



## CHAPTER ccxxiii.

An Act to confer additional powers upon the North Eastern Railway Company for the construction of Dock Works at Middlesbrough New Railways and other Works and the acquisition of additional Lands and for other purposes. A.D. 1897.  
[6th August 1897.]

**W**HEREAS it is expedient that the North Eastern Railway Company (in this Act called "the Company") should be empowered to make and execute the dock works at Middlesbrough and the new railways and other works by this Act authorised and to acquire the lands in this Act described and that the other powers in this Act mentioned should be conferred on the Company :

And whereas plans and sections showing the lines and levels of the said works and plans of the said lands and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerks of the peace for the several counties and ridings within which the said works will be constructed and the said lands are situate which plans and sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference :

And whereas it is expedient that the Company should be empowered to raise further capital for the purposes aforesaid and for the general purposes of their undertaking :

And whereas 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 as follows (that is to say) :—

1. This Act may be cited for all purposes as the North Eastern Railway Act 1897. Short title.

[Ch. ccxxiii.] *North Eastern Railway Act, 1897.* [60 & 61 VICT.]

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—  
Incorporation of  
general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

Part I (relating to the construction of a railway) and Part II (Extension of Time) of the Railways Clauses Act 1863 :

The Harbours Docks and Piers Clauses Act 1847 except section 82 thereof and the provisions thereof with respect to lifeboats and with respect to keeping a tide and weather gauge :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The powers of the directors and the powers of the Company to be exercised only in general meeting ;

The making of dividends ;

The giving of notices :

And Part I (relating to cancellation and surrender of shares) and Part II (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act 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.

4. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the new railways and the widenings of railways herein-after described with all proper stations sidings approaches roads works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes:

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Power to make new and widen existing railways.

The railways and works herein-before referred to and authorised by this Act are—

In the county of Durham—

A widening four miles two furlongs and three chains in length of the Company's Team Valley Railway between the junction therewith of the Company's Dunston Extension Railway in the parish of Gateshead and the junction therewith of the Company's Annfield Plain Branch Railway in the parish of Chester-le-Street:

(Low Fell to Ouston widening.)

A railway (No. 2) two miles seven furlongs four chains and thirteen yards in length commencing in the parish of Billingham by a junction with Railway No. 5 authorised by the North Eastern Railway Act 1893 at or near the north side of Billingham Beck and terminating in the parish of Stockton-upon-Tees by a junction with the Company's Stockton and Hartlepool Railway:

Haverton Hill (extension to Stockton).

A railway (No. 3) four furlongs and fifteen yards in length situate wholly in the parish of Norton commencing by a junction with Railway No. 2 and terminating by a junction with the Company's Stockton and Hartlepool Railway:

Haverton Hill (extension to Stockton).

A railway (No. 4) two miles and five furlongs in length commencing in the parish of Billingham by a junction with the Company's Port Clarence Branch Railway and terminating in the parish of Cowpon at or near the south side of Greatham Creek:

(Port Clarence to Greatham Creek.)

In the North Riding of the County of York—

A railway (No. 5) eight chains in length commencing in the parish of Thornaby by a junction with the Company's Darlington and Saltburn Branch Railway and terminating in the parish of Linthorpe at or near the east bank of the old course of the River Tees:

(Railway at Thornaby.)

In the West Riding of the County of York—

A railway (No. 6) four furlongs four chains and thirteen yards in length commencing in the parish of Linton by a junction

(Junction between Leeds and Wetherby and Church

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Fenton and  
Harrogate  
Railways.)

(Widening  
of Leeds and  
Wetherby  
Railway.)

Rates to be  
taken by the  
Company.

with the Company's Leeds and Wetherby Railway and terminating in the parish of Wetherby by a junction with the Company's Church Fenton and Harrogate Railway :

A widening ten miles two furlongs five chains and twelve yards in length of the Company's Leeds and Wetherby Railway between the Cross Gates Inner Junction signal cabin in the parish of Barwick-in-Elmet and the Wetherby Inner Junction signal cabin in the parish of Wetherby.

5. The railways and widenings of railways by this Act authorised shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the undertaking of the Company and the Company may demand receive and take in respect thereof for the conveyance of merchandise thereon (including perishable merchandise by passenger train) the maximum rates and charges authorised by the Railway Rates and Charges No. 15 (North Eastern Railway &c.) Order Confirmation Act 1892 and for the conveyance thereon of passengers and parcels by passenger train the rates and charges authorised by the North Eastern Railway Company's Act 1854 the North Eastern and Stockton and Darlington Railways Amalgamation Act 1863 the North Eastern Railway Company's (Pelaw and other Branches) Act 1865 and the North Eastern Railway Company's (New Lines) Act 1874 :

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

As to bridge  
over Billingham  
Beck.

6. Notwithstanding anything shown on the deposited sections the Company shall construct the bridge carrying Railway No. 2 over Billingham Beck with a headway of five feet above high water of ordinary spring tides.

As to  
crossings of  
Railway  
No. 4.

7. In constructing Railway No. 4 the Company shall make and thereafter maintain for the accommodation of the owners and occupiers of lands adjoining the said railway and of any persons at present entitled to use or pass over the lands on which the said railway shall be constructed the following works:—

(A) A level crossing for vehicular traffic at or near the point where the existing cart road leads to the Brine Wells of the Salt Union Limited :

(B) A level crossing for vehicular traffic at a point about thirty chains measured in a northerly direction from the last-mentioned level crossing :

(c) A subway for foot passengers eight feet wide and eight feet high at a point about one hundred and thirty yards measured in an easterly direction along the line of the said railway from its commencement : A.D. 1897.

And as soon as the said works shall have been made all rights of crossing the said railway for foot passengers and vehicular traffic except by means thereof shall be extinguished.

8. If the railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of railways.

9. If the Company fail within the period limited by this Act to complete the railways or any of them they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in respect of which the penalty has been incurred is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway in respect of which such penalty has been incurred : Imposing penalty if railways not opened within period limited.

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the *Railway and Canal Traffic Act 1854* :

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the said Act to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided :

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the railway in respect of which the penalty has been incurred by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

10. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise Providing for application of penalty.

A.D. 1897. rendered less valuable by the commencement construction or abandonment of the railway in respect of which the penalty has been incurred or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit:

If no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company are insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Power to enlarge existing dock at Middlesbrough.

11. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make and maintain in connexion with their docks at Middlesbrough the works herein-after described and herein-after referred to as "the Middlesbrough Dock Works" and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes:

The Middlesbrough Dock Works herein-before referred to and authorised by this Act are—

- (1) The removal of the existing entrances to the Middlesbrough Dock of the Company and the construction of a deeper and wider entrance in lieu thereof:
- (2) The improvement and enlargement of the said dock by filling up the northern part thereof and by making new bays extending in a westerly direction from the western quay slope of the existing dock:
- (3) The deepening of the entrance channel leading from the River Tees to the said dock.

For protection of Messrs. Crewdson Hardy & Co.

12. For the protection of William Henry Hardy and John Livingston (trading as Crewdson Hardy & Co.) of Middlesbrough in the county of York owners or reputed owners of the lands works

and buildings at Middlesbrough aforesaid now occupied by them known as the Yorkshire Tube Works their heirs or assigns (hereinafter referred to as "the owners") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections have effect (that is to say):—

(A) If the Company stop up remove or interfere with any of the roads rails pipes easements or powers in respect of which rights are vested in or granted to the owners under and by virtue of an indenture dated the second day of April one thousand eight hundred and ninety made between the owners of the Middlesbrough Estate Limited of the first part the Company of the second part Elizabeth Crowe of the third part and William Henry Hardy John Frederick Wilson and John Livingston of the fourth part the Company unless and until they shall purchase the said property of the owners shall in substitution for such roads rails pipes easements or powers as may be stopped up removed or interfered with provide construct and grant roads rails pipes easements or powers which as nearly as reasonably practicable shall be similar to and as convenient as those stopped up removed or interfered with and the owners shall be entitled to the same rights in respect of the substituted roads rails pipes easements and powers as they now have in respect of the existing roads rails pipes easements and powers upon and subject to the same conditions :

(B) Any dispute or difference of opinion between the owners and the Company shall be settled by arbitration and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

**13.** The Middlesbrough Dock Works shall for the purposes of dues rates and charges form part of the dock undertaking of the Company at Middlesbrough and the provisions of the Acts of Parliament relating to that undertaking shall so far as the same are applicable be applied and extended to the Middlesbrough Dock Works.

Dock works to form part of Company's undertaking at Middlesbrough.

**14.** The Company may rearrange reconstruct alter and divert the railways sidings bridges staiths roads footpaths and other works and conveniences connected with the Middlesbrough Dock Works and may from time to time make and maintain in connexion with the above-mentioned works or any or either of them and upon lands delineated upon the deposited plans and described in the deposited books of reference all necessary or convenient viaducts rails sidings junctions turntables stations approaches roads gates warehouses sheds buildings yards quays wharves wharf walls retaining walls

Power to make subsidiary dock works.

A.D. 1897. river walls embankments sluices jetties groynes shipping places  
— staiths stairs stages tramways machinery graving docks gridirons  
cranes drops dolphins moorings buoys beacons and other works  
buildings and conveniences.

Further  
works to be  
made by the  
Company.

15. Subject to the provisions of this Act the Company may make the works herein-after described and may exercise the powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes and so far as the said works are shown on the deposited plans and sections the Company may make the same in the lines and in accordance with the levels shown on the said plans and sections (that is to say):—

In the county of Durham—

(New road to  
Greatham  
Creek.)

(1) They may make a new road in the parish of Cowpon commencing by a junction with the road from Port Clarence leading in the direction of Cowpon Marshes at a point one thousand and fifty yards or thereabouts north of the point where it intersects the boundary between the parishes of Billingham and Cowpon and terminating at or near the south side of Greatham Creek:

(New road  
near Haver-  
ton Hill.)

(2) They may make a new road in the parish of Billingham (in substitution for the road in the said parish of Billingham authorised by the North Eastern Railway Act 1893) commencing by a junction with Billingham Lane at a point four hundred and eighty yards or thereabouts east of Billingham Grange and terminating at or near the north side of Billingham Beck:

Provided always that notwithstanding anything shown on the deposited plans and sections the Company may make the said road so far as the same passes over the lands of the Ecclesiastical Commissioners in such lines and on such levels as shall be agreed between the Company and the Ecclesiastical Commissioners:

(Cliff House  
level crossing  
West Hartle-  
pool.)

(3) They may subject to and in accordance with the provisions contained in the section of this Act of which the marginal note is "Provisions with reference to the Cliff House level crossing" in the parish of Stranton in substitution for the Cliff House level crossing on their Stockton and Hartlepool Railway make a new road not less than thirty feet in width commencing by a junction with Seaton Road and terminating by a junction with Mainsforth Terrace and may carry the same over the Company's sidings adjoining Seaton Road on the level and over the said Stockton and Hartlepool Railway by means of



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a bridge and so soon as the said road and bridge are completed as aforesaid and opened to the public the Company may stop up and abolish the said level crossing and so much of the approaches thereto as are shown on the deposited plans as proposed to be stopped up and may appropriate the same to the purposes of their undertaking so far as they are bounded upon both sides by property now belonging to or hereafter acquired by the Company under the powers of this Act :

- (4) They may make a new road in the parish of Stranton commencing by a junction with Princess Street at or near the junction of that street with Ferry Road and extending in a southerly direction for a distance of fifty-three yards or thereabouts and thence continuing in a north-easterly direction for a distance of one hundred and twenty-five yards or thereabouts to and forming a junction with Ferry Road :

(Ferry Road  
Hartlepool.)

So soon as the said new road is completed and opened to the public the Company may stop up and abolish the portion of Ferry Road which lies between the commencement and termination of the new road and may appropriate to the purposes of their undertaking so much of such portion of road as is shown on the deposited plans as proposed to be stopped up :

- (5) They may in the parish of Grindon make a new footpath commencing by a junction with the footpath from Whitton to Sedgfield at or near the south end of the level crossing by which such footpath crosses the Company's Stockton and Ferryhill Railway and terminating by a junction with the public road from Stillington to Durham at or near the south end of the bridge carrying the said railway over that road :

(New foot-  
path near  
Stillington.)

So soon as the said footpath is completed and opened to the public the Company may stop up and abolish so much of the existing footpath as is shown on the deposited plans as proposed to be stopped up including the said level crossing and all rights of way over and along the same shall thereupon be extinguished :

- (6) They may in the parish of Billingham make a new footpath commencing by a junction with the Haverton Hill Road at or near the south end of the bridge carrying the Company's Port Clarence Railway over the said road and terminating by a junction with the footpath from the Haverton Hill Road to Clarence Old Cottages at a point about one hundred and ten yards east of the Company's offices :

(New foot-  
path at Port  
Clarence.)

So soon as the said footpath is completed and opened to the public the Company may stop up so much of the existing

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footpath as is shown on the deposited plans as proposed to be stopped up and all rights of way over and along the same shall thereupon be extinguished :

In the North Riding of the County of York—

(Warrenby level crossing.)

(7) They may in the parish of Kirkleatham in substitution for the Warrenby level crossing on their Darlington and Saltburn Railway make a bridge over the said railway with road approaches thereto extending for a distance of two hundred and ten yards or thereabouts on the east and eighty yards or thereabouts on the west side of the said level crossing :

So soon as the said bridge and approaches are completed and opened to the public the Company may stop up and abolish the said level crossing :

(Kirkleatham Lane level crossing.)

(8) They may in the parish of Kirkleatham divert and alter the lines and levels of the portion of Kirkleatham Lane which is crossed by the Company's Darlington and Saltburn Railway on the level which lies between its junction with Warrenby Road and Coatham Road and a point two hundred and fifty yards or thereabouts south of the said level crossing and may carry the said lane over the said railway by means of a bridge and in connexion therewith they may divert and alter the line and level of Kirkleatham Street :

So soon as the said diversion and alteration is completed and opened to the public the Company may stop up and abolish the said level crossing :

In the West Riding of the county of York—

(Diversion of Pontefract Lane Leeds.)

(9) They may in the city and parish of Leeds divert and alter the line and level of Pontefract Lane between Saint Edmund's Vicarage and its junction with Cross Green Lane and may carry the same over the Railway No. 7 authorised by the North Eastern Railway Act 1893 by means of a bridge and in connexion therewith they may alter the line and level of the road leading from Pontefract Lane to the East End Park between its junction with Pontefract Lane and the bridge carrying the said road over the Company's Leeds and Selby Railway In connexion therewith the Company shall acquire and convey to the mayor aldermen and citizens of the city of Leeds (in this subsection called "the corporation") free of cost the lands required for the said diversions and alterations and shall fence off and dedicate to the public the said lands and the corporation shall at their own expense when such diversions and alterations are completed and opened to the public sewer level flag and pave and for ever afterwards repair and maintain such roads as diverted and altered except that portion

of Pontefract Lane which is carried over the said railway by a bridge which portion shall be sewered levelled flagged and paved and for ever afterwards repaired and maintained by and at the expense of the Company :

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So soon as the said diversions and alterations are completed and opened to the public the Company may stop up and discontinue as roads such portions of Pontefract Lane and the said road leading from Pontefract Lane to the East End Park as are rendered unnecessary by the proposed diversion and may appropriate to the purpose of their undertaking so much of such portions as are bounded on both sides by lands of the Company or of which under the powers of this Act they become the owners and the Company when and so soon as they have secured to the public a right of footway over Mrs. Meynell Ingram's Road to Temple Newsam from its junction with Pontefract Lane to the point where the footpath herein-after mentioned now joins such road but not earlier may stop up the footpath between the East End Park Road and Mrs. Meynell Ingram's Road and all rights of way over and along such footpath shall thereupon be extinguished :

In the town and county of the town of Kingston-upon Hull--

(10) They may in the parish of Holy Trinity and Saint Mary divert and alter the line and level of the northern approach of the Manor House Bridge over the Company's Hull and Selby Railway and in connexion therewith the Company shall construct suitable steps for foot passengers from Kingston Street opposite the southern end of Commercial Road to the altered northern approach to Manor House Bridge and the said approach together with the drainage thereof shall be constructed to the reasonable satisfaction of the mayor aldermen and citizens of the city of Kingston-upon-Hull The Company shall for ever maintain the roadway and footways over the Manor House Bridge as authorised by this Act to be extended and shall maintain the roadway and footways on the altered northern approach to such bridge for a period of three years from the completion of the same.

(Manor House Bridge Hull.)

16. The new road and bridge by this Act authorised in substitution for the Cliff House level crossing shall be constructed and completed to the reasonable satisfaction of the mayor aldermen and burgesses of the borough of West Hartlepool (in this section called "the corporation") and in accordance with detailed plans sections and specifications to be agreed upon between the corporation and the Company or failing agreement to be settled by a single arbitrator in manner provided by the Arbitration Act 1889 and

Provisions with reference to the Cliff House level crossing.

A.D. 1897. thereupon the corporation shall pay to the Company the sum of one thousand five hundred pounds as a contribution towards the cost of the said road and bridge and for the purpose of providing money for such contribution the same shall be deemed expenses for the purposes of the Public Health Act 1875 and the corporation may independently of any other borrowing power borrow and reborrow the said sum of one thousand five hundred pounds at interest on the security of the improvement fund and improvement rate and either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in the other and in borrowing the said sum of one thousand five hundred pounds the corporation shall not be restricted by any of the regulations contained in subsections (1) (2) and (3) of section 234 of the Public Health Act 1875 and in calculating the amount which the corporation may borrow under that Act the said sum of one thousand five hundred pounds shall not be reckoned Provided that the corporation shall pay off the said sum of one thousand five hundred pounds by equal yearly or half-yearly instalments of principal or of principal and interest and within a period of forty years from the date of the borrowing of the same :

The town clerk of the borough of West Hartlepool shall within twenty-one days after the thirty-first day of March in each year during which any instalment is required to be paid under this section transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amounts which have been paid as instalments during the year preceding the making of such return And in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court :

If it appears to the Local Government Board by that return or otherwise that the corporation have failed to pay any instalments required to be paid (whether such instalment is required by this section or by the Local Government Board in virtue thereof to be paid) the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid as in such order mentioned and any such order shall be enforceable by writ

of Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1897.

17. Excepting as in this Act otherwise provided every new or diverted or altered street road or footpath made in connexion with the Middlesbrough Dock Works or under the powers or in pursuance of the section of this Act of which the marginal note is "Further works to be made by the Company" shall when completed to the satisfaction of two justices and opened to the public be maintained by the persons liable to maintain the streets roads or footpaths of the same nature within the district in which such street road or footpath will be situate. Provision as to repair of new roads &c.

18. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railways by this Act authorised or any of them by a bridge or bridges unless the level of such road or highway is permanently altered. Company not liable to repair surface of road level of which is not permanently altered.

19. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate for the purpose of altering or extending their works or providing further or improved accommodation for the traffic on their railway or for any other purposes connected with their undertaking all or any of the lands herein-after described or referred to and delineated on the deposited plans and described in the deposited books of reference and may exercise the powers herein-after mentioned (that is to say) :— Power to Company to purchase additional lands.

In the county of Northumberland—

Certain lands in the parish of Bywell St. Andrew situate on the north side of and adjoining the Company's Newcastle and Carlisle Railway near the bridge carrying the road from Riding Mill to Stocksfield over that railway :

Certain lands in the parish of Tynemouth situate on the north side of and adjoining the Company's Tynemouth Branch Railway between the bridge carrying the said railway over the public road from Percy Main to North Shields and the Company's North Shields Goods Station :

Certain lands in the parish of Long Benton situate on the north side of and adjoining the Company's Killingworth Station between the public road from Gosforth to Burradon and the Burradon waggon way :

In the city and county of Newcastle-upon-Tyne—

Certain lands in the parish of St. Andrew situate on both sides of and adjoining the Company's Blyth and Tyne Railway

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between the unfinished bridge over the said railway opposite the south end of Moor View and the bridge carrying the road from Osborne Road to the Town Moor over the said railway :

In the county of Durham—

Certain lands in the parish of Monkwearmouth situate on the south side of and adjoining the Company's Southwick Goods Yard :

Certain lands in the parish of Stranton situate on the south side of and adjoining Ferry Road east of its junction with Princess Street :

In the North Riding of the county of York—

Certain lands in the parish of East Cowton situate on the west side of and adjoining the Company's York and Newcastle Railway at Cowton Station :

In the West Riding of the county of York—

Certain lands in the parish of Barwick-in-Elmet situate on the north side of and adjoining the Company's Leeds and Selby Railway at Crossgates Station and on the east side of and adjoining the high road from Seacroft to Whitkirk :

In the city and county of the city of York—

Certain lands in the parish of St. Mary Bishophill Junior situate on both sides of and adjoining the Company's railway from York to Newcastle and between Kingsland Terrace and Scarborough Villas :

Certain lands in the parish of Holgate situate between the Company's railway and works and the public road from York to Boroughbridge :

In the town and county of the town of Kingston-upon-Hull—

Certain lands in the parishes of Drypool and Southcoates situate on the north side of and adjoining the Company's Hull and Withernsea Railway between New Bridge Road and the footpath level crossing over the said railway near Haller Street and on the south side of and adjoining the said railway between the said footpath level crossing and the bridge carrying Craven Street over the said railway :

Certain lands in the parish of Holy Trinity and Saint Mary situate between the Company's Hull and Selby Railway and English Street with power to divert the Humber Bank footpath in a northerly direction for a distance of fifty yards westward of Saint James Street and to stop up and abolish so much of the existing Humber Bank footpath as lies between the point at which it is proposed to divert the same and

English Street and also to stop up part of Saint James Street :

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Provided that the Company shall not stop up or divert the said footpath or stop up the southern end of Saint James Street unless and until they have moved their existing footbridge running across their railway between the said footpath and the Albert Dock to a line across their railway in a southerly direction from Saint James Street to the Albert Dock and have provided to the reasonable satisfaction of the mayor aldermen and citizens of the city of Kingston-upon-Hull approaches to such bridge on the north side from Saint James Street and on the south side from the Albert Dock and such bridge when erected in its new position shall together with the approaches thereto be maintained by the Company Over such bridge and approaches there shall be a public footway from Saint James Street to the Albert Dock provided that the Company may close such footway whenever the Albert Dock is closed for working purposes.

**20.** All rights of way over or along the several level crossings roads footpaths or other highways or portions thereof which shall under the provisions of this Act be stopped up and over any of the lands which shall under the compulsory powers of this Act be acquired shall be and the same are as from such stopping up or acquisition hereby extinguished.

Extinguishment of rights of way.

**21.** Where the Company shall under the provisions of this Act divert or stop up any road or footpath the soil and site of the road or footpath so diverted or stopped up to the extent of the lands of the Company or of which under the powers of this Act they become the owners on both sides of such road or footpath shall (subject to the provisions of the Railways Clauses Consolidation Act 1845 with regard to mines and minerals lying under or near to the railway) thereupon vest in and thenceforth be held by the Company in fee for the purposes of their undertaking.

Vesting site of roads and footpaths stopped up.

**22.** The powers by this Act conferred upon the Company for the compulsory purchase of lands and buildings shall cease after the expiration of the following periods (that is to say) :—

Period for compulsory purchase of lands.

(A) As regards lands required for the purposes of the dock works five years from the passing of this Act ;

(B) As regards lands required for other purposes three years from the passing of this Act.

**23.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any

Power to owners to grant easements &c.

A.D. 1897. -----  
easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain lands and buildings.

24. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other greater or less portions can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :--

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties" :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :



- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determined that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit :

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845 :

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises :

Provided always that as regards the property mentioned in the said schedule and numbered on the deposited plans 1 in the parish

A.D. 1897. of Grindon the provisions of this section shall not apply in the event of the Company requiring to take (otherwise than by agreement) any part of the main building marked "Public House" on the deposited plans.

Restrictions  
on displacing  
persons  
of labouring  
class.

**25.**—(1) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any city borough or other urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

- (A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and
- (B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned

requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1897.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking ;

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155

A.D. 1897. and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses on any of the lands shown on the plans deposited with reference to this Act or to any former Act the powers of which are revived or extended by this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

26. The powers granted by the North Eastern Railway Act 1894 for the compulsory purchase and taking of lands for the purposes of the Railway No. 4 thereby authorised are hereby revived and extended and may be exercised at any time within but shall not be exercised after the expiration of three years from the thirty-first day of July one thousand eight hundred and ninety-seven.

Extending period limited for purchase of lands for Hartlepool and Seaham Harbour Railway.

27. The period limited by the North Eastern Railway Act 1894 for the completion of the said Railway No. 4 thereby authorised is hereby further extended for a period of three years from the thirty-first day of July one thousand eight hundred and ninety-nine.

Extending period limited for completion of Hartlepool and Seaham Harbour Railway.

28. The table or scale of tolls or sums authorised by the 37th section of the Newcastle and Berwick Railway Act 1845 to be demanded and taken by the Company in respect of passengers animals and carriages passing along or across the carriageway or footway over their High Level Bridge at Newcastle-upon-Tyne is hereby repealed and from and after the passing of this Act the Company shall in lieu thereof be entitled to demand and take for and in respect of all passengers animals carriages and vehicles which shall pass or repass upon along or across such part of the said bridge as may be appropriated for a roadway for the passage of passengers animals carriages and vehicles any tolls or sums not exceeding the following (that is to say):—

As to tolls on road traffic over the high level bridge at Newcastle-upon-Tyne.

For every horse or beast of draught drawing any coach chariot landau sociable berlin chaise curricule whiskey car calash caravan hearse or litter or other such carriage the sum of fourpence :

For every horse or beast of draught drawing any waggon wain van cart wherry or other such like carriage the sum of threepence :

For every horse mule or ass laden or unladen and not drawing the sum of twopence :

For every score of oxen or neat cattle the sum of tenpence and so in proportion for any greater or less number :

For every score of calves sheep lambs or swine the sum of fivepence and so in proportion for any greater or less number :

For every carriage or other vehicle not being a bicycle tricycle or other cycle and not drawn by a horse or beast of draught if not exceeding two tons in weight inclusive of the load (if any) the sum of fourpence and the further sum of twopence for every additional ton or part of a ton :

For every locomotive not being a carriage or vehicle if not exceeding two tons in weight the sum of fourpence and the

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further sum of twopence for every additional ton or part of a ton :

For every person on foot or on a bicycle tricycle or other cycle the sum of one half-penny :

And such tolls shall be paid (if demanded) each time of passing and it shall be lawful for the Company to erect such toll houses and toll gates for the collection of such tolls and also such cranes or weighing machines for the weighing of carriages vehicles or locomotives as they may see fit :

Provided that nothing in this Act shall be deemed to authorise any such tolls as aforesaid to be demanded or taken for any person whether on foot or on a bicycle tricycle or other cycle or for any animal carriage or other vehicle employed in conveying or guarding postal packets under the authority of the Postmaster-General either when employed in conveying fetching or guarding such postal packets or in returning from conveying or guarding the same The term "postal packet" in this section has the same meaning as in the Post Office (Protection) Act 1884 or any statutory modification thereof.

For better prevention of trespass on railways.

29. Any person who shall trespass upon any of the lines stations works or premises of or connected with any railway now or hereafter belonging or leased to or worked by the Company solely or in conjunction with any other company or companies shall on conviction be liable to a penalty not exceeding forty shillings and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matters referred to justices shall apply to this enactment Provided that no person shall be subject to any penalty under this enactment unless it shall be proved to the satisfaction of the justices before whom complaint is laid that by notices painted on boards or printed on paper and pasted on boards or enamelled on metal or otherwise as the Company may think fit and clearly exhibited public warning has been given to persons not to trespass upon the railway and that one or more of such notices has been affixed at the station on that railway and at the public road level crossing (if any) nearest to the spot where such trespass is alleged to have been committed and such warning shall be renewed as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed Provided also that no person lawfully crossing any such railway at any level crossing thereof shall be liable to any such penalty as aforesaid And provided lastly that this enactment shall not interfere with but

shall be subject to any future general enactment on the subject of trespassing on railways. A.D. 1897.

**30.** The Company may appropriate and apply to all or any of the purposes or objects of this Act being purposes to which capital is properly applicable any of the moneys which under and by virtue of any existing Acts they have raised or are or may be authorised to raise and which may not be required for the purposes to which they are by those Acts made specially applicable. Power to Company to apply funds to purposes of this Act.

**31.** The Company may raise by the creation and issue of new shares or stock the sum of nine hundred thousand pounds in addition to the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament and such new shares or stock may be created and issued either wholly or partially as ordinary or wholly or partially as preference shares or stock and either alone or together with any other moneys or capital which the Company may be then authorised so to raise. Power to raise additional capital.

**32.** The Company shall not issue any such new shares of less nominal value than ten pounds nor shall any such new shares vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such new shares is paid in respect thereof. Shares not to be issued until one-fifth part thereof is paid up.

**33.** The new shares or stock by this Act authorised shall unless otherwise provided by the prescribed terms of issue or creation thereof confer on the respective holders or proprietors thereof rights of voting and qualifications in proportion to the aggregate nominal value of such shares or amount of such stock and not in proportion to the number of such shares and for such purposes every entire sum of fifty pounds of such nominal value of shares or amount of stock shall be equivalent to one share or sum of fifty pounds in the capital stocks of the Company. And no shareholder shall vote or be entitled to be present at the meetings of the Company in respect of any number of such new shares or any amount of such new stock which with any other shares or stock held by him in the Company shall constitute a less interest in the capital stocks of the Company than fifty pounds in nominal value. Rights of voting for new shares or stock to be in proportion to the nominal amount thereof.

**34.** The Company may by the resolution creating or authorising the creation of any of the new preference shares or stock by this Act authorised determine that such new shares or stock shall form part of and rank *pari passu* with the North Eastern Railway Preference Stock created and issued under the powers contained in the North Eastern Railway Act 1895. New preference shares or stock to rank *pari passu* with North Eastern Railway preference stock if so determined.

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New preference shares or stock may be created subject to redemption.

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

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

As to disposal of new shares or stock.

**36.** Notwithstanding anything contained in Part II of the Companies Clauses Act 1863 the Company may from time to time in issuing any portion of the additional capital by this Act authorised dispose of all or any of the shares or stock representing the same at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company.

Power to borrow.

**37.** The Company may in respect of the said additional capital of nine hundred thousand pounds from time to time borrow on mortgage of their undertaking in addition to any other sums which they are or may be authorised to borrow by any other Act or Acts of Parliament any sum not exceeding in the whole three hundred thousand pounds :

But no part of any such sum of three hundred thousand pounds shall be borrowed until shares for so much of the said capital as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such respective portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock



(as the case may be) were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same :

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Upon production to such justice of the books of the Company and of such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

**38.** If any money is payable to a shareholder mortgagee or debenture stock holder in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris.

**39.** Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or interest or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision :

For appointment of a receiver.

The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

**40.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament passed prior to the passing of this Act and which shall be subsisting at the time of the passing thereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act.

Existing mortgages to have priority.

**41.** All moneys raised under this Act whether by shares or stock or borrowing shall be applied only to the purposes of this Act and to the general purposes of the Company being in each case purposes to which capital is properly applicable.

Application of moneys.

A.D. 1897.

Interest not  
to be paid on  
calls paid up.

42. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for  
future Bills  
not to be  
paid out of  
capital.

43. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Preference  
shares autho-  
rised by the  
Act of 1896  
may be created  
as North  
Eastern Rail-  
way preference  
stock.

44. The Company may by the resolution creating or authorising the creation of any of the new preference shares or stocks authorised by the North Eastern Railway Act 1896 determine that such new shares or stock shall form part of and rank *pari passu* with the North Eastern Railway Preference Stock created and issued under the powers contained in the North Eastern Railway Act 1895.

Commis-  
sioners of  
Woods may  
make grants.

45. The Commissioners of Woods or either of them may with the consent of the Treasury and subject to the provisions of the Tees Conservancy Act 1889 with reference to the sale or leasing of land reclaimed from below high-water mark under the powers of the Tees Conservancy Act 1858 and in consideration of the making of any railway or road authorised by this Act upon such reclaimed land agree to grant and may grant without further consideration to the Company any such reclaimed land required for such railway or road.

Saving  
rights of the  
Crown.

46. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Provision as  
to general  
Railway Acts.

47. Nothing in this Act contained shall exempt the Company or their railway from the provisions of any general Act relating to

railways or the better or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company. A.D. 1897.

48. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

A.D. 1897.

**SCHEDULE** referred to in the foregoing Act.

Describing PROPERTIES whereof portions only are required to be taken by the Company.

No. on deposited Plan.	Parish.	Description of Property.
<b>DOCK WORKS AT MIDDLESBROUGH.</b>		
38	Middlesbrough . . . . .	Contractor's yard iron foundry and siding.
<b>LOW FELL TO OUSTON WIDENING.</b>		
35	Chester-le-Street . . . . .	Brickfield office stables brick kilns and ditch.
51	Chester-le-Street . . . . .	Field and stream.
<b>RAILWAY No. 5.</b>		
<b>RAILWAY AT THORNABY.</b>		
2	Thornaby . . . . .	Land and occupation road.
<b>RAILWAY No. 6.</b>		
<b>(WETHERBY.)</b>		
8	Wetherby . . . . .	Field and occupation road.
9	Wetherby . . . . .	Quarry sheds and roads.
<b>ADDITIONAL LANDS AT YORK.</b>		
5	Holgate . . . . .	Yard stable feeding house and sheds.
6	Holgate . . . . .	Vacant ground.
7	Holgate . . . . .	Garden.

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