



CHAPTER 1.

An Act to authorise the Blyth and Tyne Railway Company A.D. 1872.
to make new lines of railway at and near North Shields, to
alter their authorised Newbiggin Branch Railway ; and for
other purposes. [27th June 1872.]

WHEREAS the Acts now in force relating to the Blyth and Tyne Railway Company, herein-after referred to as the Company, are the following :

Recital of
Acts as to
Blyth and
Tyne Rail-
way.

“The Blyth and Tyne Railway, Consolidation and Extensions, Act, 1854” (herein referred to as the Act of 1854) ;

“The Blyth and Tyne Railway Amendment Act, 1857” (herein referred to as the Act of 1857) ;

“The Blyth and Tyne Railway Amendment Act, 1861 ;”

“The Blyth and Tyne Railway Act, 1864” (herein referred to as the Act of 1864) ;

“The Blyth and Tyne Railway Act, 1867” (herein referred to as the Act of 1867) :

And whereas it is expedient that the Company should have power to construct the new lines of railway after mentioned, and to abandon certain parts of the existing and authorised lines of the Company :

And whereas by the Act of 1867 the Company were authorised to construct various railways, and amongst them two branch railways, one called the North Shields Branch, and the other the Newbiggin Branch :

And whereas no part of the North Shields Branch has been constructed, and it is expedient that it should be abandoned :

And whereas the Newbiggin Branch is in course of construction and is nearly completed, but, with the consent of the landowners affected thereby, by a route involving less outlay of capital and not less advantages to the public than the route authorised by the Act of 1867 ; and it is expedient that the Company have power to maintain the said branch railway as the same has been constructed :

A.D. 1872.

— And whereas by the Act of 1867 the Company were not bound to construct the railway thereby authorised and referred to as “the Warkworth Extension” until required to do so, within two years after the passing of the Act, by owners or lessees of minerals on the line thereof, and no such requisition has been made :

And whereas in the event of the said railway being only partially made the capital of three hundred and fifty thousand pounds, authorised to be raised under the powers of that Act, was to be proportionately reduced, the amount of reduction to be fixed by the Board of Trade :

And whereas the estimated cost of the said extension was one hundred thousand pounds, and it is expedient that the before-named capital should be reduced by that amount, less four thousand pounds which has been expended upon the said extension :

And whereas by the tenth section of the Act of 1867 the Company were authorised, within three years from the passing of that Act, to purchase and take the estate or interest of any parties interested in or entitled to any rent, wayleave rents, or other payments issuing from or out of or payable in respect of the lands referred to in that section, on which lands a portion of the main line of the Blyth and Tyne Railway had been constructed ; and it is expedient that the said powers of purchase which were not exercised should be revived and extended :

And whereas it is expedient that some of the powers and provisions of the Acts relating to the Company should be in certain respects altered and enlarged :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, have been deposited with the clerk of the peace for the county of Northumberland, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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

Short title.

1. This Act may be cited for all purposes as “The Blyth and Tyne Railway Act, 1872.”

2. Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," shall be incorporated with and form part of this Act.

A.D. 1872.
Provisions
of general
Acts herein
named in-
corporated.

3. Subject to the provisions of this Act, all the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

Extending
certain pro-
visions of
8 & 9 Vict.
c. 16. to this
Act.

With respect to the distribution of the capital of the Company into shares;
With respect to the transfer or transmission of shares;
With respect to the payment of subscriptions and the means of enforcing the payment of calls;
With respect to the forfeiture of shares for nonpayment of calls and the merger and re-issue of forfeited shares;
With respect to the remedies of creditors of the Company against the shareholders;
With respect to the borrowing of money by the Company on mortgage or bond;
With respect to the conversion of borrowed money into capital;
With respect to the consolidation of shares into stock;
With respect to the giving of notices; and
With respect to the provision to be made for affording access to the special Act by all parties interested,
shall be applicable, as the case may require, to the capital and moneys hereby authorised to be raised by shares, mortgage, or debenture stock, and to the proprietors thereof.

4. 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.

Same mean-
ings to words,
&c. in incor-
porated Acts
and this Act.

5. 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,)

Interpreta-
tion of terms:

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

"The rail-
ways" or
"the under-
taking;"

[Ch.1.] *The Blyth and Tyne Railway Act, 1872.* [35 & 36 VICT.]

<p>A.D. 1872.</p> <p>“The undertakers :”</p> <p>“The local board :”</p> <p>“The surveyor :”</p> <p>“Superior courts.”</p>	<p>The expression “the undertakers” or “the promoters of the undertaking” in any of the Acts incorporated herewith shall mean the Company :</p> <p>The expression “the local board” shall mean the local board of health for the borough of Tynemouth :</p> <p>The expression “the surveyor” shall mean the surveyor of the local board :</p> <p>The expression “superior courts” or “court of competent jurisdiction,” or other like expression in this Act or any Act incorporated 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.</p>
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Power to make works according to deposited plans.

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.

Describing railway.

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

The railways next herein-after mentioned, with all necessary works, stations, approaches, and conveniences connected therewith :

Railway No. 1 (three miles one furlong forty-three yards in length), to commence by a junction with the Blyth and Tyne Railway at or near where the said railway crosses a certain lane called Turpin’s Lane, in the township of Monk Seaton in the parish of Tynemouth, and to terminate in the township and parish of Tynemouth near and on the eastern side of a house called Brock Farm or House :

Railway No. 2 (three furlongs and thirty yards in length) (to be wholly situate in the said parish of Tynemouth), to commence by a junction with the Tynemouth Extension of the Blyth and Tyne Railway, at or near a certain mile post thereon denoting the distance of half a mile from Tynemouth and eleven miles from Newcastle-upon-Tyne, and to terminate by a junction with railway No. 1 in a certain field in the occupation of Mary Turnbull :

The Newbiggin Branch Railway (three miles and thirteen yards in length), commencing by a junction with the Warkworth Extension Line of the Company in the township of Bothal Demesne in the parish of Bothal at the point marked five

furlongs upon the deposited plans of the said Extension Railway referred to in the Act of 1867, and terminating in the township of Newbiggin on the north-west side of the main road or street of Newbiggin, in a field formerly the property of William Dent Dent, Esquire, but now the property of the Company.

A.D. 1872.

8. Section 19 of the Act of 1867 is hereby repealed.

Sect. 19 of
Act of 1867
repealed.

9. For the purpose of enabling the local board to make new streets forming communications between Norfolk Street and Stephenson Street in the borough of Tynemouth, the Company shall immediately after the passing of this Act give up to the local board the several pieces of land herein-after described situate within the said borough, all extending from east to west throughout the whole width, including boundary walls and fences, such pieces being part of the lands numbered 584A, 606, and 607 on the plans deposited with relation to the Act of 1867 in the said parish of Tynemouth, and shall, without requiring any consideration for the same, convey the interest of the Company therein to the local board; (that is to say,)

For facili-
tating con-
nexion be-
tween cer-
tain streets.

1. A piece of land (number 1), measuring fifty feet from north to south, at such distance as the local board shall think fit, south of the tunnel on the North-eastern Railway, numbered on the same plans 585A, in the parish of Tynemouth, and north of the piece of land next herein-after described :

2. A piece of land (number 2), measuring ten feet from north to south, forming a continuation of the lane to the south of the house known as the "Masons Arms," situate in Stephenson Street in the borough of Tynemouth :

3. A piece of land (number 3), measuring fifty feet from north to south, at such distance as the local board shall think fit, south of the piece of land lastly before described and to the north of the south side of the archway immediately adjoining the south side of the Albion Hotel, situate in Norfolk Street in the borough of Tynemouth.

10. The local board are hereby empowered to purchase compulsorily from the Company, and the Company are enabled and required to sell to the local board, the houses situate above the Albion Hotel in Norfolk Street in the said borough which have been purchased by the Company, at the price at which the same were so purchased : Provided always, that if at the expiration of one year from the passing of this Act the local board have not given notice to the Company of their intention to make such purchase, the Company may give notice to the local board requiring them to make such purchase, and if within six months from the delivery of such

Local board
empowered
to acquire
certain lands
of Company.

[Ch. 1.] *The Blyth and Tyne Railway Act, 1872.* [35 & 36 VICT.]

A.D. 1872. last-mentioned notice the local board have not given notice to the Company of their intention to purchase the said houses, the power hereby given shall cease and determine, and the Lands Clauses Consolidation Acts, which are hereby incorporated, shall be deemed to apply to such purchase.

Railways to form part of Blyth and Tyne Railway.

11. The Company may demand and take in respect of the railways the same tolls and charges as they are by the Act of 1854 authorised to receive in respect of the railways referred to in that Act, and the railways shall, as to use and working, and for all other purposes, be deemed part of the undertaking of the Company.

Limitation of Company's powers as to gradients of certain streets in Tynemouth.

12. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively ; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
58	Tynemouth	Public carriageway - -	1 in 26 on the western approach and 1 in 30 on the eastern approach.
91	Tynemouth	Public carriageway - -	1 in 40.
75	Tynemouth	Public carriageway - -	1 in 30.

For protection of certain footways.

13. In constructing the railways Nos. 1 and 2 by this Act authorised the following footways shall be carried over or under the same railways at such heights or depths, and the bridges, arches, or tunnels shall be of such widths as are herein-after mentioned ; (that is to say,)

No. on deposited Plan.	Parish.	Description of Footway.	How to be carried across Railway.	Height over or Depth under Railway.	Width.
55A	Tynemouth	Public footway -	By arch under railway.	8 feet -	6 feet.
85	Tynemouth	Public footway -	By arch under railway.	8 feet -	6 feet.

Present width of roads in Tynemouth not to be lessened.

14. In the construction of those portions of railways Numbers 1 and 2 which will be within the limits of the local board the Company shall not lessen the present width of any public road or carriageway.

Limiting interference

15. The Company shall not bring their line, works, or station within thirty yards from Linskill Terrace ; and in case the Company

A.D. 1872.

shall erect any buildings abutting upon Linskill Terrace, they shall lay into the public street such additional land as shall make such terrace not less than fifty feet wide.

—
with
Linskill
Terrace.

16. The Company shall run on railway Number 1 the same number of trains as they run on railway Number 2, and they shall make such arrangements as will give the traffic on railway Number 1 the same facilities as are given to the traffic on railway Number 2.

Service of
trains on rail-
way No. 1
not to be less
than on rail-
way No. 2.

17. The Company shall not in the construction of the railways Numbers 1 and 2 alter the position or levels of any sewers belonging to the local board without the consent of the board in writing under the hand of their clerk, and whenever the local board shall require an additional sewer to be carried under either of the said railways it shall be brought by them to the railway underneath which it is intended to be carried at a level convenient for carrying the same by means of a culvert under the said railway in such manner as that the level of the permanent way of the railway shall not require to be altered; and the local board shall at all times after the construction of any such culvert keep the same in repair, and have the right of carrying sewage through the same, and have access thereto for the purpose of repairing the same.

Protecting
sewers of
local board.

In carrying railway Number 1 over the sewer beneath the road marked on the deposited plan number 91, parish of Tynemouth, the upper surface of the railway shall be kept at least eighteen inches above the top of the sewer, and be constructed in such manner as to avoid any damage or injury to the sewer by the construction or working of the line.

18. Except for the purpose of constructing the railway, the Company shall not interfere with the Marden footpath numbered 55A or with the road numbered 45 on the deposited plan, both in the parish of Tynemouth.

Limiting
interference
with a cer-
tain footpath
and road.

19. The footpath numbered 64, parish of Tynemouth, on the deposited plans shall be diverted by and at the expense of the Company to the south side of the railway.

Certain foot-
path to be
diverted.

20. The railway Number 2 shall not on the space marked between two and three furlongs, parish of Tynemouth, on the deposited plans, approach the highway number 75, parish of Tynemouth, on the same plan, as thereon shown to be diverted, within a nearer distance than seventy-five feet.

Railway
Number 2
not to be
made nearer
to a certain
road than 75
feet.

21. The public road from Monkhouse Farmhouse on the east side of the field numbered 74, parish of Tynemouth, on the deposited plan, shall be carried over the railway.

Public road
from Monk-
house Farm
to be carried
over railway.

[Ch.1.] *The Blyth and Tyne Railway Act, 1872.* [35 & 36 VICT.]

A.D. 1872.

Works affecting roads under local board to be done to satisfaction of their surveyor.

Revival and extension of powers under 10th section of Act of 1867.

Exception as to Cramlington Railway.

Powers for compulsory purchases limited.

Lands for extraordinary purposes.

Period for completion of railways.

Imposing penalty unless lines be opened.

22. The several works interfering with or affecting the public roads, footways, sewers, and drains belonging to or under the jurisdiction of the local board shall be carried on and constructed to the reasonable satisfaction of the surveyor.

23. The powers conferred upon the Company by the 10th section of the Act of 1867 as to the purchase of rents, wayleave rents, or other payments are hereby revived, and may be exercised at any time within, but not after, the expiration of three years from the passing of this Act.

24. Provided always, that nothing in this Act shall extend to revive or to confer any power over or with respect to any of the lands referred to in the tenth section of the Act of 1867 which are occupied by the Cramlington Railway, or held in connexion with or for the purposes of that railway.

25. The powers of the Company for the compulsory purchase of land for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

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.

27. The railways shall be completed within three 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, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

28. If the Company fail within the periods limited by this Act to complete the several railways herein-before mentioned, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the periods so limited until the railway concerning which default shall be made is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railways, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act seventeen and eighteen Victoria, chapter thirty-one, known as "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the

third section of the Act seventeen and eighteen Victoria, chapter thirty-one, to an account opened or to be opened, in the name and with the privity of the accountant general of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which the Company was prevented from completing or opening such railway by unforeseen accident or circumstances beyond their control, of which prevention, and of the time for which it may have endured, the certificate of the Board of Trade shall be sufficient evidence, and that Board, upon production of such proof as they shall deem sufficient, shall grant such certificate accordingly; provided that want of sufficient funds shall not be held to be a circumstance beyond the control of the Company; and the local board shall, for the purposes of such application for and recovery of penalties, be deemed to be persons claiming to be compensated under this and the next following section of this Act.

A.D. 1872.

29. Every sum of money so recovered by way of penalty 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 railway concerning which default shall have been made, 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 proportions as the Court of Chancery in England may see fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

Providing for application of penalty in compensation to parties injured.

30. The Company may and shall abandon the construction of the following railways authorised by the Act of 1867; (that is to say,) The railways in the said Act respectively referred to as "the North Shields Branch" and "the Newbiggin Branch."

Company may abandon North Shields and Newbiggin branches.

31. The abandonment by the Company under the authority of this Act of the said last-mentioned railways shall not prejudice or affect the right of the owner or occupier of any land to receive com-

Compensation for damage to land by entry, &c.

A.D. 1872. — compensation in accordance with the provisions in that behalf of “The Lands Clauses Consolidation Act, 1845,” for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation in accordance with the provisions in that behalf of “The Railways Clauses Consolidation Act, 1845,” for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such lands of any of the powers contained in the last-mentioned Act or any of the Company’s former Acts.

Compensation in respect of railways abandoned.

32. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to either of the said railways by this Act authorised to be abandoned, which shall not be required for the purposes of any of the works by this Act authorised, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by “The Lands Clauses Consolidation Act, 1845,” for determining the amount and application of compensation paid for lands taken under the provisions thereof.

As to lands of the Duke of Northumberland upon portion of railway to be abandoned.

33. All lands of His Grace Algernon George Duke of Northumberland over, in, through, or upon which the Company have any rights of way or interest for the purposes of the said North Shields Branch shall, from and after the passing of this Act, vest in the said Duke, his heirs, assigns, or successors in estate, freed and discharged from any rights and interest of the Company in, over, through, or upon the same lands; and when and so soon as the railways Numbers 1 and 2 are made and opened to the public the Company may and shall abandon so much of the existing Tynemouth Extension as lies between the proposed junction therewith of railway Number 2 and Whitley Station, and thereupon the lands of the said Duke upon which any part or parts of the said portion of the railway so to be abandoned has been made shall vest in the said Duke, his heirs, assigns, or successors in estate, freed and discharged from any rights and interest of the Company in, over, or upon the same lands; but nothing in this Act contained shall invalidate or affect any lease, deed, or agreement between the said Duke, or any of his

predecessors, and the Company, or any rights and interest of the said Duke or the Company in respect to any lands other than the lands before referred to, but in respect of the lands other than those so freed and discharged as aforesaid every such lease, deed, or agreement shall remain in full force and effect. A.D. 1872.

34. The provisions of "The Lands Clauses Consolidation Act, 1845," with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the purposes thereof, shall apply to such part of the lands belonging to the Company on which the portion of railway mentioned in the last preceding enactment is constructed as may not be required by the Company for the purposes of their undertaking, and the prescribed period in those provisions referred to shall mean five years from the period when the said portion of railway, or any part thereof, shall cease to be used by the Company for the purposes of their undertaking. As to sale of lands on which portion of railway ceasing to be used for public traffic is situate.

35. In any case in which any road shall have been carried across the said portion of railway by this Act authorised to be abandoned, by means of a bridge over or an arch under the same, which bridge or arch the Company would, in case the said portion of railway had not been abandoned, have been liable to repair, then and in every such case either the bridge or arch shall, with the permission of the Board of Trade, be removed, and the road restored by the Company to a state as convenient as may be, to the satisfaction, in case of difference, of some engineer to be appointed by the Board of Trade, or the Company shall pay to the owner of such road (if it be a private road), or to the trustees, surveyors, or other persons having the management of such road (if it be a turnpike or other public road), a sum of money, to be determined, in case of difference, by arbitration in the manner provided by "The Railways Clauses Consolidation Act, 1845," for the settlement of disputes by arbitration, in lieu and discharge of their liability to keep such bridge or arch and the roadway over or through the same in repair. Provision as to roads crossed by abandoned portion of railway.

36. Any and every sum paid as aforesaid in respect of any turnpike or other public road to any such trustees, surveyors, or other persons as aforesaid shall be by them forthwith invested in Consolidated Bank Annuities or other Government securities, and the dividends and income thereof shall be applied in the maintenance of the bridge or arch in respect whereof the same was paid in such manner as such trustees, surveyors, or other persons shall think fit. Application of compensation.

A.D. 1872.

Power to agree for the purchase of the rents issuing out of lands on which the railway is constructed.

37. The Company may contract and agree with any parties having any estate or interest in or being entitled to any rent, rent-charges, wayleave rents, or other payments issuing from or out or payable in respect of any lands and tenements upon, through, or over which any railway of the Company, or the works connected therewith, is or are made or authorised to be made, or which are adjoining or near to, or are or shall be held, used, or occupied by the Company along with any such railway or works, for the absolute purchase, for a consideration in money, of any such rent, rent-charges, wayleave rents, or other payments issuing from or out of or payable in respect of such lands and tenements, of what kind soever the same may be; and the Company and any such parties may enter into any arrangements with reference to such rents, rent-charges, and wayleave rents, and other payments, and the amount thereof, or with reference to any alteration or reduction of such amount, or of any part thereof, or the quantity of coals or other matters upon which the same shall be calculated, and the mode of charging the same, and the redemption thereof, or otherwise; and all the provisions of "The Lands Clauses Consolidation Act, 1845," except the clauses thereof for the purchase and taking of lands otherwise than by agreement, shall be applicable to any such purchase or arrangements; and the word "lands" in such Act and "The Lands Clauses Consolidation Acts Amendment Act, 1860," contained shall, for the purposes of this Act, mean and include all such estates or interests, rent, rentcharges, wayleave rents, or other payments as are by this Act authorised to be purchased or with respect to which arrangements are authorised to be made.

Rights reserved by section 10 of 17 & 18 Vict.c.lxxix. not to be prejudiced.

38. This Act shall be without prejudice to the tenth section of the Act of 1854, and to the rights and powers reserved by that section, and that section shall extend and apply to the railways and works by this Act authorised to be made and to the lands by this Act authorised to be taken, and to any existing railway and works of the Company, and the lands authorised to be taken for the same, and to all agreements and contracts relating thereto respectively made before the passing of this Act, as fully and effectually as it would have done if those railways and works had been included in and authorised to be made by the Act of 1854, and as if those lands had been authorised by that Act to be taken for the purposes thereof, and those agreements and contracts had been entered into before the passing of that Act and had included the railways by this Act authorised.

Extending period for sale of superfluous lands.

39. The period limited for the sale of all superfluous lands held by the Company, other than the lands upon which the portion of

railway by this Act required to be abandoned had been made, is, so far as lands in the parishes of Jesmond, Long Benton, Gosforth, Whitley, and Monkseaton, and upon the Morpeth Branch and Blyth Branch of the Company, are concerned, hereby extended for ten years from and after the passing of this Act, and the Company may hold the said lands for such additional period; and the Company shall, within ten years from the passing of this Act, absolutely sell and dispose of all the lands which have been acquired by them for any of their undertakings or for any of the purposes of the Company and which are not required for any of the undertakings or purposes of the Company.

A.D. 1872.

40. Except as in this Act expressly enacted, nothing in this Act shall take away, lessen, or prejudicially affect any of the estates, interests, rights, powers, authorities, or privileges of any of the persons from time to time claiming any benefit of any of the sections of the Acts following: sections 6, 7, 9, 10, and 20 of "The Blyth and Tyne Railway (Consolidation and Extensions) Act, 1854," and sections 5, 6, 23, 24, and 25 of "The Blyth and Tyne Railway Act, 1852," and section 20 of "The Blyth and Tyne Railway Branches Act, 1853," respectively saved and reserved by "The Blyth and Tyne Railway (Consolidation and Extensions) Act, 1854," section 12 of "The Blyth and Tyne Railway (Amendment) Act, 1857," section 23 of "The Blyth and Tyne Railway (Amendment) Act, 1861," section 5 of "The Blyth and Tyne Railway Act, 1864," and section 8 of "The Blyth and Tyne Railway Act, 1867."

Saving rights of owners of wayleave rents.

41. The Company from time to time may raise by the creation and issue of shares such sums of money as they shall think necessary, not exceeding ninety thousand pounds, exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament; and the Company may create and issue such shares either wholly or partially as ordinary or wholly or partially as preferential shares, as they may think fit.

Power to raise additional money by new shares.

42. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares not to issue until one fifth paid up.

43. The proprietors of any shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares of the Company.

As to votes of proprietors of such shares.

A.D. 1872.

Power to
borrow on
mortgage.

44. The Company may from time to time borrow on mortgage, in addition to any sums which they are already authorised to borrow, any sum not exceeding in the whole thirty thousand pounds, but no part thereof shall be borrowed until shares for the whole of the sum by this Act authorised to be raised by shares shall have been issued and accepted and one half of such sum shall have been paid up, and the Company shall 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 shares for all the capital which the Company are by this Act authorised to raise by the creation of new shares are issued and accepted and that one half of such capital has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof, and that such shares are bonâ fide held by shareholders or their assigns, and that such shareholders 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 certificate shall be sufficient evidence thereof.

Debenture
stock.

45. The Company may from time to time create and issue debenture stock.

Existing
mortgages to
have pri-
ority.

46. All mortgages or bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing of this Act, shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act.

Receiver for
mortgagees.

47. The mortgagees of the Company may enforce payment of the arrears of interest or of principal, or of principal and interest, due on their mortgages by the appointment of a receiver, and the amount of arrears to authorise an application for a receiver shall be not less than ten thousand pounds.

Application
of moneys.

48. All moneys raised under this Act, whether by shares or by borrowing, shall be applied for the purposes of this Act and for the general purposes of the Company only.

Power to
apply corpo-
rate funds to
purposes of
Act.

49. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

As to in-
terest on de-
benture
stock.

50. Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," contained, the interest of all debenture stock at

any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by mortgages.

A.D. 1872.

51. Section 35 of the Act of 1857, and section 17 of the Act of 1864, shall extend and apply to the share capital created and mortgages issued under the powers of this Act.

Extending to Act certain provisions of existing Acts.

52. The amount which the Company are by the 25th section of the Act of 1867 authorised to raise by the creation of new shares or stock shall be and the same is hereby reduced from three hundred and fifty thousand pounds to two hundred and fifty-four thousand pounds, and the Company shall not borrow on mortgage under the 31st section of that Act more than eighty-four instead of one hundred and sixteen thousand pounds as by that section authorised.

Reduction of capital and borrowing powers under Act of 1867.

53. This Act shall not be construed to confer upon the Company any power of entering upon and taking or using any land, or easement, rent, or other interest in or relating to land, of which the Duke of Portland is now the owner, otherwise than under the terms of an agreement between the Duke of Portland and the Company, bearing date the 24th day of May 1861, and which agreement it is hereby declared shall be deemed, taken, and construed to include the lands of the Duke taken for the purposes of the works hereby authorised; and all agreements in which the Duke of Portland is interested, and which are now binding on the Company or will become so on the passing of this Act, shall remain in full force and virtue.

For protection of the Duke of Portland.

54. The Company shall not, out of any money by this Act authorised to be raised by calls, debenture stock, or borrowing, pay to any shareholder interest or dividend on the amount of calls made in respect of the shares held by him: Provided always, that the Company may pay 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.

55. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum of money 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.

56. Nothing herein contained shall be deemed or construed to exempt the railways from the provisions of any general Act relating

Railways not exempt from provisions of

[Ch. 1.] *The Blyth and Tyne Railway Act, 1872.* [35 & 36 VICT.]

A.D. 1872. to railways, or to the better or more impartial audit of the accounts
present and of railway companies, now in force or which may hereafter pass
future during this or any future session of Parliament, or from any future
general Acts. revision and alteration, under the authority of Parliament, of the
maximum rates of fares and charges and of the rates for small
parcels authorised by this Act.

Expenses of Act. **57.** All the 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.

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