Company, showing how much Money has been received by Calls or otherwise for or on account of the said Debenture Shares or Stock, and how much Money borrowed on Mortgage or Bond, or which they have Power so to borrow, has been paid off or raised by such Shares or Stock instead of being borrowed; and all Monies raised by such Debenture Shares or Stock for the Purpose of paying off existing Mortgages or Bonds, or of redeeming other Debenture Shares or Stocks, shall be applied to such Purposes respectively, and to no other Purposes whatsoever.

Provisions as to Calls, &c. on Debenture Shares.

XLVIII. That in case any such Debenture Shares shall be issued otherwise than as Shares or Stock paid up in full at the Time of such Issue, such Shares shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as are in and by this Act expressed and provided for with respect to the other Shares by this Act authorized to be created.

Interest not to be paid on Calls paid up.

XLIX. That it shall not be lawful for the Company, 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, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of

of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

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

Recited Acts, except where expressly repealed, not to be affected by this Act.

LI. That nothing in this Act shall be held to affect, alter, or interpret the Meaning of any of the said Acts relating to the said Company, or any Part or Parts of such Acts or any of them (except so far as this Act expressly repeals or alters any Part of such Acts or Act); and that all the Provisions of the said Acts which are not repealed or expressly altered by this Act shall remain in full Force, and shall for all the Purposes of such Acts be interpreted as if this Act had not passed.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. cc. 57. and 105., and 14 & 15 Vict. c. 64.

LII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the same Session of Parliament, intituled *An Act for constituting Commissioners of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal an Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway hereby authorized or the said Company in respect thereof from the Provisions of the same several Acts respectively,

respectively, but that such Provisions shall be in force with reference to the same Railway and Company in respect thereof so far as the same are applicable.

Railway or Company not exempt from Provisions of future General Acts.

LIII. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the said Company, from the Provisions of any General Act relating to such Act, or 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.

Expenses of Act.

LIV. That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the said Company.

Short Title.

LV. That this Act may be cited for all Purposes as "The *York and North Midland* (*Victoria* Dock) Railway Act, 1852."

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