ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. lxxii.

An Act to extend the Powers of the *Newcastle-upon-Tyne and Carlisle* Railway Company, and to amend Acts relating to their Railway.

[29th *July* 1850.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway or* 10 G. 4. c. 72. *Tramroad from the Town of* Newcastle-upon-Tyne *in the County of the Town of* Newcastle-upon-Tyne *to the City of* Carlisle *in the County of* Cumberland, *with a Branch thereout*, and by the said Act several Persons were incorporated into a Company by the Name of "The *Newcastle-upon-Tyne and Carlisle* Railway Company," and were thereby empowered to make and maintain a certain Railway, with proper Works and Conveniences connected therewith, commencing in the Town of *Newcastle-upon-Tyne* aforesaid, and terminating in the City of *Carlisle* in the said County of *Cumberland*, together with One Branch Railway or Tramroad from and out of such Railway or Tramroad; and the said Company were authorized to raise a Share Capital not exceeding in the whole the Sum of Three hundred thousand Pounds, and to borrow or take up at Interest on the Credit of the said Undertaking a Sum not exceeding One hundred thousand Pounds: And whereas another Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to accelerate the raising by the* Newcastle-upon-Tyne 2 & 3 W. 4. and Carlisle *Railway Company of a certain Sum, for the more speedy* c. 92. *Prosecution of the Undertaking*, by which said Act the said Company

were empowered to borrow or to take up at Interest a Sum not exceeding One hundred thousand Pounds before the said Share Capital of Three hundred thousand Pounds should be raised and paid: And whereas another Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to authorize the* Newcastle-upon-Tyne and Carlisle *Railway Company to make an additional Branch Railway or Tramroad, and for other Purposes connected with their Undertaking;* and by the said Act the said Company were empowered to make and maintain a Branch Railway commencing upon the Main Line of the said Railway at *Blaydon* in the Parish of *Winlaton* in the County of *Durham*, and terminating at the *Spital* in the County of the Town of *Newcastle-upon-Tyne;* and the said Company were authorized to raise an additional Capital of One hundred and fifty thousand Pounds, by the Creation of additional Shares, and by Loan or Mortgage, for the Purposes of their Undertaking: And whereas the said Sum of One hundred and fifty thousand Pounds so authorized to be raised by the said Company as aforesaid was raised accordingly by the Creation and Sale of Nine hundred additional Shares of One hundred Pounds each in the said Company, and by borrowing from the Commissioners for the Issue of Exchequer Bills, upon Mortgage of the said Railways and the Works connected therewith, the Sum of Sixty thousand Pounds: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act to authorize the* Newcastle-upon-Tyne and Carlisle *Railway Company to raise an additional Sum of Money for the Purposes of their Undertaking;* and by the said Act the said Company were authorized to raise an additional Share Capital of Three hundred thousand Pounds by the Creation and Sale of an additional Number of Shares of One hundred Pounds each in the said Undertaking, and to borrow or raise an additional Loan Capital of One hundred thousand Pounds, on the Credit of the said Undertaking, by Mortgage or Bond: And whereas another Act was passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to alter, amend, and enlarge the Powers granted to the* Newcastle-upon-Tyne and Carlisle *Railway Company, and to authorize Alterations in the Line of the Railway;* and by the said Act the said Company were authorized to make certain Alterations in the Line of their Railway, and they were empowered, for the Purposes of their Undertaking, to create an additional Share Capital not exceeding Two hundred and twenty-five thousand Pounds, and to borrow or raise an additional Loan Capital not exceeding Seventy-five thousand Pounds: And whereas "The *Newcastle-upon-Tyne and Carlisle* Branch Railway Act, 1846," was passed in the Tenth Year of the Reign of the Queen's most Gracious Majesty, and by the said Act the said Company were authorized to create an additional Share Capital of Two hundred and forty thousand Pounds, and to borrow or raise an additional Loan Capital of Eighty thousand Pounds: And whereas "The *Newcastle-upon-Tyne and*

5 & 6 W. 4. c. 31.

1 & 2 Vict. c. 23.

4 & 5 Vict. c. 44.

9 & 10 Vict. c 394.

12 & 13 Vict. c. 43.

and Carlisle (*Alston* Branch) Railway Act, 1849," was passed in the Thirteenth Year of the Reign of the Queen's most Gracious Majesty, and by the said Act the said Company were empowered to abandon certain Parts of the Branch Railway authorized to be made by "The *Newcastle-upon-Tyne and Carlisle* Branch Railway Act, 1846," and in lieu thereof to make certain new Lines of Railway in the now-reciting Act described: And whereas the several Sums of Money authorized to be raised by the said recited Acts have been raised accordingly, and the said Monies, except Part of the Capital authorized to be raised by "The *Newcastle-upon-Tyne and Carlisle* Branch Railway Act, 1846," have been raised by such Means as were authorized by the said recited Acts, and have been expended upon the Purposes authorized by the said recited Acts, and no Part of such Money has been raised by means of preferential or guaranteed Shares: And whereas it is found necessary that the said Company should be authorized to raise an additional Sum of Money for the Purposes of their Undertaking, and that some of the Powers and Provisions of the said recited Acts should be repealed, altered, or amended, and that additional Powers should be granted: And whereas the Purposes aforesaid cannot be carried into effect 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 *Newcastle-upon-Tyne and Carlisle* Railway Company, by an Order of any General or Special General Meeting of the said Company, to raise by Contribution among the Shareholders in the said Company, or by the Admission of other Persons as Subscribers to their Undertaking, such Sum or Sums of Money as they shall from Time to Time think expedient for the Purposes authorized by the said Acts and this Act, not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, in addition to the several Monies authorized to be raised or borrowed by the said recited Acts, and for that Purpose to create and sell or otherwise dispose of such and so many integral Shares and of such Value or Amount as the said Company shall direct, so only that the aggregate Amount of such Shares do not exceed the said additional Sum of One hundred and fifty thousand Pounds.

Power to raise additional Capital by Creation of new Shares.

II. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the said *Newcastle-upon-Tyne and Carlisle* Railway Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the nominal Amount or Value of such Shares and the proportionate Dividends thereon respectively, and except as

New Shares to be considered the same as original Shares.

as to any other special Advantages in favour of or other Regulations in relation to such Shares which may be resolved on by any General or Special General Meeting of the said Company, and except as to the Amount and Time of making and of Payment of Calls on such new Shares, and such new Shares shall be disposed of in such Manner as the Company shall at any General or Special General Meeting direct: Provided always, that the Dividend to be guaranteed to be paid by the said Company on any Share hereby authorized to be created shall not exceed the Rate of Ten Pounds *per Centum*, to be paid in preference to and before any Dividend shall be payable upon the general Capital of the Company.

As to Calls.

III. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any single Call under the Provisions of this Act, and that not more than Four Calls shall be made in any One Year, and Three Months at least shall be the Interval between successive Calls.

Power to borrow Money on Mortgage, &c.

IV. And be it enacted, That it shall be lawful for the said Company, in addition to the Sums authorized to be borrowed by them by the said recited Acts, to borrow on Mortgage or Bond for the Purposes authorized by the said Acts and this Act any Sum not exceeding in the whole the Sum of Fifty thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One hundred and fifty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Old Mortgages to have Priority.

V. Provided always, and be it enacted, That all Mortgages and Bonds 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 any Mortgages or Bonds to be created by virtue of this Act.

Mortgages and Transfers to be stamped.

VI. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Stock, Mortgage, Bond, or other Security for Money to be granted or made by virtue of the said Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, anything herein or in the said Acts contained to the contrary notwithstanding.

Re-borrowing.

VII. And be it enacted, That the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money, and to the Conversion of the borrowed Money into Capital, and to the Consolidation of the Shares into Stock, shall extend to and be incorporated with this Act, for the Purposes thereof.

Payment of Subscriptions before Calls.

VIII. And be it enacted, That the said Company may, if they think fit, receive from any of the Shareholders willing to advance the same all

or any Part of the Monies payable upon their respective Shares beyond the Sums actually called for; and upon the Money so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of Calls made upon the Shares in respect of which such Advance shall have been made, the said Company may pay Interest at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the Shareholders paying such Sum in advance and the said Company shall agree upon.

For recovering Calls from Shareholders resident in Scotland.

IX. And be it enacted, That if any Shareholder residing in *Scotland* shall fail to pay the Amount of any Call made upon him by the said Company in respect of any Share held by him in the said Company, it shall be lawful for the said Company to proceed against him in *Scotland*, and to sue for and recover the Amount of such Call, or to declare such Shares forfeited, in such Manner as is by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," provided in regard to Shareholders of any Company in *Scotland*.

As to Votes of Proprietors of new Shares.

X. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to immediately before the passing of this Act if such Shares had been original Shares in the Undertaking of the said *Newcastle-upon-Tyne and Carlisle* Railway Company.

Power to vary the Number of Directors.

XI. And be it enacted, That it shall be lawful for the Company, at any Annual or Special Meeting, to reduce the Number of Directors, provided that the reduced Number be not less than Nine, One of whom, if the reduced Number be less than Twelve, and Two of whom, if the reduced Number be Thirteen or more, may be nominated and appointed by the Earl of *Carlisle*, his Heirs or Assigns, Lords of the Barony of *Gilsland*; and that other Proprietors duly qualified may be nominated by the said Earl of *Carlisle*, his Heirs or Assigns, Lords of the Barony of *Gilsland*, or elected by the said Company, to be Directors in the Places of the Directors who shall from Time to Time cease to be Directors, according as such last-mentioned Directors may have been nominated by the said Earl of *Carlisle*, his Heirs or Assigns, Lords of the Barony of *Gilsland*, or have been elected by the said Company.

Quorum of Directors.

XII. And be it enacted, That all Matters and Things authorized to be done by the Directors of the Company may be done at any Meeting of Directors at which not less than Five Directors shall be present.

Enabling Vicar of Alston to

XIII. And be it enacted, That it shall be lawful for the Vicar of *Alston*, with the Consent of the Ordinary and of the Patron for the Time

convey to Company Land belonging to the Vicarage.

Time being of the Vicarage, to sell and convey to the said Company the Land belonging to the said Vicarage required by the said Company for the Purposes of the *Newcastle-upon-Tyne and Carlisle* (*Alston* Branch) Railway Act, 1849, in consideration of a perpetual annual Rent-charge payable by the said Company.

Extending Time within which superfluous Lands may be sold under recited Act 4 & 5 Vict. c. 44.

XIV. And whereas by the said recited Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to alter, amend, and enlarge the Powers granted to the* Newcastle-upon-Tyne and Carlisle *Railway Company, and to authorize Alterations in the Line of their Railway*, it was amongst other things enacted, that the said Company should sell all superfluous Lands, in such Manner as they might deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Common Seal of the said Company, and the Receipt of the Treasurer for the Time being of the said Company should be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received, and that such Sales and Conveyances should take place within Ten Years after the passing of the said recited Act: And whereas it is expedient that the Time limited for the Sale by the said Company of Lands which shall have been acquired by them, but which shall not be required for the Purposes of the said Railways and Works or any of them, should be extended as herein-after mentioned: Be it therefore enacted, That the said Company shall, within the Period of Five Years after the Expiration of the Time limited by any of the said herein-before recited Acts for the Completion of any Works by the said Acts authorized, absolutely sell and dispose of all such superfluous Lands, and apply the Purchase Money arising from such Sales to the Purposes of the said Company.

Power to sell or lease Lands in Newcastle-upon-Tyne to the York, Newcastle, and Berwick Railway Company.

XV. And whereas, for the Purpose of providing a Station or Stations for Passengers and Merchandize, with suitable Offices and Buildings, at the Junction of the *Newcastle-upon-Tyne and Carlisle* Railway with the *York, Newcastle, and Berwick* Railway in *Newcastle-upon-Tyne*, it is expedient that the Sales or Leases of the Lands and Hereditaments next herein-after described or referred to should be authorized in manner herein-after mentioned: Be it therefore enacted, That it shall be lawful for the said *Newcastle-upon-Tyne and Carlisle* Railway Company to sell and convey to the *York, Newcastle, and Berwick* Railway Company, or to demise or lease to the last-mentioned Company, for such Term of Years, and at such Rent, and upon such Conditions as may be deemed proper, so much and such Part and Parts of the Land and Hereditaments of the said *Newcastle-upon-Tyne and Carlisle* Railway Company situate in the County of the Town of *Newcastle-upon-Tyne* as the said Companies may mutually agree upon; and it shall be lawful for the said *York, Newcastle, and Berwick* Railway Company to purchase or accept a Lease

of and to hold the Lands and Hereditaments which may be so conveyed or leased to them as aforesaid.

Power to purchase Lands from the York, Newcastle, and Berwick Railway Company.

XVI. And be it enacted, That it shall be lawful for the *York, Newcastle, and Berwick* Railway Company to sell and convey to the *Newcastle-upon-Tyne and Carlisle* Railway Company, or to demise or lease to the last-mentioned Company for such Term of Years, and at such Rent, and upon such Conditions as may be deemed proper, so much and such Part and Parts of the Lands and Hereditaments belonging to or agreed to be purchased by the *York, Newcastle, and Berwick* Railway Company situate in the County of the Town of *Newcastle-upon-Tyne* as the said Companies may mutually agree upon, and it shall be lawful for the said *Newcastle-upon-Tyne and Carlisle* Railway Company to purchase or accept a Lease of and to hold the Lands and Hereditaments which may be so conveyed or leased to them as aforesaid.

Power to enter into Agreements with the York, Newcastle, and Berwick Railway Company.

XVII. And be it enacted, That it shall be lawful for the *Newcastle-upon-Tyne and Carlisle* Railway Company, and the *York, Newcastle, and Berwick* Railway Company, from Time to Time to enter into such mutual Contracts and Agreements as shall be deemed expedient, for or in respect of the Use and Occupation of the Stations, Buildings, and Offices, and the Works and Conveniences connected therewith, constructed and made or to be constructed and made upon the Lands and Hereditaments above mentioned, or any of them, and upon adjoining Lands of the said Companies or One of them.

Interest not to be paid on Calls paid up.

XVIII. And be it enacted, 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 above 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.

Deposit for future Bills not to be paid out of the Company's Capital.

XIX. And be it enacted, That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said 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 any Act authorizing the said Company

Company to construct any other Railway or execute any other Work or Undertaking.

Railway, &c. subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

XX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* 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 Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for constituting Commissioners of Railways*, and *An Act for regulating the Gauge of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Railways and Works by this Act authorized, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Works and Company, so far as the same shall be applicable thereto.

Railway not to be exempt from Provisions of future general Acts.

XXI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Acts.

Expenses of Act.

XXII. And be it enacted, That all Costs, Charges, and Expenses connected with the passing of this Act shall be paid by the Directors of the said Company out of the first Monies that shall come to their Hands after the passing thereof.

Public Act.

XXIII. 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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