ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. clxxii.

An Act to enable the *Blyth and Tyne* Railway Company to construct Branches in the County of *Northumberland;* and for other Purposes.

[4th *August* 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled "The *Blyth and Tyne* Railway Act, 1852:" And whereas such Railway and the Branches connected therewith have, in pursuance of the said Act, been inspected by Order of the Board of Trade, and are now used for the Conveyance of Passengers, Goods, and Minerals, by virtue and in pursuance of such Act: And whereas the making a Branch Railway from the *Blyth and Tyne* Railway in the Township of *Seaton Delaval* in the Parish of *Earsdon* to the Point marked One Mile and One Furlong on the Plans deposited as herein-after mentioned in respect of the proposed Branch to *Tynemouth* at or near the *Dairy House*, and also a Branch Railway from the *Blyth and Tyne* Railway in the Township of *Newsham* and *South Blyth* in the Parish of *Earsdon* to the *York, Newcastle, and Berwick* Railway at or near the Town of *Morpeth* in the said County, will be of great public and local Advantage; and it is expedient that the *Blyth and Tyne* Railway Company should be autho-

authorized to construct such Branch Railways: And whereas Agreements have been made and entered into with divers Owners of Land through which the said Branch Railways will pass for the Sale of such Lands or for the Use thereof for the Purposes of such Branch Railways or One of them: And whereas it is also expedient that a further Capital should be authorized to be raised by the said Company for the Purposes aforesaid: And whereas it is also expedient that some of the Powers and Provisions of the said Act relating to the *Blyth and Tyne* Railway Company should be altered, amended, and enlarged; 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 the Authority of the same, as follows; (that is to say,)

Short Title.

I. That in citing this Act for any Purpose it shall be sufficient to describe it as "The *Blyth and Tyne* Railway Branches Act, 1853."

18 & 19 Vict. cc. 18. & 20. incorporated with this Act.

II. That the "Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Power to make Branch Railways according to deposited Plans.

III. And whereas Plans and Sections of the said Branch Railways, showing the Line and Levels thereof, and also a Book of Reference to such Plans, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands in, upon, or through which the same Works are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Northumberland:* Be it enacted, That, subject to the Provisions of this Act, and of "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," and to the Powers of Deviation in the said last-mentioned Act contained, or defined upon the said Plans, it shall be lawful for the Company to make the said Branch Railways and other Works in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Describing Works to be executed.

IV. That it shall be lawful for the *Blyth and Tyne* Railway Company to make and maintain the Branch Railways, with proper Works and Conveniences connected therewith, herein-after described; (that is to say,)

A Branch Railway commencing by a Junction with the Main Line of the *Blyth and Tyne* Railway in the Township of *Seaton Delaval*

Delaval in the Parish of *Earsdon*, and terminating in the said Township, all in the County of *Northumberland*, at or near the *Dairy House* aforesaid at the Point marked One Mile and One Furlong on the Plans deposited as aforesaid:

A Branch Railway from and out of the Main Line of the *Blyth and Tyne* Railway commencing by a Junction therewith at or near the *Newsham* Station of such Railway in the Township of *Newsham* and *South Blyth* in the Parish of *Earsdon*, and terminating by a Junction with the *York, Newcastle, and Berwick* Railway at or near the North-east Side of the Goods Warehouse of the *Morpeth* Station of the *York, Newcastle, and Berwick* Railway in the Township or Townships of *Catchburn*, *Parkhouse*, *Stobhill*, and *Morpeth Castle*, *Morpeth*, and Parish of *Morpeth*, or some or One of them, in the County of *Northumberland*.

Branch to Dairy House not to be constructed until a Station is provided.

V. Provided always, That with respect to the said Branch to the *Dairy House* the Powers by this Act enforced shall not come into Operation until such Time as a Station shall have been built and opened for public Use at a Place convenient to the Terminus of the said Branch at or near the *Dairy House* aforesaid.

Power to cross Roads on a Level.

VI. That in constructing the Railway the Company may, subject to the Provisions of the Railways Clauses Consolidation Act with respect to crossing Roads on the Level, carry the Railway across the several Roads herein-after mentioned on the Level thereof; that is to say, Number 17 in the Parish of *Earsdon*; Number 31 in the Parish of *Woodhorn* and Chapelry of *Horton*; Numbers 19 and 58 in the Parish of *Bedlington*; Numbers 22 and 49 in the Parish of *Morpeth*.

Company to erect Station or Lodge where Roads crossed on the Level.

VII. 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 Railway crosses the before-mentioned Roads on the Level; and the 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 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.

VIII. That

Board of Trade may require Bridges instead of level Crossings.

VIII. That it shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time to require the Company, within such Time as the Board of Trade 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, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing, and such Works shall be executed by the Company within such Time as shall be directed by the said Board of Trade.

Inclination of a certain Road.

IX. That in altering the Level of the public Highway in the Parish of *Bedlingdon* numbered 58 on the deposited Plans it shall be lawful for the Company to make the mesne Inclination thereof One Foot in Sixteen Feet.

Span of Arch over a certain Road.

X. That the Company shall not, in respect of the Road in the Parish of *Bedlington* numbered 4 on the deposited Plans, be required to construct the Arch for carrying the Railway over such Road of a greater Span than Nineteen Feet.

Company not to interfere with the York, Newcastle, and Berwick Railway or Works.

XI. That it shall not be lawful for the *Blyth and Tyne* Railway Company, or for any other Person, in the Execution of this Act, in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the *York, Newcastle, and Berwick* Railway Company, or in any Manner to alter, vary, or interfere with the Lines of Railway belonging to the *York, Newcastle, and Berwick* Railway Company, or any of the Works appertaining thereto, save only so far as may be necessary for the Purpose of crossing and forming Junctions with the Lines of Railway belonging to the *York, Newcastle, and Berwick* Railway Company, as shown on the said Plans, and as may be otherwise mutually agreed upon between and by the said Two Companies, under the Provisions in this Act contained.

Communications with the said Railway to be made under the Direction of their Engineer.

XII. That all Communications between the Branch Railways hereby authorized to be made and the Railways of the *York, Newcastle and Berwick* Railway Company, and all such Openings in the Ledges or Flanches of the said last-mentioned Railway as may be necessary or convenient for effecting such Communications, shall be made and effected at the Expense of the *Blyth and Tyne* Railway Company in a substantial and workmanlike Manner, by means of Connexion Rails and Points, and shall be constructed under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time being of the *York, Newcastle, and Berwick* Railway Company,

Company, or of some other Person duly authorized by them for that Purpose, and shall for ever afterwards be maintained and kept in good and proper Repair by and at the Expense of the *Blyth and Tyne* Railway Company.

Company to be at the Expense of maintaining and watching the Points of crossing.

XIII. That the Company shall from Time to Time and at all Times hereafter maintain and keep in proper Repair, Order, and Condition the Switches or Points at the Places of Communication between the Branch Railways hereby authorized to be made and the Railways of the *York, Newcastle, and Berwick* Railway Company, and shall at their sole Expense hire and employ proper and sufficient Persons to watch and regulate the same, or such Switches or Points and Persons shall, at the Option of the said *York, Newcastle, and Berwick* Railway Company, be in the first instance so maintained, kept, hired, and employed by them the same last-mentioned Company, in which Case the *Blyth and Tyne* Railway Company shall, on Demand, from Time to Time repay to the *York, Newcastle, and Berwick* Railway Company the Costs and Expenses thereby incurred by them.

Disputes between the Two Companies how to be settled.

XIV. That if any Difference shall arise between the *Blyth and Tyne* Railway Company and the *York, Newcastle, and Berwick* Railway Company as to the Provisions in this Act contained, or as to the Execution, Maintenance, and Support, Costs, Charges, or Expenses of any of the Works, Matters, or Things by this Act required to be made, done, executed, performed, maintained, kept in repair, and paid by the *Blyth and Tyne* Railway Company, then and in any such Case every such Difference or Dispute shall and may from Time to Time, when and as the same shall arise, be settled by Arbitration in the Manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

For Protection of Netherton Coal Depôt and Waggonway.

XV. That it shall not be lawful for the Company to take or enter upon any Part of the Coal Depôt numbered on the said Plans and in the said Book of Reference Forty in the Parish of *Morpeth* without the Consent in Writing of the Right Honourable *George* Earl of *Carlisle*, the Owner thereof, and of *John Cass Birkinshaw*, the Lessee thereof, or other the Owners, Lessees, or Occupiers thereof for the Time being, or to take or enter upon the Waggonway numbered on the said Plans and in the Book of Reference Forty in the said Parish without such Consents, except for the Purpose of carrying the Railway across the said Waggonway.

Period for Completion of Works.

XVI. That the said Branch Railways shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers of this Act, or the Acts incorporated herewith,

herewith, granted to the Company for executing the same, shall cease to be exercised, except as to so much of the same as shall then be completed.

If Railway not completed, &c. within a limited Period, Dividends on ordinary Shares to be suspended.

XVII. That in case the Branch Railways by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Three Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Branch Railways shall have been completed and opened for public Traffic.

Lands for extraordinary Purposes.

XVIII. That it shall be lawful for the Company to purchase for extraordinary Purposes any Quantity of Land not exceeding Ten Acres, in addition to any Land authorized to be purchased for such Purposes by the recited Act.

Section 7. of 15 & 16 Vict. c. cxxii. repealed.

XIX. And whereas it was by the Seventh Section of the "*Blyth and Tyne* Railway Act, 1852," enacted, that nothing therein contained should extend or be construed to extend to diminish or prejudice the Rights of the several Proprietors through and over whose Lands the said Railway and Branch Railways therein-after mentioned respectively pass, nor any existing Leases or Agreements relating to such Passage, or to the Use of the said Railway and Branch Railways respectively, nor the Right and Power of the said Proprietors (subject to existing Leases or Agreements) from Time to Time and at any Time or Times hereafter to grant or withhold any such Passage or Use: And whereas it is expedient that such Enactment should be repealed, and other Provisions made in lieu thereof: Be it enacted, That the said Seventh Section of the said Act shall be and is hereby repealed.

Agreements with Landowners to continue.

XX. That all Agreements and Contracts entered into between the Company and any Owners or Lessees of Lands previous to the passing of this Act, with reference to the Construction and Use of the Branch Railways or either of them through the Lands of such Owners and Lessees, shall, if in conformity with this Act, be as binding and effectual upon the Company as if the same had been entered into after the passing of this Act.

Board of Trade may compel the laying down of additional Line of Rails.

XXI. And whereas it is proposed in the first instance to lay down a single Line of Rails on the said Branch Railways, but it is the Intention of the Company to purchase Land, and to construct the Bridges of Dimensions sufficient to admit of a double Line of Railway being laid down hereafter, if needful: Be it therefore enacted, That if at

at any Time after Twelve Months from the opening of the Branch Railways to the Public it shall appear to the Board of Trade that an additional Line of Rails is required for the proper Accommodation of the Public using the said Branch Railways, then and in such Case the Company shall and they are hereby required, upon receiving an Order in Writing to that Effect from the said Board of Trade, to lay down such additional Line of Rails, and to execute all other necessary Works for effecting such Purpose, and within such reasonable Time as shall be fixed by the said Board of Trade, having Reference to the Extent of the Works to be executed under such Order; and if such Order shall be made, and the Works thereby required to be done shall not be executed within the Time specified in such Order, it shall not be lawful for the Company to take any Toll or Fare for the Use of the said Branch Railways until the Works required to be made by such Order shall have been completed.

Tolls. XXII. That it shall be lawful for the Company to demand any Tolls for the Use of the said Branch Railways and of the Railways vested in the Company by the said recited Act not exceeding the following; (that is to say,)

In respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, and included within the following Classes:

Class I. For all Coals, Coke, Culm, Charcoal, and Cinders, *per* Ton *per* Mile not exceeding Three Farthings; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Eighth of a Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Eighth of a Penny:

Class II. For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, and Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Description of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding One Penny Farthing; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Eighths of One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Three Eighths of One Penny:

Class III. For all Sugar, Grain, Corn, Flour, Hides, Dyewood, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding One Penny

Penny Halfpenny; and if conveyed in Carriages belonging to the Company an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class IV. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding One Penny Three Farthings; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class V. And for every Carriage, not being a Carriage adapted or used for travelling or passing upon a Railway, but carried or conveyed on a Truck or Platform, *per* Mile not exceeding Threepence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding One Penny Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny Halfpenny:

Tolls for Animals, &c.

In respect of Animals conveyed in Carriages upon the Railway, as follows:

Class VI. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if such Carriage be propelled by an Engine belonging to the said Company, an additional Sum *per* Mile not exceeding One Penny:

Class VII. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, the Sum of One Penny Halfpenny *per* Mile; and if conveyed in any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

Class VIII. For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

In respect of Passengers conveyed in Carriages upon the Railway, as follows: Tolls for Passengers.

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

XXIII. That every Person travelling upon the Branch Railways may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof. Passengers Luggage.

XXIV. That the maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the Branch Railways, including the Tolls for the Use of the Branch Railways, and of Carriages and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums: Maximum Rates of Charge for Passengers.

For every Passenger conveyed in a First-class Carriage, the Sum of Twopence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of One Penny Halfpenny *per* Mile:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

XXV. That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railways authorized to be made and maintained by the recited Act and this Act, and of Carriages and for locomotive Power, and every other Expense incidental to such Conveyance, (except the loading and unloading of Goods when such Service is performed by the Company,) shall not exceed the Amount mentioned in the following Table; (that is to say,) Maximum Charges for Goods and Animals.

For the Matters herein-before mentioned under Class One, not exceeding One Penny *per* Ton *per* Mile:

For the Matters mentioned under Class Two, not exceeding Twopence *per* Ton *per* Mile:

For the Matters mentioned under Class Three, not exceeding Twopence Halfpenny *per* Ton *per* Mile:

For the Matters mentioned under Class Four, not exceeding Threepence *per* Ton *per* Mile:

For any Carriage mentioned under Class Five, not exceeding Sixpence *per* Mile:

For everything mentioned under Class Six, not exceeding Fourpence *per* Mile:

For everything mentioned under Class Seven, not exceeding Threepence Halfpenny *per* Mile:

For everything mentioned under Class Eight, not exceeding Twopence *per* Mile.

Maximum Charges not to be exceeded.

XXVI. Provided always, That nothing in this Act or the said recited Act contained shall authorize the Company to demand any Tolls or Charges for the Use of their Railways, or of the Branch Railways hereby authorized, or any Part thereof, or for the Conveyance of Traffic thereon, exceeding the specified maximum Tolls and Charges authorized to be taken by the Company.

Regulations as to Tolls.

XXVII. That the following Rules and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railways for a less Distance than Four Miles the Company may demand Tolls and Charges as for Four Miles:

For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles the Company may demand Tolls and Charges as for One Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity:

Where a Waggon for the Carriage of Cattle or Sheep shall be engaged by One Party, the Charge for any such Waggon capable of containing Six Oxen or Twenty-five Sheep shall not exceed Sixpence *per* Mile.

Tolls for small Parcels and Articles of great Weights.

XXVIII. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rates of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels not exceeding Fourteen Pounds in Weight, Sixpence:

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Two Shillings:

For Parcels exceeding Fifty-six Pounds and not exceeding One Hundredweight, Three Shillings; and for every additional Hundredweight beyond One Hundredweight up to Five Hundredweight, Ninepence: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per* Ton *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Sixpence; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Twopence:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand any Sum they may think fit.

Charge for unloading Coals.

XXIX. That when the Service of unloading Coals is performed by the Company no higher Charge shall be made for unloading such Coals, including the Use of Staiths, Spouts, Drops, and Machinery, than the Sum of One Penny Halfpenny *per* Ton.

When Branch Railways completed, the Locomotive Engines alone of the Company to be used and Company to convey Carriages loaden with Coal, &c.

XXX. That for the Purposes of the Railway, and of the Traffic thereon, when and so soon as the Branch Railways by this Act authorized are completed, the Locomotive Engines of the Company alone shall be used on such Railway; and when and so often as any Number of Waggons or Carriages containing not less than One hundred and twenty Tons of Coal, Slack, Cannel, Coke, Culm, Cinders, or Forty Tons of Ironstone and Iron Ore, or any of them, shall be ready for Conveyance on the said Railway, the Company shall be bound and are hereby required (due Notice of not less than Twenty-four Hours being given that such Waggons or Carriages and their Loads are stationed at one and the same accustomed Place or Siding on the said Railway, and a Tender being previously made of a Sum equal to or exceeding the Amount of the lawful Tolls, Rates, and Charges payable in respect thereof,) to provide and supply sufficient Engine Power for drawing and conveying the same Waggons and Carriages, and their Load, and to remove the same from such

accustomed

accustomed Place or Siding, and to forward the same to their Destination on the said Railway, and also, within a reasonable Time after such Waggons or Carriages shall have been unloaded or discharged, and tendered or brought to the Place on the Railway to which they were forwarded by the Company, to return the same to the Place or Siding whence they were first removed by the Company: Provided always, that the Company shall not be required to carry such Coal, Slack, Cannel, Culm, or Cinders except in accordance with the Rules and Regulations established for the Time being on such Railway.

Parts of Sections 34. and 37. of 15 & 16 Vict. c. cxxii. repealed.

XXXI. That such Parts of the Thirty-fourth and Thirty-seventh Sections of the "*Blyth and Tyne* Railway Act, 1852," as enact, with reference to the Matters therein mentioned under Class One, that the Sums thereby authorized to be taken for or in respect of such Matters so mentioned under Class One shall be in addition to the Sums which may from Time to Time be payable to the respective Owners of the Land through which the Railway has been or may be made, shall be and the same are hereby repealed.

Restriction as to Charges not to apply to special Trains.

XXXII. That the Restriction as to the Charges to be made for Passengers shall not extend to any special Train that may be required to be run upon the Branch Railways, but shall apply to every other Train appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Branch Railways.

Company may take increased Charges by Agreement.

XXXIII. That nothing herein contained shall be held to prevent the said Company from taking any increased Charges, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description (other than small Parcels), by Agreement with the Owners of or Persons in charge of such Goods, either in respect to the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Power for Company to raise a further Sum of Money.

XXXIV. That it shall be lawful for the Company to raise by the Creation of new Shares any Sum or Sums of Money not exceeding in the whole the Sum of Sixty thousand Pounds, in addition to the Sums which are already authorized to be raised.

New Shares to form Part of the original Capital.

XXXV. That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be allotted or apportioned in such Manner as may be agreed upon at any Ordinary or Extraordinary Meeting of the Company, and shall, subject to the Provisions herein-after contained, be considered as Part of the original Capital of the Company.

XXXVI. That

Limiting the Amount of Calls.

XXXVI. That One Fifth Part of a Share shall be the greatest Amount of any One Call, and there shall be an Interval of Three Months at the least between the Time fixed for the Payment of One Call and the Time fixed for the Payment of the next succeeding Call.

Power to Company at General Meetings to allot Preference Dividends to new Shares.

XXXVII. That it shall be lawful for the Directors of the Company, from Time to Time, with the Consent of Three Fifths of the Votes of the Proprietors present, personally or by Proxy, at an Extraordinary Meeting, to resolve and declare that the Holders of any Shares to be created and issued under the Powers of this Act shall be entitled, either perpetually or for such limited Time as may be so resolved upon and declared, to a preferential Dividend, to be paid out of the general Revenue of the Company, in priority of the general Dividends made by the Company, at such Rate, and with such other Privileges, and subject to such Powers of Redemption, Diminution, or Conversion, if any, as may be so resolved upon and declared; and thereupon the Holders of such Shares shall become entitled to such fixed Dividend, and to any other Privileges so resolved upon and declared as aforesaid accordingly, and such fixed Dividend shall be payable half-yearly at the same Time as the ordinary Dividends of the Company.

As to Alteration of Rate of Dividend upon unissued Shares.

XXXVIII. That it shall be lawful for the Directors, with such Consent as aforesaid, from Time to Time and at all Times until the whole of the Share Capital authorized to be raised by this Act shall have been subscribed for, to alter the Rate of such preferential Dividend, or any of such other Privileges or Powers with regard to such Portion of the same Share Capital as shall not then have been subscribed for, but so as not to violate or infringe any Condition upon which any of such Share Capital shall have been previously subscribed for, unless with the Consent of all the Subscribers for the same: Provided always, that no preferential Dividend to be declared under or by virtue of this Act shall exceed the Rate of Five Pounds *per Centum per Annum*.

Saving existing Priorities and Preferences.

XXXIX. That any Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any new Shares in pursuance hereof, shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on the Shares (if any) which may have been granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Power to borrow Money on Mortgage.

XL. That after the whole of the aforesaid Sum of Sixty thousand Pounds shall have been subscribed for, and One Half thereof and

and of the Sums which the Company are authorized by the said recited Acts to raise by Shares shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of any Ordinary or Extraordinary Meeting of the said Company, not exceeding in the whole the Sum of Twenty thousand Pounds, in addition to the Sums which they are at present authorized to borrow.

8 & 9 Vict. c. 16. incorporated with this Act.

XLI. That "The Companies Clauses Consolidation Act, 1845," shall be incorporated with this Act, and be applicable to the new Share Capital by this Act authorized to be raised, and to the Powers by this Act given to raise a further Sum by Mortgage or Bond.

Application of Money raised.

XLII. That all Money raised by Shares or Mortgage or Bond by virtue of this Act shall be applied for the Construction of the Works by this Act authorized.

Former Mortgages to have Priority.

XLIII. That all Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages to be granted by virtue of this Act.

Interest not to be paid on Calls paid up.

XLIV. 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 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 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 Company's Capital.

XLV. That it shall not be lawful for the Company, out of any Money by any Act relating to the said Railway 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 to execute any other Work or Undertaking.

XLVI. And

Railways,&c. to be subject to 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. c. 57., and 14 & 15 Vict. c. 64.

XLVI. And whereas an Act was passed in the Second Year of the Reign of Her present Majssty, 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 an Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways from the Provisions of such several Acts respectively, but that such Provisions shall be in force in respect to the said Railways, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

XLVII. That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, 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 or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or the Rates for small Parcels, authorized by this Act or the said recited Act.

"Company."

XLVIII. That in this Act whenever the Words "the Company" are used the same shall be held to mean "The *Blyth and Tyne* Railway Company;" and the Words "Branch Railways" shall mean the Branch Railways and Works by this Act authorized to be made, or any of them.

Saving the Rights of the Crown.

XLIX. That nothing whatsoever contained in this Act, or in any of the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without

the

Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues having the Management and Direction of the same Premises first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be or but for the Provisions of the same Act or Acts might have been vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of Act.

L. That all the Costs, Charges, and Expenses of obtaining and passing this Act or incident thereto shall be paid by the said *Blyth and Tyne* Railway Company.

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