



ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lvi.

An Act for enabling the *York, Newcastle, and Berwick* Railway Company to make certain Branches in the Counties of *Northumberland* and *Newcastle-upon-Tyne*; and for other Purposes.

[13th July 1849.]

WHEREAS an Act was passed in the Fifth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for completing the Railway Communication between the Towns of Newcastle-on-Tyne and Darlington by a Railway to be called "The Newcastle and Darlington Junction Railway," with a Branch to the City of Durham*, whereby several Persons became and were incorporated by the Name of "*The Newcastle and Darlington Junction Railway Company*," which Name was afterwards changed to "*The York and Newcastle Railway Company*," and has since been altered to "*The York, Newcastle, and Berwick Railway Company*:" And whereas the Provisions of the said recited Act have been amended and extended or altered by several subsequent Acts relating to the said Company, passed respectively in the Sixth, Seventh, Ninth, Tenth, Eleventh, and Twelfth Years of the Reign of Her present Majesty: And whereas it would be attended with local and public Advantage if a Railway were formed from the Line of the *York, Newcastle, and Berwick*

[*Local.*] 5 & 6 Vict. c. 80.

Berwick Railway in the Township of *Kyloe* and Parish of *Kyloe* otherwise Parish of *Holy Island* in the County of *Northumberland* to and into the Township of *Lowick* and Parish of *Lowick* otherwise *Holy Island* in the said County of *Northumberland*; and if a Railway were formed from the *York, Newcastle, and Berwick* Railway in the Township of *Bilton* and Parish of *Lesbury* to *Alnmouth* in the same Parish, all in the said County of *Northumberland*; and if a Railway were made from that Part of the *York, Newcastle, and Berwick* Railway formerly called "The *Newcastle and North Shields* Railway" in the Township of *All Saints* in the Parish of *All Saints* otherwise *Saint Nicholas* in the Town and County of *Newcastle-upon-Tyne* to the *New Quay* in the same Township and Parish; and if the former Line to the said *New Quay* authorized by "The *Newcastle-upon-Tyne and North Shields* Railway Act (*Tynemouth* Extension, &c.), 1845," were abandoned; and if the Time for making the *Blyth* Branch, authorized by "The *Newcastle and Berwick* Railway Act, One thousand eight hundred and forty-five," and Part of the *Thirsk and Malton* Branch, authorized by "The *Newcastle and Darlington Junction* (*Thirsk and Malton* Branches) Railway Act, 1846," were extended; and if Power were given to the said Company to subscribe to the *Sunderland* Docks, authorized to be made by "The *Sunderland* Dock Act, 1846;" and the *York, Newcastle, and Berwick* Railway Company are willing to execute the said proposed new Works, and to subscribe to the said *Sunderland* Docks: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be altered, amended, extended, and enlarged; 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 so much of "The *Lands Clauses Consolidation* Act, 1845," and of "The *Railways Clauses Consolidation* Act, 1845," as are applicable to and not modified by this Act, or inconsistent with the Provisions hereof, shall be held to apply to the Railways and Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

Provisions of 8 & 9 Vict. cc. 18. and 20. extended to this Act.

Certain Provisions of the *York, Newcastle, and Berwick* Railway Acts extended to this Act.

II. And be it enacted, That all the Provisions contained in the first-recited Act, or in any other Act which has subsequently been passed relating to the Railways belonging to the *York, Newcastle, and Berwick* Railway Company, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things; and the said Acts and this Act shall be construed and read together as forming One Act.

Deposits for future Bills not to be paid out of

III. 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 Railway Company authorized to be raised for the Purposes

poses 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 an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking. the Com-
pany's Capi-
tal.

IV. And whereas Plans and Sections describing the Line and Levels of the Railways and Works hereby authorized to be made, together with Books of Reference to the said Plans, containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands through which the same respectively are intended to pass or be made, have been deposited with the Clerks of the Peace for the Counties of *Northumberland* and the Town of *Newcastle-upon-Tyne*: Be it enacted, That, subject to the Provisions in this Act, and "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company, out of the Money which they are authorized to raise by "The *Great North of England* Railway Purchase Act, 1846," to make and maintain the Railways herein-after mentioned, with all proper Works and Conveniences connected therewith, in the Lines and according to the Levels shown upon the said Plans and Sections, and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose. Power to
make Rail-
ways ac-
cording to
deposited
Plans, &c.

V. And be it enacted, That the Lines of Railway to be made under the Authority of this Act shall be the following; (that is to say,) Lines of
Railway.

A Railway commencing at or near the *Beal* Station of the *York, Newcastle, and Berwick* Railway Company in the Township of *Kyloe* in the Parish of *Kyloe* otherwise in the Parish of *Holy Island* in the County of *Northumberland*, and thence passing from, through, or into the several Parishes, Townships, and extra-parochial or other Places following, or some of them, that is to say, *Holy Island*, *Kyloe*, *Beal*, and *Lowlynn*, *Lowick*, *Bowsden*, and *Barmoor*, all in the said County of *Northumberland*, and terminating in or near a Field belonging to *Francis Sitwell* Esquire, and in the Occupation of *Henry Jackson*, in the Township of *Lowick* aforesaid in the Parish of *Lowick* otherwise *Holy Island* aforesaid, and adjoining or near the Turnpike Road from *Lowick* to *Berwick-upon-Tweed*:

A Railway commencing from the Main Line of the *York, Newcastle, and Berwick* Railway where the same is crossed by the Bridge for the Road from *Lesbury* to *Bilton* in the Township of *Bilton* in the Parish of *Lesbury*, both in the said County of *Northumberland*, and thence passing from, through, or into the several Parishes, Townships, and extra-parochial or other Places following, or some of them, that is to say, *Lesbury*, *Bilton*, and *Alnmouth*, all in the said County of *Northumberland*, and terminating at *Alnmouth* aforesaid near to a Road leading from *Alnmouth* to the *Ford* in or near a Field belonging to his Grace
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the Duke of *Northumberland* or Miss *Gallon*, and in the Occupation of *John Young*, and in the said Township of *Alnmouth* and Parish of *Lesbury* aforesaid :

And a Railway commencing from and out of that Part of the Main Line of the *York, Newcastle, and Berwick* Railway which was formerly called the *Newcastle and North Shields* Railway about Eighty Yards West of the Point where the same is crossed by the Bridge leading to *Argyle Street*, and terminating at the *New Quay* near to where *Maugan's Entry* comes into the same, the whole of which same intended Railway will be situate within the Parish of *Saint Nicholas* otherwise the Parish of *All Saints* and in the Township of *All Saints* in the Town and County of the Town of *Newcastle-upon-Tyne*.

Company to remove Ridge of Stones between Alnmouth Harbour and Railway Terminus.

VI. And be it enacted, That the Company shall, within Twelve Months from the passing of this Act, remove the Ridge of Stones about Nine hundred and fifty Yards below the Site of the intended Bridge which otherwise would interpose between *Alnmouth* Harbour and the Railway Terminus down to the natural Bed of the River *Aln*, and that in a Manner of which the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may by Writing under the Hand of the Secretary of the Admiralty approve of.

Regulating Construction of Viaduct over River Aln.

VII. And be it enacted, That the Piles for carrying the Viaduct hereby authorized over the River *Aln* shall be placed fair with the Set of the Stream, and with a Headway under such Viaduct of at least Six Feet above the Surface of the highest Spring Tides, and that each of the Nine Bays or Openings in the said Viaduct shall be Twenty-eight Feet wide at the least.

In case River deepened up to Lesbury, so as to be navigable by Vessels with fixed Masts, Company may be required to make an Opening in Viaduct, &c.

VIII. And be it enacted, That if the said River shall at any Time hereafter be deepened up to *Lesbury*, so as to be navigable by Vessels with fixed Masts, the said Company shall, at their own Expense, and with all practicable Despatch, on the Requisition 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, and at such Part of the said Viaduct and in such Manner and according to such Plans as he or they shall by Writing under the Hand of the Secretary of the Admiralty approve of and direct, make an Opening in the said Viaduct to allow Vessels with fixed Masts to pass ; and no Toll or Charge shall be made for any Vessel passing through the said Opening Bridge.

If River deepened, &c., Company to cause a Light to be exhibited.

IX. And be it enacted, That when the said River shall have been so deepened as aforesaid the said Company shall for ever thereafter cause to be hung out and exhibited, every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Light shall be at such Part of the said Viaduct, and be from Time to Time altered by the said Company, in such Manner, and be of such Description, and be so used, as the Lord High Admiral, or the Commissioners for executing the Office of

Lord

Lord High Admiral, shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the said Company shall neglect to exhibit and keep such Light burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

X. And be it enacted, That after an Opening shall have been made in the said Viaduct as aforesaid it shall not be lawful for the Company, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating the River *Aln* for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway, and approaching the said Bridge to cross the said River *Aln*, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Company, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat, contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, navigating or using the said River, the said Company, or every Person so offending, shall in every such Case forfeit and pay the Sum of Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

For preventing Obstruction to Navigation of River *Aln*.

XI. And be it enacted, That it shall not be lawful for the Company to construct the said Viaduct hereby authorized, or any Work connected therewith, below High Water-mark at ordinary Spring Tides, without the previous Consent 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 Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve of, such Approval being signified as last aforesaid; and when the said Viaduct or any such Work 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 Consent or Approval; and if the said Viaduct or any such Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, 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.

Works below High-water Mark not to be executed without Consent of the Admiralty.

XII. And be it enacted, That if after Working Drawings of the Works of the said Company 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

Admiralty may require a local Survey, &c., at Expense of Company.

[*Local.*]

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Amount

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.

If Works constructed across Tidal Waters are abandoned, Admiralty may remove them, at Expense of Company.

XIII. 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 Railway by this Act authorized which affects 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.

Restriction as to building on the New Quay.

XIV. Provided always, and be it enacted, That no Erection or Building, except such as may be required by the Commissioners of Railways under the Provisions in this Act contained, and except the Rails, Chairs, and Sleepers of the Line of Railway thirdly herein-before described, and hereby authorized to be formed, and the other Works usually required for the Formation of a Railway on a level Crossing (except Gates), shall be erected or made under the Powers hereby granted on the Road or Street called the *New Quay* of *Newcastle-upon-Tyne*, as the same may be laid out by the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*, or on the Quay or Wharf between the said Street or Road and the River *Tyne*, without the Consent of the said Mayor, Aldermen, and Burgesses, save that on a Space extending Thirty Feet backwards from the Face of the said Quay the said Railway Company may place, maintain, and use Turn-tables, as well as Rails, Chairs, and Sleepers, and the usual Works on level Crossings (except Gates).

Act not to affect the Thorough Toll payable to the Corporation of Newcastle-upon-Tyne.

XV. Provided always, and be it enacted, That nothing in this Act contained shall take away, alter, or prejudice the Tolls or Duties called the Thorough Toll otherwise the Great Toll which now are or at any Time hereafter shall be payable to the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*; and that it shall be lawful for the said Mayor, Aldermen, and Burgesses, or their Lessees, or their or any of their Collectors or Servants, to demand and receive the said Tolls or Duties in respect of all Goods, Wares, Merchandize, Cattle, Articles, and Things which shall be brought, taken, carried, or conveyed on the said Railway thirdly herein-before described, in, to, or out of the said Borough of *Newcastle-upon-Tyne*, or such Part of the same Borough as shall be included within the circumscribing Line on which the said Tolls shall for the Time being be authorized to be taken, and in case of Nonpayment of the said Tolls or Duties, or any of them, to have and exercise all and every the Powers and Rights for levying and recovering the same which they or any of them now have or are or shall be entitled to exercise in respect of the said Tolls and Duties called the Thorough Toll otherwise

otherwise the Great Toll: Provided always, nevertheless, that Cattle, Goods, Wares, Merchandize, Articles, or Things carried or conveyed upon the said Railway, or the Railways connected therewith, within the circumscribing Line on which for the Time being the Thorough Toll otherwise the Great Toll shall be taken and received (such Cattle, Goods, Wares, Merchandize, Articles, or Things being carried or conveyed upon the said Railways or any of them from one Place without the said Line, or from any Quay or Shipping Place within the said Line, to some other Place without the said Line, or to any Quay or Shipping Place within the said Line,) shall not, by reason of having been so carried or conveyed on the said Railways or any of them within the said circumscribing Line, be or be deemed to be liable to the Payment of the said Tolls or Duties.

XVI. And be it enacted, That the said Company shall abandon and relinquish the Construction of the Branch Railway from *Conduit Head Lane Bridge* to the *New Quay*, all in the Township of *All Saints* and in the Parish of *All Saints* otherwise in the Parish of *Saint Nicholas* within the Borough and County of the Town of *Newcastle-upon-Tyne*, as authorized to be made by "The *Newcastle-upon-Tyne and North Shields Railway Act (Tynemouth Extension, &c.)*, 1845," and from and immediately after the passing of this Act all the Powers and Authorities, and all Penalties, Forfeitures, or Disabilities, granted or imposed for making and maintaining or neglecting to make or maintain the said Quay Branch hereby authorized to be abandoned shall cease and determine.

Power to
abandon
Quay
Branch.

XVII. Provided always, and be it enacted, That in any Case where before the passing of this Act any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were by "The *Newcastle-upon-Tyne and North Shields Railway Act (Tynemouth Extension, &c.)*, 1845," empowered to purchase, for the Purpose of constructing the Branch Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by the *Lands Clauses Consolidation Act, 1845*, for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the aforesaid Branch Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the said *Lands Clauses Consolidation Act* contained.

Compen-
sation to be
made where
Contracts
have been
entered into
or Notices
given.

XVIII. And

Certain
Roads may
be crossed
on the Level.

XVIII. And be it enacted, That, subject to the Provisions in the Railways Clauses Consolidation Act, 1845, contained, in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the Railways by this Act authorized to be made, to carry the same across the several Roads herein-after mentioned on the Level thereof; (that is to say,)

As regards the Railway firstly herein-before described, the Roads following; (that is to say,)

Number on Plan.	Parish and Township.	Description.
9	Parish of Holy Island otherwise Parish of Kyloe, Township of Beal and Lowlynn.	Turnpike Road.
21	Ditto - - - - -	Highway.
44	Parish of Holy Island otherwise Parish of Lowick and Township of Lowick.	Highway.

As regards the Railway thirdly herein-before described, the Road following; (that is to say,)

Number on Plan.	Parish and Township.	Description.
143	Parish of Saint Nicholas otherwise Parish of All Saints, Township of All Saints, Newcastle-on-Tyne.	The New Quay.

Company
to erect a
Station or
Lodge at
Points of
crossing,
and to abide
by Regu-
lations of
Commis-
sioners of
Railways.

XIX. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been imposed.

Commis-
sioners of
Railways
may require
a Bridge to
be erected
in lieu of
level Cross-
ing.

XX. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Railways, if it shall appear to them to be necessary for the public Safety, at any Time, either before or after the Railways hereby authorized to be made shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Commissioners shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or
Arch,

Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Commissioners the best adapted for removing or diminishing the Danger arising from any such level Crossing.

XXI. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes connected with the Railways by this Act authorized, not exceeding Fifteen Acres. Land for extraordinary Purposes.

XXII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of the new Railways and Works authorized by this Act shall not be exercised after the Expiration of Three Years from the passing thereof; provided that, so far as regards any Lands belonging to the Mayor, Aldermen, and Burgesses of *Newcastle-upon-Tyne*, such Powers shall not be exercised after the Expiration of Two Years from the passing of this Act. Period for compulsory Purchase of Lands limited.

XXIII. And be it enacted, That the Railways and Works by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act, or the Acts incorporated herewith or extended hereto, granted to the Company, for executing the same Railways and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such Railways as shall then have been completed, and except such Powers as are by the same Acts or any of them declared to be continued for a longer Period. Period for Completion of the Works.

XXIV. And be it enacted, That the Period limited by "The *Newcastle and Berwick* Railway Act, 1845," for the compulsory taking or using of Lands for the Purposes of the Railways and Works authorized by the same Act, shall, as to the said *Blyth* Branch, be and the same is hereby continued, extended, and enlarged for the further Term of Three Years, to be computed from the passing of this Act; and that the said *Blyth* Branch Railway, the Time for purchasing the Lands for the Purposes whereof is so hereby extended, shall be completed within Five Years from the passing of this Act, instead of the Period limited by the said Act authorizing the Construction thereof, and that all Penalties, Forfeitures, or Disabilities created or imposed for not completing or opening the same Branch Railway shall cease and be void, and the *York, Newcastle, and Berwick* Railway Company is hereby freed from the same. Extending Periods for compulsory Purchase of Lands and Completion of Works on *Blyth* Branch.

XXV. And be it enacted, That the Period limited by "The *Newcastle and Darlington Junction (Thirsk and Malton Branches)* Railway Act, 1846," for the compulsory taking or using of Lands for the Purposes of the Railways and Works authorized by the said Act, shall, as to the whole of the said *Thirsk and Malton* Branch Railway authorized by the said last-mentioned Act, (except those Parts thereof which were authorized by "The *York, Newcastle, and Berwick (Thirsk and Malton)* Railway Act, 1848," to be abandoned,) be and the same is hereby continued, extended, and enlarged for the further Extending Periods for compulsory Purchase of Lands and Completion of Works on the Branch from *Thirsk* to *Malton*.

[Local.]

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Term

Term of Two Years, to be computed from the passing of this Act; and that the said *Thirsk and Malton Branch Railway*, the Time for purchasing the Lands for the Purposes whereof is so hereby extended as aforesaid, shall be completed within Four Years from the passing of this Act, instead of the Period limited by the said Act authorizing the Construction thereof.

Existing Contracts and Notices to take Land not to be affected.

XXVI. Provided always, and be it enacted, That the Extension hereby authorized of the respective Periods aforesaid shall not in anywise prejudice or affect any Contract entered into or Notice given by the said Company before the passing of this Act for purchasing, taking, or using any Lands which under "The *Newcastle and Berwick Railway Act, 1845*," or "The *Newcastle and Darlington Junction (Thirsk and Malton Branches) Railway Act, 1846*," such Company is entitled to purchase, take, or use for the Purposes of the said *Blyth Branch* and the *Thirsk and Malton Branch*, as herein-before defined, but every such Contract and Notice respectively shall be construed and take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if such Extension of the said respective Periods had not been authorized as aforesaid.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

XXVII. Provided also, and be it enacted, That the Justices, Arbitrators, Umpires, or Juries respectively (as the Case may be) who under the Provisions of "The *Newcastle and Berwick Railway Act, 1845*," and "The *Newcastle and Darlington Junction (Thirsk and Malton Branches) Railway Act, 1846*," shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Parties interested in any of the Lands which shall be taken or used for the Purposes of the said *Blyth Branch* and the *Thirsk and Malton Branch*, as herein-before defined, and the Works connected therewith respectively, by the said last-mentioned Acts authorized, or which may be injuriously affected by the Construction thereof, shall in estimating the Amount of such Compensation have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension hereby authorized of the respective Periods aforesaid.

Tolls authorized by the Great North of England Railway Purchase Act, 1846, to be taken by Company.

XXVIII. And be it enacted, That from and after the passing of this Act it shall be lawful for the *York, Newcastle, and Berwick Railway Company* aforesaid, and they are hereby authorized and empowered, subject nevertheless to the Provisions in this Act and in "The *Great North of England Railway Purchase Act, 1846*," contained, to demand, receive, and take, for and in respect of Passengers, and of the several Articles, Matters, and Things, and of all Descriptions of Animals, conveyed on the Railways by this Act authorized to be made, and on the Railways by "The *Newcastle and Berwick Railway Act, One thousand eight hundred and forty-five*," and "The *Newcastle and Berwick Railway Act, 1846*," authorized to be made by or vested in the *Newcastle and Berwick Railway Company*, and also for the Use of Carriages and Locomotive Engines or other

Power

Power supplied by the *York, Newcastle, and Berwick* Railway Company thereon, such and the like Rates, Tolls, or other Charges as by "The *Great North of England* Railway Purchase Act, 1846," the said Company are authorized to demand and receive for the like Passengers, Animals, Articles, Matters, and Things conveyed on the *Newcastle and Darlington Junction* Railway and the *Great North of England* Railway, and for the Use of the like Carriages and Locomotive Engines or other Power, as well for ordinary as for Express Trains, supplied by the same Company on the same Railways, and all other Tolls, Rates, and Charges heretofore imposed or authorized to be taken for or in respect of the Use of the Railways by "The *Newcastle and Berwick* Railway Act, One thousand eight hundred and forty-five," and "The *Newcastle and Berwick* Railway Act, 1846," authorized to be made by or vested in the *Newcastle and Berwick* Railway Company, except the Tolls, Rates, and Charges herein-after continued, excepted, or provided for, shall from and after the passing of this Act cease and determine: Provided always, that so much of the said *Great North of England* Railway Purchase Act, 1846, as declares that it shall not be lawful to include in one Package several Parcels of several Sorts, and intended for various Individuals, but that it shall be lawful for the Company to charge a separate Sum for each such Parcel, although many are included in one Package, shall not extend or apply to the said Railways by this Act authorized, or any or either of them.

XXIX. Provided always, and be it enacted, That nothing in this Act contained shall in any way prejudice, take away, destroy, limit, or injuriously affect the Rights or Powers of the said Company to demand and receive any Tolls, Rates, Pontage, or other Charges, Sum or Sums of Money, which, by "The *Newcastle and Berwick* Railway Act, One thousand eight hundred and forty-five," and "The *York, Newcastle, and Berwick* Railways Act 1847," the *York, Newcastle, and Berwick* Railway Company aforesaid are authorized to demand, receive, and take, for or in respect of the Use of or Passage over the Bridges or Viaducts across the River *Tyne*, the *Ouseburn Dean*, and the *Willington Dean*, or any or either of them, or over or along the Inclined Planes on the Railway now forming Part of the Undertaking of the *York, Newcastle, and Berwick* Railway Company, and now or heretofore commonly called or known as the *Newcastle and North Shields* Railway, but all such Rights and Powers, and all Remedies for recovering and enforcing Payment of the same Tolls, Rates, Pontage, and other Charges, Sum or Sums of Money, and all Provisions in reference thereto, shall be and remain vested in the said Company, and they are hereby authorized and empowered to exercise and enforce the same, as fully and effectually, to all Intents and Purposes, as if the several Enactments, Clauses, and Provisions relating thereto respectively had been here re-enacted and provided for.

As to Tolls for Passage along certain Bridges and Inclined Planes.

XXX. Provided always, and be it enacted, That, notwithstanding anything in this Act or the said recited Acts contained, it shall be lawful for the said Company and they are hereby authorized and empowered to demand, receive, and take any reasonable Sum for the

Power to charge extra for Express and Special Trains.

Use

Use of Engines and Carriages for Express, Special, or Extra Trains, by or upon the said Railways or any Part or Parts thereof respectively, and for loading and unloading, collecting, receiving, or delivering, and for providing Covers for Minerals, Goods, Articles, or Animals; provided that the Sum to be charged for Passengers by Express Trains, over and above the maximum Toll *per* Mile authorized to be taken for Passengers by ordinary Trains, shall not exceed One Penny *per* Mile for First-class Passengers and One Halfpenny *per* Mile for Second-class Passengers.

Power to charge extra for Goods by Agreement with the Owners.

XXXI. Provided also, and be it enacted, That, notwithstanding anything in this Act or the said recited Acts contained, it shall be lawful for the said Company and they are hereby authorized and empowered, by Agreement with the Owner or Owners of or Person or Persons in charge of Goods of any Description, to take and receive, and in such Case to demand and recover, either in respect to the Conveyance of such Goods by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto, any increased Rates or Charges over and above the Rates or Charges in and by this Act, or "The *Great North of England* Railway Purchase Act, 1846," limited or authorized to be received and taken for or in respect of any such Goods.

Provision of 8 & 9 Vict. c. 20. relating to Passengers and Goods on the Railway extended to this Act.

XXXII. And be it enacted, That the several Clauses, Powers, and Provisions contained in "The Railways Clauses Consolidation Act, 1845," with respect to the carrying of Passengers and Goods upon the Railway, and the Tolls to be taken thereon, shall extend and apply to all and every Part of the Railways by this Act, or the *Newcastle and Berwick* Railway Act, 1845, and the *Newcastle and Berwick* Railway Act, 1846, authorized to be made, as fully and effectually, to all Intents and Purposes, as if the same and every Part thereof were re-enacted in this Act.

Provision of 6 & 7 Vict. c. 8. as empowers One Jury to ascertain and apportion separate Interests repealed.

XXXIII. And whereas by the said recited Act of the Sixth Year of Her present Majesty it was enacted, that where the Company should require any Land which should be subject to any Lease, Rent-charge, Quit or other Rent, they might include in one and the same Inquiry, not only the Value of the Fee Simple of such Land, but also all inferior or intermediate Interests therein, of what Nature or Kind soever: And whereas the said recited Provision hath been found insufficient, and it is expedient that the same should be repealed, and that other Provisions should be made in lieu thereof: Be it therefore enacted, That the said recited Provision shall be and the same is hereby repealed.

Power to have separate Interests settled by One Jury or Arbitration.

XXXIV. And be it enacted, That from and after the passing of this Act, in all Cases where several Persons have distinct Estates, Rights, or Interests in any Lands required either permanently or temporarily by the said Company, or where such Lands are held in undivided Shares or Parts, it shall be lawful for the said Company to require the Value of the whole, or of any Two or more of such Estates, Rights, or Interests in any such Lands, and any Question as to the Compensation or Damages to be paid for the same, to be and to have the

the same included and settled in one and the same Inquiry or by one and the same Arbitration ; and the Jury before whom any such Inquiry shall be taken or made, or the Arbitrators or Umpire, as the Case may be, to whom any such Question or Matter shall be referred, shall ascertain, in the first place, the entire Value of such Lands, or of the Estates, Rights, or Interests therein, so referred to them or him as aforesaid, and the entire Compensation to be paid for Damages by Severance or otherwise in respect thereof, and shall afterwards apportion the Amount so found or ascertained amongst the respective Parties entitled to or interested in such Lands, or so many of them as shall be Parties to or whose Estates or Interests shall form the Subject of any such Inquiry or Arbitration, according to their respective Estates, Rights, Shares, or Interests in such Lands: Provided always, that in every such Case as last aforesaid the said Company shall give Notice in Writing to all the Persons whose Estates, Rights, or Interest they may require to have so jointly settled, of such their Intention ; and unless all such Persons shall jointly agree or elect to have the Question in dispute settled either by one and the same Jury or by one and the same Arbitration, and of such Agreement or Election shall give Notice in Writing to the said Company within Fourteen Days after the Service of such first-mentioned Notice by the said Company on the said Parties respectively, then and in every such Case such Question shall be settled by one and the same Jury.

XXXV. And whereas by the said first-recited Act the said Company were required to sell such superfluous Lands as they might not want within Ten Years from the passing of that Act, and a similar Provision is contained in several of the Acts herein-before mentioned or referred to, and to which the said Company are now made subject : And whereas the said Company have, under the Provisions of some of the said recited Acts, become amalgamated with or Lessees under other Railway Companies, and have also become the Owners of other Lines of Railway in the Acts relating to which or some of them a similar Provision was contained : And whereas by reason of the great Extension of the Railways belonging to the said Company, and of the increased Traffic thereon, various Portions of Land which might at one Time have been considered superfluous are now used for additional Station Accommodation, Cottages and Gardens for Labourers on the said Railway, and for other Purposes connected therewith ; and it is apprehended that the Remainder of such Lands may in due Time be required for the like or for other Purposes connected with the said Railway, owing to the still increasing Traffic on the same, and the Want of further Accommodation for the Public: Be it therefore enacted, That the Period allowed by the said recited Acts, or the Acts therein recited or referred to, or any of them, for the Sale of any superfluous Lands, shall be and the same is hereby extended to the further Period of Five Years from the passing of this Act, and from thenceforward, after the Expiration of such Five Years, until the Person or Persons claiming any such Lands or entitled thereto shall give Notice in Writing to the said Company of such his or their Claim or Title, and Twelve Calendar Months shall have elapsed from the Service of such Notice on the said Company: Provided always,

Extending
Time for the
Sale of
superfluous
Lands.

[Local.]

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that

that in case before the Expiration of the said Period of Twelve Months the said Company shall have reasonable Grounds to apprehend that the Lands to which any such Notice shall relate, or any Part thereof, may be thereafter required by them for the Purposes of their said Railways, and shall obtain the Certificate of the Commissioners of Railways extending the said Period for such further Term as they may think fit, and so from Time to Time as often as such Commissioners shall deem reasonable (which Certificate the said Commissioners are hereby authorized to grant), or if the said Company shall, before the Expiration of the said Twelve Months, use or apply any such Lands for any Purpose connected with their said Railway, then and in every such Case such Claim or Title shall, as regards the Lands so likely to be required or which may be used, as the Case may be, be postponed until the Expiration of such extended Period or Periods, or altogether cease, as the Case may be.

Costs of Arbitration to be settled by Master of the Queen's Bench.

XXXVI. And be it enacted, That in all Cases where, by or under or by virtue of this Act or the said recited Acts, or any Act of Parliament incorporated therewith, any Dispute or other Matter with reference to the Purchase or taking of or Compensation to be paid for any Lands, or with reference to any Matter connected with the Construction of the said Railways, is or shall be left to Arbitration, the Costs of any such Arbitration and incident thereto shall, in case the Parties shall not agree as to the Amount thereof, be taxed and settled by One of the Masters of the Court of Queen's Bench of *England*, on the Application of either Party to such Arbitration, and that it shall not be necessary to include the Amount thereof in the Award to be made under any such Arbitration, or to delay the making of any such Award in consequence thereof; and further, that where the Costs of the Arbitration are not included in the Award, the Amount thereof, when so taxed and settled, together with the Costs of receiving the same, may be recovered by Distress in the Manner by the "Lands Clauses Consolidation Act" provided in other Cases of Costs.

Costs of Matters left to Justices to be settled by Master of the Queen's Bench in certain Cases.

XXXVII. And be it enacted, That the Costs of and incident to any Question, Inquiry, Adjudication, Appeal, or other Proceedings, which by or under or by virtue of this Act or the said recited Acts, or any Act of Parliament incorporated therewith, is or shall be left to the Decision, Determination, or Adjudication of any Justice or Justices of the Peace, with reference to the Purchase or taking of or Compensation to be paid for any Lands, or with reference to any Matter connected with the Construction of the said Railways, shall, in all Cases where the Parties shall not agree as to the Amount thereof, and where the same shall exceed the Sum of Ten Pounds, be taxed and settled by One of the Masters of the Court of Queen's Bench of *England*, on the Application of either Party to or interested in any such Question, Inquiry, Adjudication, Appeal, or other Proceedings.

Bye Laws extended to Lines in Lease.

XXXVIII. And whereas it is desirable to amend the several Enactments contained in the Acts herein-before recited or referred to, with reference to Bye Laws, Orders, Rules, and Regulations, and to

to extend the same to Railways held under Lease by the said Company, and of which they are not the actual Owners: Be it therefore enacted, That all and every the Enactments, Clauses, Powers, and Provisions contained in the said recited Acts, or in the Railways Clauses Consolidation Act, 1845, or any of them, with respect to Bye Laws, and all and every Bye Laws heretofore or hereafter to be made in pursuance thereof or of any of them, shall extend to every Railway of or which now is or hereafter may be in the Possession or Occupation of the said Company, under or by virtue of the said recited Acts or any of them.

XXXIX. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number appointed by the Company do not exceed Thirteen, and that the reduced Number be not less than Eight.

Power to vary the Number of Directors.

XL. And whereas by the said recited Act passed in the Fifth Year of the Reign of Her present Majesty it was and is provided that the Directors should cause Notes, Minutes, or Copies of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings of the Company and of the Directors and Committees of Directors, to be entered in Books to be provided for the Purpose, and that all such Books should at all reasonable Times be open to the Inspection of any of the Shareholders: And whereas the Right to enforce such Inspection as last aforesaid may be prejudicial to the Interests of the said Company: Be it therefore enacted, That from and after the passing of this Act such Right of Inspection shall and may only be exercised by a Committee of Shareholders for that Purpose duly appointed at some General or Special Meeting of the said Company; but nothing herein contained shall extend to interfere with the Right which any Shareholder now or at any Time hereafter may possess to inspect the Books of Accounts of the said Company.

As to Inspection of Books of Proceedings, &c.

XLI. And whereas Doubts have been raised as to what is the prescribed Scale of voting at any General Meetings of the said Company, and it is desirable to remove the same: Be it therefore enacted, That at all General Meetings of the *York, Newcastle, and Berwick* Railway Company aforesaid every Shareholder therein shall be entitled to vote according to the following Scale, and none other; namely, every Shareholder shall have One Vote for every Share up to Ten, and an additional Vote for every Five Shares beyond the first Ten Shares held by him up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first One hundred Shares.

Scale of voting at General Meetings.

XLII. And be it enacted, That no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy shall have been lodged with or received by the Secretary of the *York, Newcastle, and Berwick* Railway Company aforesaid, or left or delivered at the Office of such Secretary not less than Forty-eight Hours before the Time appointed for holding the Meeting at which such Proxy is to be used.

Regulation as to lodging Proxies.

XLIII. And

Facilitating
Proof of
Durham
Junction
Railway
having be-
come vested
in York,
Newcastle,
and Berwick
Railway
Company.

XLIII. And whereas by an Act passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act for authorizing the Sale of the Durham Junction Railway to the Newcastle and Darlington Junction Railway Company, and for enabling the said Company to make a Station at Gateshead, with a Bridge and Approaches to connect the said last-mentioned Railway with the Town of Newcastle-upon-Tyne, and for other Purposes*, it was enacted, that it should be lawful for the said *Durham Junction Railway Company*, with the Consent of Three Fifths of the Votes of the Proprietors in the same Company present, either personally or by Proxy, at some Meeting of the same Company specially convened for the Purpose, to sell to the *Newcastle and Darlington Junction Railway Company*, and for the last-mentioned Company, by and with the like Consent of Three Fifths of the Votes of their Proprietors present, personally or by Proxy, at some Meeting of such last-mentioned Company specially convened for the Purpose, to purchase and take, the said *Durham Junction Railway*, and all Lands, Works, Rights, and other the Property of the said *Durham Junction Railway Company*, at such Price or Sum and upon and subject to such Terms and Conditions as might be mutually agreed upon between the said Two Companies, and that the Purchase Money, or so much thereof as should not be retained by the *Newcastle and Darlington Junction Railway Company*, as therein-after provided, to answer the Debts and Liabilities of the said *Durham Junction Railway Company*, should be paid to the Directors of such last-mentioned Company, and that the Receipt in Writing of Three of such Directors for the Purchase Money for the Balance or Surplus thereof, after such Retention thereout as aforesaid, should effectually discharge the said *Newcastle and Darlington Junction Railway Company* from the Money therein expressed to be received, and such last-mentioned Company should not be obliged to see to the Division thereof among the Shareholders of the said *Durham Junction Railway Company*, or be otherwise answerable for the Loss, Misapplication, or Nonapplication thereof; and it was thereby further enacted, that on Payment of such Purchase Money, or the Balance or Surplus thereof, as the Case might be, and on Publication of a Notice thereof in the *London Gazette* and some Newspaper of the County of *Durham*, of which Payment such Receipt should be sufficient Evidence, the Powers of the Two therein recited Acts of the Fourth Year of King *William* the Fourth and the First Year of Her present Majesty, relating to the *Durham Junction Railway Company* should cease, and the said *Durham Junction Railway*, and the Lands, Works, and Conveniences belonging thereto, should be absolutely vested in the said *Newcastle and Darlington Junction Railway Company*, and the Undertaking of the said *Durham Junction Railway* should thenceforth become Part of the Undertaking of the said *Newcastle and Darlington Junction Railway*, subject nevertheless as therein mentioned: And whereas the said *Durham Junction Railway Company*, with the Consent of Three Fifths of the Votes of the Proprietors in the same Company present, personally or by Proxy, at a Meeting of such Company specially convened for the Purpose, and held on the Sixth Day of *July* One thousand eight hundred and forty-four, agreed to sell, and the said *Newcastle and Darlington Junction Railway Company*, with the

the unanimous Consent of the Proprietors in the same Company present, either personally or by Proxy, at a Meeting of the same Company specially convened for the Purpose, and held on the Seventeenth Day of *June* One thousand eight hundred and forty-four, agreed to purchase and take the said *Durham Junction* Railway, and all the Lands, Stations, Works, Rights, and Appurtenances thereto belonging, for the Sum of Eighty-eight thousand five hundred Pounds, with Interest until Payment thereof, out of which Purchase Money it was agreed that the Sum of Six thousand Pounds should be retained by the said *Newcastle and Darlington Junction* Railway Company in respect of the Debts and Liabilities of the said *Durham Junction* Railway Company, in accordance with the Provision of the said last-recited Act: And whereas by an Agreement by Deed bearing Date the Thirtieth Day of *December* One thousand eight hundred and forty-four, and made between the said *Durham Junction* Railway Company of the First Part, *Robert Stephenson, William Woods, and Thomas Cookson*, Three of the Directors of the same Company, of the Second Part, and the said *Newcastle and Darlington Junction* Railway Company of the Third Part, and made and entered into in pursuance of the therein and lastly herein-before recited Act, the said *Robert Stephenson, William Woods, and Thomas Cookson*, as such Three Directors as aforesaid, thereby duly acknowledge the Receipt and Payment of the Sums of Forty-four thousand two hundred and fifty Pounds and Thirty-eight thousand two hundred and fifty Pounds, making, together with the said Sum of Six thousand Pounds so retained as aforesaid, the said Purchase Money or Sum of Eighty-eight thousand five hundred Pounds, Notice whereof was duly published in the *London Gazette* of the Twenty-fourth Day of *October* One thousand eight hundred and forty-five, and a Newspaper called "*The Gateshead Observer*," being a Newspaper of the County of *Durham*, on the Eighteenth Day of *October* One thousand eight hundred and forty-five: And whereas upon the Execution of the said Agreement and Receipt, and Publication of such Notice as aforesaid, the said *Durham Junction* Railway, and all the Property and Effects thereof, pursuant to the Provisions of the said last herein-before recited Act, became and were the Property of the said *Newcastle and Darlington Junction* Railway Company, now called the *York, Newcastle, and Berwick* Railway Company: Be it therefore enacted, That in all Actions, Suits, and other Proceedings preferred by or against the *York, Newcastle, and Berwick* Railway Company aforesaid it shall not be necessary for the same Company to produce or prove the said Deed of Agreement, Receipt, Notice in the *London Gazette* and Newspaper of the County of *Durham*, or any other Documents or Proceedings relating to the said Sale and Purchase, unless the Plaintiff, Defendant, or other Party in such Action, Suit, or other Proceeding shall have given Notice, Seven clear Days at least before the Hearing of any such Action, Suit, or other Proceeding, to the said *York, Newcastle, and Berwick* Railway Company, to produce the same, but the Production of this Act shall in all Cases (except where such Notice to produce shall have been given as aforesaid) be sufficient Evidence that such Sale and Purchase as aforesaid has been duly made and completed according to the Provisions and in manner required by the said last-recited Act.

Short Title
of Durham
Junction
Purchase
Act.

XLIV. And be it enacted, That in citing the said last-recited Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe it as "The *Durham Junction Purchase Act, 1844.*"

Facilitating
Proof of
Brandling
Junction
Railway
having be-
come vested
in York,
Newcastle,
and Berwick
Railway
Company.

XLV. And whereas by an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act for enabling the Newcastle and Darlington Junction Railway Company to purchase the Brandling Junction Railway, and to enable the said Company to make certain Branch Railways, Stations, and Works, and for other Purposes*, it was enacted, that a General Meeting of the Proprietors of Shares in the said *Brandling Junction Railway Company* should be held in the Station of the said *Newcastle and Darlington Junction Railway Company* at *Gateshead* in the County of *Durham* on the Third *Wednesday* next after the passing of the now reciting Act, at Twelve o'Clock at Noon, at which Meeting the Proprietors of Shares present, either personally or by Proxy, should elect their own Chairman, and that it should be lawful for the said *Brandling Junction Railway Company*, by and with the Consent of Three Fifths of the Votes of the Proprietors in the said Company who might be present, either personally or by Proxy, at such Meeting, to sell to the said *Newcastle and Darlington Junction Railway Company*, and for the last-mentioned Company, by and with the like Consent of Three Fifths of the Votes of their Proprietors present, personally or by Proxy, at some Meeting of such last-mentioned Company specially convened for the Purpose, to purchase and take, the said *Brandling Junction Railway*, and all Lands, Stations, Buildings, Works, and other the Property, and all the Rights and Powers in relation thereto, of the said *Brandling Junction Railway Company*, at or for such Price or Sum, and upon and subject to such Terms and Conditions, as might be mutually agreed upon between the said Two Companies, and that the Purchase Money, or so much thereof as should not be retained by the said *Newcastle and Darlington Junction Railway Company*, as therein-after provided, to answer the Debts and Liabilities of the said *Brandling Junction Railway Company*, should be paid to the Chairman of such first-mentioned Meeting, and by him divided in the Manner therein directed; and it was thereby also enacted, that the Receipt in Writing of the Chairman of such first-mentioned Meeting for the Purchase Money so to be payable as aforesaid, or for the Balance or Surplus thereof which should remain after such Retention thereout as aforesaid, should effectually discharge the said *Newcastle and Darlington Junction Railway Company* from the Money which in such Receipt should be expressed to be received, and such last-mentioned Company should not be concerned to see to the Division thereof among the Shareholders of the said *Brandling Junction Railway Company*, or be otherwise answerable or accountable for the Loss, Misapplication, or Nonapplication thereof; and it was thereby also enacted, that on Payment of such Purchase Money, or the Balance or Surplus thereof, as the Case might be, and on Publication of a Notice thereof in the *London Gazette* and some Newspaper of the County of *Durham*, of which Payment such Receipt should be sufficient Evidence, the Powers of the therein recited Acts relating to the said *Brandling Junction Railway Company* should cease, and the

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said

said *Brandling Junction* Railway, and their Lands, Works, and Conveniences belonging thereto, should be absolutely vested in the said *Newcastle and Darlington Junction* Railway Company, and the Undertaking of the said *Brandling Junction* Railway should thenceforth become and form Part of the Undertaking of the said *Newcastle and Darlington Junction* Railway, subject nevertheless as therein mentioned: And whereas at a General Meeting of the Proprietors of Shares in the said *Brandling Junction* Railway Company held at the Time and Place appointed by the said Act such Proprietors elected a Chairman, in accordance with the Provisions of the same Act, *Ralph Park Philipson* Esquire being the Chairman so elected, and the same Company, with the unanimous Consent of such Proprietors then present, either personally or by Proxy, agreed to sell, and the said *Newcastle and Darlington Junction* Railway Company with the unanimous Consent of their Proprietors present, personally or by Proxy, at a Meeting of such last-mentioned Company specially convened for the Purpose, and held on the Fifth Day of *August* One thousand eight hundred and forty-five, agreed to purchase and take, the said *Brandling Junction* Railway, and all the Lands, Hereditaments, and Premises in and by the said above-recited Act authorized to be sold and purchased as aforesaid, at or for the Price or Sum of One hundred and seventy-seven thousand eight hundred and seventy Pounds, over and above the Debts and Liabilities of the said *Brandling Junction* Railway Company, and which Debts and Liabilities the said *Newcastle and Darlington Junction* Railway Company undertook to satisfy and pay: And whereas by an Agreement by Deed bearing Date the First Day of *November* One thousand eight hundred and forty-five, and made between the *Brandling Junction* Railway Company of the First Part, the said *Ralph Park Philipson* of the Second Part, and the *Newcastle and Darlington Junction* Railway Company of the Third Part, and under the respective Common Seals of the said Two Companies, and the Hand and Seal of the said *Ralph Park Philipson*, and made and entered into in pursuance of the therein and herein-before recited Act, the said *Ralph Park Philipson* did, as such Chairman as aforesaid, thereby duly acknowledge the Receipt by him from the said *Newcastle and Darlington Junction* Railway Company of the said Purchase Money or Sum of One hundred and seventy-seven thousand eight hundred and seventy Pounds, Notice whereof was duly published in the *London Gazette* of the Twenty-sixth of *December* One thousand eight hundred and forty-five, and a Newspaper called the *Durham Advertiser*, being a Newspaper of the County of *Durham*, on the Second Day of *January* One thousand eight hundred and forty-six: And whereas upon the Execution of the said Agreement and Receipt, and Publication of such Notice as aforesaid, the said *Brandling Junction* Railway, and all the Property and Effects thereof, pursuant to the Provisions of the said last herein-before recited Act, became and were the Property of the said *Newcastle and Darlington Junction* Railway Company, which Company is now called the *York, Newcastle, and Berwick* Railway Company: Be it therefore enacted, That in all Actions, Suits, and other Proceedings preferred by or against the *York, Newcastle, and Berwick* Railway Company aforesaid it shall not be necessary for the same Company to produce or prove the said Deed of Agreement, and
Receipt,

Receipt, Notice in the *London Gazette* and Newspaper of the County of *Durham*, or any other Documents or Proceedings relating to the said Sale and Purchase, unless the Plaintiff, Defendant, or other Party in such Action, Suit, or other Proceeding shall have given Notice, Seven clear Days at least before the Hearing of any such Action, Suit, or other Proceeding, to the said *York, Newcastle, and Berwick* Railway Company, to produce the same, but the Production of this Act shall in all Cases (except when such Notice to produce shall have been given as aforesaid) be sufficient Evidence that such Sale and Purchase as aforesaid has been duly made and completed according to the Provisions and in manner required by the said last-recited Act.

Short Title of the Brandling Junction Purchase Act.

XLVI. And be it enacted, That in citing the said last-recited in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe it as "The *Brandling Junction* Purchase Act, 1845."

Power to subscribe to Undertaking of Sunderland Dock Company.

XLVII. And be it enacted, That it shall be lawful for the *York, Newcastle, and Berwick* Railway Company aforesaid, out of the Money which they are authorized to raise by the *Great North of England* Railway Purchase Act, 1846, to subscribe towards and to become Shareholders in the *Sunderland* Dock authorized to be constructed by the *Sunderland* Dock Act, 1846, to the Extent of such Sum or Sums of Money as they may from Time to Time determine upon, not exceeding in the whole One hundred and fifty thousand Pounds: Provided always, that the Directors shall not exercise the Authority hereby granted to any greater Extent than the Sum of Seventy-five thousand Pounds, being the Amount of Three thousand Shares of Twenty-five Pounds each in the said Dock Company, without the Assent of a Majority of the Shareholders present at some Meeting specially convened for the Purpose.

Shares may be held either in Name of Company or of Directors.

XLVIII. And be it enacted, That the Shares so subscribed for by the *York, Newcastle, and Berwick* Railway Company may be held either in the Name of the said Company, or (with the Consent of the *Sunderland* Dock Company) in the Names of any Two or more of the Directors of the said Company, as the said Company or the Directors for the Time being thereof shall from Time to Time direct.

Power to enter into Agreements with the Sunderland Dock Company.

XLIX. And be it enacted, That it shall be lawful for the *York, Newcastle, and Berwick* Railway Company, and the *Sunderland* Dock Company aforesaid, 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 by the said Railway Company, and the Coalowners or others using their Railways, of the Staiths, Wharves, and Shipping Places of the said Dock Company, and the Works and Conveniences connected therewith, or any of them, and generally for and in respect of all such other Matters and Things as may be necessary or desirable for the mutual Convenience and Accommodation of the said Companies respectively, and of the Traffic which may be brought by the said Railways to or taken by them from the said Docks.

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L. And be it enacted, That it shall be lawful for the *York, Newcastle, and Berwick* Railway Company to nominate and appoint any Person (whether such Person be a Shareholder or not in such Company), by Writing under the Common Seal of such Company, or under the Hand of the Chairman for the Time being of the Directors of such Company, to vote on behalf of such Company at any Meeting of the *Sunderland* Dock Company, and such Person so appointed shall have the same Right of voting at such Meeting as though the Shares held by the *York, Newcastle, and Berwick* Railway Company in the Undertaking of the *Sunderland* Dock Company were held by him and in his Name.

Right of voting at Meetings of *Sunderland* Dock Company.

LI. 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 Railways*; 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 another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the same Session of Parliament, intituled *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways hereby authorized, or the said Company in respect thereof, from the Provisions of the same several Acts respectively, but that such Provisions shall be in force with reference to the same Railways and Company in respect thereof, so far as the same are applicable.

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

LII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made, or the said Company, 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 this Act.

Railways not exempt from Provisions of future general Acts.

LIII. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expenses of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Expenses of Act.

[Local.]

9 X

LIV. And

Short Title. LIV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe it as “The *York, Newcastle, and Berwick* Railway Act, 1849.”

Interpre-
tation of
Terms. LV. And be it enacted, That the following Words and Expressions in this Act, or in any of the Acts incorporated herewith, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression “the Railway” or “the said Railways” shall mean and include every Part of the Railways of or which now are or hereafter may be in the Possession of the said Company under or by virtue of the said recited Acts or any of them, and the Works, of whatever Description, connected with such Railways, and by this or the said recited Acts or any of them authorized to be made and executed:

The Expression “the Company” or “the said Company” shall mean “the *York, Newcastle, and Berwick* Railway Company:”

The Expression “the special Act” shall mean and include this Act.

Public Act. LVI. 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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