CHAP. xiii.

An Act for making a Railway from the Pontop and South Shields line of the North-eastern Railway to the Newcastle and Sunderland line of the same railway, in the county of Durham; and for other purposes. [25th May 1871.] A.D. 1871.

WHEREAS the making of a railway from the Pontop and South Shields line of the North-eastern Railway in the township of Barmston, in the parish of Washington, to the Newcastle and Sunderland line of the same railway in the township and parish of Monkwearmouth, with a branch railway therefrom in the township of Southwick, all in the county of Durham, would be of public and local advantage:

And whereas the several persons herein-after named, with others, are willing at their own expense to make and maintain the said railways:

And whereas plans and sections showing the lines and levels of the proposed railways and the lands which the Company by this Act incorporated are empowered to take and use for the purposes of making and maintaining the same, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, have been deposited with the clerk of the peace for the county of Durham, which plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference respectively:

And whereas it is expedient that the Company and the North-eastern Railway Company should be authorised to enter into arrangements and agreements with respect to the matters herein-after mentioned:

And whereas the objects of this Act cannot be attained 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

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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.

1. This Act may for all purposes be cited as "The Hylton, Southwick, and Monkwearmouth Railway Act, 1871."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Lands Clauses Consolidation Act, 1869," "The Railways Clauses Consolidation Act, 1845," and, so far as applicable, Parts I. and III. of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In and for the purposes of this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such meanings; the words "the Company" shall mean the Company incorporated by this Act; the words "the undertaking" or "the railway" shall mean the railways and the works connected therewith which by this Act the Company are authorised and empowered to make and maintain; and the expression "superior courts" or "court of competent jurisdiction," or other like expression in this Act or any of the Acts incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. William Stobart, Robert Scott Briggs, Charles James Briggs, Thomas Ridley Oswald, Hugh Stafford, William Dodd Pratt, Robert Thomas Wilkinson, Robert Thompson, Anthony Scott, and Richard Iliff, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, their executors, administrators, successors, and assigns respectively, shall be united into a company for the purposes of the undertaking, and such company shall be incorporated under the name of "The Hylton, Southwick, and Monkwearmouth Railway Company," and under that name shall be a body corporate, with perpetual succession and a common seal, and shall have power to purchase, take, hold, sell, and otherwise dispose of lands and other property for the purposes of the undertaking within the restrictions herein and in the incorporated Acts contained, and their undertaking shall be called "The Hylton, Southwick, and Monkwearmouth Railway."

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after mentioned, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for such purposes; (that is to say,)

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

No. 1. A railway four miles two furlongs and eight chains or thereabouts in length, commencing in the township of Barmston, in the parish of Washington, in the county of Durham, by a junction with the Pontop and South Shields line of the North-eastern Railway, and terminating in the township and parish of Monkwearmouth, in the same county, by a junction with the Newcastle and Sunderland line of the said North-eastern Railway:

No. 2. A railway three furlongs and nine chains or thereabouts in length, commencing from and out of railway No. 1, by this Act authorised, in the township of Southwick, in the said parish of Monkwearmouth, and terminating at the junction of the Crown Road with a street or road called Collin Place, in the township of Southwick aforesaid:

Provided always, that it shall not be lawful for the Company to take for the purposes of this Act any of the lands of George Hudson, Esquire, numbered on the deposited plans 13 and 14 in the township of Hylton, without the consent in writing of the said George Hudson, or other the owner for the time being of the said lands.

Junctions with the North-eastern Railway to be approved by their engineer.

6. The railway No. 1 shall join the railways of the North-eastern Railway Company at such points, in such manner, and with such connecting lines of approach and other works as shall be approved by the engineer of that Company, and the several provisions in "The Railways Clauses Act, 1863," as to junctions shall extend and apply as well to that portion of the railway and to those connecting lines and works as to the junctions with the North-eastern Railway, and the Company shall not purchase or take compulsorily any land or property of the North-eastern Railway Company, nor (save only so far as may be necessary for the purpose of constructing, maintaining, and using the railway on the property of that Company, and the said junctions, connecting lines, and works as aforesaid,) shall the Company or any person in the execution of

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this Act in any manner, either temporarily or permanently, enter upon, use, or interfere with any of the lands or property of the North-eastern Railway Company, except with their consent in writing first obtained.

Capital.

7. The capital of the Company shall be fifty thousand pounds, divided into one thousand shares of fifty pounds each.

Shares not to issue until one fifth part paid up.

8. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole sixteen thousand six hundred pounds, but no part thereof shall be borrowed until the whole of the said share capital of fifty thousand pounds is subscribed for, 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 the whole of such capital has 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 capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

11. The mortgagees of the Company 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 principal, or principal and interest, the amount owing to the mortgagees by whom the application for the appointment of a receiver is made shall be not less than two thousand pounds.

Debenture stock.

12. The Company may create and issue debenture stock.

Application of moneys raised under this Act.

13. All the moneys raised under the authority of this Act, whether by shares or borrowing, shall be applied only to the purposes authorised by this Act.

Number of directors.

14. The number of directors shall be seven: Provided always, that the Company may from time to time reduce the number of directors, but so that the number be not less than three.

Qualification of directors.

15. The qualification of a director shall be the possession in his own right of not less than twenty shares in the undertaking.

Quorum.

16. The quorum of a meeting of directors shall be three, but when the number of directors is reduced to four, the quorum shall be two.

First directors.

17. William Stobart, Robert Scott Briggs, Thomas Ridley Oswald, Hugh Stafford, William Dodd Pratt, Robert Thomas Wilkinson, and Robert Thompson shall be the first directors of the Company.

First election of directors.

18. The directors appointed by this Act shall continue in office until the first ordinary meeting held after the passing of this Act, and at that meeting the shareholders present personally or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or so many directors as are required to supply the places of those not continued in office, the directors appointed by this Act being (if qualified) eligible for re-election.

Subsequent election of directors.

19. At the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present personally or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by "The Companies Clauses Consolidation Act, 1845."

First ordinary meeting.

20. The first ordinary meeting of the Company shall be held within six months next after the passing of this Act.

Quorum of general meetings.

21. The quorum of general meetings of the Company shall be seven shareholders present personally or by proxy, holding in the aggregate not less than ten thousand pounds in the capital of the Company.

Newspaper for advertisements.

22. The newspaper in which advertisements relating to the affairs of the Company are to be inserted shall be some newspaper published in the county of Durham.

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Number of shareholders to convene extraordinary meetings.

23. The number of shareholders on whose requisition an extraordinary meeting may be required to be convened shall be not less than five, and such shareholders shall hold in the aggregate not less than five thousand pounds in the capital of the Company.

Scale of voting.

24. The scale of voting according to which shareholders may vote at meetings of the Company is as follows:

For any number of shares less than five, one vote:

For five shares and any greater number less than ten, two votes:

For ten shares and any greater number less than twenty, three votes:

For twenty shares and any greater number less than thirty, four votes:

For thirty shares and any greater number less than forty, five votes:

For forty shares and any greater number, six votes.

Powers for compulsory purchases limited.

25. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Lands for extraordinary purposes.

26. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed three acres.

Power to cross certain roads on the level.

27. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line of railway only so long as the railway consists of a single line, and afterwards with a double line of railway only, across and on the level of the road called Crown Road, numbered on the deposited plans 132, in the township of Southwick: Provided always, that so long as the said road shall be crossed on the level by the railway it shall not be lawful for the Company or for any other company or person to use the portion of railway so crossing that road on the level with engines or carriages propelled by steam or atmospheric agency, or drawn by ropes in connexion with a stationary engine.

Notice to be given of taking houses of labouring classes.

28. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes, as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company

shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

29. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of two thousand five hundred pounds, being five per centum upon the amount of the estimate in respect of the railway authorised by this Act, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum of two thousand five hundred pounds so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway hereby authorised to be made, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital, and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Providing for application of penalty in compensation to parties injured by non-completion of railway.

30. The said sum of money deposited 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 may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for

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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 Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them: Provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of railway.

31. The railway shall be completed within five years from the passing of this Act, and if the railway be not completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls.

32. The Company may demand and take in respect of the use of the railway, and the supply of carriages, waggons, or trucks, any tolls not exceeding the following; (that is to say,)

First, in respect of passengers conveyed upon the railway, or any part thereof, as follows:

For every person conveyed in any carriage, twopence per mile, and if conveyed in a carriage belonging to the Company an additional sum of one penny per mile.

Secondly, in respect of animals conveyed upon the railway, or any part thereof, as follows:

Class 1. For every horse, mule, or other beast of draught or burden, threepence per mile, and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile:

Class 2. For every ox, cow, bull, or head of neat cattle, twopence per mile, and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile;

Class 3. For every calf, sheep, pig, lamb, or other small animal, one penny per mile, and if conveyed in or upon a carriage

belonging to the Company an additional sum of one halfpenny per mile.

Thirdly, in respect of goods conveyed upon the railway, or any part thereof, as follows:

Class 4. For all dung, compost, and all sorts of manure (other than guano and artificial manure), and all undressed materials for the repair of highways, and for all coals, culm, cinders, cannel, ironstone, iron ore, limestone, chalk, sand, slag, and clay (except fire-clay), per ton per mile one penny farthing, and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny:

Class 5. For all coke, charcoal, pitwood, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, slates, salt, fire-clay, and stone, per ton per mile one penny three farthings, and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny:

Class 6. For all sugar, grain, corn, flour, guano, and other artificial manures, hides, dyewoods, earthenware, timber, staves, deals, lead ore, pig lead, and other metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile twopence halfpenny, and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny:

Class 7. For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence, and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny:

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform belonging to the Company, sixpence per mile, and a sum of one penny halfpenny per mile for every additional quarter of a ton, or fractional part of a quarter of a ton, which any such carriage may weigh.

Tolls for propelling power.

33. The Company may demand for the use of engines when provided by them for propelling carriages on the railway, any sum not exceeding one penny per mile for each passenger or animal, or for each ton of goods or other articles, in addition to the several other tolls or sums by this Act authorised to be taken.

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Maximum rates for passengers.

34. The maximum rates of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and of carriages and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, threepence per mile:

For every passenger conveyed in a second-class carriage, twopence per mile:

For every passenger conveyed in a third-class carriage, one penny halfpenny per mile.

For animals and goods.

35. And with respect to the conveyance of goods, carriages, and animals, the Company may demand and receive as a maximum rate of charge for the conveyance thereof along the railway, including the tolls for the use of the railway, and waggons or trucks, and locomotive power, and every expense incidental to such conveyance, (except a reasonable sum for loading and unloading of goods at any terminal station, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where such services, or any of them, are or is performed by the Company,) any rates or sums not exceeding the rates or sums following; (that is to say,)

For every animal in Class 1, fourpence per mile;

For every animal in Class 2, threepence per mile;

For every animal in Class 3, one penny halfpenny per mile;

For everything in Class 4, one penny three farthings per ton per mile;

For everything in Class 5, twopence farthing per ton per mile;

For everything in Class 6, threepence per ton per mile;

For everything in Class 7, fourpence per ton per mile;

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence; and if weighing more than one ton, one penny halfpenny for every quarter of a ton, or fraction of a quarter of a ton, which such carriage may weigh above one ton.

Regulations as to tolls.

36. The following provisions and regulations shall be applicable to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles:

For a fraction of a mile beyond three miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile, and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

For a fraction of a ton the Company may demand tolls 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.

Tolls for small parcels and single articles of great weight.

37. And with respect to small packages not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates of tolls prescribed by this Act, the Company may demand and take tolls not exceeding the following; (that is to say,)

For the carriage on the railway, or any part thereof, of any parcel not exceeding seven pounds in weight, threepence;

For the carriage of any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence;

For the carriage of any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence;

For the carriage of any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence;

For the carriage of any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight, one shilling and fourpence;

For the carriage of any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight, one shilling and eightpence;

And for the carriage of any parcel exceeding two hundred and fifty pounds in weight the Company may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up of several parcels, such as bags of sugar, coffee,

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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 single articles of great weight:

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 such sum as they may think fit, not exceeding sixpence per ton per mile:

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, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Terminal station.

38. No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods are received thereat direct from the consignor, or are directed to be delivered thereat or therefrom to the consignee.

Restrictions as to charges not to apply to special trains.

39. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway (in respect of which the Company may make such charges as they think fit), but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

40. Nothing in this Act contained shall be held to prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either in respect of the conveyance of animals or goods (other than small parcels) by passenger trains, or by reason of any special services performed by the Company in relation thereto.

Passengers luggage.

41. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Power to enter into working and

42. The Company on the one part and the North-eastern Railway Company on the other part may from time to time enter into

and carry into effect contracts and agreements with respect to any or all of the following purposes; (that is to say,)

traffic arrangements.

The management, user, working, and maintenance by the North-eastern Railway Company of all or any part of the railway:

The conveyance by the North-eastern Railway Company of all or any part of the traffic passing upon or over the railway or any part thereof;

The supply of any rolling or working stock, and of officers and servants, by the North-eastern Railway Company for or in respect of the railway or any part thereof:

The payment of the costs, charges, and expenses of such management, user, working, and maintenance, and the fixing and levying of the tolls, rates, and charges to be received in respect of traffic on, to, from, and over the railway or any part thereof:

The division and apportionment between the Companies of such costs, charges, and expenses, and of such tolls, rates, and charges, and of the profits and receipts arising from such traffic:

The interchange, accommodation, transmission, conveyance, and delivery of traffic coming from or destined for the undertakings of the respective Companies.

Power to make agreements as to stations.

43. The Company and the North-eastern Railway Company may from time to time make any contracts and agreements, and enter into any arrangements for the user by the Company of the present or any future station of the North-eastern Railway Company at Monkwearmouth, and of the sidings, works, and conveniences connected therewith, and of so much of the North-eastern Railway as may be necessary for those purposes, or any of them, or in order to pass from and to the same to and from the railway of the Company, and for the like user by the Company of the present or any future station of the North-eastern Railway Company at Washington, or with regard to the construction, arrangement, management, user, and maintenance of a joint station, with platforms, sidings, and all necessary works connected therewith, at or near the junction of railway No. 1 with the Pontop and South Shields line of the North-eastern Railway, for the accommodation of the traffic, whether in passengers, goods, animals, minerals, or other matters and things carried upon the railways of the two Companies; and it may by any such agreement or arrangement be determined whether such joint station shall be constructed and maintained at the joint expense of the Companies, and in that case whether in equal or unequal proportions, or at the sole expense of one of the Companies, and to be used by the other of the Companies, as the case may be, upon terms and conditions to be mutually agreed upon, and also whether such

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joint station shall be constructed on lands to be purchased or provided wholly by one Company, or by both Companies, and it shall be lawful for the Companies, in pursuance of any such agreement as aforesaid, to hold lands for their joint use and at their joint disposal, and to appoint a joint committee, to be composed of such number of their directors as they may think fit, for the regulation and management of such joint station, and to agree on regulations as to the appointment and duties of such committee, and to depute to such committee powers to make and from time to time to vary or rescind regulations respecting the management and user of such joint station, and in case either of the Companies shall have purchased or provided land for such joint station, such Company shall, if so agreed between the two Companies, hold such land as shall be used for such joint station in trust for the joint use of both the said Companies upon such terms as may be agreed upon, and the Company which shall not have purchased or provided the same shall contribute and pay to the Company which may have purchased or provided the same such portion (if any) of the purchase money and other expenses incurred in purchasing or acquiring the same as has been or shall be agreed upon.

During agreement railways to be continuous.

44. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railways by the North-eastern Railway Company, or for the use by the Company of any portion of the North-eastern Railway, the railways of the respective Companies shall for the purposes of tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the North-eastern Railway Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the North-eastern Railway Company.

Byelaws to be observed.

45. The Company and their servants in using any portion of the North-eastern Railway and the said stations and conveniences shall at all times observe the regulations and byelaws of the North-eastern Railway Company for the time being in force, so far as such byelaws shall be applicable to the Company.

Saving existing right to contract.

46. Nothing in this Act contained shall lessen or invalidate the right to make contracts which the Company may derive from the Railways Clauses Consolidation Act, 1845, or from the general law.

Interest not to be paid on calls paid up.

47. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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.

48. 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.

Railway not exempt from provisions of present and future general railway Acts.

49. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made, or the Company, from the provisions of any general Act relating to railways, or 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 of the rates for small parcels, authorised to be taken by the Company.

Expenses of Act.

50. 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.

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