ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. iv.

An Act to authorize the *Brandling* Junction Railway Company to raise a further Sum of Money.

[22d *April* 1842.]

WHEREAS by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to* 5 & 6 W. 4.
enable John Brandling *and* Robert William Brandling *Esquires to* c. 83.
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*, 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 Session of Parliament held in the Sixth and Seventh Years 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 c. 57.

effect the Purposes of an Act passed in the Fifth and Sixth Years of the 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,*’ 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 an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to enable the* Brandling *Junction Railway Company to raise an additional Sum of Money*, the said Company were empowered forthwith, or at any Time after the passing of that 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 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: And whereas by the lastly recited Act the said Company were also empowered to raise and borrow the Sum of One hundred thousand Pounds, including the Sum of Thirty-six thousand Pounds by the said Act secondly herein-before recited authorized to be borrowed, which said Sum of One hundred thousand Pounds was directed by the said lastly recited Act to be raised by Three Instalments at the Times and in manner therein mentioned: And whereas the Railway and Works authorized by the said Acts firstly and secondly herein-before recited to be made and executed are now for the most part completed and open to the Public, and have proved of great Utility to the Commerce of the surrounding District, and have greatly promoted the Convenience and Advantage of the Public in general: And whereas the several Sums of Money authorized to be raised by the said secondly and thirdly herein-before recited Acts have been raised accordingly, and expended upon the said Railway and Works; and it is found necessary that the said Company should be authorized to raise an additional Sum of Money for the Purposes mentioned or referred to in the said recited Acts: And whereas the said Company cannot be enabled to raise such additional or 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 from Time to Time, or at any Time after the passing of this Act, by an Order of any General or Special General Meeting,

1 & 2 Vict. c. 22.

Company empowered to raise a further Sum of 100,000*l.*

Meeting, 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 thousand Pounds, in addition to the said Sum of Three hundred thousand Pounds authorized to be raised by the said Acts secondly and thirdly herein-before recited, and making altogether the Sum of Four hundred thousand Pounds.

Rights of Proprietors of new Shares.

II. And be it enacted, That the several Persons subscribing for or purchasing or otherwise acquiring such new Shares as aforesaid shall thereafter 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 Acts secondly and thirdly herein-before recited; and that every Clause contained in the said Act secondly herein-before recited, 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: Provided nevertheless, that the Proprietors of such new Shares shall only be entitled to Dividends or Profits in respect thereof in proportion to the Amount which shall have been actually paid upon such Shares at the Time of declaring such Dividends respectively, unless otherwise directed from Time to Time by an Order of any General or Special General Meeting of the said Company.

Power to borrow a further Sum on Mortgage.

III. And be it enacted, That when and so soon as the Sum of Fifty thousand Pounds shall be raised by or in respect of the Shares by this Act authorized to be created 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-three thousand three hundred Pounds, in addition to the Sum of One hundred thousand Pounds by the said Acts secondly and thirdly herein-before recited authorized to be raised and borrowed as aforesaid.

The Money to be raised in manner directed by 6 & 7 W. 4. c. 57.

IV. And be it enacted, That it shall be lawful for the said Company to raise the said Sum of Thirty-three thousand three hundred 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 Thirty-three thousand three hundred Pounds, when the same shall become raisable, as well as to the said Sum of Thirty-six thousand Pounds: Provided nevertheless,

theless, that every Mortgage or Security to be made for securing the said Sum of Thirty-three thousand three hundred Pounds hereby authorized to be raised shall be subject and without Prejudice to any Mortgage made or to be made pursuant to the said recited Acts or any of them, and to the prior Right of Payment of the Holder of every such last-mentioned Mortgage.

Certificate of a Justice to be Evidence that 50,000*l.* has been paid up.

V. And be it enacted, That a Certificate under the Hand of the Chairman of the Quarter Sessions for the County of *Durham* that the whole of the said Sum of Fifty thousand Pounds herein-before mentioned hath been raised and paid up as aforesaid (and which Certificate such Chairman 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 such Proof of the Fact as he may require,) shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of Fifty thousand Pounds hath been raised and paid up as aforesaid.

Power to create new Shares for paying off Money borrowed.

VI. And be it enacted, That it shall be lawful for the said Company, by an Order from Time to Time of any General or Special General Meeting, to raise, by the Creation and Sale or other Disposition of new Shares of Fifty Pounds each, such Sum or Sums of Money as shall be sufficient for paying off and discharging the Whole or any Part of any Monies which may have been borrowed by virtue of this or the said recited Acts, or any of them, from Time to Time; and all Provisions herein-before contained or referred to with regard to the Money by this Act before authorized to be raised by the Creation of new Shares, and to the Shares to be issued in respect thereof, and to the Holders of such Shares, shall apply to the Shares so to be created as last aforesaid.

If Money paid off, Company may raise the Amount again.

VII. Provided always, and be it enacted, That if, after having borrowed any Part of the Money which by this or the said recited Acts they are authorized to borrow, the Company shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time.

Security to be taken.

VIII. And be it enacted, That the Company shall take sufficient Security from every Treasurer, Receiver, or Collector or other Person intrusted with the Control or Custody of Monies belonging to the said Company, for the faithful Execution of his Office.

Annual Account to be transmitted to the Clerk of the Peace.

IX. And be it enacted, That the Company shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of the said recited Acts or this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement

of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Durham*, on or before the Thirty-first Day of *January* then next; which Account shall be open to the Inspection of the Public at all reasonable Hours on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Power to Company to lease the Railway.

X. And whereas a Bill is now before Parliament, intituled *A Bill for completing the Railway Communication between the Towns of* Newcastle-upon-Tyne *and* Darlington *by a Railway to be called the* Newcastle *and* Darlington *Junction Railway, with a Branch to the City of* Durham, of which Railway Communication a Portion of the said *Brandling* Junction Railway would form a Part, and it would be attended with Advantage if the whole of such Line of Communication were placed under one Management; be it therefore enacted, That it shall be lawful for the said *Brandling* Junction Railway Company to demise or lease, and to agree to demise or lease, for such Consideration and for such Term as they shall see fit, to the Company proposed to be incorporated by the said Bill, if the same shall pass into a Law, or to any or either of the Companies who may be authorized by the said Bill to become Lessees of the Railway proposed to be made under the Powers thereof, so much of the said *Brandling* Junction Railway as may form Part of the said continuous Line between *Darlington* and *Newcastle-upon-Tyne* aforesaid; and it shall be lawful for the said *Brandling* Junction Railway Company and the Company proposed to be incorporated by the said Bill, if the same should pass into a Law, and for such other Railway Companies, or either of them, as may become authorized as aforesaid, to enter into such Agreement, and to accept any such Lease, and the same shall during the Continuance thereof entitle the Company proposed to be incorporated by the said Bill, or such of the said last-mentioned Companies as may become Lessees thereof as aforesaid, to the free Use and Enjoyment of such Part or Parts of the said *Brandling* Junction Railway and Works connected therewith as may be comprised in such Lease.

Expences of this Act.

XI. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of carrying the same into effect, or incident thereto, shall be paid and defrayed by the said Company out of the Money already raised or received or to be raised and received by virtue of this or the said recited Acts, or any of them, in preference to all other Payments.

Railway not to be exempt from Provisions of any general Railway Act.

XII. Provided always, and be it enacted, That nothing herein or in the said recited Acts contained shall be deemed or construed to exempt the Railway by the said Acts authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Public Act.

XIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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