



CHAP. xlviii.

An Act to authorise the construction of Railways and a Dock A.D. 1871.
in the county of Northumberland, to be called “The Scots-
wood, Newburn, and Wylam Railway and Dock.”

[16th June 1871.]

WHEREAS the construction of the railways after mentioned,
and of a dock upon the River Tyne at a place called the
Haughs, at Scotswood, would be attended with great local and
public advantage, and the persons herein-after named, with others,
are willing to construct such railways and dock :

And whereas plans and sections of the works showing the lines
and levels thereof, with books of reference to the plans containing
the names of the owners and lessees, or reputed owners and lessees,
and of the occupiers of the lands in or through which the said works
will be made or pass, have been deposited with the clerk of the
peace for Northumberland, and are herein referred to as the deposited
plans, sections, and books of reference :

And whereas it is expedient that the Company and the North-
eastern Railway Company should be empowered to enter into agree-
ments for the working of the proposed railways and dock by the said
North-eastern Railway Company :

And whereas the purposes aforesaid cannot be accomplished with-
out the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and
be it enacted by the Queen’s most Excellent Majesty, by and with
the advice and consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the authority
of the same, as follows :

1. This Act may be cited for all purposes as “The Scotswood, Newburn, and Wylam Railway and Dock Act, 1871.” Short title.

2. “The Companies Clauses Consolidation Act, 1845,” Part I. Provisions
(relating to cancellation and surrender of shares) of “The Companies of general
Clauses Act, 1863,” “The Companies Clauses Act, 1869,” “The Acts herein
named incor-
[Local.—48.] A 1 porated.

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A.D. 1871. Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Harbours, Docks, and Piers Clauses Act, 1847," except as herein-after provided, and "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, shall be incorporated with and form part of this Act; and in construing the last-mentioned enactment the word "works" and "railway" shall be taken to signify the dock and its approaches, as well as the railway authorised by this Act: Provided nevertheless that the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," "with respect to lifeboats," and "with respect to keeping a tide and weather gauge," shall not be in force for the purposes of this Act, except so far as from time to time the same may be required by the Board of Trade.

Same meanings to words, &c. in incorporated Acts and this Act.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall have in this Act the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such construction.

Interpretation of terms.

4. The following words and expressions shall in this Act have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "the Company" shall mean the Company incorporated by this Act:

The expression "the dock" shall mean and include the dock, staiths, shipping places, quay, wharves, warehouses, cranes, and other works connected therewith by this Act authorised to be constructed:

The expression "the railways" shall mean the railways and the works connected therewith by this Act authorised to be constructed:

The expression "the undertaking" shall mean the railways and the dock by this Act authorised:

The expression "the undertakers" or "the promoters of the undertaking," in any of the Acts incorporated herewith, shall mean the Company incorporated by this Act:

The expression "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations:

The expression "superior courts" or "court of competent jurisdiction," or other like expression in this Act or any Act incor-

porated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute. A.D. 1871.

5. John Spencer, William Benson, Thomas Bates, William Haswell Stephenson, Thomas Spencer, Michael Spencer, Charles John Stephenson, and all other persons and corporations who have already subscribed or who shall hereafter subscribe to the undertaking, their executors, administrators, successors, and assigns respectively, shall be united into a company for the purposes of the undertaking, and such company shall be incorporated by the name of "The Scotswood, Newburn, and Wylam Railway and Dock Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and shall have power to purchase and hold lands for the purposes of the undertaking within the restrictions herein and in the incorporated Acts contained, and their undertaking shall be called "The Scotswood, Newburn, and Wylam Railway and Dock." Subscribers incorporated.

6. Subject to the provisions of this Act, the Company may make and maintain the works herein-after described in the lines and upon the lands delineated on the deposited plans and described in the deposited books of reference, and according to the levels described on the deposited sections, and the Company may enter upon, take, and use such of the said lands as shall be necessary for all or any of such purposes. Power to make works according to deposited plans.

7. The works hereby authorised are the following, and will be wholly situate in the county of Northumberland: Describing works.

The railways following, with all necessary works, stations, approaches, and conveniences connected therewith:

Railway No. 1.—A railway (two miles three furlongs 3·7 chains long) commencing in the township of Benwell in the parish of Saint John by a junction with the Carlisle Branch of the North-eastern Railway, and terminating in the township and parish of Newburn on a railway called or known as "The Wylam Waggonway:"

Railway No. 2.—A railway (three miles seven furlongs 2·1 chains long) commencing in the said township and parish of Newburn by a junction with railway No. 1 at the point of termination thereof, and terminating in the township of Wylam in the parish of Ovingham by a junction with the aforesaid Carlisle Branch of the North-eastern Railway:

Railway No. 3.—A railway (two furlongs 2·7 chains long) (wholly situated within the said township of Benwell in

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the said parish of Saint John) to commence by a junction with railway No. 1, at a point thereon one furlong and one hundred and ten yards, or thereabouts, from the commencement of that railway, and terminate at the dock herein-after described.

A dock, with all proper entrances, cuts, locks, basins, gates, sluices, piers, jetties, staiths, quays, wharfs, tramways, sheds, warehouses, cranes, bridges, roads, approaches, and other works and conveniences connected therewith, to be constructed on land known as the Scotswood Haughs, lying immediately to the east of and adjoining the suspension bridge across the River Tyne, called or known as the Scotswood Bridge.

As to junctions with North-eastern Railway.

8. The railways numbers 1 and 2 shall join the Carlisle Branch of the North-eastern Railway Company at such points, in such manner, and with such connecting lines of approach and other works as have been or shall be approved by the engineer of that company, and the several provisions in "The Railways Clauses Act, 1863," as to junctions shall extend and apply as well to those connecting lines, and the works and conveniences connected therewith respectively, as to the junctions with the said Carlisle Branch.

Provision as to bridge over North-eastern Railway.

9. The railway number 3 shall be carried over the Carlisle Branch of the North-eastern Railway by means of a bridge of one span, of at least twenty-four feet in width on the square, and with not less than fifteen feet clear headway above the surface level of the rails of that branch throughout under the same, which bridge and the works connected therewith shall be made and constructed in a substantial and workmanlike manner, and to the reasonable satisfaction of and according to plans to be previously approved by the engineer of the North-eastern Railway Company, and so as not to endanger or interfere with the security of their railway or to impede the traffic thereof, and shall for ever afterwards be so maintained and kept in good and proper repair by and at the expense of the Company; and the North-eastern Railway Company may require all such precautions to be taken by the Company in constructing, maintaining, and repairing the said bridge as their engineer may deem expedient for protecting their railway from injury and the traffic thereon from interruption; and in case any damage or injury shall be caused to their railway, or interruption or injury to the traffic thereon, by reason of the said bridge, or during the construction, maintenance, use, or repair thereof, the same shall forthwith be made good by the Company to the North-eastern Railway Company, or the North-eastern Railway Company may make good such damage or injury to their railway, and recover the cost and expense

thereof, and also compensation for such interruption or injury to their traffic as aforesaid, from the Company in any court of competent jurisdiction. A.D. 1871.

10. The Company shall not purchase or take compulsorily any land or property of the North-eastern Railway Company, but they may purchase and acquire from that company an easement or right of constructing and maintaining the said railways numbers 1 and 2, and the junctions thereof respectively, and the said bridge and the said railway number 3 across or over it, in accordance with the provisions of this Act; nor, save only so far as may be necessary for the purpose of constructing, maintaining, and using the said junctions, connecting lines, bridge, and works as aforesaid, shall the Company or any person in the execution of this Act enter upon, use, or interfere with the railway or property of the North-eastern Railway Company, except with their consent in writing first obtained.

11. The Company may from time to time dredge and deepen the bed and foreshore of the River Tyne for the purpose of keeping open the entrance to the dock, and of preventing the accumulation of mud and soil upon the said bed and foreshore in front of the dock.

12. Nothing in this Act shall authorise the Company to execute any works within the high-water mark of the River Tyne, unless the plans and sections of such works shall have been previously approved by the Tyne Improvement Commissioners in writing under their seal, and unless such works so approved shall be executed in a manner reasonably satisfactory to the engineer for the time being of the said commissioners.

13. The capital of the Company shall be eighty-five thousand pounds, divided into eight thousand five hundred shares of ten pounds each.

14. The Company shall not issue any share, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share is paid up in respect thereof.

15. Two pounds per share shall be the greatest amount of a call, and two months at the least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls to be made in any one year upon any share.

16. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of his or her respective guardian or committee shall be a sufficient discharge to the Company for the same.

North-eastern Railway Company's property not to be purchased compulsorily, and interference therewith restricted.

Power to deepen bed of Tyne in front of proposed dock.

Works affecting Tyne within high-water mark to be subject to approval of engineer of Tyne Commissioners.

Capital.

Shares not to vest until one fifth paid up.

Calls.

Receipts of guardians, &c. to be sufficient discharge.

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Power to
borrow on
mortgage.

17. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty-eight thousand three hundred pounds, but no part thereof shall be borrowed until the whole capital of eighty-five thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appoint-
ment of a
receiver.

18. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Application
of moneys.

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

First and
other
meetings.

20. The first ordinary meeting of the Company shall be held within twelve months next after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of February or March and August or September every year.

Quorum of
general
meetings.

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

Number of
directors.

22. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the reduced number be not less than three.

Qualification
of directors.

23. The qualification of a director shall be the possession in his own right of not less than fifty shares.

24. The quorum of a meeting of directors shall be three, whilst the number of directors is five, and two when their number is less than five.

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Quorum.

25. John Spencer, William Benson, Thomas Bates, William Haswell Stephenson, and Thomas Spencer shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," 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 same Act.

First directors.

Election of directors.

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

Lands for extraordinary purposes.

27. The powers by this Act conferred for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Powers for compulsory purchases limited.

28. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained, in reference to crossing roads on the level, the Company may in the construction of the railway carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; (that is to say,)

Power to cross certain roads on the level.

No. on deposited Plans.	Parish.	Description of Road.
RAILWAY No. 2.		
304	Newburn - - -	Public road.
319	Ditto - - -	Ditto.
58	Ovingham - - -	Ditto.

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Inclination
of certain
road.

29. In altering for the purposes of this Act the road next herein-
after mentioned, the Company may make the same of any inclina-
tion not steeper than the inclination herein-after mentioned in
connexion therewith ; (that is to say,)

Number on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
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RAILWAY No. 1.

174	Newburn	- Public road	- 1 in 10 on one side and level on the other.
178	Newburn -	- Public road	- 1 in 15.

Houses of
labouring
classes.

30. The Company shall, not less than eight weeks before they
take in any parish fifteen houses or more occupied either wholly or
partially by persons belonging to the labouring classes as tenants or
lodgers, make known their intention to take the same by placards,
handbills, or other general notice placed in public view upon or
within a reasonable distance from such houses, and the Company
shall not take any such houses until they have obtained the certifi-
cate of a justice that it has been proved to his satisfaction that the
Company have so made known their intention to take the same.

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

31. Whereas, pursuant to the standing orders of both Houses of
Parliament, and to an Act of the ninth and tenth years of Her pre-
sent Majesty, chapter 20, a sum of two thousand five hundred and
thirty-two pounds, being over five per centum upon fifty thousand
six hundred and thirty-three pounds, the amount of the estimate
in respect of the railways authorised by this Act, has been deposited
with the Court of Chancery in England in respect of the application
to Parliament for this Act : Be it enacted, that, notwithstanding any-
thing contained in the said recited Act, the said sum so deposited as
aforesaid in respect of the application for this Act shall not be paid
or transferred to or on the application of the person or persons, or
the majority of the persons, named in the warrant or order issued in
pursuance of the said Act, or the survivors or survivor of them,
unless the Company shall, previously to the expiration of the
period limited by this Act for completion of the railways hereby
authorised to be made, either open the railways for the public
conveyance of passengers, or prove to the satisfaction of the Lords
of the Committee of Her Majesty's Privy Council for Trade and
Foreign Plantations that the Company have paid up one half of the
amount of the capital by this Act authorised to be raised by means

of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital, and if the said period shall expire before the Company shall have either opened the railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

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32. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking ~~property~~ conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them; provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Application
of deposit.

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

Period for
completion
of railways
and dock.

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Tolls for the
 railways.

34. The Company may demand any tolls for the use of the railways not exceeding the following; (that is to say,)

In respect of the tonnage of all articles conveyed thereon, or upon any part thereof, and included within the following classes:

Class I. For all coals, coke, culm, charcoal, and cinders, and for all rough salt, dung, compost, manures (except artificial manures), lime, and limestone, and all undressed materials for the repair of roads or highways, clay, sand, ironstone, and iron ore, per ton per mile three halfpence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one farthing, and if propelled by an engine belonging to the Company a further sum per ton per mile of one half-penny:

Class II. For all stones for building, pitching, and paving, all bricks, tiles, slates, pig iron, bar iron, rod iron, hoop iron, and all other description of wrought iron and iron castings not manufactured into utensils, or other articles of merchandise, per ton per mile one penny halfpenny; and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one halfpenny, and if propelled by an engine belonging to the Company a further sum per ton per mile of one halfpenny:

Class III. For all sugar, grain, corn, flour, hides, refined salt, soda, alkalies and other chemicals, guano, and artificial manures, dyewood, earthenware, timber, deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile twopence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one halfpenny, and if propelled by an engine belonging to the Company a further sum per ton per mile of one halfpenny:

Class IV. For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny, and if propelled by an engine belonging to the Company a further sum per ton per mile of one halfpenny:

Class V. And for every carriage (not being a carriage adapted or used for travelling or passing upon a railway, and not weighing more than one ton) conveyed on a truck or platform, per mile threepence; and if any such carriage be conveyed on a truck or platform belonging to the Company an additional sum per mile of one penny halfpenny, and if propelled by an engine belonging to the Company a further sum per mile of one penny halfpenny; and a like sum of one penny halfpenny per mile for every

additional quarter of a ton, or fractional part of a quarter of a ton, which any such carriage may weigh. A.D. 1871.

In respect of animals conveyed in carriages upon the railways, as follows : Tolls for animals, &c.

Class VI. For every horse, mule, ass, or other beast of draught or burden conveyed in or upon any such carriage, per mile fourpence ; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny, and if such carriage be propelled by an engine belonging to the Company an additional sum per mile of one penny :

Class VII. For every ox, cow, bull, or head of neat cattle conveyed in or upon any such carriage, the sum of one penny halfpenny per mile ; and if conveyed in any carriage belonging to the Company an additional sum per mile of one penny, and if such carriage be propelled by an engine belonging to the Company an additional sum per mile of one penny :

Class VIII. For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, per mile the sum of one penny ; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one halfpenny, and if propelled by an engine belonging to the Company an additional sum per mile of one halfpenny.

In respect of passengers conveyed in carriages upon the railways, as follows : Tolls for passengers.

For every person conveyed in or upon any such carriage, per mile twopence ; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one halfpenny, and if propelled by an engine belonging to the Company an additional sum per mile of one halfpenny.

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

36. The maximum rates of charge to be made by the Company for the conveyance of passengers upon the railways, including the tolls for the use of the railways, and of carriages and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following sums : Maximum rates of charge for passengers.

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

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

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

Maximum
charges for
goods and
animals.

37. The maximum rate of charge to be made by the Company for the conveyance of animals and goods, including the tolls for the use of the railways, and for waggons or trucks and for locomotive power, and every other expense incidental to such conveyance, except a reasonable charge for the loading and unloading of goods at any terminal station in respect of such goods, and for delivery and collection, and every other service incidental to the business or duty of a carrier; when any such service is performed by the Company, shall not exceed the amount mentioned in the following table; that is to say,

For the matters herein-before mentioned under Class I., twopence per ton per mile :

For the matters mentioned under Class II., twopence halfpenny per ton per mile :

For the matters mentioned under Class III., threepence per ton per mile :

For the matters mentioned under Class IV., fourpence per ton per mile :

For any carriage mentioned under Class V., sixpence per mile; and for every quarter of a ton beyond one ton which any such carriage may weigh, one penny halfpenny per mile :

For everything mentioned under Class VI., fourpence per mile :

For everything mentioned under Class VII., threepence halfpenny per mile :

For everything mentioned under Class VIII., twopence per mile.

Regulations
as to tolls.

38. The following rules and regulations shall be applicable to the fixing of such tolls; (that is to say,)

For articles, animals, or persons conveyed on the railways for a less distance than three miles, the Company may demand tolls and charges as for three miles :

For a fraction of a mile beyond three miles or beyond any greater number of miles, the Company may demand tolls and charges as for one mile :

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity: A.D. 1871.

Where a waggon for the carriage of cattle or sheep shall be engaged by one party, the charge for any such waggon capable of containing six oxen or twenty-five sheep shall not for a distance exceeding three miles exceed one shilling per mile, and not exceeding three miles, sixpence per mile.

39. And with respect to small packages and single articles of great weight, notwithstanding the rates of tolls prescribed by this Act, the Company may lawfully demand any tolls not exceeding the following; (that is to say,) Tolls for
small parcels
and single
articles of
great
weight.

For the carriage of small parcels not exceeding seven pounds in weight, fourpence:

For the carriage of small parcels exceeding seven pounds but not exceeding fourteen pounds in weight, sixpence:

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, ninepence:

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, one shilling and sixpence:

For parcels exceeding fifty-six pounds and not exceeding one hundredweight, two shillings, and for every additional hundredweight beyond one hundredweight up to five hundredweight, ninepence: Provided always, that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages:

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand any sum not exceeding sixpence per ton per mile; and if conveyed in or upon a carriage belonging to the Company an additional sum per ton per mile not exceeding sixpence, and if propelled by an engine belonging to the Company a further sum per ton per mile not exceeding twopence:

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber, stone, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand any sum they may think fit.

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Charge for
unloading
coals.

40. When the service of unloading coals is performed by the Company no higher charge shall be made for unloading such coals, including the use of staiths, spouts, drops, and machinery, than the sum of one penny halfpenny per ton.

Terminal
station.

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

Restriction
as to charges
not to apply
to special
trains.

42. The restriction as to the charges to be made for passengers shall not extend to any special train that may be required to be run upon the railways, but shall apply to every other train appointed or to be appointed from time to time by the Company for the conveyance of passengers and goods upon the railways.

Company
may take
increased
charges by
agreement.

43. Nothing herein contained shall be held to prevent the Company from taking any increased charges over and above the charges herein-before limited for the conveyance of goods of any description by agreement with the owners of or persons in charge of such goods, either in respect of the conveyance thereof (except small parcels) by passenger trains, or by reason of any other special service performed by the Company in relation thereto.

Company
may deviate
to extent
marked on
plans of
dock.

44. Subject to the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," the Company in constructing the dock may deviate to the extent of the limits of deviation marked on the deposited plans.

Plans, &c. of
dock to be
approved
by Board of
Trade.

45. Previously to commencing the dock the Company shall deposit at the office of the Board of Trade plans and sections and working drawings of the dock for the approval of the said Board, such approval to be signified in writing under the hand of the secretary of the said Board, and such dock shall be constructed only in accordance with such approval, and when such dock shall have been commenced or 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 dock shall be commenced or completed, or be altered, extended, or constructed, contrary to the provisions of this Act, it shall be lawful for the Board of Trade to abate, alter, 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 from the Company to the Crown, and be recoverable accordingly, with costs of suit.

46. If at any time or times it shall be deemed expedient by the Board of Trade to order a local survey and examination of the dock, the Company shall defray the costs of every 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 costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company.

A.D. 1871.
 Board of Trade may order local survey.

47. If any work to be constructed by the Company shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade to abate and remove the same, or such part or parts thereof as they may at any time 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.

Board of Trade may abate abandoned works.

48. The Company from time to time may take and receive for or in respect of every vessel or craft using or entering the dock, or lying therein, or departing therefrom, any sum not exceeding the rates specified in the Schedule (A.) to this Act annexed, and every such rate or sum shall be payable by the owner, master, or consignee of the vessel.

Rates payable on vessels using the dock.

49. The Company may demand for all animals and goods mentioned in the Schedule (B.) to this Act which shall be shipped or unshipped, received or delivered, or warehoused within the dock, any sums not exceeding the several rates in the said schedule specified; and as to all such animals and goods as shall not be specified in the said schedule the Company may demand a rate equal to the rate for the time being payable in respect of animals and goods of a similar nature, package, and quality, and every such rate shall be payable by the owner or consignee of the animals and goods.

Rates payable on goods.

50. If any vessel using or lying within the dock, whether the same vessel shall previously have paid or been liable to pay tonnage rates or not, shall remain in the dock for any longer space of time than twenty-one days, or such other time named in the Schedule (A.), as the case may be, the Company may demand for every such vessel a further rate of one penny per ton for every four weeks, and so in proportion for any period less than four weeks, during which any such vessel shall remain as aforesaid beyond the said period of twenty-one days, or such other time as aforesaid, in addition to the tonnage rates payable by virtue of this Act.

Further tonnage rates for vessels remaining in dock, &c. longer than twenty-one days.

A.D. 1871.

Rates to be charged for the use of cranes and weighing machines.

51. The Company may demand for the use of their warehouses, staiths, cranes, weighing and measuring machines, of and from the owner, consignee, or person having the charge of any goods, articles, or things deposited in such warehouse, or loaded or unloaded, weighed or measured, by means of such staiths, cranes, weighing and measuring machines, such reasonable rates as the Company shall from time to time appoint: Provided always, that if any question shall arise as to the reasonableness of any such rates the same shall be from time to time referred to and determined by the Board of Trade.

Officers of customs to have free access to dock without payment of toll.

52. All officers of customs, being in the execution of their duty, shall have free ingress and egress into and out of the dock and premises, and through the gates and entrances of the same, and also freely to pass with their vessels and boats through the locks and water communications of the dock and premises, at all times (provided the state of the tide and water communications of the dock and premises will admit of such passing), without payment of any toll or sum for so doing.

Power to appoint meters and weighers.

53. The Company may appoint and license a sufficient number of persons to be meters and weighers.

Limits within which dock-master may exercise his authority.

54. The limits within which the powers of the superintendent and dock-master for the regulation of the dock shall be exercised shall be the dock, works, and premises of the Company, and a distance of fifty yards into the River Tyne from the outward quay wall of the tidal basin, such distance to be computed from the centre of a straight line drawn from the outer points of the two quays forming the sides of the said tidal basin next the river: Provided always, that the power of the Tyne Improvement Commissioners and of the harbour-masters of the port of Newcastle-upon-Tyne within the aforesaid limits shall not be prejudiced, lessened, or interfered with by this Act.

Power to the Company to redeem rent-charges.

55. Where any land is purchased by the Company in consideration of an annual rentcharge, it shall be lawful for the Company and the person in receipt of the rentcharge at any time to agree for the redemption of the rentcharge on payment of such a gross sum as shall be mutually agreed upon: Provided always, that where the person in receipt of such rentcharge shall be under any disability or incapacity, and has no power to sell or convey such land or to receive such redemption money, except under the provisions of this Act and the Acts incorporated herewith, the amount of such redemption money shall not be less than twenty years purchase of

such annual rentcharge, and the redemption money shall in that case be paid and applied in manner prescribed by the provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating or not making title: Provided also, that after the Company shall have redeemed any such rentcharge the powers of the Company for borrowing which may have been reduced under the fifth section of "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be increased to the extent to which it shall have been previously reduced on account of such rentcharge.

A.D. 1871.

56. The Company on the one hand, and the North-eastern Railway Company on the other hand, may from time to time enter into and make any contract or agreement with respect to all or any of the following matters; (that is to say,)

Power to enter into agreements with the North-eastern Railway Company.

The use and working of the railways and of the dock:

The conveyance, conduct, and management of traffic upon or over the railways:

The supply of any rolling or working stock required for working the traffic of the Company:

The forwarding, interchange, transmission, collection, delivery, and general conduct of traffic:

The maintenance and repair of the railways and dock of the Company:

The apportionment and payment of the costs and expenses of such working, maintenance, and repair:

The division between the Companies of the receipts arising from the traffic of the railways and dock.

57. In the event of any such agreement being entered into and any dispute or difference arising thereon, such dispute or difference shall be settled by arbitration in the manner provided by "The Railway Companies Arbitration Act, 1859."

Differences to be settled by arbitration.

58. If any such contract or agreement for the use and working by the North-eastern Railway Company of the railways by this Act authorised be entered into, then so long as any such contract or agreement shall be in force the tolls and charges to be made and levied in respect of the railways shall not exceed the tolls and charges authorised to be taken upon and in respect of the Carlisle Branch of the North-eastern Railway.

During working agreement tolls on railways not to exceed Carlisle Branch tolls.

59. During the continuance of any agreement entered into under the provisions of this Act for the use of the railways by the North-eastern Railway Company, the railways of the Company and of the

Tolls on traffic conveyed partly on the rail-

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Railway and Dock Act, 1871.

A.D. 1871. North-eastern Railway Company shall, for the purposes of tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways and partly on the railway of the North-eastern Railway Company for a less distance than six miles, tolls and charges may only be charged as for six miles; and in respect of passengers, for every mile or fraction of a mile beyond six miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond six miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways and partly on the railway of the North-eastern Railway Company.

ways and partly on the North-eastern Railway.

Provision for Merchant Shipping Act and general Acts. **60.** Nothing in this Act contained shall exempt the dock or the Company from the provisions of "The Merchant Shipping Act, 1854," or any general Act relating to docks, or dues on shipping or on goods carried in ships, now in force or which shall be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the dock rates or duties by this Act authorised.

Saving rights of Corporation of Newcastle-upon-Tyne.

61. Provided always, that, except as is by this Act otherwise expressly enacted, this Act or anything therein contained shall not take away, lessen, prejudice, alter, or affect any estate, right, or interest whatsoever of the mayor, aldermen, and burgesses of the borough of Newcastle-upon-Tyne in or to the soil of the port and river, or lessen or prejudice any of the estates, lands, property, and effects of the said mayor, aldermen, and burgesses, or any of the tolls, rates, dues, duties, rents, issues, profits, or other income whatsoever of or payable to the said mayor, aldermen, and burgesses, or any of the powers, authorities, franchises, customs, usages, immunities, rights, or privileges of the said mayor, aldermen, and burgesses.

Saving rights of Tyne Improvement Commissioners.

62. Provided always, that, except as is by this Act otherwise expressly enacted, this Act or anything therein contained shall not take away, lessen, prejudice, alter, or affect any estate, right, or interest whatsoever, or any of the powers, privileges, authorities, and immunities of the Tyne Improvement Commissioners.

Saving rights of the Crown in the fore-shore.

63. Nothing contained in this Act or in any of the Acts incorporated herewith shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in

right of Her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. A.D. 1871.

64. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845." Interest not to be paid on calls paid up.

65. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

66. Nothing herein contained shall be deemed or construed to except the railways by this Act authorised to be made from the provisions of any general Act relating to railways, or the better or more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act. Railways not exempt from provisions of present and future general Acts.

67. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company. Expenses of Act.

A.D. 1871.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Tonnage Rates.		Rates.	
		s.	d.
Outward Charges.	For every ship clearing for any port in the United Kingdom, the Isle of Man, the White Sea, or any port between the North Cape and Gibraltar, including the Baltic, and for the British Possessions in North America, per register ton - - - - -	0	2
	For every ship clearing for any other port or place than above specified, per register ton - - - - -	0	4
	For every ship entering or using the dock for the sole and exclusive purpose of delivering, or unloading ballast, gravel, or sand, per register ton - - - - -	0	1½
	For every ship entering and leaving the dock without delivering or loading a cargo, per register ton - - - - -	0	2
Inward Charges.	For every ship with a cargo from any port in the United Kingdom, the Isle of Man, or in the Islands of Guernsey and Jersey, per register ton - - - - -	0	2
	For every ship with a cargo from any port or place in Europe between Ushant and the Naze in Norway, except the ports in the Baltic Sea, per register ton - - - - -	0	4
	For every ship with a cargo from any other port or place - - - - -	0	6

For the above rates any ship may remain in the dock for any time not exceeding two weeks, and after the expiration of that time a further sum of one penny per register ton per week shall be payable in respect of such vessel.

For keels, lighters, or other river craft, not exceeding fifty tons burthen, entering and leaving the dock for the purpose of loading or discharging minerals or merchandise, one shilling each way.

SCHEDULE (B.)

A.D. 1871.

Dues, Rates, or Tolls on Goods and Cattle.	Rates.	
For every ton of coals put on board any vessel for export, whether coastwise or foreign - - - - -	s.	d.
	0	2
For every ton of coke, culm, or cinders put on board any vessel -	0	3
For every load of timber of whatever description, each load containing fifty cubic feet, received or delivered from any vessel	0	3
And in case such timber shall continue in the dock for a longer period than four days, then for each day beyond such four days, per load - - - - -	0	3
For every ton weight of goods or merchandise of every other description received or delivered from any vessel - - -	0	4
Or, at the option of the Company, for every ton measurement of such goods and merchandise, each such ton measurement containing forty cubic feet - - - - -	0	6
And for every package or parcel of goods less than a ton, either of weight or measurement, the same sum as is payable in respect of a ton.		
Horses, per head - - - - -	1	6
Oxen, cows, and bulls, per head - - - - -	1	0
Ponies, mules, and asses, per head - - - - -	0	6
Calves and deer, per head - - - - -	0	3
Lambs, sheep, goats, and pigs, per head - - - - -	0	1

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