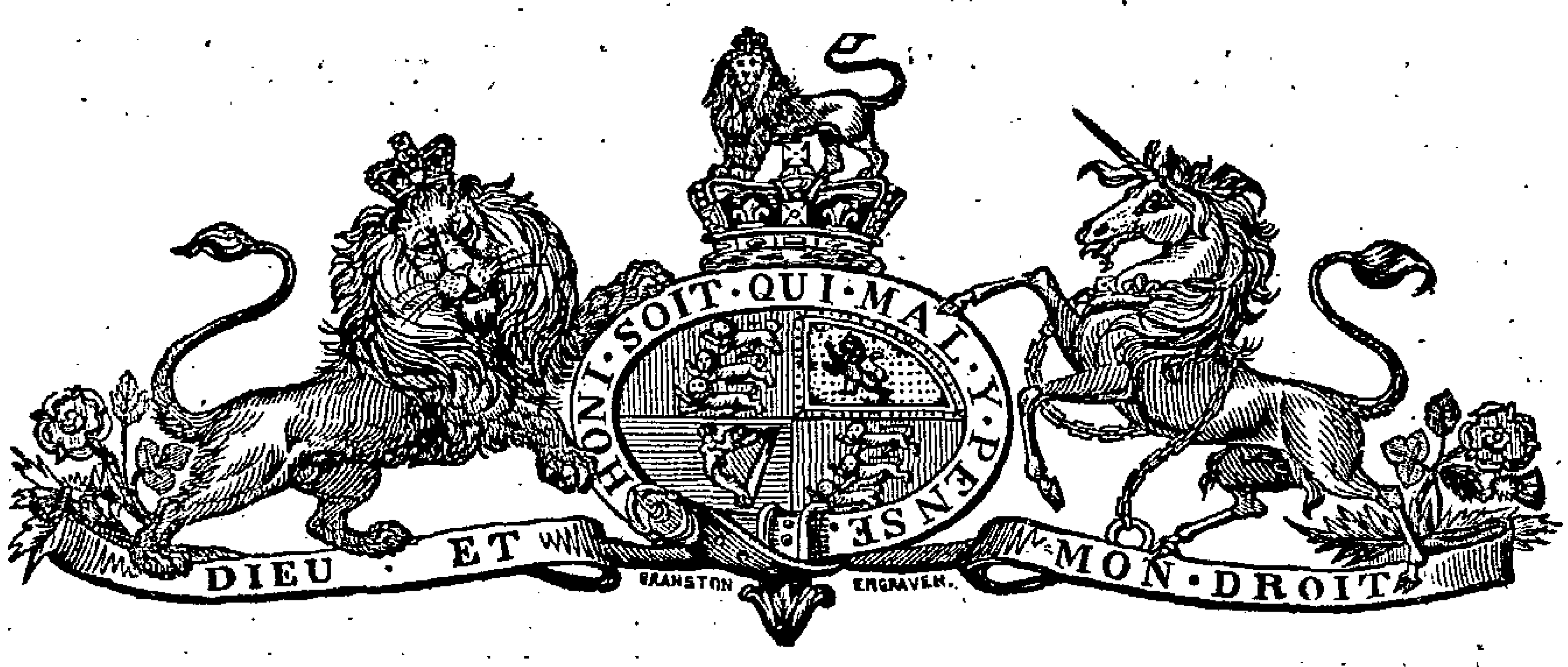


ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap.xxii.

An Act to enable the *Brandling* Junction Railway Company to raise an additional Sum of Money.

[11th *June* 1838.]

WHEREAS by an Act passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling* John Brandling *and* Robert 5 & 6 W. 4.
William Brandling *Esquires to purchase and take Leases of Lands and* c. 83.
Hereditaments for the Formation of a Railway from Gateshead *to* South Shields *and* Monkwearmouth, *all in the County Palatine of* Durham, *with Branches therefrom*, the said *John Brandling* and *Robert William Brandling* were empowered to purchase and take Leases of Lands within the Parish of *Gateshead* and the several other Parishes in the said Act mentioned, for the Formation of the said Railway, with Branches therefrom, and other Works by the said Act authorized: And whereas by an Act passed in the Sixth and Seventh Year of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act for incorporating certain Persons for carrying into* 6 & 7 W. 4.
effect the Purposes of an Act passed in the Fifth and Sixth Year of the c. 57.
Reign of His present Majesty, intituled '*An Act for enabling* John Brandling *and* Robert William Brandling *Esquires to purchase and take* '*Leases of Lands and Hereditaments, for the Formation of a Railway* '*from* Gateshead *to* South Shields *and* Monkwearmouth, *all in the* '*County Palatine of* Durham, *with Branches therefrom,' and for other*

 Purposes,

Purposes, certain Persons therein mentioned were united into a Company for the Purpose of making and maintaining the said Railway and other Works by the said recited Acts authorized, under the Name and Style of "The *Brandling* Junction Railway Company:" And whereas by the lastly recited Act the said Company were empowered to raise amongst themselves any Sum of Money for purchasing and taking on Lease the Lands and for making and maintaining the said Railway and other Works by the said Acts authorized, not exceeding in the whole the Sum of One hundred and ten thousand Pounds, the same to be divided into Shares of Fifty Pounds each: And whereas by the lastly recited Act the said Company were also empowered from Time to Time, by an Order of any General or Special General Meeting, to raise any Sum or Sums of Money not exceeding in the whole the Sum of Thirty-six thousand Pounds, by the Ways and Means in the same Act mentioned: And whereas the said Company have made considerable Progress in the Formation of the said Railway and other Works authorized by the said recited Acts; and in order to form a Communication with a Branch of the *Newcastle-upon-Tyne* and *Carlisle* Railway the said Company, with the Consent of the Owners and Occupiers of the Lands and Hereditaments, as required by the said firstly recited Act, are, under the Authority of the said recited Acts, extending their said Railway, or a Branch therefrom, nearly to the Western Extremity of the said Parish of *Gateshead*: And whereas the said Company, in order to render the said Railway and Works by them authorized to be made as aforesaid of greater Utility to the Commerce of the surrounding District, are desirous of providing additional Branch Railways, Quays, Shipping Places, and other Conveniences to those at first contemplated: And whereas, in order to effect such Purposes, and to complete and maintain the said Railway and other Works authorized as aforesaid, it is necessary that the said Company should be enabled to raise the further Sum of One hundred and ninety thousand Pounds, in addition to the said Sum of One hundred and ten thousand Pounds authorized by the said lastly recited Act to be raised, making together the Sum of Three hundred thousand Pounds: And whereas the Sum of Seventy-five thousand Pounds, Part of the said Sum of One hundred and ten thousand Pounds, hath already been raised and paid up and applied to the Purposes of the said recited Acts, and it is intended that the Remainder of the same shall be forthwith raised: And whereas no Part of the said Sum of Thirty-six thousand Pounds hath yet been raised, the said Company foreseeing the Necessity of a further Sum being raised, and being desirous that all Sums of Money advanced and lent on the Credit of the said Undertaking should stand on an equal Footing, and be without any Preference or Priority whatsoever, save and except as mentioned in the said lastly recited Act: And whereas the said Company cannot be enabled to raise such further Sum as aforesaid 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, That it shall be lawful for the said Company forthwith, or at any Time after

Company empowered to raise an ad-

the passing of this Act, to raise, by the Creation and Sale or other Disposition of new Shares of Fifty Pounds each, but not by any other Ways or Means, any Sum or Sums of Money not exceeding together the Sum of One hundred and ninety thousand Pounds, in addition to the said Sum of One hundred and ten thousand Pounds authorized to be raised by the said Act secondly herein-before recited, and making together the Sum of Three hundred thousand Pounds.

Additional Sum of 190,000*l.*

II. And be it further enacted, That the several Persons subscribing for or purchasing or otherwise acquiring such new Shares as aforesaid shall have and be entitled to the same Rights and Privileges, and be on the same Footing in every respect, as the Persons for the Time being holding or possessing the Shares authorized to be created by the said Act secondly herein-before recited; and that every Clause contained in that Act, mentioning or referring to the Shares thereby authorized to be created, shall from and after the passing of this Act be deemed to mention or refer to the several new Shares by this Act authorized to be created.

Persons subscribing for new Shares to have same Privileges as Subscribers under the last-recited Act.

III. And be it further enacted, That it shall be lawful for the said Company, immediately after the passing of this Act, or at any Time thereafter, by an Order of any General or Special General Meeting of the said Company, to raise and borrow any Sum or Sums of Money not exceeding in the whole the Sum of Fifty thousand Pounds, including the said Sum of Thirty-six thousand Pounds by the said Act secondly herein-before recited authorized to be raised as aforesaid.

Power to borrow an additional Sum of 50,000*l.*

IV. And be it further enacted, That when and so soon as the Sum of One hundred and twenty thousand Pounds shall be raised by or in respect of the Shares by the said Act secondly herein-before recited and this Act authorized to be created as aforesaid, including as Part of such Sum the Sum of Seventy-five thousand Pounds already raised and paid up as aforesaid, then and in such Case, and at any Time thereafter, it shall be lawful for the said Company, by an Order of any General or Special General Meeting of the said Company, to raise and borrow the further Sum of Thirty thousand Pounds, in addition to the said Sum of Fifty thousand Pounds authorized to be raised by Mortgage as aforesaid.

Also a further Sum of 30,000*l.* so soon as the 120,000*l.* shall be paid up.

V. And be it further enacted, That when and so soon as the said Sum of One hundred and fifty thousand Pounds shall be raised by or in respect of the Shares by the said Act secondly herein-before recited and this Act authorized to be created as aforesaid, including the said Sum of One hundred and twenty thousand Pounds herein-before mentioned, then and in such Case and at any Time thereafter it shall be lawful for the said Company, by an Order of any General or Special General Meeting of the said Company, to raise and borrow any Sum or Sums of Money not exceeding in the whole the Sum of Twenty thousand Pounds, in addition to the said Two Sums of Fifty thousand Pounds and Thirty thousand Pounds respectively authorized to be raised by Mortgage as aforesaid.

And the further Sum of 20,000*l.* on 150,000*l.* being paid up.

VI. And

The said Sums to be raised by the Means mentioned in the secondly recited Act.

VI. And be it further enacted, That it shall be lawful for the said Company to raise the said Sum of Fifty thousand Pounds, and also the said Two Sums of Thirty thousand Pounds and Twenty thousand Pounds, when and so soon as the same shall become raisable as aforesaid, by all or any of the Ways and Means mentioned in the said Act secondly herein-before recited for raising the said Sum of Thirty-six thousand Pounds thereby authorized to be raised; and that every Clause in the said lastly mentioned Act contained, mentioning or referring to the said Sum of Thirty-six thousand Pounds, shall from the Time of the passing of this Act be deemed and construed to mention or refer to the said Sum of Fifty thousand Pounds, and also to the said Two Sums of Thirty thousand Pounds and Twenty thousand Pounds, when the same respectively shall become raisable as aforesaid, in lieu and instead of the said Sum of Thirty-six thousand Pounds.

Certificate of a Justice to be Evidence that the said Sums have been paid up.

VII. And be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for the County of *Durham*, that the whole of the said Sum of One hundred and twenty thousand Pounds herein-before mentioned hath been raised and paid up as aforesaid, and that the said Sum of One hundred and fifty thousand Pounds herein-before mentioned hath been raised and paid up as aforesaid, (and which Certificate such Justice is hereby authorized and required to grant on Application made to him by the said Company or the Directors for the Time being thereof, and on sufficient Evidence being adduced that such Sums respectively have been raised and paid,) shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of One hundred and twenty thousand Pounds, or that the said Sum of One hundred and fifty thousand Pounds, as the Case may be, hath been raised and paid up as aforesaid.

Application of Money to be raised.

VIII. And be it further enacted, That the Money to be raised by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and that the Residue of such Money shall be laid out and applied for the Purpose of completing and maintaining the said Railway of the said Company, and of providing such Branch Railways, Quays, Shipping Places, and other Works as aforesaid, and for other the Purposes of the said recited Acts or any of them.

Public Act.

IX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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