ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. xlv.

An Act for establishing direct Steam Communications across the River *Tyne*, between the Towns of *North* and *South Shields*, and between other Places in the Counties of *Durham* and *Northumberland*. [30th *June* 1848.]

WHEREAS the Towns of *North Shields* in the County of *Northumberland* and *South Shields* in the County of *Durham*, and the Parishes, Townships, and Places adjacent thereto, upon the River *Tyne*, have of late Years much increased in Population, and frequent and easy Communication with each other has become essential: And whereas in an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for establishing a Ferry across the River* Tyne *between* North Shields *in the County of* Northumberland *and* South Shields *in the County of* Durham, *and for opening and making proper Roads, Avenues, Ways, and Passages to communicate therewith*, a Company was incorporated by the Name of "The *North and South Shields* Ferry Company," and certain Provisions are contained in the said Act restricting the Establishment of any other Ferry within certain Limits, and imposing a Penalty upon any Person or Persons carry- 10 G. 4. c 98.

ing Passengers for Hire across the said Ferry within such Limits in Vessels of a Burthen of Four Tons and upwards: And whereas it has become expedient and requisite, for the Accommodation of the Public, that further Accommodation should be provided for conveying Passengers across the said River *Tyne*, both within and beyond the Limits of the said Act: And whereas it is expedient that Powers should be given for constructing certain Stations, Wharfs, Landing Places, Approaches, and other Works for the Accommodation of Passengers and Goods, and that Provision should be made for Arrangements with the *North and South Shields* Ferry Company established by the said Act: And whereas the several Persons herein-after named, together with others, are desirous of being united into a Company for the Establishment of new Steam Communications, and for the Execution of the Works connected therewith; but the Purposes aforesaid 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, That the several Acts of Parliament following, (that is to say,) the Companies Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act.

8 & 9 Vict. cc. 16. and 18. *incorporated with this Act.*

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to describe it as "The *Tyne Direct* Ferry Company Act, 1848."

Subscribers incorporated.

III. And be it enacted, That *Thomas Barker*, *Charles Newby Wawn*, *Enoch Donkerley Thompson*, *Sheppard Skee*, *William Pearson*, *Thomas Hudson*, *George Johnson*, *Terrot Glover*, and *Emanuel Young*, 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 united into a Company for the Purposes of the said Undertaking, according to the Provisions of this Act and of the said Acts incorporated herewith, and for other the Purposes herein and in the said Acts contained, and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Tyne Direct* Ferry Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the recited Acts contained.

Capital.

IV. And whereas the estimated Expense of establishing the said Steam Communications, Stations, Wharfs, Landing Places, Approaches, and other Works is Nine thousand and three hundred Pounds; be it enacted, That the Capital of the Company shall be Nine thousand and three hundred Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be One thousand eight hundred and sixty, and the Amount of each Share shall be Five Pounds.

VI. And

Calls.

VI. And be it enacted, That One Pound *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between each Call.

Power to borrow Money.

VII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Three thousand and one hundred Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Nine thousand and three hundred Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Arrears may be enforced by Appointment of a Receiver.

VIII. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly 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 Meetings.

IX. And be it enacted, That the First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the Second Ordinary Meeting shall be held in the Month of *August* One thousand eight hundred and forty-nine, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August;* and the First of such Ordinary Meetings shall be held in *South Shields*, and all Meetings, whether ordinary or extraordinary, shall be held in *North Shields*, *South Shields*, or *Newcastle upon Tyne*, as the Directors may determine.

Quorum of general Meetings.

X. And be it enacted, That the Quorum for every General Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Shareholders may convene Extraordinary Meetings.

XI. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Ten Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Scale of voting.

XII. And be it enacted, That the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; that is to say,

For Five Shares, One Vote; and One additional Vote for every further Five Shares held.

Number and Qualification of Directors.

XIII. And be it enacted, That the Number of Directors shall be Nine; and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to vary the Number of Directors.

XIV. And be it enacted, That it shall be lawful for the Company, at any Ordinary Meeting for the Election of Directors after the First

First Ordinary Meeting, or at any Extraordinary Meeting called by the Directors for the Purpose, to increase or reduce the Number of Directors, provided that the increased Number do not exceed Fifteen, and that the reduced Number be not less than Five: Provided always, that Notice of the Intention to increase or reduce the Number of Directors shall be given One Month at least before any such Meeting.

First Directors.

XV. And be it enacted, That *Thomas Barker*, *Charles Newby Wawn*, *Enoch Donkerley Thompson*, *Sheppard Skee*, *William Pearson*, *Thomas Hudson*, *George Johnson*, *Terrot Glover*, and *Emanuel Young* shall be the First Directors of the Company.

Such Directors to continue in Office until first Meeting after passing of Act.

XVI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the First Ordinary Meeting to be held in every Year thereafter 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 said "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 said "Companies Clauses Consolidation Act, 1845," and in this Act, or either of them.

Quorum.

XVII. And be it enacted, That a Quorum of a Meeting of Directors shall be Three.

Committee of Directors.

XVIII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three.

Power to enter on Lands and construct Works.

XIX. And whereas Plans describing the Line and Situation of the proposed Ferries or Steam Communications, Stations, Wharfs, Landing Places, Approaches, and other Works, and of the Lands upon or through which the same are intended to be made, and a Book of Reference containing a List of the Owners, Lessees, and Occupiers of such Lands, have been deposited with the respective Clerks of the Peace for the Counties of *Durham* and *Northumberland*, and for the Town and County of the Town of *Newcastle-upon-Tyne*; be it enacted, That it shall be lawful for the Company to enter into any Lands mentioned in the said Plans and Books of Reference, and to take Levels of the same, and to set out such Parts thereof as they shall think necessary for the Works hereby authorized to be made, and to make such Cuttings and Embankments as they shall think proper, and to remove or use the Buildings thereon, and the Soil

Soil or other Things dug or gotten out of the same, they the Company doing as little Damage as may be in the Execution of the Powers hereby granted, and making Satisfaction to the Persons interested in such Lands in manner mentioned in the said "Lands Clauses Consolidation Act, 1845."

Errors and Omissions may be corrected by Justices who shall certify the same.

XX. And be it enacted, That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described in the said Plans or Books of Reference, it shall be lawful for the Company, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the County, and shall also be deposited with the Parish Clerk of the Parish in which the Lands affected thereby shall be situate, and such Certificate shall be kept by such Clerk of the Peace and Parish Clerk respectively along with the other Documents to which they relate, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Certificate to be deposited.

Not to deviate beyond Line of lateral Deviation.

XXI. And be it enacted, That the Company, in making the several Works hereby authorized, shall not take any other Lands than such as are comprised within the Lines of lateral Deviation described in the said Plans, nor enter into the Lands of any Person not mentioned in the Book of Reference, without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided.

Power to establish and maintain Steam Boats, &c.

XXII. And be it enacted, That it shall be lawful for the Company to establish and maintain Steam or other Boats for the Conveyance of Foot Passengers over and across the River *Tyne* between the several Places described on the said Plans, and also to convey Carriages, Horses, Cattle, Goods, Wares, Merchandize, and other portable Articles by means of such Steam and other Boats across the said River, between the Stations at *Willington Quay* and *Jarrow*, and also, if they think fit, between the Stations at *Whitehill Point* and *Penny Pie Stairs*, and to construct and maintain good and substantial Stations, Wharfs, Landing Places, Approaches, and other Works, within the Limits described on the said Plans, in the several Parishes herein-after mentioned, or some of them, that is to say, *Tynemouth* and *Wallsend*, or either of them, in the County of *Northumberland*, *Jarrow* and the Parochial Chapelry of *Saint Hilda* in the Parish of *Jarrow* in the County of *Durham*, and *Saint Nicholas* in the Town and County of the Town of *Newcastle upon Tyne*, and from Time to Time to do all other Things necessary for establishing, maintaining, regulating,

regulating, and managing the said Communications, and making the same as useful and advantageous to the Public as may be; and all Foot Passengers, and also Persons with Carriages, Horses, Cattle, Goods, Wares, and Merchandize, at the several Stations where the requisite Accommodation shall be provided by the Company, shall have Liberty to pass by the Boats of the Company from any Point within the Limits aforesaid and back, upon Payment of the respective Tolls herein-after granted.

Power to take Leases.

XXIII. And whereas it may happen that Land may be wanted for the Purposes of this Act which the Owners thereof may be unable or unwilling to sell; be it therefore enacted, That it shall and may be lawful for the Company and they are hereby authorized and empowered to contract for, take, and hold to them and their Successors, by way of Lease, for any Number of Years, whether absolute or determinable on Lives, and upon such Terms as they and the Owners thereof may agree upon, any Land contiguous or near to the Lines of the Ferries intended to be hereby established, or any of them, for any Purposes connected with the making or maintaining the said Ferries or any of them for which the Company may deem it requisite to obtain such Land: Provided always, that nothing herein contained shall confer upon the Owners of any such Land any other Powers of granting Leases than they would have possessed if this Act had not been passed.

Saving Rights, &c. of the Duke of Northumberland.

XXIV. Provided also, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Rights, Powers, Jurisdictions, Privileges, or Advantages whatsoever of or belonging to *Algernon* Duke of *Northumberland*, his Heirs or Assigns, or any Person or Persons claiming under him, them, or any of them, otherwise and except inasmuch as the same are by this Act expressly taken away, restrained, altered, or affected.

As to Obstructions of Ferry.

XXV. And be it enacted, That if any Person shall wilfully obstruct or impede the Steam Communications across the said River established by the Company, or the Use of the said Ferries, he shall be subject to a Penalty of Five Pounds for every such Offence: Provided always, that it shall be deemed good and sufficient Cause in extenuation to prove that any Vessel or Craft, by which any such Obstruction or Impediment shall be created or occasioned was at the Time of creating or occasioning such Obstruction or Impediment actually and *bonâ fide* engaged in loading or unloading Goods or Merchandize or otherwise trading at any Warehouse or Warehouses situated at the New Quay or *Whitehill Point* aforesaid; and for facilitating such loading or unloading and trading sufficient Room or Space shall in all Cases be left for any such Vessel or Craft to lie or be placed between every such Warehouse and every Steam Ferry Boat belonging to the said Company lying at the said New Quay and *Whitehill Point* Stations.

Act not to interfere with any ancient

XXVI. Provided also, and it is hereby enacted, That the Powers and Provisions of this Act or any of them, or any Clause, Matter, or Thing

Thing herein contained, shall not extend, or be construed, deemed, or taken to abridge, alter, or interfere with any ancient Right (if any such exists) to have and maintain a Ferry at any Place or Places within the Limits of this Act, or any other Right, Interest, or Property of the Lord of the Manor of *Tynemouth* for the Time being. Rights of Ferry, &c.

XXVII. And be it enacted, That the Company shall, at their own Expense, if required by the Commissioners acting under the *South Shields* Improvement Act, remove the existing public Stairs at the *Kirton's Quay*, and place them opposite to the Passage to such Quay; and the Company shall not interfere with or obstruct the said public Stairs when so removed, or the Stairs called the *Penny Pie Stairs*, or the public Quay adjoining to such last-mentioned Stairs on the East Side thereof, without the previous Consent of the said Commissioners in Writing under the Hand of their Clerk. As to Interference with public Stairs and Quay.

XXVIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize or empower the Company to fix or set up any Geirs, Platforms, or other Erections in or upon the Shore or Bed of the River *Tyne* within the flowing of the Tide, without the Licence and Consent of the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle upon Tyne*, as Conservators of the said River *Tyne*. Geirs and Platforms not to be set up without Consent.

XXIX. Provided further, and be it enacted, That the Company shall from Time to Time and at all Times hereafter (at their own Costs and Charges, and without Compensation), on being thereunto requested by the said Mayor, Aldermen, and Burgesses by Writing under their Common Seal, to be delivered to the Secretary for the Time being of the said Company, or left at the Office of the said Company, or at any of the Stations of the said Company, remove and set back or extend or elongate all or any of the Geirs, Platforms, or other Erections which may hereafter be fixed or set up in or upon the Shore or Bed of the said River *Tyne*, under the Authority of this Act, to such a Point or Line in the said River as shall from Time to Time be fixed by the said Mayor, Aldermen, and Burgesses, and described in the said Notice. Company to remove or alter Geirs and Platforms, upon Request of Corporation.

XXX. And be it enacted, That no Raft, Boat, Barge, Jetty, or Stage of any Kind or Description, for the Purpose of landing Passengers, Cattle, or Goods, shall be placed or moored in front of or near any One of the said Stations, Wharfs, or Landing Places hereby authorized to be constructed; and in case the Company, or any Person or Persons acting under their Authority, or any Person or Persons whosoever, shall so place or moor any such Raft, Boat, Barge, Jetty, or Stage, the said Company and every Person so offending shall in every such Case, and so often as the same may happen, forfeit and pay the Sum of Ten Pounds, and also the further Sum of Twenty Shillings for every Hour any such Raft, Boat, Barge, Jetty, or Stage shall so remain in front of or near the said Station, Wharf, or Landing Place, to be recovered at the Suit of Her Majesty, with Costs of Suit: Provided always, that the Provision aforesaid shall not prevent the Company from placing and using such temporary Gang-ways No Raft to be placed in front of Stations.

ways and Works connected therewith for landing and embarking Passengers, and other Traffic, so long as the same shall be approved of by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

As to Limits of Deviation at Kirton's Quay and Penny Pie Stairs.

XXXI. And be it enacted, That the Limits of Deviation above High-water Mark on the South Side at the *Kirton's Quay* and *Penny Pie* Stairs Stations shall not extend to the Westward of the centre Line shown on the Parliamentary Plans at those Stations respectively, unless the same shall be previously approved of by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and unless the same shall also previously be approved of by the Commissioners under the *South Shields* Improvement Act, such last-mentioned Approval to be signified under the Hand of the Clerk of the said last-mentioned Commissioners.

Ferry Boats to be free Boats.

XXXII. And be it enacted, That each and every Ferry Boat shall be a free Boat, that is, not attached to any Chain or Rope; and no such Ferry Boat shall cross the River *Tyne* with any Float, Raft, Boat, or Vessel in tow astern of such Ferry Boat; and in case the Company or any Person or Persons shall work or use any such Ferry Boat with any Chain or Rope attached thereto, or shall cross the said River with any Float, Raft, Boat, or Vessel in tow astern thereof, the said Company and every Person so offending shall in every such Case forfeit and pay the Sum of Ten Pounds.

No permanent Erection or Work to be made at Whitehill Point.

XXXIII. And be it enacted, That no permanent Erection or permanent Work of any Description shall be erected or made on the Land at *Whitehill Point* within Fifty Yards of High-water Mark of ordinary Spring Tides; and in case any Erection or Work whatsoever shall be erected or made or constructed within such Fifty Yards, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company; and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

Power to Admiralty to order local Inspection.

XXXIV. And be it enacted, That if after working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination; and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

XXXV. And

Works constructed across tidal Waters abandoned may be removed by Admiralty.

XXXV. And be it enacted, That if any Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of the Work hereby authorized which shall affect any such Water or River, or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company; and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Company not to construct Works below High-water Mark without Consent of Commissioners of Woods, &c. and the Admiralty;

XXXVI. And be it enacted, That it shall not be lawful for the Company to construct on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and so far up the same as the Tide flows and reflows, any Work, or to construct any Bridge across any Creek, Bay, Arm of the Sea, or navigable River, where and so far up the same as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lord High Admiral or the said Commissioners, may approve of, such Approval being signified as last aforesaid; and where any such Works or Bridge shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consents or Approvals; and if any such Work or Bridge shall be commenced or completed contrary to the Provisions of this Act it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate or remove the same, or to restore the same to its former Condition, at the Cost and Charge of the Company, and the Amount thereof may be recovered in the same Manner as a Penalty is recovered against the Company.

nor to alter the same without the like Consent.

Limiting Period of purchasing Lands.

XXXVII. And be it enacted, That 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.

Period for Completion of Works.

XXXVIII. And be it enacted, That the said Stations, Wharfs, Landing Places, Approaches, and other Works shall be completed within Seven Years from the passing of this Act; and on the Expiration of such Period the Powers by this and the recited Act granted to

to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Stations, Wharfs, Landing Places, Approaches, and other Works as shall then be completed.

Power to levy Tolls.

XXXIX. And be it enacted, That it shall be lawful for the said Company and they are hereby authorized to ask, demand, recover, and receive, for passing across the River *Tyne* in the Company's Boats, including Wharfage, such Tolls as the Company shall from Time to Time direct, not exceeding the Tolls following; (that is to say,)

For every Coach, Chariot, Chaise, Hearse, or other such like Carriage with Four Wheels, One Shilling and Sixpence; and for every Horse or other Beast drawing the same, Sixpence:

For every Chaise, Chair, or other such like Carriage with Two or Three Wheels, Nine-pence; and for every Horse or other Beast drawing the same, Sixpence:

For every Waggon, Wain, or Dray, or other such like Carriage with Four Wheels, One Shilling and Sixpence; and for every Horse or other Beast drawing the same, Sixpence:

For every Cart, Dray, or other such like Carriage with Two or Three Wheels, Nine-pence; and for every Horse or other Beast drawing the same, Sixpence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, Nine-pence:

For every Ox, Cow, or Neat Cattle, Nine-pence;

For every Calf, Hog, Pig, Sheep, or Lamb, One Halfpenny:

For every Passenger or Person at the Stations at the New Quay, *North Shields*, and *Kirton's Quay*, *South Shields*, One Half-penny; and at the other Stations, One Penny:

And for every Hundred Weight of Goods, Wares, Merchandize, portable Articles, Matters, or Things, not being in any Carriage drawn by any Horse or other Beast, or borne by any Horse or other Beast, Three Half-pence, and so in proportion for any less Weight:

Which respective Tolls shall, if the Company so require, be paid before any Person, or any such Horse, Mule, Ass, Cattle, or Beast, or any such Carriage, Goods, or other Articles or Things as aforesaid, shall be permitted to embark or to be embarked on board any Vessel belonging to the Company, and which said Tolls shall be and the same are hereby vested in the said Company and their Successors for the Purposes of this Act; and such Tolls shall be paid and payable for every Time of passing, and for all such Persons, Horses and other Animals, and Carriages, as shall be landed from or embarked on board Boats belonging to the said Company, upon or from any of the Wharfs, Landing Places, or Approaches erected by the Company under the Authority of this Act, having been conveyed and passed over, and having been embarked for the Purpose of being conveyed or passed over the said River.

Liability to Payment of Toll.

XL. And be it enacted, That all Persons shall be liable to the Payment of the Tolls hereby granted, notwithstanding such Person may be carried in or upon any Carriage, over and above and besides the Tolls payable for every such Carriage, and for every Horse, Mule, or Ass, excepting always the proper Driver or Drivers of every

every such Carriage, and the Person or Persons for whose proper Use every such Carriage may be *bonâ fide* employed when so passing, and excepting also the Person having the Charge of any Horse, Mule, or Ass not drawing.

Power to stop Persons refusing to pay Toll.

XLI. And be it enacted, That if any Person subject to the Payment of the Tolls hereby made payable or any of them shall, after Demand made thereof by any Collector appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector to stop and prevent the Passage of the Person so neglecting or refusing, or of the Horse, Beast, or Cattle for or in respect of which such Tolls ought to be paid, until full Payment thereof, or after the Passage to seize and distrain any Horse or other Cattle or Beast, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or any Carriage drawn by such Cattle or Beasts, or any other Article in respect of which such Tolls are payable; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days next after such Seizure and Distress made, the Person so seizing and distraining may sell the Horse and Horses, Cattle, Carriages, Goods, Chattels, or Things, so seized and distrained, or any Part thereof, returning the Overplus (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Penalty for passing over Ferry without Payment of Toll.

XLII. And be it enacted, That if any Person shall forcibly embark on board any of the Boats of the Company without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, every Person so offending in any of such Cases shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For settling Disputes concerning Tolls.

XLIII. And be it enacted, That in case any Dispute shall happen about the Amount of Toll due, or the Charges of keeping or selling any Distress made for Nonpayment of such Toll, it shall be lawful for the Collector or the Person distraining, to retain such Distress, or the Money arising from the Sale thereof, (as the Case may be,) until the Amount of Toll due, and the Charges of keeping and selling the Distress, be ascertained by some Justice, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties (which Oath every Justice is hereby authorized to administer), and shall determine the Amount of Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered in the same Manner as Penalties are by the Railway Clauses Consolidation Act directed to be levied and recovered.

No undue Preference to be given.

XLIV. And be it enacted, That the said Company, its Agents and Servants, shall not give any undue Preference to any Persons in respect of the landing or unloading of Animals, Carriages, or Goods which shall have passed or which shall be about to pass across the said River *Tyne* in the Boats of the Company, as against other Persons, Animals, Carriages, or Goods of a like Nature, or to any

Persons,

Persons, Animals, Carriages, or Goods whatsoever as against any other Persons or other similar Animals, Carriages, or Goods whatsoever, as respects the Use of the Steam Communications so to be established as aforesaid, or of the Cranes, Wharfs, Landing Places, or Approaches thereto, or as respects the Tolls to be taken by virtue of this Act, either as regards the Amount thereof or in any other Way whatever; and in case the said Company, its Agents or Servants, shall give any such undue Preference, the said Company, Agent, or Servant respectively shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Cranes, Weighing Machines, &c.

XLV. And be it enacted, That it shall be lawful for the Company to erect or provide such Cranes, weighing and other Machines, Conveniences, Weights, and Measures, upon the Wharfs and Landing Places to be erected or constructed by them under the Provisions of this Act, as they may think necessary, for loading, unloading, measuring, and weighing any Goods, Articles, or Things landed at or delivered from such Wharfs and Landing Places.

List of Rates to be set up.

XLVI. And be it enacted, That the Company shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed on some conspicuous Part of the Landing Places or Approaches, a List of the several Rates which shall be from Time to Time to be paid to the Company for or in respect of the Passage across the said River; and no Toll shall be payable to the Company in respect of the Passage by this Act authorized during such Time as such Lists shall not continue so affixed: Provided always, that if any such List shall be destroyed, injured, or obliterated, the Rates shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such Lists had continued affixed and in the State required by this Act.

The Royal Family exempted from Toll.

XLVII. Provided always, and be it enacted, That this Act shall not extend or be construed to extend to charge with Toll Her Majesty, or any Member of the Royal Family, or any Horses or Carriages attending Her Majesty or any of the Royal Family, or returning therefrom.

General Exemption from Tolls.

XLVIII. Provided always, and be it enacted, That no Toll whatever shall be demanded or taken for any Horse, Beast, Cattle, or Carriage, of whatsoever Description, employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for any Soldiers upon their March or upon Duty, or for any Horse, Beast, Cattle, or Carriage attending them, with their Arms and Baggage, or returning after having been so employed; or for any Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to Her Majesty, or for the Use of Her Majesty's Forces; or for any Horse, Beast, Cattle, or Carriage travelling with Vagrants

sent

sent by legal Passes, or any Prisoner in Custody under any legal Warrant; or for any Volunteers upon their March or upon Duty, or in going to or returning from the Place appointed for and on the Days of Exercise; provided always, that such Persons be dressed in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Coach, Berlin, Landau, Chariot, Calash, Chair, or other Carriage, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Northumberland* or *Durham*, or either of them, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted for the whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by the Railway Clauses Consolidation Act directed to be recovered and applied.

Enabling the North and South Shields Ferry Company to purchase the Undertaking.

XLIX. And whereas the *North and South Shields* Ferry Company are desirous themselves of establishing the said additional Ferries authorized by this Act, and inasmuch as the exclusive Right of Ferry is at present vested in such Company, and it has been deemed more advantageous to the Public that the whole of the Ferries should be constructed and worked by One Company, it is expedient that the *North and South Shields* Ferry Company should be empowered to purchase the Undertaking by this Act authorized; be it therefore enacted, That it shall be lawful for the *North and South Shields* Ferry Company, at any Time within Twelve Months after the passing of this Act, (by and with the Authority of Three Fifths of the Proprietors thereof who may be present either personally or by Proxy at some Special General Meeting of such Company which may have been or may be specially called for the Purpose,) to purchase or accept the Undertaking by this Act authorized to be established, as soon after the passing of this Act as conveniently may be, for such Consideration and upon such Terms and Conditions as are herein-after contained, and the Company incorporated by this Act shall and they are hereby authorized and directed, when thereunto required by the said *North and South Shields* Ferry Company by Writing under the Hand of their Clerk, to convey the Undertaking by this Act authorized, and all the Powers and Authorities conferred upon them by virtue of this Act (but subject to the existing Mortgages, Contracts, Agreements, and Liabilities affecting the same).

Transfer to be by Deed.

L. And be it enacted, That every such Transfer shall be by Deed duly stamped, under the Common Seal of the respective Companies; and such Transfer may be in the Form in the Schedule to this Act, or to the like Effect, or with such Alterations therein as the Circumstances of the Case may render necessary.

Exercise of Powers by North and

LI. And be it enacted, That on the Completion of such Transfer and Conveyance the said *North and South Shields* Ferry Company may

South Shields Ferry Company.

may have and hold the Undertaking authorized by this Act, and use, exercise, and enjoy the Rights, Powers, and Privileges conferred by this Act on the Company hereby incorporated, as well as the Rights, Powers, and Privileges conferred by the recited Act upon the said *North and South Shields* Ferry Company, and shall be subject to the same Provisions and Restrictions with respect to the Ferries hereby authorized to be established as are imposed on the Company incorporated by this Act.

Company may raise additional Capital.

LII. And be it enacted, That for the Purposes of such Purchase, and for establishing the said additional Ferries, it shall be lawful for the *North and South Shields* Ferry Company to raise, by the Creation of new Shares in their said Company, in addition to the present Capital of the Company, a further Sum of Money not exceeding in the whole Eight thousand two hundred Pounds.

Number and Apportionment of new Shares.

LIII. And be it enacted, That such new Capital shall be divided into Shares of Twenty-five Pounds each; and the *North and South Shields* Ferry Company shall and they are hereby required to allot the Sum of Four thousand one hundred Pounds to the Proprietors of Shares in the *Tyne Direct* Ferry Company, in the Proportion of One Twenty-five Pound Share for each Ten Shares in such last-mentioned Undertaking.

Apportionment of Remainder of Capital.

LIV. And be it enacted, That Four thousand one hundred Pounds, the Remainder of the said new Capital of Eight thousand two hundred Pounds, may, if the *North and South Shields* Ferry Company think fit, be allotted to and divided amongst the several Proprietors of Shares in such last mentioned Company in such Manner as they shall think fit.

New Shares to be considered the same as original Shares.

LV. And be it enacted, That the Sum to be raised by the Creation of new Shares by the said *North and South Shields* Ferry Company shall be subject to the same Provisions and have the same Privileges in all respects, whether with reference to the Payment of Calls, the Receipt of Dividends in proportion to the Amount of such Shares, 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 Amount of such Shares, and the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the said Company from Time to Time to fix; provided always, that the full Amount of the Shares allotted to the Proprietors in the *Tyne Direct* Ferry Company shall be called for within Twelve Months after the passing of this Act; and the Proprietors of such last-mentioned Shares shall be entitled to Dividends in proportion to the Amount of their Shares as from the Fifteenth Day of *June* One thousand eight hundred and forty-eight, whether the full Amount of such Shares shall then have been called for or not, subject to the Deduction of Interest at Five Pounds *per Centum per Annum* upon the Amount which may then remain uncalled for or unpaid.

Votes.

LVI. And with respect to Votes for the new Shares, be it enacted, That every Holder of One new Share of Twenty-five Pounds shall have

have One Vote at all Meetings of the Company in respect of such Share, and an additional Vote in respect of every Two additional new Shares held by him, but no Holder of new Shares shall have more than Five Votes in respect of such new Shares.

North and South Shields Ferry Company to purchase Boats, &c. of Tyne Direct Ferry Company.

LVII. And be it enacted, That when such Purchase shall take place the *North and South Shields* Ferry Company shall purchase the Boats, Vessels, Gangways, and other the Working Stock and Plant of the *Tyne Direct* Ferry Company, at the Valuation of Two competent Parties, One to be appointed by the Directors of each Company, or of an Umpire appointed by such Valuers, and the Money ascertained at such Valuation shall be considered as so much Money paid by the Proprietors of Shares in the *Tyne Direct* Company upon the new Shares allotted to them.

As to Station and Works at Comical Corner.

LVIII. And be it enacted, That when such Purchase of the said Undertaking shall take place the Sum which has been paid by the *North and South Shields* Ferry Company for their new Station and Works at *Comical Corner* in *South Shields* shall be considered as so much Money paid by the Proprietors of Shares in the *North and South Shields* Ferry Company upon the new Shares allotted to them.

Easternmost Ferry may run to Comical Corner Station.

LIX. And be it enacted, That after the Completion of the Purchase of such Undertaking the said Easternmost Ferry by this Act authorized to be made may run to the Station of the *North and South Shields* Ferry Company at the Place called *Comical Corner* at *South Shields*.

Certain Expenses to be paid by North and South Shields Ferry Company.

LX. And be it enacted, That when such Purchase of the Undertaking by this Act authorized shall have been made, all the Costs, Charges, and Expenses incurred in the Formation and Establishment of the *Tyne Direct* Ferry Company, and in applying for, obtaining, and passing of this Act, and preparatory and relating thereto, and also the Costs, Charges, and Expenses of the *North and South Shields* Ferry Company in relation to the passing of this Act, shall be paid out of the Funds of the *North and South Shields* Ferry Company.

Certain legal Proceedings not to be affected.

LXI. And be it enacted, That nothing in this Act contained shall affect the Damages and Costs of certain Proceedings at Law and in Equity between the said Companies, or Parties on their Behalf, but the same shall be settled and paid as if this Act had not been passed.

In case of Refusal of North and South Shields Ferry Company to complete the Purchase.

LXII. And be it enacted, That if the said *North and South Shields* Ferry Company shall neglect or omit to purchase the said Undertaking by this Act authorized to be made, upon the Terms herein contained, for the Space of Twelve Months after the passing of this Act, then and in that Case it shall be lawful for the said *Tyne Direct* Ferry Company to proceed themselves in the Execution of the Undertaking by this Act authorized to be made, without being subject to any of the Restrictions or liable to any of the Penalties contained in the said recited Act of the *North and South Shields* Ferry Company.

Certain Provisions of

LXIII. And be it enacted, That the following Clauses contained in the Railway Clauses Consolidation Act, 1845, shall be incorporated with

8 & 9 Vict. c. 20. incorporated with this Act.

with and form Part of this Act; that is to say, the Clauses with respect to the Recovery of Damages not specially provided for, and of the Penalties, and to the Determination of any other Matter referred to Justices.

Expenses of Act.

LXIV. And be it enacted, That all the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act, or otherwise incidental thereto, shall be paid by the Company out of the Money received or to be received by them under the Authority of this Act.

Interpretation of Act.

LXV. And be it enacted, That in this Act, whenever the Words "the Company" are used, the same shall be held to mean the *Tyne Direct* Ferry Company; Words importing the Plural Number shall include the Singular, and Words importing the Singular Number shall include the Plural; and Words importing the Masculine Gender shall include Females; and the Word "Lands" shall be held to include Lands, Tenements, Buildings, and Hereditaments of every Tenure and Description; and the Word "Carriage" shall be held to include Waggon, Wain, Dray, Cart, Coach, Chaise, Gig, or any other Carriage, of what Description soever.

Public Act.

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

SCHEDULE to which the foregoing Act refers.

Form of Conveyance of the Undertaking.

This Indenture, made the Day of in the Year of our Lord 18 , between the Tyne Direct Ferry Company of the one Part, and the North and South Shields Ferry Company of the other Part, witnesseth, That the Tyne Direct Ferry Company, by virtue and in pursuance and under the Authority of "The Tyne Direct Ferry Company Act, 1848," and in consideration of the Contract and Agreement with the North and South Shields Ferry Company in the said Act set forth, do hereby convey all that the Undertaking authorized by the said Act, and the Powers and Authorities thereby given for making and completing the same, unto the North and South Shields Ferry Company, absolutely and for ever, but subject to all existing Liabilities affecting the same, and subject also to the Provisions of the said Act; and the said North and South Shields Ferry Company do hereby accept and take the same Undertaking, subject to the Liabilities aforesaid, and to the Provisions of the said Act.

In witness, *&c.*

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