ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxcviii.

An Act for transferring to a Company the Powers vested in the Commissioners under "The *North Shields* Quay Act, 1851." [31st *July* 1854.]

WHEREAS by "The *North Shields* Quay Act, 1851," Power was given to the Mayor, Aldermen, and Burgesses of the Borough of *Tynemouth*, as the Commissioners for the Execution of the Act, to construct a Quay, Approaches, and Works at *North Shields* in the County of *Northumberland*, for which Plans and Sections had been deposited as therein mentioned, and to borrow Money for that Purpose: And whereas the Quay, Approaches, and Works authorized by the said recited Act have not been constructed, nor hath any Money been raised by the said Commissioners for that Purpose: And whereas it would be of great Benefit to the Port of *Shields*, and would be of great public Advantage, if the Undertaking authorized by the said recited Act were carried into effect: And whereas it is expedient that a Company should be incorporated for the Purpose of taking a Transfer of the Powers now vested in the said Commissioners for constructing the said Quay, Approaches, and Works, and that all the Powers and Provisions of the said recited Act, so far as they are applicable to a Company, should be transferred to the said Company; but such Purposes 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,)

8 & 9 Vict. c. 16. incorporated.

I. "The Companies Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. In citing this Act it shall be sufficient to describe it as "The *North Shields* Quay Transfer Act, 1854."

Subscribers incorporated.

III. *George Macartney*, *William Linskill*, *James Walkinshaw*, *Emanuel Young*, *George Fawcus*, *Robert Russell Notman*, and *George Johnson*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united into a Company for the Purposes of this Act, and such Company shall be and the same is hereby incorporated by the Name of "The *North Shields* Quay Company," and by that Name shall be a Body Corporate, with perpetual Succession, with Power to sue and be sued, and to have a Common Seal.

Amount of Capital.

IV. And whereas the estimated Cost of constructing the said Quay and Works was Twenty thousand Pounds: Be it enacted, That the Capital of the Company shall be Twenty-one thousand Pounds: Provided always, that before the Company put in force the Powers of the recited Act for the compulsory Purchase or Taking of Land for the Purposes of the Undertaking, the whole of the Capital or estimated Sum for defraying the Expenses of the Undertaking shall be subscribed, under Contract, in manner required by "The Lands Clauses Consolidation Act, 1845."

Shares.

V. The Number of Shares into which the said Capital shall be divided shall be Two thousand one hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. Two Pounds *per* Share shall be the greatest Amount of any One Call which the said Company may make upon the Shareholders, and Three Months at the least shall intervene between successive Calls.

Power to borrow Money.

VII. It shall be lawful for the Company to borrow, for the Purposes of this Act, on Mortgage or Bond, any Sum or Sums of Money not exceeding in the whole the Sum of Five thousand Pounds, but no Part

Part of such Sum shall be raised until the whole of the said Capital or Sum of Twenty-one thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Arrears to be enforced by the Appointment of a Receiver.

VIII. It shall be lawful for the Mortgagees of the Company to enforce the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver, in the event of the Principal Monies not being paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

First and other Ordinary Meetings.

IX. The First Ordinary Meeting of the said Company shall be held within Three Months next after the passing of this Act.

Number of Directors.

X. The Number of Directors shall be Seven, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to reduce the Number of Directors.

XI. It shall be lawful for the Company from Time to Time to reduce the Number of Directors of the Company, but so that the Number of Directors shall not be less than Five.

First Directors.

XII. *George Macartney*, *William Linskill*, *James Walkinshaw*, *Emanuel Young*, *George Fawcus*, *Robert Russell Notman*, and *George Johnson* shall be the First Directors of the Company.

Certain Sections of recited Act repealed.

XIII. The following Sections of the said recited Act, (that is to say,) Section 2, so far as it relates to the Incorporation of "The Commissioners Clauses Act," but not further or otherwise, and Sections 3, 8, 9, 10, 22, 35, and 36, are hereby repealed, subject to their being revived in the event herein-after mentioned.

Powers, &c. of recited Act transferred to the Company.

XIV. From and after the passing of this Act, the several Powers, Provisions, and Obligations contained in the said recited Act, so far as the same are not hereby repealed, shall be and the same are hereby transferred to and vested in the Company, and shall be construed in favour of and against the Company, their Directors, Officers, and Servants, as if the said Company, their Directors, Officers, and Servants, had been named or specifically referred to in the said recited Act, instead of the Commissioners, their Officers and Servants.

The Company may authorize any other Person to undertake

XV. It shall be lawful for the Company to empower any other Persons to undertake any Part of the Works by this and the firstly-recited Act authorized; and the Company may demise for a Term not exceeding Twenty Years from the passing of this Act, to any Persons,

Works and demise Tolls.

Persons, all or any Part of the Tolls or other Advantages to be derived from such Works.

The Quay to be Forty Feet wide.

XVI. There shall be perpetually maintained along the whole Front of the said Quay towards the Water a Space of not less than Forty Feet in Width, to be used as a public Quay, subject to the Provisions of the firstly-recited Act and this Act.

Company to widen the Thoroughfare called Wooden Bridge.

XVII. And whereas the said Mayor, Aldermen, and Burgesses, acting as Commissioners under an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for paving, lighting, watching, cleansing, regulating, and improving the Town of* North Shields *in the County of* Northumberland, did, prior to the passing of "The *North Shields* Quay Act, 1851," advance and pay, out of the Funds in their Hands as such last-mentioned Commissioners, Five hundred Pounds towards the Costs, Charges, and Expenses of obtaining the said "*North Shields* Quay Act, 1851," to the Intent and with the View that, under the Powers of the said "*North Shields* Quay Act, 1851," a certain Street or Thoroughfare called the *Wooden Bridge*, situate within the Limits of the said Town of *North Shields* as defined by the secondly hereinbefore recited Act, and subject to the Jurisdiction of the said Mayor, Aldermen, and Burgesses as such lastly-mentioned Commissioners, should be widened from its Width of Seven Feet, as then and now existing, to the Width of Twenty Feet, and it is expedient and proper that the Improvement thus contemplated should be carried out by the Company under the Powers transferred to and vested in them by this Act: Be it enacted, That within Two Years from the passing of this Act the Company shall cause the said Street or Thoroughfare called the *Wooden Bridge* to be widened from its present Width of Seven Feet to the Width of Twenty Feet; and in default of the Company causing the said Street or Thoroughfare to be widened within the Time and to the Extent aforesaid, the Company shall pay to the said Mayor, Aldermen, and Burgesses Five hundred Pounds, to be recovered by Action of Debt, and to be paid and applied by them as Monies coming to their Hands under the Powers of the said secondly-recited Act.

Penalty on Default.

As to Payment of Residue of Costs of recited Act.

XVIII. The Remainder of the Costs, Charges, and Expenses connected with the applying for, procuring, and passing of "The *North Shields* Quay Act, 1851," or preparatory or incidental thereto, shall be paid by the Company.

The Company to indemnify the Commissioners.

XIX. The Company shall save harmless and keep indemnified the said Mayor, Aldermen, and Burgesses from all Costs, Charges, Damages, and Expenses, Liabilities, Claims, and Demands in respect of

of any Matter heretofore done by them under the Powers of the firstly-recited Act, or in any Manner relating thereto.

Purchase of Quay, Approaches, &c. by Mayor, Aldermen, and Burgesses of Tynemouth.

XX. At any Time after the Completion of the said Quay, Approaches, and Works it shall be lawful for the said Mayor, Aldermen, and Burgesses, as such Commissioners as aforesaid, to purchase from the Company, and for the Company to sell to the said Commissioners, the whole of the said Quay, Approaches, and Works, (subject to any such Demise as aforesaid,) at such Price as may be mutually agreed on; and in case, at the Expiration of Twenty Years from the passing of this Act, no such Agreement shall have been made, it shall be lawful for the said Commissioners, after Twelve Months Notice in Writing of their Intention to purchase the same, to be published in Three successive Weeks in Two or more Newspapers circulating within the said Borough, and to be given to the Company, to purchase from the Company the whole of the said Quay, Approaches, and Works; and the Company are hereby required and authorized, upon the Request in Writing of the said Commissioners, after such Twelve Months Notice as aforesaid shall have been given, to sell, convey, and transfer the said Quay, Approaches, and Works to the said Commissioners, upon such Terms as may be agreed upon between the said Commissioners and the Company, or, in case they shall not agree, as shall be settled under the Provisions of "The Lands Clauses Consolidation Act, 1845," relating to the Purchase of Lands otherwise than by Agreement, which Act shall apply in all respects to such Purchase: Provided always, that no such Notice as aforesaid shall have any Effect unless the said Commissioners shall at the Time of giving the same have deposited with the Company the Sum of Two thousand Pounds on account and in part of the Purchase Money of the said Quay, Approaches, and Works; and in case the Purchase Money for the same shall not be paid to the Company within Twelve Calendar Months from such Request, the said Sum of Two thousand Pounds shall be absolutely forfeited to the Company, and the said Notice and Request, and all Proceedings taken under the same, shall become void: Provided nevertheless, that the Failure of the said Commissioners to pay the Purchase Money to the Company within the said Period of Twelve Calendar Months, and the Forfeiture of the Deposit Money, shall not preclude the said Commissioners from proceeding again to purchase the said Quay, Approaches, and Works, under the Provisions and in manner aforesaid.

As to Revival, on such Purchase, of Sections hereby repealed.

XXI. On the Conveyance of the said Quay, Approaches, and Works from the Company to the said Commissioners, the Sections of the said recited Act which are hereby repealed shall be revived, and the Powers, Provisions, and Obligations hereby transferred to the Company shall be re-transferred to the said Commissioners, and vest in them, as if this Act had not passed, and the Powers hereby conferred

ferred on the Company shall also be transferred to the said Commissioners: Provided always, that the Reduction of Tolls provided for by the Thirty-sixth Section of the said recited Act shall not be made so as to affect the Rights of any Person under any Demise which may have been made to him as aforesaid.

Contracts of North Shields Quay Company to remain in force.

XXII. From and after such Conveyance as aforesaid, everything before such Conveyance done or suffered by the Company shall continue valid, and such Conveyance shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Conveyance had not been made, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Commissioners shall to all Intents and Purposes represent the Company: Provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

After Conveyance, all Contracts &c. to remain in force.

XXIII. From and after such Conveyance as aforesaid, all Conveyances, Contracts, and Agreements, Obligations, Mortgages, Liabilities, Bonds, Covenants, and Securities, theretofore made or entered into by, with, or on behalf of or in reference to the Company, shall, subject to the Provisions in this Act contained, be and remain as good, binding, valid, and effectual, in favour of, upon, against, or with reference to the said Commissioners, and may be enforced, sued, and recovered upon, by, or against them, as fully and effectually, to all Intents and Purposes, as if the said Commissioners had originally been a Party to and executed the same, or had been named or referred to therein, instead of the Company.

Actions not to abate.

XXIV. No Action, Suit, Prosecution, Indictment, or other Proceeding whatsoever commenced or instituted by, in favour of, or against the Company, previously to the Execution of such Conveyance as aforesaid, shall abate or be discontinued or prejudically affected by such Sale, or by the Execution of such Conveyance, but all such Actions, Suits, Prosecutions, Indictments, and other Proceedings shall continue and take effect, and may be prosecuted and carried on, by, in favour of, or against the said Commissioners, as fully and effectually, and in the same Manner in all respects, as if the same had been originally instituted or commenced by or against the said Commissioners, and as if the said Commissioners had been named or referred to therein, instead of the Company.

Application of Purchase and other Monies by Company.

XXV. The Directors for the Time being of the Company shall stand possessed of the Money arising from the Sale of the said Undertaking, and of all other Sums of Money which at the Time of the Payment

Payment of such Purchase Money shall be in their Hands or Power or under their Control, and also of all other Monies which shall thereafter come to their Hands on account of or for the Benefit of the Shareholders in the Company, upon trust, after paying or providing for all the Debts, Liabilities, or Engagements of the Company then outstanding (if any), to divide all such Monies between or among the several Persons who at the Time of the Payment of such Purchase Money or other Money as aforesaid shall be Proprietors of Shares in the Capital of the Company, and their respective Executors, Administrators, and Assigns, in proportion to the Number of their respective Shares therein.

Proof of Proprietorship in Company.

XXVI. The several Persons whose Names shall appear in the Books of the Company as the Proprietors of Shares therein at the Time of such Sale shall, until the contrary be proved to the Satisfaction of the Directors of the Company, or until the said Directors shall have received Notice to the contrary, be considered to be the Persons entitled to participate in the Distribution of the Purchase Money hereby directed to be divided among the Proprietors of Shares in the Capital of the Company.

Receipt of Three Directors to be sufficient Discharge.

XXVII. The Receipt in Writing of Three of the Directors for the Time being of the Company for any Monies payable to the Company under the Provisions of this Act shall be an effectual Discharge for such Sum as in such Receipt shall be expressed to be received, and the said Commissioners shall not be obliged or concerned to see to the Division or Distribution thereof, or be in anywise answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or of any Part thereof.

Dissolution of Company.

XXVIII. Upon the Completion of the Sale and Transfer by the Company of the whole of their Undertaking in manner aforesaid, and when and as soon as the Purchase Money paid in respect of such Sale shall have been appropriated and divided in manner hereinbefore directed, such Company shall cease, determine, and be dissolved.

Expenses of Act.

XXIX. The Expenses of applying for and obtaining this Act and incidental thereto shall be defrayed by the Company.

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