



CHAPTER cxcii.

An Act for vesting the Undertaking of the Blyth and Tyne Railway Company in the North-eastern Railway Company. A.D. 1874.
 [7th August 1874.]

WHEREAS on the thirtieth day of June one thousand eight hundred and seventy-three the nominal amount of the authorised capital of the North-eastern Railway Company (in this Act called the Company) in shares and stock, other than debenture stock, was thirty-seven million six hundred and three thousand seven hundred and twenty pounds four shillings and fourpence, and the total amount which the Company were authorised to borrow was twelve millions three hundred and seventy-two thousand nine hundred and eighty-six pounds seventeen shillings and sixpence :

And whereas the Blyth and Tyne Railway Company (in this Act called the Blyth and Tyne Company) were incorporated by "The Blyth and Tyne Railway Act, 1852," with powers to construct a railway, in the county of Northumberland, from the River Blyth to the River Tyne, with divers branch railways, and the powers of that Company were by "The Blyth and Tyne Railway Branches Act, 1853," extended, and by "The Blyth and Tyne Railway (Consolidation and Extensions) Act, 1854," the said two Acts were repealed, but the Blyth and Tyne Company were continued incorporated under the same name, and their capital was defined and their powers were extended :

And whereas the capital and powers of the Blyth and Tyne Company have been increased and extended by the following Acts ; namely,

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| "The Blyth and Tyne Railway Amendment Act, 1857 ;" | 20 & 21 Vict.
c. cxiv. |
| "The Blyth and Tyne Railway Amendment Act, 1861 ;" | 24 & 25 Vict.
c. xxviii. |
| "The Blyth and Tyne Railway Act, 1864 ;" | 27 & 28 Vict.
c. cxxiv. |
| "The Blyth and Tyne Railway Act, 1867 ;" and | 30 & 31 Vict.
c. cciii. |
| "The Blyth and Tyne Railway Act, 1872 :" | 35 & 36 Vict.
c. l. |

[Ch. cxcii.] *The North-eastern Railway* [37 & 38 VICT.]
(Blyth and Tyne Transfer) Act, 1874.

A.D. 1874.

And whereas the capital in shares and stock authorised by the several Acts of the Blyth and Tyne Company, and the amount of such capital actually created, is as set forth in the following table :

Acts.	Capital authorised.	Capital created and received.
	£	£
15 and 16 Vict. c. 122. - -	150,000	150,000
17 and 18 Vict. c. 79. - -	110,000	110,000
20 and 21 Vict. c. 114. - -	110,000	110,000
24 and 25 Vict. c. 98. - -	210,000	210,000
27 and 28 Vict. c. 244., as amended } by 35 and 36 Vict. c. 1. - - }	50,000	—
30 and 31 Vict. c. 203. - -	254,000	—
35 and 36 Vict. c. 1. - -	90,000	—
	974,000	580,000

and the share and stock capital so created and received consists of the following classes and amounts; namely,

	£
10 per cent. preference stock - -	50,000
5 " " - -	110,000
5 " " 1867 -	105,000
Ordinary stock - - -	315,000
	£580,000

And whereas the Blyth and Tyne Company are authorised to borrow upon mortgage three hundred and twenty-four thousand pounds, and they now owe upon mortgage one hundred and twenty-four thousand nine hundred and fifty-seven pounds fifteen shillings and threepence :

And whereas the railways of the two Companies are connected with each other in various ways, and the two Companies are desirous and it is expedient that the undertaking, property, and effects of the Blyth and Tyne Company should be vested in the Company as part of their undertaking upon the terms and conditions and in accordance with the provisions in that behalf of this Act :

And whereas the objects aforesaid cannot be attained 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 : A.D. 1874.

1. This Act may be cited as "The North-eastern Railway (Blyth and Tyne Transfer) Act, 1874." Short title.

2. Part V. (amalgamation) of "The Railways Clauses Act, 1863," and Part I. (relating to cancellation and surrender of shares) of "The Companies Clauses Act, 1863," are, except where varied by this Act, incorporated with this Act. Provisions of certain general Acts incorporated.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and in this Act and in "The Railways Clauses Act, 1863," for the purposes of this Act, Interpretation of terms.

The "dissolved Company" means the Blyth and Tyne Company ; and in this Act

"Blyth and Tyne capital" means the authorised capital in shares and stock of the Blyth and Tyne Company :

"Blyth and Tyne proprietors" means the holders of Blyth and Tyne capital.

4. On and after the passing of this Act, and subject to the provisions thereof, the Blyth and Tyne Company shall (except for the purpose of distributing the cash sum of fifty thousand pounds as herein-after mentioned) be by this Act dissolved, and their undertaking, and all the railways, buildings, lands, easements, works, conveniences, and real property whatsoever of or to which they were immediately before the dissolution seised, possessed, or entitled at law or in equity, and all the estate, right, title, interest, powers, privileges, authorities, immunities, and indemnities whatsoever in, over, and with respect to those premises, and any other railways, works, and real properties of or to which the Blyth and Tyne Company immediately before the dissolution were seised, possessed, or entitled at law or in equity, shall on the dissolution be transferred to and vested in and belong to and may be held, maintained, used, exercised, and enjoyed by the Company as fully and effectually as immediately before the dissolution they were vested in and belonged to and might be held, maintained, used, and exercised by the Blyth and Tyne Company, but subject to all existing contracts, debts, liabilities, engagements, and obligations affecting the same, and to the payment or discharge, performance or observance, thereof by the Company, and to all other the provisions contained in Part V. (amalgamation) of "The Railways Clauses Act, 1863" (which vesting Dissolution of the Blyth and Tyne Railway Company, and transfer of their undertaking to the Company.

A.D. 1874. is in this Act referred to as the transfer of the undertaking):
— Provided always, that within three months from the passing of this Act the Company shall produce to the Commissioners of Inland Revenue a copy of this Act, printed by Her Majesty's printer, and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the undertaking had been by a deed of conveyance; and if the Company shall not within the said period of three months produce to the said Commissioners such copy of this Act, duly stamped as aforesaid, the ad valorem stamp duty shall be recoverable from the Company with full costs of suit, and all costs and charges attending the same.

Provisions of Acts relating to Blyth and Tyne Company not to apply to Company, and vice versa.

5. Notwithstanding the dissolution and the transfer of the undertaking, and except only as is by this Act otherwise expressly provided, none of the provisions of any Acts relating to the Blyth and Tyne Company which, if the dissolution and the transfer of the undertaking had not happened, would apply exclusively to the undertaking, railway, and real property of the Blyth and Tyne Company, or any part thereof, or to the Blyth and Tyne Company in respect of the same, shall apply to the other portions of the undertaking, railway, or real property of the Company, or any part thereof, or to the Company in respect of the same; and none of the provisions of any Acts relating to the Company which, if the dissolution and the transfer of the undertaking had not happened, would apply exclusively to the undertaking, railway, and real property of the Company, or any part thereof, or to the Company in respect of the same, shall apply to the undertaking, railway, or real property of the Blyth and Tyne Company, or any part thereof, or to the Company in respect thereof.

Vesting of personal property of Blyth and Tyne Company in the Company.

6. On and after the passing of this Act, and subject to the provisions thereof, all the reserve fund (amounting to the sum of eighteen thousand eight hundred and fifty-six pounds fourteen shillings and elevenpence), cash, stores, effects, and personal property whatsoever of or to which the Blyth and Tyne Company were immediately before the dissolution possessed or entitled at law or in equity, and the benefit of all contracts, agreements, and proceedings in any way relating thereto or to their undertaking, and to which but for the dissolution they would be entitled, and all right, title, interest, powers, privileges, authorities, immunities, and indemnities whatsoever in, over, and with respect to those premises, shall on the dissolution be vested in and belong to and may be used, exercised, and enjoyed by the Company as fully and effectually as immediately before the dissolution they were vested in and

belonged to and might be used and exercised by the Blyth and Tyne Company, but subject to all existing contracts, debts, liabilities, engagements, and obligations affecting the same, and to the payment, discharge, performance, or observance thereof by the Company. A.D. 1874.

7. Nothing in this Act contained shall give to any person claiming the benefit of any mortgage, bond, security, or contract made or entered into or binding on the Blyth and Tyne Company any priority or (except as by this Act provided) any security to which he would not be entitled if this Act were not passed, or prejudice or affect any of his rights in that behalf. Creditors, &c. of Blyth and Tyne Company not to be affected.

8. The several classes of Blyth and Tyne proprietors shall be entitled to the half-yearly dividend for the half year ending the thirtieth day of June one thousand eight hundred and seventy-four, and as to the proprietors of ordinary stock in the Blyth and Tyne Company, after the same rate as the dividend declared on that stock for the half year ending on the thirty-first day of December one thousand eight hundred and seventy-three; and so much of such half-yearly dividend as shall not have been paid before the dissolution of the Blyth and Tyne Company shall be paid by the Company to the several Blyth and Tyne proprietors entitled thereto at the same time as the dividends are paid on the ordinary shares and stock of the Company for the half year ending the thirtieth day of June one thousand eight hundred and seventy-four. As to dividend for half year ending 30th June 1874.

9. Subject as herein-after provided, the Company shall within three months from the passing of this Act pay to the Blyth and Tyne Company the sum of fifty thousand pounds in cash, to be applied and distributed in such manner and proportions as may have been or as shall be agreed upon by the holders of ordinary stock of the Blyth and Tyne Company: Provided that before the payment of the said sum of fifty thousand pounds as herein-before provided, all claims and liabilities of every description on revenue account against the Blyth and Tyne Company shall be paid and satisfied out of their revenue account for the half year ending the thirtieth day of June one thousand eight hundred and seventy-four, including the dividend herein-before provided for that half year; and if such revenue account shall be inadequate to bear the same without aid from the said reserve fund, then and in such case there shall be deducted from the said sum of fifty thousand pounds a sum adequate to liquidate any such claims or liabilities that may be in excess of the revenue account; and if any question shall arise as to what claims or liabilities are properly chargeable to revenue as Company to pay Blyth and Tyne Company cash sum for distribution.

A.D. 1874. distinguished from capital account, the same shall be referred to and settled by Thomas Elliot Harrison, President of the Institution of Civil Engineers (or, him failing, by the President for the time being of that Institution), whose decision shall be final.

Creation of Blyth and Tyne four per cent. stock.

10. On and after the passing of this Act the authorised capital of the Company shall be increased by the addition thereto of nine hundred and seventy-four thousand pounds in stock, and this stock, together with the sum of two hundred and seven thousand two hundred and fifty pounds which the Company shall issue as part of the capital they are still authorised to raise, shall form a consolidated four pounds per centum preference stock, in this Act called "Blyth and Tyne Four per Cent. Stock," the dividend on which from the first day of July one thousand eight hundred and seventy-four inclusive, shall be payable half-yearly at the same respective times as the dividends are paid on the ordinary shares and stock of the Company.

Blyth and Tyne proprietors to become holders of Blyth and Tyne four per cent. stock.

11. On the passing of this Act the Blyth and Tyne proprietors shall become and be holders of Blyth and Tyne four per cent. stock according to the following proportions; (that is to say,)

Two hundred and fifty pounds of Blyth and Tyne four per cent. stock for every one hundred pounds of ten pounds per cent. preference Blyth and Tyne capital:

One hundred and twenty-five pounds of Blyth and Tyne four per cent. stock for every one hundred pounds of five pounds per cent. preference, and of five pounds per cent. 1867 preference Blyth and Tyne capital:

Two hundred and fifty pounds of Blyth and Tyne four per cent. stock for every one hundred pounds of ordinary Blyth and Tyne capital.

Certificates for Blyth and Tyne capital to be exchanged.

12. Every Blyth and Tyne proprietor shall be entitled to have, and on delivering to the Company the certificates for the shares or stock held by him in the Blyth and Tyne capital shall have, those certificates exchanged for certificates of Blyth and Tyne four per cent. stock of the respective amounts to which he is by this Act entitled.

Provision as to lost certificates.

13. If the certificate for any Blyth and Tyne capital be lost or destroyed, then upon proof thereof to the satisfaction of the directors of the Company those directors shall deliver to the person entitled to such certificate a certificate for the amount of stock to which he would be entitled under this Act if such first-mentioned certificate had not been lost or destroyed.

14. The preferential dividend which is by this Act assigned to the Blyth and Tyne four per cent. stock shall not prejudice or affect any preference or priority in payment of interest or dividend on any stock or shares that may have been granted by the Company by or in pursuance of or confirmed by any Act of Parliament passed before the passing of this Act or which is otherwise then lawfully subsisting.

A.D. 1874.
Saving for existing preferential shares of the Company.

15. Every Blyth and Tyne proprietor, according to the amount of his holding of Blyth and Tyne four per cent. stock, shall have and be entitled to and may exercise the same rights and privileges of voting, and other rights, as the holders of like amounts of ordinary shares or stock of the Company.

Rights of holders of Blyth and Tyne four per cent. stock.

16. The several Blyth and Tyne proprietors to whom Blyth and Tyne four per cent. stock and cash sums shall be appropriated and paid under the powers of this Act shall hold such stock and sums on the same trusts and obligations, and subject to the same powers, provisions, charges, and liabilities, as those in or upon or to which their respective shares or amounts of stock in the Blyth and Tyne capital, in respect of which such Blyth and Tyne four per cent. stock is substituted, were immediately before the passing of this Act held or subject to, and shall deal with, apply, and dispose of the same accordingly, and so as to give effect to and not revoke any will or other instrument disposing of or affecting any such shares or stock in the Blyth and Tyne capital.

Blyth and Tyne four per cent. stock to be held on same trusts as the shares for which it is substituted.

17. On and after the passing of this Act the mortgage or bond debt of the Blyth and Tyne Company shall be added to and form part of the mortgage and bond debt of the Company, and the powers of the Company for borrowing and re-borrowing on mortgage may from time to time be exercised so as to include the borrowing and re-borrowing, as part of their general debenture debt, of the sum of three hundred and twenty-four thousand pounds which the Blyth and Tyne Company are now authorised to borrow, and the Company may from time to time redeem the same, or any part thereof, by the creation and issue of debenture stock of the Company.

Company may borrow in lieu of Blyth and Tyne Company.

18. The Company may apply, for the purposes of this Act, any moneys they have power to raise under any Act relating to the Company, or under the powers of the Blyth and Tyne Company transferred to the Company by this Act, and which may not be required for the purposes for which they were authorised to be raised.

Company may apply existing funds, &c. for purposes of Act.

[Ch. cxcii.] *The North-eastern Railway* [37 & 38 VICT.]
(*Blyth and Tyne Transfer*) Act, 1874.

A.D. 1874.

Existing mortgages to have priority.

19. All mortgages granted by the Company, or by the Blyth and Tyne 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 the Company by virtue of this Act: Provided that as between the present mortgagees of the Company and the present mortgagees of the Blyth and Tyne Company, and as between those respective mortgagees inter se, this Act shall not confer on any of them any preference or priority to or over any other of them, or prejudice or affect any now existing rights of those mortgagees respectively.

For the protection of the Duke of Northumberland.

20. For the protection of the Most Noble Algernon George Duke of Northumberland, and his successors and assigns, the following provisions shall have effect; (that is to say,)

- (1.) The several subsisting leases, grants, and agreements made between the Blyth and Tyne Company and the Most Noble Algernon George Duke of Northumberland, or any of his predecessors in title, whereby certain wayleave rents or other rents are reserved, secured, and made payable by the said Blyth and Tyne Company for or in respect of coals, coke, culm, and cinders passing over or along the Blyth and Tyne Railway and the branches thereof, or any part thereof respectively, situate or being in lands or grounds of the said duke, shall (without prejudice to any other of the rights and interests of the said duke, his heirs, assigns, and sequels in estate, under the said leases, grants, and agreements,) be deemed and construed to extend to all coals, coke, culm, and cinders which, as to the said coals and culm, shall have been or shall be worked or gotten, or, as to the said coke and cinders, shall have been or shall be manufactured or arising from coals or culm worked or gotten forth, or out of any part of the lands situate at or in the places and districts comprised or intended to be comprised, and coloured red on the map or plan signed in duplicate by Joseph Laycock, chairman of and on behalf of the Blyth and Tyne Company, and by Alfred Bell on behalf of the said duke, and shall at any time or times pass over or along any existing or authorised railway of the North-eastern Railway Company, or any part thereof respectively, for shipment at any shipping place in, on, or in connexion with the northern side of the River Tyne, as if such last-mentioned coals, coke, culm,

and cinders had actually passed over or along the Blyth and Tyne Railway and branches, or some part thereof respectively; and wayleave rents or other rents of the same amount shall from time to time be payable and paid by the North-eastern Railway Company to the said duke, his heirs, assigns, and sequels in estate, as would have been payable if and at the times the same would have been payable if the said last-mentioned coals, coke, culm, and cinders had actually passed over the Blyth and Tyne Railway and branches, or some part thereof respectively, situate on the lands or grounds of the said duke, so always that no coals, coke, culm, or cinders which shall have paid or become liable to pay any wayleave rent or other rents to the said duke, his heirs, assigns, or sequels in estate, for passing over or along any wayleave line of railway over or upon his or their lands shall be construed and taken as within the provisions of this enactment, or thereunder become liable to pay any such wayleave rent or other rents.

A.D. 1874.

- (2.) The agreement dated the twenty-sixth day of April one thousand eight hundred and forty-five, and made between the Most Noble Hugh Duke of Northumberland and Earl of Northumberland, K.G., of the one part, and George Hudson acting on behalf of the promoters of the Newcastle and Berwick Railway (which railway now forms part of the undertaking of the Company), or any deed or agreement made in pursuance thereof, or any liability created thereunder or subsisting in connexion therewith, shall from and after the passing of this Act cease and be for all intents and purposes annulled, save and except as to anything done thereunder which shall be deemed and taken as finally settled and closed.

21. And whereas the railways of the Blyth and Tyne Railway Company, herein-after called the Blyth and Tyne railways, form parts of a continuous line of railway communication, viâ Morpeth, between various shipping ports and other places in Northumberland, and stations and places on or beyond the railways of the North British Railway Company, and it is expedient that nothing should be done which shall impede or obstruct the flow or transit of traffic of every description between such places freely and expeditiously as heretofore, and that due provision should be made in that behalf: Be it therefore enacted as follows :

Providing facilities for North British traffic.

[Ch. cxcii.] *The North-eastern Railway* [37 & 38 VICT.]
(*Blyth and Tyne Transfer*) Act, 1874.

A.D. 1874.

The expression "North British traffic" where used in this Act shall mean traffic of every description passing or intended to pass to or from any place on the Blyth and Tyne railways, viâ Morpeth, from or to any place on or beyond and viâ the railways of the North British Railway Company, herein-after called the North British Company.

Through
booking in
favour of
North
British
Company.

22. The Company shall give to the North British Company, in respect to "North British traffic," all such facilities as are usual or useful for the convenient working or development of railway traffic, including, among other things, through booking, through tickets and invoices, and so far as may reasonably be required through carriages and waggons, and conveniently timed and arranged trains, whether ordinary or special, as the case may require, for the reception, forwarding, transmission, conveyance, and delivery of such traffic, and shall accommodate, manage, and forward such traffic, and give such facilities, including ordinary waiting for trains, as effectually, regularly, and expeditiously as if it were their own proper traffic.

North
British Com-
pany may
employ their
own clerks
to book
passengers.

23. The North British Company shall, as respects the passenger traffic, comprehended in "North British traffic," be entitled to and may at their own cost employ such clerks and other servants as they may require at any present or future passenger station on the Blyth and Tyne railways for the purpose of securing, booking, receiving, and forwarding such North British traffic; and every person so employed may enter and use the station at or in connexion with which he is so employed, and the Company shall provide, free of cost to the North British Company, the necessary accommodation for such clerks and other servants at such stations respectively: Provided always, that such clerks and other persons shall be subject to the reasonable regulations of the Company from time to time in force at such stations.

The North
British Com-
pany may
employ their
own agents
for goods
traffic.

24. The North British Company shall, in respect of goods, mineral, and live stock traffic comprehended in "North British traffic," be at liberty at their own cost to employ at any of the present or future goods or mineral stations on the Blyth and Tyne railways such clerks, servants, and agents as they may think proper for the purpose of securing, invoicing, collecting, delivering, and carting "North British traffic," who for any such purpose may enter and use any such station or stations, subject nevertheless to the regulations of the Company from time to time in force thereat; and the Company shall, for the cartage so performed, when the rate charged for such traffic includes cartage, allow to the North British Company an

amount per ton equal to the average actual cost per ton of cartage performed by the Company or their agents at the respective station. A.D. 1874.

25. The rates of fares for all "North British traffic," including the charges for periodical or season tickets, shall be agreed upon or settled by the standing arbitrator to be appointed as by this Act provided, and the receipts arising from all such traffic shall, after deduction of Government duties and the usual terminals from time to time allowed by the Railway Clearing House, and such terminals upon coal and lime and other articles not regulated by the Railway Clearing House, as may be agreed upon, or, in case of difference, fixed by the standing arbitrator, and any portion of the through rate or fare which may be due to other railway companies, be divided between the Company and the North British Company by mileage, according to the actual distance which such traffic shall be carried over their separate railways.

Fixing of rates and fares.

26. The Company shall carry and forward all North British traffic over the Blyth and Tyne railways from or to the junction between the systems at Morpeth as regularly and expeditiously as they from time to time carry and forward traffic of a similar description over any portion of their railways.

The Company to forward North British traffic.

27. The Company shall, at each and every station on the Blyth and Tyne Railway, where required by the North British Company, or by the standing arbitrator in case of difference on this subject, exhibit and keep properly exhibited all necessary and usual notice boards, time tables, placards, and station advertisements respecting traffic over the railways of the North British Company, and shall respect and recognise the same as efficiently in all respects as if the same were their own, and as they shall from time to time do as regards similar matters and things used at their respective stations with reference to or for other traffic.

Company to exhibit notices as to North British traffic at their stations as efficiently as they do those for other traffic.

28. If the Company themselves adopt or grant or allow to any other company or person in respect of North British traffic, or traffic competitive therewith, greater facilities and advantages than those by this Act granted to the North British Company, they shall grant and allow the same, or equal facilities and advantages, to the North British Company in respect of North British traffic; and, notwithstanding anything in this Act contained, the Company shall, for the conveyance of mineral traffic comprehended in North British traffic over the Blyth and Tyne railways or any part thereof, charge no higher rate per mile than for the time being they charge against any other company or persons in respect of the conveyance of similar traffic between collieries, colliery sidings, or junctions,

The North British Company to have equal facilities to those afforded to any other companies.

A.D. 1874. — and stations, sidings, depôts, or shipping ports upon the Blyth and Tyne Railway.

Running
powers over
Blyth and
Tyne rail-
ways.

29. If upon the complaint of the North British Company to the standing arbitrator he shall determine that the Company have failed to give to the North British Company all or any of the facilities herein-before provided in their favour, the North British Company, for the purpose of conveying North British traffic, may run over and use, with engines, trucks, and carriages of every description, the Blyth and Tyne railways, and the stations, watering-places, and conveniences upon and connected therewith, and shall be entitled to the conveniences and privileges, and shall be subject to the regulations and obligations, herein-after mentioned; (that is to say,)

1. The North British Company shall have the use on and over the Blyth and Tyne railways of any engines, carriages, and waggons from time to time employed upon the railways of the North British Company, with their servants properly accompanying their trains :
2. The use of sufficient engine stables, coking places, water, gas, and other conveniences to be provided by the Company in connexion with the Blyth and Tyne railways to the extent, in the manner, and at charges to be from time to time fixed by agreement or arbitration :
3. The joint or separate use of the offices, warehouses, stations, sidings, and other accommodation at the several stations, wharves, stopping, loading, and unloading places, sidings, and junctions of the Blyth and Tyne railways, the extent of such use and the nature of the arrangements for working the traffic at the respective places to be determined by agreement or by arbitration, and the payment for the same to be the terminals as respects minerals, merchandise, and live stock traffic; and as respects passengers traffic, to be such special payment (if any) as may be determined by agreement or by arbitration :
4. The North British Company may appoint at the stations on the Blyth and Tyne railways such porters, clerks, agents, or other servants and officers for the reception, handling, booking, invoicing, and forwarding and managing their traffic as they may think proper, receiving for the expense of such services such sum as may be from time to time fixed by agreement or arbitration; and as respects cartage, an amount per ton equal to the average actual cost per ton of

cartage performed by the Company or their agents at such station or stations : A.D. 1874.

5. The hours of arrival and departure of the trains run by the North British Company over the Blyth and Tyne railways shall, in case of difference, be fixed by arbitration :
6. If the North British Company or the Company shall complain of any infringement of the enactments in this section contained, or if any difference shall arise between the said Companies as to the proper construction of any of the said enactments, or as to anything which ought or ought not to be done thereunder, or in any way in consequence thereof, every such complaint or difference shall be settled by the standing arbitrator :
7. The North British Company shall, in the use of the Blyth and Tyne railways, be subject to the byelaws and reasonable rules and regulations for the time being in force of the Company :
8. The payment to the Company for the use of the Blyth and Tyne railways shall be seventy-five per centum of the mileage proportion of the rates or fares accruing for the distance which the traffic shall be carried over the Blyth and Tyne railways, after deducting therefrom the Government duties in respect of passengers, and the usual terminals payable in respect of goods according to the regulations of the Railway Clearing House in force for the time being, and such terminals upon coal and lime and other articles not regulated by the Railway Clearing House, as may be agreed upon, or, in case of difference, as may be fixed by the standing arbitrator.

30. Nothing herein-before contained shall authorise the North British Company to carry or interfere with any traffic arising and terminating on the Blyth and Tyne railways. Local traffic not to be interfered with.

31. It shall not be necessary for or incumbent on the Company to grant any of the facilities or advantages herein-before provided in respect of any traffic sent by any unreasonably circuitous or inconvenient route, and any difference which may arise in respect of this provision shall be settled by the standing arbitrator. Facilities not to be given for traffic sent by a circuitous route.

32. Proper accounts shall be kept by the Company and by the North British Company as respects North British traffic, and the Company shall have access to such accounts whenever they think fit, and the North British Company shall, when they think fit, have access to the accounts kept by the Company ; and in the event of Accounts to be kept.

A.D. 1874. any difference arising between the North British Company and the Company as to the manner in which such accounts shall be kept, or otherwise in reference to such accounts, such difference shall be settled by the standing arbitrator.

Standing arbitrator between the Company and the North British Company to be appointed.

33. The Company and the North British Company shall, in the month of December, in each year, appoint under their respective common seals a standing arbitrator for the year commencing the first day of January then next, and shall in each such appointment fix the remuneration to be paid to such arbitrator; and whenever default shall be made in any such appointment a standing arbitrator shall at any time thereafter, and so from time to time, as occasion shall require, on the application of the Company or of the North British Company, be selected by the Board of Trade from the persons submitted to them for that purpose by the North British Company or the Company, and such Board shall fix the remuneration to be paid to the arbitrator nominated by them, and one moiety of the remuneration of the standing arbitrator shall be paid by the Company and the other moiety thereof by the North British Company equally: Provided that any standing arbitrator may, with the concurrence of the Company and the North British Company, be removed from his office, and if any standing arbitrator shall during his year of office decline to act or become incapable of acting, or die, or resign, or go to reside abroad, or be removed from office, the Company and the North British Company shall, within one month after notice of such declining, incapacity, death, resignation, going to reside abroad, or removal, appoint and fix the remuneration of another standing arbitrator in his place, and in default thereof another standing arbitrator shall at any time thereafter be appointed, and his remuneration fixed in manner aforesaid by the said Board of Trade; and every standing arbitrator appointed to supply such vacancy as aforesaid shall continue in office so long only as the person in whose place he may be appointed would have been entitled to remain in office if he had not declined to act, become incapable, died, resigned, gone to reside abroad, or been removed from office.

Powers of standing arbitrator.

34. The person from time to time appointed to be standing arbitrator between the Company and the North British Company shall have summary jurisdiction in all matters by this Act referred to him, and his decision shall be given from time to time, as occasion shall require, by any writing or letter under his hand; and such writing or letter, or a copy or duplicate thereof, shall thereupon be sent or delivered by such arbitrator to the secretary of each Company

in difference, and to the station master or other superior officer or person, if any, in charge at the station or place respecting which or where any dispute shall have arisen, or as to which the decision of such arbitrator shall be required; and every such decision shall be final and binding on and between the Company and the North British Company as to any of those matters, and shall be thenceforth acted upon and given effect to by all parties; and every such standing arbitrator shall have full power to award to either party such compensation or damages as he may think proper for any breach by any other party of any of the provisions of this Act as regards any of the matters referred to the standing arbitrator, or for any neglect or refusal by the respective companies to perform and carry out any award or order made by such standing arbitrator, or by any previous standing arbitrator, and also to award and fix penalties, as and for liquidated damages, not exceeding twenty pounds for every refusal or neglect by either of the said Companies to perform and carry out any award or order made by such standing arbitrator, or by any previous standing arbitrator, as to any of the matters aforesaid, and not exceeding ten pounds for every day during which such refusal or neglect shall continue.

A.D. 1874.

35. On and after the passing of this Act the number of the directors which may be appointed by the Company shall be twenty-two instead of twenty-one.

Increase of number of directors of Company.

36. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall 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.

37. 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.

38. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass

Railway not exempt from provisions of present and future general Acts.

