



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

Cap. clxiii.

An Act for making a Railway from *Newcastle-upon-Tyne* to *Berwick-upon-Tweed*, with Branches therefrom, to be called “*The Newcastle and Berwick Railway.*” [31st July 1845.]

WHEREAS the making of a Railway from *Newcastle-upon-Tyne* to *Berwick-upon-Tweed* would be of great public Advantage, by completing the Line of Communication by Railway between *London* and *Edinburgh*: And whereas the Persons hereafter named are willing, at their own Expence, to carry such Undertaking into execution; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Companies Clauses Consolidation Act, One thousand eight hundred and forty-five, the Lands Clauses Consolidation Act, One thousand eight hundred and forty-five (with respect to so much of the said intended Railway as will be in *England*), the Lands Clauses Consolidation (*Scotland*) Act, One thousand eight hundred and forty-five (with
[Local.] 41 R respect

The Acts
8 & 9 Vict.
cc. 16. 18
and 20. (as to
Part of Rail-
way in Eng-
land) and

8 & 9 Vict.
cc.19. and 33.
(as to Part
of Railway
in Scotland)
incorporated
with this
Act.

respect to so much of the said Railway as will be in *Scotland*), the Railway Clauses Consolidation Act, One thousand eight hundred and forty-five (with respect to so much of the said Railway as will be in *England*), and the Railway Clauses Consolidation (*Scotland*) Act, 1845, (with respect to so much of the said Railway as will be in *Scotland*), respectively, shall be incorporated with and form Part of this Act, and together with the same shall be construed as One Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "*The Newcastle and Berwick Railway Act, One thousand eight hundred and forty-five.*"

Subscribers
incorporated.

III. And be it enacted, That *Robert Davies, James Richardson, Nicholas Wood, Edward Oxley, Nathaniel Plews, and Charles Tee*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining a Railway from *Newcastle-upon-Tyne* to *Berwick-upon-Tweed*, together with the Branch Railways herein-after mentioned, and with proper Works and Conveniences belonging thereto, according to the Provisions of the said Acts and of this Act, and for other the Purposes herein and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The Newcastle and Berwick Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

Capital.

IV. And whereas the estimated Expence of making the said Railway is One million four hundred thousand Pounds; be it enacted, That the Capital of the Company shall be One million four hundred thousand Pounds, subject to Augmentation as herein-after mentioned.

Number and
Amount of
Shares.

V. And be it enacted, That the Number of Shares into which the said Capital of One million four hundred thousand Pounds shall be divided shall, subject as aforesaid, be Fifty-six thousand, and the Amount of each Share shall be Twenty-five Pounds.

Calls.

VI. And be it enacted, That Ten Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Three Months shall be the Interval between successive Calls.

Power to
borrow
Money.

VII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Four hundred and sixty-six thousand six hundred and sixty-

sixty-six Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One million four hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

VIII. And be it enacted, That the Number of Directors to be appointed by the Company shall be Seven; and the Qualification of a Director (except as herein-after provided) shall be the Possession in his own Right of Forty Shares in the Undertaking. Number and Qualification of Directors.

IX. And be it enacted, That it shall be lawful for the Company to increase the Number of Directors to be appointed by them, provided that the increased Number do not exceed Twelve. Power to vary the Number of Directors.

X. And be it enacted, That *George Hudson, Robert Davies, James Richardson, Nicholas Wood, Edward Oxley, Nathaniel Plews, and Charles Tee*, Esquires, shall be the first Directors of the Company. First Directors.

XI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of the Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body. Election of Directors at first Ordinary Meeting.

XII. And be it enacted, That at the first Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said Companies Clauses Consolidation Act contained; and the several Persons elected at any such Meeting, being neither removed or disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said Companies Clauses Consolidation Act. Subsequent Election of Directors.

XIII. And be it enacted, That so long as the Number of the Directors appointed by the Company shall be Seven such Directors shall go out of Office as follows; (that is to say,) at the End of the First Year Four of such Directors shall go out of Office, and at the End of the Second Year Three of such Directors shall go out of Office, and so in every alternate Year Four or Three of such Directors shall go out of Office. Rotation of Directors.

XIV. And be it enacted, That, in addition to the Directors to be from Time to Time appointed by the Company as aforesaid, it shall be lawful for his Grace the Duke of *Northumberland* for the Time being to nominate Two Persons to be Directors of the said Company, and the Persons so nominated shall continue in Office until they shall die or The Duke of Northumberland to appoint Two Directors.

or resign or be removed, or become incapacitated from acting as Directors.

Quorum.

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

Newspapers for Insertion of Advertisements.

XVI. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the Counties of *Durham*, *Northumberland*, or the Town and County of the Town of *Newcastle-upon-Tyne*.

Power to make Railway according to deposited Plans.

XVII. And whereas Plans and Sections of the Railway, showing the Line and Levels thereof, and also Books of Reference, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners and Lessees and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerks of the Peace of the Counties of *Durham*, *Northumberland*, the Towns of *Newcastle-upon-Tyne* and *Berwick-upon-Tweed*, and with the Principal Sheriff Clerk of the County of *Roxburgh*; be it enacted, That, subject to the Provisions in this and the said intended Acts contained, it shall be lawful for the said Company to make and maintain the said Railway and Works in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Railway not to be opened for public Use until a certain Portion completed.

XVIII. Provided always, and be it enacted, That it shall not be lawful for the Company to open any Part of the Railway for public Use until that Portion of it in the Township of *Morpeth Castle*, *Catchburn*, *Stobhill*, and *Parkhouses*, as laid down on the Plans deposited with the several Clerks of the Peace, or within the Limits of Deviation shown on such Plans, is completed, and in a fit State to be opened therewith.

Branches to Alnwick and Blyth to be opened within Twelve Months after Opening of Main Line.

XIX. Provided always, and be it enacted, That the said Company shall and they are hereby required, within Twelve Months after the Main Line of Railway by this Act authorized shall have been opened for the public Use, to complete and open for public Use the Branch Line of Railway to *Alnwick*, and also the Branch Line of Railway to *Blyth*, by this Act authorized; and in case such Branch Lines of Railway shall not be completed and opened for public Use within the Period aforesaid, the Right of the Company to demand Toll for the Use of any Part of the Railway by this Act authorized to be made shall be suspended until such Branches respectively shall be completed and opened for public Use.

Lines of Railway.

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

A Railway commencing by a Junction with the Line of the *Brandling Junction* Railway in the Township and Parish of *Gateshead*

between the *High Street* and *West Street* in the Borough of *Gateshead*, all in the County of *Durham*, thence passing across the *River Tyne* by means of a Bridge, and from, in, through, or into the several Parishes, parochial Chapelries, Townships, and extra-parochial Places following, or some of them; that is to say, *Gateshead* in the County of *Durham*, *Saint Nicholas* and *Saint John* in the Town and County of the Town of *Newcastle-upon-Tyne*, and terminating at or near to *Neville Street* in the Parish or parochial Chapelry and Township of *Saint John* and the said Parish of *Saint Nicholas*, or one of them, in the said Town and County of the Town of *Newcastle-upon-Tyne* :

A Railway commencing from and out of the said first-mentioned Railway at or near the Point at which the same will cross a Street called *Clavering Place* in the Parish and Township of *Saint Nicholas* and the Parish or parochial Chapelry and Township of *Saint John*, or some or one of them, in the said Town and County of the Town of *Newcastle-upon-Tyne*, passing from, in, through, or into the several Parishes, parochial Chapelries, Townships, and extra-parochial Places following; that is to say, *Saint Nicholas*, *Saint John*, and *All Saints*, in the Town and County of the Town of *Newcastle-upon-Tyne*, and terminating by a Junction with the Line of the *Newcastle-upon-Tyne* and *North Shields* Railway in the said Parish or parochial Chapelry and Township of *All Saints* and the said Parish of *Saint Nicholas*, or some or one of them, in the said Town and County of the Town of *Newcastle-upon-Tyne* :

A Railway commencing at or near the *Heaton* Station of the said *Newcastle-upon-Tyne* and *North Shields* Railway in the Township of *Heaton* and in the said Parish or parochial Chapelry of *All Saints* and in the said Parish of *Saint Nicholas*, or the one of them, in the County of *Northumberland* and the Town and County of the Town of *Newcastle-upon-Tyne*, or one of them, and passing from, in, through, or into the several Parishes, Townships, and extra-parochial Places following, or some of them; that is to say, *Buckton*, *Fenwick*, *Kyloe*, *Holy Island*, *Elswick*, *Fenham*, *Beal* and *Lowlin*, *Haggerston*, *Goswick*, *Cheswick*, *Ancroft*, *Scremerston*, *Tweedmouth*, and *Spittal* otherwise *Spittle*, in the County of *Northumberland*; *Saint Nicholas*, *Saint John*, *St. Andrew*, *All Saints*, and *Saint Ann*, in the Town and County of the Town of *Newcastle-upon-Tyne*; *Elswick*, *Westgate*, *Jesmond*, *Byker*, and *Heaton*, all in the Town and County of the Town of *Newcastle-upon-Tyne*, or in the County of *Northumberland*, or one of them; *Walker*, *Little Benton*, *Long Benton*, *Killingworth*, *Gosforth*, *South Gosforth*, *North Gosforth*, *East* and *West Kenton*, *Coxlodge*, *Fawdon*, *East Brunton*, *West Brunton*, *Weetslet*, *Ponteland*, *Dinnington*, *Brenkley*, *Cramlington*, *Plessy* and *Shotton*, *Stannington*, *Clifton* and *Coldwell* otherwise *Clifton*, *Blagdon*, *Hepscott*, *Morpeth*, *Morpeth Castle*, *Catchburn*, *Stobhill* and *Parkhouses*, *Newminster Abbey*, *Bothal*, *Ashington* and *Sheepwash*, *Bothal Demesne*, *Longhirst*, *Old Moor*, *Pegswood* otherwise *Pegsworth*, *Tritlington*, *Ulgham*, *Ulgham Grange*, *Stobswood*, *Widdrington*, *Linton North Stead*,
 [Local.] 41 S Chevington,

Chevington, East Chevington, West Chevington, Bullock's Hall, Hadstone, Warkworth, Acklington, Acklington Park, Amble, Morwick, Brotherwick, Walk Mill, Felton, Bockenfield, Eshot, Shothaugh, East Thriston, West Thriston, High Buston, Low Buston, Gloster Hill, Brainshaugh, Guizance, Sturton Grange, Togstone, Birling, Wooden, Bilton, Hawkhill, Shortridge, Alnmouth, Lesbury, Boulmer and Seaton House, Long Houghton, Little Houghton, Little Mill, Howick, Stamford, Rock, Rennington, Broxfield, Newton-by-the-Sea, Falloden, Embleton, Dunstan, Craster, Brunton, Ellingham, North Charlton, South Charlton, Chathill, Doxford, Preston, Bamburgh, North Sunderland, Tuggal, Swinhoe, Fleetham, Newham, Lucker, Adderstone, Hoppen, Bradford, Spindleston, Outcheater, Mousen, Warenton, Belford, Easington, Easington Grange, Middleton, Detchant, Elwick, Earsdon, Woodhorn, Horton, Bebside, Cowpen, and Newsham and South Blyth, in the County of Northumberland; and Tweedmouth, Spittal otherwise Spittle, and Berwick-upon-Tweed, in the County of the Borough and Town of Berwick-upon-Tweed, and terminating by a Junction with the Line of the North British Railway at or near the Site of the Ruins of Berwick Castle in the said Parish of Berwick-upon-Tweed and County of the Borough and Town of Berwick-upon-Tweed :

A Branch Railway commencing by a Junction with the Line of Railway herein-before lastly described at or near to the Road leading from *Bilton* to *Lesbury* in the Township of *Bilton* and Parish of *Lesbury* in the County of *Northumberland*, thence passing from, in, through, or into the several Parishes, Townships, and extra-parochial Places of *Bilton, Lesbury, Alnmouth, Hawkhill, Wooden, Alnwick, Alnwick South Side, Canongate, and Denwick*, or some of them, and terminating at or near to the Coal Staith adjoining the Turnpike Road leading from *Newcastle-upon-Tyne* to *Alnwick*, or otherwise at or near the South Toll Bar upon the same Road in the Township of *Alnwick* otherwise *Alnwick South Side* in the Parish of *Alnwick* in the said County of *Northumberland* :

A Branch Railway commencing by a Junction with the before-mentioned Main Line from the *Newcastle-upon-Tyne and North Shields* Railway to the *North British* Railway at or near a certain Highway leading from the *Newcastle and Blyth* Turnpike Road to *Cramlington* in the Township of *Cramlington* in the County of *Northumberland*, thence passing from, in, through, or into the several Parishes, Townships, and extra-parochial Places of *Cramlington, Earsdon, Woodhorn, Horton, Bebside, Cowpen, and Newsham and South Blyth*, or some of them, in the same County, and terminating at or near the River *Blyth* in the Township of *Newsham and South Blyth* and Parish of *Earsdon* in the same County :

A Branch Railway from and out of the said intended Main Line from the *Newcastle-upon-Tyne and North Shields* Railway to the *North British* Railway commencing at or near the Turnpike Road from *Newcastle-upon-Tyne* to *Berwick-upon-Tweed* near to the Entrance of *Tweedmouth*, where such Turnpike Road is
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joined

joined by a certain other Turnpike Road from *Cornhill* to *Berwick-upon-Tweed*, and passing from, in, through, or into the several Parishes, Townships, and extra-parochial or other Places following, or some of them; that is to say, *Tweedmouth*, *East Ord* or *Ord*, and *Spittal* otherwise *Spittle*, in the County of the Borough and Town of *Berwick-upon-Tweed*, *Tweedmouth*, *East Ord* or *Ord*, and *Spittal* otherwise *Spittle*, *Ancroft*, *Thornton*, *Norham*, *Felkington*, *Shoreswood*, *Norham Mains*, *Horncliffe*, *Horncliffe Loanend*, *Longridge*, *Twizel*, *Duddo*, *Grindon*, *Cornhill*, *Heaton*, *Tillmouth*, *Carham*, *Moneylaws*, *Wark* and *Sunnilaws*, *Learmouth*, *Downham* and *Mindrum*, and *Presson*, in the County of *Northumberland*, and *Kelso* and *Sprouston* in the County of *Roxburgh*, and terminating at or near the Turnpike Road from *Kelso* to *Berwick-upon-Tweed* at or near the Mouth of the *Wooden Burn* in the Parish of *Kelso* aforesaid.

XXI. And whereas the Line of the said Railway is proposed to be carried across the Turnpike Roads and Highways numbered as follows on the Plans of the Main Line of Railway herein-before referred to; (that is to say,) Number 30 in the Township of *Long Benton*, Number 75 in the Township of *Killingworth*, Number 8 in the Township of *Cramlington*, Numbers 2 and 12 in the Townships of *Plessy* and *Shotton*, Number 33 in the Township of *Stannington*, Number 3 in the Township of *Clifton*, Numbers 4 and 10 in the Township of *Old Moor*, Numbers 6 and 14 in the Township of *Ulgham Grange*, Numbers 3 and 6 in the Township of *West Chevington*, Number 16 in the Township of *Acklington*, Number 1a in the Township of *Morwick*, the Road from *Warkworth* to *Guyzance* in the Township of *Warkworth*, Number 7 in the Township of *Brotherwick*, Number 10 in the Township of *Low Buston*, Number 4 in the Township of *Wooden*, Number 10 in the Township of *Little Houghton and Little Mill*, Number 7 in the Township of *Stamford*, Number 16 in the Township of *Embleton*, Number 5 in the Township of *Brunton*, Number 14 in the Township of *Chathill*, Number 14 in the Township of *Newham*, Number 29 in the Township of *Lucker*, Number 19 in the Township of *Easington*, Numbers 11 and 16 in the Township of *Buckton*, Number 10 in the Township of *Beal and Lowlin*, Numbers 5 and 16 in the Township of *Cheswick*, Number 20 in the Township of *Scremerston*, Number 33 in the Township of *Spittal*; and also across the Turnpike Roads and Highways numbered as follows on the Plans of the *Kelso Branch*; (that is to say,) Number 26 in the Township of *Ord* or *East Ord*, Number 9 in the Township of *Horncliffe Loanend*, Number 7 in the Township of *Horncliffe*, Number 4 in the Township of *Thornton*, Number 31 in the Township of *Norham*, Number 23 in the Township of *Cornhill*, Number 13 in the Township of *Learmouth*, and Numbers 33 and 89 in the Parish of *Sprouston*; and also across the Highways numbered as follows on the Plans of the *Alnwick Branch*; (that is to say,) Numbers 11 and 15 in the Township of *Bilton*; and it is expedient that the said Railway should cross the said Turnpike Roads and Highways on a Level; be it therefore enacted, That the said Company may make the

Power to cross certain Turnpike Roads and Highways on a Level.

said

said Railway across the said Turnpike Roads and Highways at or near the Points designated on the said Plans on a Level.

Provision as to Inclinations of certain Roads.

XXII. Provided always, and be it enacted, That in the following Cases it shall be lawful for the Company to construct the Bridges and Road Approaches in the Manner herein-after mentioned ; (that is to say,)

As regards the Turnpike Road leading from *Newcastle* to *Blyth*, numbered 10 on the Cross Section on the Plan of the Main Line of Railway herein-before referred to, the Inclination of such Road may be One Foot in Twenty-four Feet :

As regards the Road leading to *Norham*, numbered 7 on the Cross Section on the Plan of the *Kelso* Branch herein-before referred to, the Inclination of such Road may be One Foot in Fifteen Feet :

As regards the Road leading to *Knottylees*, numbered 15 on the Cross Section on the same Plan, the Inclination of such Road may be One Foot in Thirteen Feet :

As regards the Road leading to *Shedlaw*, numbered 14 on the Cross Section on the same Plan, the Inclination of such Road may be One Foot in Eight Feet :

As regards the Road leading to *Hawkhill*, numbered 1 on the Cross Section on the Plan of the *Alnwick* Branch, the Inclination of such Road may be One Foot in Sixteen Feet.

As to Construction of a Bridge across the River Tyne.

XXIII. And be it enacted, That for the Purpose of carrying the said Railway across the River *Tyne* it shall be lawful for the said Company and they are hereby required to construct and maintain a Bridge across the River *Tyne*, with such Piers, Abutments, Approaches, and other Works as may be necessary for the Purposes thereof, so as there be not more than Three Piers placed in the Bed of the River *Tyne* within High-water Mark, and so as each of such Piers be placed as nearly as may be in a Line with some one of the Piers of the existing Bridge across the *Tyne* between *Newcastle* and *Gateshead*, and be of such Form and Dimensions as shall least obstruct the Navigation of the said River and the Flow of the Tide, the Form and Dimensions of the said Piers being fixed, in case of Difference between the said Company and the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*, the Conservatives of the said River, by the Engineer for the Time being of the Lords Commissioners of the Admiralty ; and the said Company shall so construct the said Bridge as that the same shall be available not only for the Purpose of carrying the said Railway across the said River, but also for providing a Roadway for the Passage of Passengers, Horses, Cattle, and Carriages across the said River.

If Company construct a Bridge across the Tyne, the Powers of

XXIV. And whereas by an Act passed in the last Session of Parliament, intituled *An Act for authorizing the Sale of the Durham Junction Railway to the Newcastle and Darlington Junction Railway Company ; and for enabling the said Company to make a Station at Gateshead, with a Bridge and Approaches to connect the same with the*

the Town of Newcastle-upon-Tyne; and for other Purposes, the Newcastle and Darlington Junction Railway Company were authorized to make and maintain the Bridge across the River Tyne therein mentioned: And whereas the Bridge by this Act authorized to be made across the said River will be available for the Purposes for which the Bridge so authorized by the said last-mentioned Act was intended; be it therefore enacted, That if the Company hereby incorporated shall, within the Period granted by this Act for that Purpose, construct the Bridge across the River Tyne by this Act authorized, all the Powers granted by the said last-recited Act to the said Newcastle and Darlington Junction Railway Company for constructing the Bridge therein mentioned shall cease and be of no Effect, and the said Newcastle and Darlington Junction Railway Company shall be released from all Liabilities in reference to the Construction of the said Bridge; and that for the Purpose of constructing and maintaining the said Bridge as a Roadway, and the Approaches thereto, all Powers, Rights, and Authorities which the Newcastle and Darlington Junction Railway Company now have or are entitled to for the Purpose of making the Bridge authorized by the Act of the last Session for constructing the same herein referred to, or the Approaches to such Bridge, shall be transferred to and vested in the Company hereby incorporated.

the Newcastle and Darlington Junction Railway Company for that Purpose to cease.

XXV. And be it enacted, That it shall be lawful for the *Newcastle and Darlington Junction Railway Company* and they are hereby required to contribute towards the Construction of the said Bridge the Sum of One hundred thousand Pounds and to appropriate to such Purpose any Money which they may be authorized to raise by any Act relating to the said Railway.

Newcastle and Darlington Junction Railway Company to contribute towards the said Bridge.

XXVI. And be it enacted, That the Company hereby incorporated shall commence the Works of the said Bridge by this Act authorized to be made within Nine Months after the passing of this Act, and shall proceed with such Works with all reasonable Despatch; and unless the said Company shall so commence and proceed with such Works the Right of the Company to demand Tolls for the Use of the Railway hereby authorized to be made, or any Part or Parts thereof, shall cease; and in case the said Bridge and Roadway shall not be completed and open for the Passage, not only of the said Railway, but also of Passengers, Horses, Cattle, and Carriages, within Four Years after the passing of this Act, it shall be lawful for the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*, and for the Mayor, Aldermen, and Burgesses of the Borough of *Gateshead*, in case they shall see fit, to complete the said Bridge, and to recover from Time to Time against the said Company in a summary Way as Penalties are recoverable under the Provisions of the Railway Clauses Consolidation Act, One thousand eight hundred and forty-five, all and every such Sum and Sums of Money as they shall expend in the Completion of the said Bridge.

Construction of Bridge to be commenced and Works completed within certain Periods.

XXVII. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifty Acres.

Lands for extraordinary Purposes.

[Local.]

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XXVIII. And

Tolls:

XXVIII. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage of
Articles of
Merchan-
dize.

1. In respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing:

For all Coal and Culm, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing:

For all Grain, Corn, Coke, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per Ton per Mile* not exceeding Three Halfpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing:

For all Sugar, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Two-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Cotton and other Wools, Drugs, and manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Three-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

And for every Carriage, of whatever Description, having more than Two Wheels, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Five-pence; and if having only Two Wheels, Four-pence *per Mile*:

And a Sum of Two-pence *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* not exceeding Two-pence:

Tolls for
Passengers
or Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For every Person conveyed in or upon any such Carriage, *per Mile* not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per Mile* not exceeding Three-pence; and if conveyed in or upon any Carriage belonging

belonging to the Company, an additional Sum not exceeding One Penny :

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny Halfpenny ; and if conveyed in or upon any Carriage belonging to the Company an additional Sum not exceeding One Halfpenny :

For every Calf or Pig conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Farthing :

For every Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile not exceeding Three Farthings ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Farthing.

XXIX. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed Three Farthings *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Tolls for propelling Power.

XXX. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls ; (that is to say,)

Regulations as to the Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expence of stopping, loading, and unloading :

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandize for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile ; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a 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.

XXXI. And with respect to small Packages and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following ; (that is to say,)

Tolls for small Parcels and great Weights.

For the Carriage of small Parcels. (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may

may demand any Sum which they think fit ; 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 such Sum as they think fit, not exceeding Sixpence *per Ton per Mile* :

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers
Luggage.

XXXII. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty Pounds in Weight for First Class Passengers, and One hundred Pounds in Weight for Second Class and for Third Class Passengers, without any Charge being made for the Carriage thereof.

Maximum
Rate of
Charge for
Passengers ;

XXXIII. Provided always, and be it enacted, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Carriages and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums :

For every Passenger conveyed in a First Class Carriage, the Sum of Three-pence *per Mile* :

For every Passenger conveyed in a Second Class Carriage, the Sum of One Penny Halfpenny *per Mile* :

For every Passenger conveyed in a Third Class Carriage, the Sum of One Penny *per Mile* :

and for
Animals
and Goods.

And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rate of Charge, including the Tolls for the Use of the Railway, and of Waggon or Trucks and locomotive Power, and every Expence incidental to such Conveyance (except loading and unloading Goods), shall not exceed the Sums following :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Five-pence *per Mile* ; and for every Ox, Cow, Bull, or Neat Cattle, the Sum of Two-pence *per Mile* :

For every Calf or Pig the Sum of Three Farthings *per Mile* ; and for every Sheep, Lamb, or other small Animal, the Sum of One Halfpenny *per Mile* :

And for every Carriage, of whatever Description, having more than Two Wheels, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton and a Half, Five-pence *per Mile* ; and if having only Two Wheels, Four-pence *per Mile* :

For

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, the Sum of One Penny Farthing *per Ton per Mile*: For all Coals and Culm the Sum of One Penny Farthing *per Ton per Mile* if conveyed for a less Distance than Twenty Miles, and One Penny *per Ton per Mile* if conveyed Twenty Miles or upwards:

For all Grain, Corn, Coke, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, and Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, One Penny Three Farthings *per Ton per Mile*:

For all Sugar, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Two-pence Halfpenny *per Ton per Mile*:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares and Merchandize, Fish, Articles, Matters, or Things, the Sum of Four-pence *per Ton per Mile*.

XXXIV. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any special or extra Train that may be required to run upon the said Railway, but shall apply only to the ordinary or any Trains appointed or to be appointed by the said Company for the Conveyance of Passengers and Goods upon the said Railway. Restrictions not applicable to special Trains.

XXXV. And whereas by an Act passed in the last Session of Parliament, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes relating to Railways*, it was amongst other things enacted, that all Passenger Railway Companies should, subject to the Conditions therein mentioned, provide by One Train at least each Way on every Week Day for the Conveyance of Third Class Passengers in the Manner and at the Charge and Rate of Speed therein specified: And whereas the Company hereby incorporated are willing to provide Two of such Trains daily for the Conveyance of such Passengers on the Railway by this Act authorized to be made, if at any Time so required by the Lords of the Committee of Privy Council for Trade and Foreign Plantations; be it therefore enacted, That the said Company shall and they are hereby required, on Notice to that Effect from the Lords of the said Committee, to comply with all or any of the Provisions of the said last-recited Act with regard to the Conveyance of Third Class Passengers on the whole or any Portion or Portions of the said Railway hereby authorized to be made which may be specified in such Notice in like Manner as though the Provisions of the said Act had had reference to the Conveyance of such Passengers by Two Trains in lieu of One Train each Way on every Week Day, and subject Company to provide an additional Third Class Train.

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ject to all the Penalties for Default in complying with such Provisions in reference to such Two Trains as are in the said Act contained with reference to the Noncompliance with the Provisions thereof as applicable to One such Train.

Limiting
Charge for
Conveyance
of Cattle and
Sheep in cer-
tain Cases.

XXXVI. Provided always, and be it enacted, That if any Person shall desire to hire and retain a separate Waggon or Truck for the Conveyance of Cattle or Sheep belonging to him, it shall not be lawful for the said Company to demand or take any greater Sum, including all the Charges aforesaid, than Sixpence *per* Mile for every Waggon or Truck capable of containing conveniently not less than Six Beasts of an ordinary Size or not less than Twenty-five Sheep.

Additional
Tolls for
Passengers,
&c. carried
across the
Bridge.

XXXVII. And be it enacted, That it shall be lawful for the Company to demand and take for all Passengers, Animals, Minerals, and Goods carried and conveyed along or across the said Bridge which shall have been carried or conveyed along the said Railway a Toll, in addition to the Toll by this Act granted for the Passage of such Passengers, Animals, and Goods on the Railway, not exceeding in Amount such Tolls as the Company may by this Act demand and take in respect of any such Passengers, Animals, Minerals, or Goods carried or conveyed for a Distance of Three Miles on the said Railway; and in respect of all Passengers, Animals, and Carriages which shall pass along or across such Part of the said Bridge as may be appropriated for a Roadway for the Passage of Passengers, Animals, and Carriages, the Company may demand and take any Tolls or Sums not exceeding the following; (that is to say,)

For every Horse or Beast of Draught drawing any Coach, Chariot, Landau, Sociable, Berlin, Chaise, Curricule, Whiskey, Car, Calash, Caravan, Hearse, or Litter, or other such Carriage, the Sum of Four-pence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Van, Cart, Wherry, or other such like Carriage, the Sum of Three-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

For every Score of Oxen or Neat Cattle the Sum of Ten-pence, and so in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence, and so in proportion for any greater or less Number:

For every Person on Foot the Sum of One Penny:

And such Tolls shall be paid (if demanded) each Time of passing; and it shall be lawful for the Company to erect such Toll Houses and Toll Gates for the Collection of such last-mentioned Tolls as they may see fit.

Separate
Accounts to
be kept in
respect of
the Bridge.

XXXVIII. And be it enacted, That the Company hereby incorporated shall cause separate Accounts to be kept of all Monies expended in the Construction of the said Bridge, and of all Tolls received by the said Company for the Use thereof, and of all Monies from

from Time to Time expended in the Maintenance and Repair thereof, or in keeping the Railway and Roadway over or across the same in repair; and the said Company shall Once at least in every Year cause an Abstract in Writing to be made, and a Copy thereof to be delivered to the *Newcastle and Darlington Junction* Railway Company, showing how much Money has been received during the then past Year in respect of Tolls for the Use thereof, and how much Money has been expended in such Maintenance and Repair; and if there shall be any Surplus in the Hands of the said Company arising from such Tolls after Payment of the Costs and Expences of such Maintenance and Repair, such Surplus shall be divided between the Company hereby incorporated and the said *Newcastle and Darlington Junction* Railway Company, in the Proportion that One hundred thousand Pounds (the Sum contributed by the last-mentioned Company towards the Construction of the said Bridge) bears to the whole Cost of constructing the said Bridge.

XXXIX. And be it enacted, That it shall be lawful for the Company hereby incorporated to contract and agree with the said *Newcastle and Darlington Junction* Railway Company for the Sale to such last-mentioned Company of such Part of the Railway by this Act authorized as lies between the Point of Junction of the intended Railway with the *Brandling Junction* Railway in the Town of *Gateshead* and the Street or Place called *Clavering Place* in the Town of *Newcastle-upon-Tyne*, at and for such Price or Consideration, or such annual or other Payment, and upon such Terms and Conditions, and subject to such Rules and Regulations for the Use thereof by the Company hereby incorporated, as shall be mutually agreed upon between the said Two last-mentioned Companies; and thereupon the said Portion of Railway shall form Part of the Undertaking of the *Newcastle and Darlington Junction* Railway, and shall be subject to all the Powers, Provisions, Clauses, Matters, and Things contained in the several Acts relating to the *Newcastle and Darlington Junction* Railway, as well as to the several Clauses, Provisions, Penalties, and Disabilities to which the Company hereby incorporated are subject by this Act; and the said last-mentioned Company shall have, exercise, and enjoy all the Powers and Privileges in respect of the said Portion of Railway which are by this Act given to the Company hereby incorporated in respect thereof; and the said Two last-mentioned Companies are hereby empowered to do, execute, and perform all such Acts, Deeds, Conveyances, and Things as may be necessary or proper for carrying such Contract or Agreement, or such Purchase and Sale, into effect.

Power to sell Part of the Railway to the *Newcastle and Darlington Junction* Railway Company.

XL. And whereas it would be for the mutual Benefit of the said Company hereby incorporated, and of the *Newcastle and Darlington Junction* Railway Company, and the *Newcastle and Carlisle* Railway Company, if the said Two last-mentioned Companies or either of them were empowered to contract with the Company hereby incorporated for forming and maintaining a joint Station at *Newcastle-upon-Tyne*, and with respect to the Construction, Use, and Maintenance of

Power to contract with the *Newcastle and Darlington and Newcastle and Carlisle* Railway Com-

panies for
a Station at
Newcastle-
upon-Tyne.

so much of the intended Railway as is situate between such Station and *Clavering Place* aforesaid; be it therefore enacted, That it shall be lawful for the said *Newcastle and Darlington Junction* Railway Company, and the *Newcastle and Carlisle* Railway Company, or either of them, to contract and agree with the Company hereby incorporated for the Construction, Use, and Maintenance of a joint Station at *Newcastle-upon-Tyne*, and with respect to the Construction, Use, and Maintenance of the said last-mentioned Portion of the intended Railway hereby authorized; and the said *Newcastle and Darlington Junction* Railway Company and the said *Newcastle and Carlisle* Railway Company respectively are hereby authorized to raise and contribute towards the Construction of such joint Station and such Portion of Railway such Sums of Money as shall be agreed upon, upon such Terms and Conditions, and subject to such Rules and Regulations, as to the Use and Occupation of such joint Station and Portion of Railway, as may be thought desirable; and the said Companies respectively, or such of them as shall enter into such Contract or Agreement as aforesaid, are hereby empowered to do, execute, and perform all such Acts, Deeds, Matters, and Things as may be necessary or proper for carrying such Contract or Agreement into effect.

Authorizing
the Con-
nexion of
the New-
castle and
North
Shields Rail-
way with the
Newcastle
and Berwick
Railway.

XLI. And whereas an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act for making and maintaining a Railway from the Town of Newcastle-upon-Tyne in the County of the Town of Newcastle-upon-Tyne to North Shields in the County of Northumberland, with a Branch thereout in the County of Northumberland*: And whereas another Act was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act to amend the Act relating to the Newcastle-upon-Tyne and North Shields Railway, and to raise a further Sum of Money for the Purposes of the said Undertaking*: And whereas it is considered that the said *Newcastle and North Shields* Railway might be worked more economically, and with greater Convenience and Advantage to the Public, if the same were managed in connexion with the Railway by this Act authorized; be it therefore enacted, That from and after the Time at which the Railway by this Act authorized, or any Part thereof, shall have been completed and opened to the Public, or from and after such earlier Period as the Company hereby incorporated shall fix for such Purpose, and upon Notice to such Effect being given by the Company hereby incorporated for Four successive Weeks by Advertisement in the *London Gazette*, and in some Newspaper published or circulating in the Counties of *Northumberland*, and in the Town and County of the Town of *Newcastle-upon-Tyne*, the said recited Acts relating to the *Newcastle and North Shields* Railway shall be and the same are hereby declared to be repealed; and the said *Newcastle and North Shields* Railway, and all or any Extensions or Branches thereof, and all and every the Lands, Stations, Houses, and other Buildings, Wharfs, Weighing Machines, working Stock, and other Works and Conveniences whatsoever, of or to which the said *Newcastle and North Shields* Railway Company were by virtue of the said recited Acts relating

relating thereto, or either of them, or shall be by any Means whatsoever, seised, possessed, or entitled, at Law or in Equity, immediately before the Publication of such Notice, shall belong to and shall by virtue of this Act be absolutely vested in the Company hereby incorporated; and the Undertaking of the *Newcastle and North Shields* Railway shall thenceforth become and form Part of the Undertaking of the *Newcastle and Berwick* Railway, subject nevertheless and without Prejudice to the several Mortgages, Charges, and Incumbrances which at or immediately before the Repeal of the said recited Acts relating to the *Newcastle and North Shields* Railway shall have been upon or affecting the said *Newcastle and North Shields* Railway, or any of the Property of the *Newcastle and North Shields* Railway Company; and all Persons who immediately before the Repeal of the said Acts owed any Money to the *Newcastle and North Shields* Railway Company shall pay the same, together with all Interest (if any) due and to accrue due thereon, to the Company by this Act incorporated; and all Debts which immediately before the Repeal of the said Acts were owing from or by the *Newcastle and North Shields* Railway Company, and all Interest (if any) due and to accrue due thereon, shall be paid by the Company by this Act incorporated.

XLII. Provided always, and be it enacted, That the Repeal of the said recited Acts relating to the *Newcastle and North Shields* Railway Company shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Security, Act, Matter, or Thing whatsoever theretofore made, done, executed, commenced, or instituted under or by virtue or in pursuance of the said recited Acts so repealed, or either of them, but all such Purchases, Sales, Conveyances, Grants, Securities, Acts, Matters, and Things shall be and remain as good, valid, and effectual to all Intents and Purposes whatsoever as if such Acts had not been repealed.

Not to affect
any Purchase,
Sale,
or Convey-
ance, &c.

XLIII. Provided also, and be it enacted, That nothing herein contained shall extend or be deemed or construed to extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions, or any of them, which under the said Acts relating to the *Newcastle and North Shields* Railway, or either of them, are granted, continued, or reserved to or for the Benefit of Persons or Corporations whose Estates, Properties, or Interests are or have been in anywise affected in or by the making or maintaining or otherwise on account of the said *Newcastle and North Shields* Railway, or to which such Persons and Corporations are or may be otherwise entitled under or by virtue of such last-mentioned Acts, but all such Rights, Privileges, Liberties, Powers, Easements, Accommodations, and Exemptions shall be and they are hereby declared to be as valid and effectual as if the last-mentioned Acts had not been repealed; and such several Persons and Corporations shall be entitled to and shall have, use, and enjoy the same Rights, Privileges, Liberties, Powers, Easements, Accommodations, and Exemptions, or such and so many of them as immediately before the Repeal of the said Acts they were entitled to have, use,

Saving of
Rights.

[Local.]

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and

and enjoy, as fully and effectually as if such Acts had not been repealed, and shall and may have or be entitled to such or the like Powers and Remedies against the Company hereby incorporated for securing the Possession, Use, or Enjoyment of such Rights, Privileges, Easements, Accommodations, and Exemptions as, under the Provisions of the said recited Acts hereby repealed, they had or were or might have been entitled to against the said *Newcastle and North Shields* Railway Company in case such Acts had not been repealed; and all such Penalties, Damages, Monies, Costs, and Expences as, under the Provisions of the Acts so repealed, would or hereafter might have become payable to or recoverable by such Persons and Corporations as aforesaid of and from the said *Newcastle and North Shields* Railway Company in case the said Acts had not been repealed, shall and may be payable by and recoverable from the Company by this Act incorporated, in such Manner and by such Ways and Means as the same are respectively made payable and recoverable under the Provisions of the said last-mentioned Acts.

Contracts made by the Newcastle and North Shields Company to be transferred to the Newcastle and Berwick Company.

XLIV. And be it enacted, That all Contracts, Agreements, Conveyances, Mortgages, Bonds, Covenants, and Securities made or entered into with, to, in favour of, or by the said *Newcastle and North Shields* Railway Company before the Repeal of the said Acts shall thenceforth be and remain as good, valid, and effectual in favour of, against, and with reference to the Company hereby incorporated, and may be proceeded for and enforced, in the same Manner, by or against the last-mentioned Company, to all Intents and Purposes as if the last-mentioned Company had been a Party to and granted the same, or had been named or referred to therein instead of the said *Newcastle and North Shields* Railway Company.

Actions not to abate.

XLV. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the said *Newcastle and North Shields* Railway Company previously to the Repeal of the said Acts shall abate or be discontinued or prejudicially affected by the Repeal of such Acts, but on the contrary the same shall continue and take effect both in favour of and against the Company hereby incorporated, in the same Manner in all respects as the same would have continued and taken effect in relation to the said *Newcastle and North Shields* Railway Company if the said Acts had not been repealed; and also that all Penalties by reason of any Offence which may have been committed before such Repeal against the Provisions of the said last-mentioned Acts or any of them may be prosecuted in such and the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if the said Acts had not been repealed, the Company hereby incorporated being in reference to the Matters in this Enactment mentioned in all respects substituted in the Place of the said *Newcastle and North Shields* Railway Company.

Books of the Newcastle and North

XLVI. And be it enacted, That all Books and other Documents whatsoever by the said recited Acts relating to the *Newcastle and North*

North Shields Railway authorized or directed to be kept, and thereby made Evidence, shall, notwithstanding the Repeal of the said Acts, be admitted as Evidence in all Courts of Law and Equity and elsewhere. Shields Railway Company to be Evidence.

XLVII. And be it enacted, That all Works and Things which, under the Provisions of the said recited Acts relating to the *Newcastle and North Shields* Railway Company, the said Company were bound, required, or made liable to make, construct, complete, or maintain, and all Repairs thereof respectively, and all Regulations and Restrictions which under the Provisions of such Acts were imposed upon or required to be observed by the said *Newcastle and North Shields* Railway Company, for the Safety, Protection, Accommodation, Convenience, Enjoyment, and Benefit of Persons and Corporations whose Estates, Properties, or Interests were or might be affected by the making and maintaining of the said Railway and Works by the same Acts authorized to be made and maintained, and for the Protection of such Estates, Properties, and Interests, and for securing the Enjoyment of such Estates, Property, and Interests as aforesaid, or such and so many of the aforesaid Works, Acts, Matters, Things, Regulations, and Restrictions as the same Company would have been bound or liable to construct, complete, maintain, make, do, execute, observe, or perform in case the said Acts had not been repealed, shall be constructed, maintained, made, done, executed, observed, performed, and kept by the Company hereby incorporated, as fully to all Intents and Purposes as the same were by the said Acts so repealed required to be made, done, executed, maintained, observed, performed, and kept by the said *Newcastle and North Shields* Railway Company, and as if the several Provisions in such Acts in reference thereto had been specially repeated and re-enacted in and by this Act, and had been made applicable to the Company hereby incorporated. Works, &c. required to be done by the Newcastle and North Shields Railway Company to be performed by the Newcastle and Berwick Railway Company.

XLVIII. And whereas the Capital of the said *Newcastle and North Shields* Railway Company is One hundred and fifty thousand Pounds, divided into Three thousand Shares of the nominal Value of Fifty Pounds each; be it therefore enacted, That the Company hereby incorporated shall, immediately upon the Repeal of the recited Acts relating to the *Newcastle and North Shields* Railway, in addition to the said Capital of One million four hundred thousand Pounds herein-before authorized to be raised, create Six thousand Shares of the nominal Value of Twenty-five Pounds each in the Capital of the said Company, and such additional Shares shall be deemed Part of the Capital of the said Company, and shall be subject to all the same Rules, Regulations, and Provisions as the said Capital of One million four hundred thousand Pounds, except so far as relates to the Payment and Recovery of Calls, and the Forfeiture of Shares on Nonpayment of Calls; and every Person or Corporation who at the Time of the Repeal of the said Acts appeared by the Register Book of Proprietor of Shares in the said *Newcastle and North Shields* Railway Company to be the Proprietor of One or more Shares in the Capital or Joint Stock of the said last-mentioned Company shall be entitled to Two Shares Capital of the Newcastle and North Shields Railway Company deemed Part of the Capital of the Newcastle and Berwick Railway Company.

Shares of the nominal Value of Twenty-five Pounds each in the Capital or Joint Stock of the Company hereby incorporated in respect of every Share held by him in the Stock of the *Newcastle and North Shields* Railway Company, upon which Shares the full Sum of Twenty-five Pounds shall be deemed to have been paid, and every such Share in the Capital or Joint Stock of the Company hereby incorporated shall vest in such Person or Corporation accordingly; and every Person or Corporation in whom any of the said Shares is or are hereby vested shall stand and be possessed of every such Share upon the same Trusts and for the same Purposes, and under and subject to the same Powers and Provisions respectively, as the Shares in the said *Newcastle and North Shields* Railway in lieu of which the Shares in the Company hereby incorporated are given as aforesaid were immediately before the Repeal of the said Acts held upon and subject or liable to, and so as to give effect to and not revoke any Will or other testamentary Disposition made previous to the Repeal of the said Acts.

Power to
Company to
purchase the
Interest of
Proprietors
in the New-
castle and
North
Shields Rail-
way.

XLIX. Provided always, and be it enacted, That if any such Person or Corporation as aforesaid shall, within One Month after the Period fixed for the Amalgamation of the *Newcastle and North Shields* Railway with the Railway hereby authorized, signify by Notice in Writing to the Clerk of the Company hereby incorporated his or their Desire not to take Shares in the Capital or Joint Stock of the Company hereby incorporated in lieu of such Share in the *Newcastle and North Shields* Railway to which he may be entitled, the Company hereby incorporated shall and they are hereby required, within Two Months after the Receipt of such Notice, to pay to such Person or Corporation the Sum of Fifty Pounds in respect of each Share in the *Newcastle and North Shields* Railway so held by such Person or Corporation, and thereupon the Estate and Interest of such Person or Corporation of and in the *Newcastle and North Shields* Railway, and the Estate, Property, and Effects of the *Newcastle and North Shields* Railway Company, shall cease and determine.

Company
authorized
to advance
Money to
the New-
castle and
North
Shields Rail-
way Com-
pany to
enable them
to execute
their new
Works.

L. And whereas a Bill is now before Parliament, intituled *A Bill to authorize the Newcastle-upon-Tyne and North Shields Railway Company to make a Railway from North Shields to the Village of Tynemouth, and also a Branch from the present Line to the public Quay adjoining the River Tyne at Newcastle*: And whereas, in case the said Bill should pass into a Law, it may be desirable that the several Works thereby authorized to be executed should be commenced before the Amalgamation of the Two Companies herein-before authorized shall be carried into complete Effect; be it therefore enacted, That it shall be lawful for the Company hereby incorporated and they are hereby empowered to advance and lend to the said *Newcastle and North Shields* Railway Company from Time to Time, out of the Funds which they are hereby authorized to raise, such Sums as may be necessary to enable the said *Newcastle and North Shields* Railway Company to execute the said several Works; and all Sums so advanced by the Company hereby incorporated shall be a primary Charge upon
such

such new Works until the Amalgamation herein-before authorized shall be carried into complete Effect.

LI. And be it enacted, That from the Time at which the said *Newcastle and North Shields* Railway shall be amalgamated with the Railway hereby authorized, and until the Railway by this Act authorized shall be open to the Public from *Newcastle-upon-Tyne* to *Berwick-upon-Tweed*, the several Persons and Corporations who shall be Proprietors of any Shares given in lieu of a Share in the said *Newcastle and North Shields* Railway shall be entitled to receive Interest thereupon at the Rate of Five Pounds *per Centum per Annum* upon the nominal Value of such Shares; and such Interest shall be payable half-yearly, and may be recovered in like Manner as Interest upon Money borrowed by the said Company hereby incorporated is by this or the said intended Companies Clauses Consolidation Act recoverable.

Interest on
Shares al-
lotted in lieu
of Newcastle
and North
Shields
Shares.

LII. And be it enacted, That from and after the passing of this Act it shall be lawful for the Company hereby incorporated to demand, receive, and recover, for the Tonnage of all Articles, Matters, and Things which shall be conveyed upon or along the said *Newcastle and North Shields* Railway, any Rates or Tolls not exceeding the several Rates and Tolls herein-after mentioned, being the Rates and Tolls authorized by the said recited Act of the Sixth and Seventh Years of the Reign of His Majesty King *William* the Fourth relating to the *Newcastle and North Shields* Railway; (that is to say,)

Tolls to be
taken on the
Newcastle
and *North*
Shields Rail-
way.

For all Coals, One Penny Halfpenny *per Ton per Mile*, and One Halfpenny *per Ton* for passing either or both of the Bridges at the *Ouseburn* and *Wellington Dean* :

For all Dung, Compost, and Lime to be used as Manures, and all other Manures, and all Materials for the Repair of public Roads or Highways, any Sum not exceeding Two-pence *per Ton per Mile* :

For all Limestone to be used otherwise than as Manure, Ironstone, Iron Ore, and all other mineral Ores, Timber, Deals, building, pitching, and paving Stones, and Clay, any Sum not exceeding Three-pence *per Ton per Mile* :

For all Coke, Culm, Charcoal, Flags, Bricks, Tiles, and Slates, Lead, Iron, and other Metals, any Sum not exceeding Three-pence *per Ton per Mile* :

For all Corn, Grain, Flour, Hay, and all other agricultural Produce, any Sum not exceeding Two-pence Halfpenny *per Ton per Mile* :

For all Sugar, Dyewoods, and Groceries, Cotton and other Wool, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Matters, or Things, any Sum not exceeding Four-pence *per Ton per Mile* :

For all Coke, Culm, and Cinders, Limestone, Lime, Chalk, Dung, Compost, and all Sorts of Manure, and all Materials for the Repair of public Roads or Highways, which shall pass the In-

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clined

clined Plane upon the said Railway, any Sum not exceeding the Sum of One Shilling *per* Ton over and above the Rates of Tonnage herein-before authorized to be received :

For all the other Articles, Matters, and Things, except Coals, for which a Tonnage is herein-before directed to be paid, which shall pass the Inclined Plane upon the said Railway, any Sum not exceeding the Sum of One Shilling and Sixpence *per* Ton over and above the Rates of Tonnage herein-before authorized to be received.

Tolls on Carriages conveying Passengers or Cattle on the Railway.

LIII. And be it enacted, That it shall be lawful for the Company hereby incorporated to receive, demand, and recover, to and for the Use and Benefit of the said Company, for and in respect of Carriages which shall be used on the said *Newcastle and North Shields* Railway, for the Conveyance of Passengers, Cattle, or Animals, any Tolls not exceeding the following ; (that is to say,)

For every Person conveyed in or upon any such Carriage, any Sum not exceeding the Sum of Two-pence *per* Mile :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Bull, Ox, Cow, or Neat Cattle, conveyed in or upon any such Carriage, any Sum not exceeding the Sum of One Shilling and Sixpence for any Distance :

For every Calf, Sheep, Lamb, or Swine conveyed in or upon any such Carriage, any Sum not exceeding the Sum of Sixpence for any Distance.

Company authorized to carry Passengers, Cattle, and Goods, and to charge for the same.

LIV. And be it enacted, That it shall be lawful for the Company hereby incorporated and they are hereby empowered to convey upon the said *Newcastle and North Shields* Railway and Branches, or either of them, such Passengers, Cattle and other Animals, and Articles, Matters, and Things, as shall be offered to them for that Purpose, and to charge for the Conveyance thereof respectively, in addition to the several other Rates, Tolls, or Sums in the said Act authorized.

Tolls to be taken on Bridge across the Ouseburn.

LV. And be it enacted, That it shall be lawful for the said Company hereby incorporated, from Time to Time and at all Times hereafter, to cause to be demanded, received, or taken for Portage or in the Name of a Toll, before or after any Passage over the Bridge or Viaduct across the *Ouseburn* situate in the said County of *Northumberland*, any Sum of Money not exceeding the Sum following ; (that is to say,)

For every Person passing along the said Bridge on Foot any Sum not exceeding One Halfpenny.

Company to pay Land Owners Three Farthings *per* Ton *per* Mile for all Coals carried for

LVI. And be it enacted, That the Company hereby incorporated shall and they are hereby required to keep an Account of all Coals carried or conveyed upon or along the said *Newcastle and North Shields* Railway, or any Part thereof, for Shipment, and to pay to the Person or Persons who for the Time being shall be Owner or Owners, or entitled to the Rents and Profits of or otherwise interested in the Lands through which the said *Newcastle and North Shields* Rail-
way

way shall be made, and adjoining thereto, after the Rate of Three Farthings *per Ton per Mile* for the Distance which such Coals shall be carried or conveyed through the said Lands of such Persons respectively; and such Account shall be made up and such Payment made by the said Company at the End of every Half Year from the opening of the Railway hereby authorized to be made, and in default of Payment the same shall be recovered by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Shipment upon the Newcastle and North Shields Railway.

LVII. And be it enacted, That the Accounts kept from Time to Time of the Quantities of Coal carried upon and along the said *Newcastle and North Shields* Railway or any Part thereof, for the Shipment, and from which the half-yearly Account shall be made up, shall at all reasonable Times be open to the Inspection to the Person or Persons entitled to receive a Payment from the said Company in respect of the Coal so carried.

Accounts to remain open to Inspection of Owners entitled to such Payments.

LVIII. Provided always, and be it enacted, That where different Persons shall be interested in any Lands to the Owners of or Persons interested in which such Payment, at the Rate of Three Farthings *per Ton per Mile* for Coals carried through the same for Shipment, is herein-before directed to be paid, either as Lord and Copyholder, Lessor and Lessee, or otherwise, the said Payment shall be divided and apportioned between such Persons according to their respective Rights and Interests in the Lands, such Proportions to be settled by Agreement in Writing to be in that Behalf made by the Parties interested, if they can agree thereon, which Agreements when *bonâ fide* made are hereby declared to binding on all Persons who at the Times of making the same, or at any Time afterwards, shall or may be interested in such Lands, although the Parties making the same, or any of them, may have only a limited or qualified Estate or Interest of and in the Lands comprised in such Agreements; and if the said Division or Apportionment cannot be so settled by Agreement as aforesaid, then and in such Case the same shall be settled by the Award of Two indifferent Persons, One to be chosen in each Case by each of the Parties in dispute, or, if they shall differ, by the Award of some Third Person, being a Barrister of Five Years standing at the least, to be chosen by the Two Arbitrators first chosen as aforesaid, which Appointment of Umpire shall always be made before the Arbitrators shall proceed to consider the Matters referred to them: Provided always, that the Award of such Arbitrators shall in every Case be made in Writing under their Hands Two Calendar Months next after such Arbitrators shall have been appointed, or the Award of such Umpire, where the Arbitrators shall differ, shall be made in Writing under the Hand of such Umpire within One Calendar Month next after the Matter in difference shall have been referred to him; but if the said Parties so interested shall not agree to settle such Division or Apportionment by Arbitration or Umpirage as aforesaid, then and in such Case the same shall be settled by the Verdict of a Jury in such Manner as is by this Act directed and provided for settling Disputes as to the Value of Land to be taken by the said Company

As to Apportionment of Toll on Coals among Land Owners.

Company for the Purposes of this Act: Provided always, that no Agreement shall be binding on any other Persons, except the Parties to the said Agreement shall have such Estate or Interest in the Lands for or in respect of which the said Sum of Three Farthings *per* Ton shall be paid by the said Company as the Persons hereby capacitated to sell have in the Lands to be purchased by the said Company.

Limiting the Amount of Toll for Coals.

LIX. Provided always, and be it enacted, That, notwithstanding any thing herein contained, it shall not be lawful for the Company hereby incorporated to charge for the Carriage or Conveyance of Coals along the said *Newcastle and North Shields* Railway more than One Penny Halfpenny *per* Ton *per* Mile, and the Sum of One Halfpenny *per* Ton for passing the Two several Bridges or Viaducts, both or either of them, over the Ravine and Burn called *Ouseburn* and the Ravine called *Willington Dean*.

Power to lease the Railway to the Newcastle and Darlington Junction Railway Company.

LX. And whereas the Railway by this Act authorized might be worked more economically and with greater Advantage to the Public if it were managed in connexion with the *Newcastle and Darlington Junction* Railway; be it therefore enacted, That it shall be lawful for the Company hereby incorporated, with the Approbation of Three Fourths of the Shareholders present, personally or by Proxy, in General Meeting specially convened for the Purpose, to grant a Lease of the Railway to the *Newcastle and Darlington Junction* Railway Company for such Term and for such Rent or Consideration as shall be agreed upon; and it shall be lawful for the said *Newcastle and Darlington Junction* Railway Company, with the Approbation of Three Fourths of its Shareholders present, personally or by Proxy, in General Meeting specially convened for the Purpose, to accept such Lease.

Power to enter into special Contracts with Owners of Waggonways.

LXI. And whereas the Railway to be made under the Authority of this Act will pass through Districts much intersected by Waggonways of great Importance to the Proprietors of the Lands over which such Waggonways run, and the Proprietors of those Lands are also in some Cases the Owners of Lands over which the said Railway will pass: And whereas it may be for the Benefit of the Company hereby incorporated that they should in such Cases be empowered to make special Arrangements in reference to such Waggonways; be it therefore enacted, That it shall be lawful for the said Company, in all Cases in which the Owners of Land over which the said Railway will pass are also the Proprietors of Land over which any of such Waggonways run, to make and enter into such special Contracts or Arrangements with the said Owners and Proprietors in reference to the said Waggonways as to the Directors of the said Company shall seem fit and desirable.

As to the Estates of the Commissioners of

LXII. And whereas the Main Line of the said intended Railway passes through the Estates of the Commissioners of *Greenwich Hospital* situate in the Township of *Scremerston* in the Parish of *Ancroft* in

in the County of *Northumberland*, and the Line of the said intended Branch Railway to *Kelso* passes through Estates of the Commissioners situate in the Township of *Spital* in the Parish of *Tweedmouth* in the County of the Borough and Town of *Berwick-upon-Tweed*, and other Property of the Commissioners may be affected by the Railways and Works of the Company: And whereas the Estates of the Commissioners contain Coal, Limestone, Stone for Building Purposes, and other Minerals, and valuable Collieries, Lime Works, and other Works for obtaining such Coal, Limestone, Stone, and Minerals, and for burning Lime, and for other Purposes, have been formed, and are now in operation upon the Estates of the Commissioners, and large Portions of such Coal, Limestone, Stone, and Minerals remain unworked: And whereas the Railways and Works of the Company will have the Effect of obstructing the free Intercourse and Traffic between the Mines and Quarries of the Commissioners, their Lessees or Tenants, and the Harbours and other Places at or to which the Produce of such Mines and Quarries is shipped or transported, and will also have the Effect in some Cases of obstructing the free working of such Mines and Quarries, and the opening of new Mines and Quarries, and of preventing the Commissioners, their Lessees and Servants, from getting Portions of their Coal, Limestone, Stone, and Minerals in the said Estates; be it therefore enacted, That nothing herein contained shall extend to prevent the Commissioners, or their Lessees or Tenants for the Time being of their Mines or Quarries, Lands, Tenements, Hereditaments, Buildings, Warehouses, Manufactories, and Works lying near or adjoining to any Railway or Works of the Company, or situate in Parts adjacent to or intersected or otherwise affected thereby, from making at any Time or Times any Communications, Railways, Tramroads, Roads, Ways, Crossings, Openings, Tunnels, Approaches, and Watercourses across any Railway of the Company which the Commissioners, Lessees, or Tenants shall find it necessary to cross or pass, not only for the Purpose of conveying for Shipment or Sale the Produce of their Mines and Quarries, but also for the Purpose of working the same, and of getting and carrying the Produce thereof, and of burning, smelting, or converting, and otherwise rendering such Produce fit for Sale or for Consumption, and for draining the Mines, Quarries, Works, Lands, and Hereditaments of the Commissioners, and for all other necessary Purposes connected with the said Mines and Quarries, so that such Communications, Railways, Tramroads, Roads, Ways, Crossings, Openings, Tunnels, Approaches, and Watercourses be in every Instance taken above or below the Line of the Company's Railway, and so that no such Communication, Railway, Tramroad, Way, Crossing, Opening, Tunnel, Approach, or Watercourse do Injury to or prevent the free Passage over, upon, and along, or Use of any of the Company's Railways or Works, and so that all the Works connected with the passing of the Communications, Railways, Tramroads, Roads, Ways, Crossings, Openings, Tunnels, Approaches, and Watercourses hereby authorized over or under any of the Company's Railways or Works be done under the Superintendence and to the Satisfaction of the Engineer for the Time being of the Company, and according to Plans to be approved by him: Pro-

Greenwich
Hospital.

The Com-
missioners
may make
Communica-
tions across
the Railway,
so as not to
obstruct the
Passage or
Traffic of the
Railway;
and to be
made under
the Super-
intendence
of the Com-
pany's En-
gineer.

[Local.]

41 Z

vided

Providing for
Expences of
such Com-
munications.

vided nevertheless, that the Expence of making and maintaining a Bridge across the Company's Line of Railway, and proper Approaches thereto, in such Place as the Commissioners shall deem proper for the Purpose of forming a Communication between their Collieries at or near *Scremerston*. and their present Lime Works there, shall be defrayed by the Company; and that in case a Second Communication of a similar Nature in such other Place as the Commissioners shall deem proper for the Purpose of making a Communication between any Collieries and any Lime Works of the Commissioners shall be required, the Expence of making and maintaining the same shall also be defrayed by the Company; but in case the Company shall not admit the Necessity or Expediency of such Second Communication, they shall not be required to defray the Expence thereof, unless the Commissioners shall, within One Month after a Notice from the Company for that Purpose, submit the Question of such Necessity or Expediency to the Board of Trade, and such Board shall decide that the same is necessary or expedient: Provided also, that the Expences of forming and maintaining all Tunnels and Watercourses across the Company's Line of Railway, which shall be made for the Purpose of draining the Lands or Mines of the Commissioners, or otherwise, shall be made and maintained at the Expence of the Company: Provided also, that all such Works as shall be done for the Purposes aforesaid on the Land of the Company shall, if they think proper, be executed by them instead of by the Commissioners.

The Com-
missioners,
&c. to have
Use thereof
free from
Toll, doing
no Injury,
&c. to Com-
pany.

LXIII. And be it enacted, That the Commissioners, and their Lessees and Tenants, and all Persons acting under their or any of their Authority, or with their or any of their Permission, shall have the free Use and Enjoyment of the Communications, Railways, Tramroads, Roads, Ways, Crossings, Openings, Tunnels, Approaches, Watercourses, and Works which shall be made under the Power herein-before contained by the said Commissioners, or their Lessees or Tenants, so that no Person using the same do Injury or prevent the free Passage over, upon, and along, or the Use of any Railway and Works of the Company; and the Company shall not be entitled to demand, have, or receive any Tonnage or Compensation for the making of any such Communication, Railway, Tramroad, Road, Way, Crossing, Opening, Tunnel, Approach, or Watercourse, or of any Works connected therewith, (other than Compensation, if any, which may become due by reason of Injury or Obstruction caused thereby to any Railway or other Works of the Company,) or for the passing of any Persons, Horses, Carts, Carriages, Coal, Stone, Lime, Minerals, Goods, Merchandize, Water, or other Things along or through any such Railway, Tramroad, Road, Way, Crossing, Opening, Tunnel, or Approach, Watercourse or Works.

Company to
make Com-
pensation to
Commis-
sioners for
Coal, &c.

LXIV. And be it enacted, That, in addition to all such Purchase Money and Compensation as the Commissioners, and their Lessees and Tenants respectively, shall be entitled to for or in respect of their Lands which shall be taken by the Company, the Company shall from Time to Time pay to them respectively Compensation for such Coal, Limestone,

Limestone, Stone, and Minerals as cannot or shall not be worked by reason of the same being under some Railway or other Works of the Company, or so near thereto that the Company shall consider that the working thereof would be prejudicial or dangerous to them, or to any Railway or Works belonging to them; and such Compensation as last mentioned shall be made and paid from Time to Time when and as the Commissioners, or their Lessees or Tenants, would, in case the Railway and Works of the Company had not been formed, have been in a Situation, regard being had to the then State of the Workings of the Mines and Quarries, to work and get the Coal, Limestone, Stone, or Minerals which cannot or shall not be worked as aforesaid; and such Company shall also pay to the said Commissioners, and their Lessees and Tenants respectively, Compensation for the Expence of making a Communication to and opening out Quarries on the West Side of the said Railway whenever such Opening shall become necessary on account of the said Workings of the said Quarries on the Eastern Side thereof being discontinued or becoming dangerous from its reaching up to or near the said Railroad; all which said Compensation, if not agreed on, shall be ascertained in such Manner as in this Act and in the said Lands Clauses Consolidation Act (1845) is provided with respect to Compensation, and if not paid when agreed on or ascertained shall be recoverable as a Debt ascertained and due from the Company; and if there shall arise between the Company and the Commissioners, or their Lessees or Tenants, any Difference with respect to the Time when such Compensation ought to be made, the same shall be settled either by Two Justices, or by Arbitration, or by the Decision of one of the Superior Courts, at the Option of the Commissioners.

which cannot
be worked
on account
of Railway.

LXV. And be it enacted, That the Company shall, at their own Expence, make or provide and maintain at the Places (not being more than Two, unless the Company shall consent to a greater Number,) at which the Waggons of the Commissioners, or their Lessees or Tenants, shall come upon any Railway of the Company, either for the Purpose of being conveyed upon such Railway, or such Openings and Approaches, and provide and maintain on the Land of the Company such Points and other Apparatus and do such Acts as shall be necessary for placing such Waggons on the Railway, or enabling them to cross the same, according to Circumstances, and shall provide and maintain at their Stations or Depôts such Accommodation as shall be necessary for placing the Coal, Limestone, Stone, Lime, Minerals, and Goods of the Commissioners, their Lessees or Tenants, on any Railway of the Company, when intended to be conveyed by the said Railway, and for taking the same off any such Railway.

Company to
make Open-
ings for ad-
mitting Com-
missioners'
Waggons to
pass along
or across
Railway, and
other Ac-
commoda-
tion.

LXVI. Provided always, and be it enacted, That the several Provisions herein-before contained with respect to the Commissioners, their Lessees and Tenants, shall not preclude them or any of them from requiring any other Accommodation Works, or any other Compensation, which, under the Provisions of this Act or the recited Acts, or any of them, they respectively are or shall be entitled to require from the Company.

Nothing
herein to
preclude
Commission-
ers requiring
other Ac-
commoda-
tion Works,
&c.

LXVII. Pro-

Saving
Rights of
the North
British Rail-
way Com-
pany.

LXVII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *North British* Railway Company in and by the several Acts relating to such Railway, but all their Rights, Privileges, Powers, Franchises, and Authorities (under their several Acts of Parliament or otherwise) are hereby expressly saved and reserved as if this Act had not been passed.

Not to inter-
fere with the
North British
Railway
Company,
nor take
Lands be-
longing
thereto, with-
out Consent.

LXVIII. And be it enacted, That nothing in this Act contained shall extend to authorize the *Newcastle and Berwick* Railway Company in making and constructing the said Railway to alter, vary, or interfere with the *North British* Railway, or any of the Works thereof, without the Consent in Writing of the said *North British* Railway Company first had and obtained, nor, without such Consent, to take or enter upon any of the Lands belonging to the said *North British* Railway Company, save and except that Portion of the Ground belonging to the said Company to the West of the Line of their Railway, and lying between the Turnpike Road leading from *Berwick* to *Dunse* and the River *Tweed*.

Junction to
be made
under the
Superin-
tendence of
the Engineer
of the North
British Rail-
way Com-
pany.

LXIX. And be it enacted, That the Junction of the Railway hereby authorized with the *North British* Railway, and all such Openings in the Ledges or Flanches of the *North British* Railway as may be necessary or convenient for effecting such Junction, and all other Works that may at any Time be necessary for altering, repairing, and maintaining the Rails and Points at such Junction, and of regulating and adjusting the same, shall be made and effected under the Direction and Superintendence and to the entire Satisfaction of the Engineer for the Time being of the said *North British* Railway Company, or other Person authorized by them for that Purpose, at the sole Expence of the Company by this Act authorized.

As to Station
at Berwick.

LXX. And whereas the *North British* Railway Company are constructing a Station at or near the Town of *Berwick-upon-Tweed*, and it is expedient that Provision should be made for enabling the Company hereby incorporated to have the Use of such Station; be it enacted, That it shall be lawful for the said Two Companies to enter into such mutual Arrangements with reference to the Use of the said Station as shall be agreed upon between them; and if the said Companies shall not agree with respect to the Use of the said Station by the Company hereby incorporated, or to the Tolls, Charges, or other Compensation to be paid to the *North British* Railway Company in respect thereof, the same shall be settled, upon the Application of either Party, by the Committee of Privy Council for Trade and Foreign Plantations.

Saving of
Tolls of the
Corporation
of New-
castle-upon-
Tyne.

LXXI. And be it enacted, That nothing in this Act contained shall take away, alter, or prejudice or in any Manner affect the Right or Title of the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*, or their Lessees, to the Tolls or Duties called the Thorough Toll, otherwise the Great Toll, which now are or at
any

any Time hereafter shall be payable to the said Mayor, Aldermen, and Burgesses, but that it shall be lawful for the said Mayor, Aldermen, and Burgesses, or their Lessees, or their or any of their Collectors or Servants, to demand and receive the said Tolls or Duties in respect of all Cattle, Goods, Wares, Merchandize, Articles, and Things which shall be brought, taken, carried, or conveyed on the Bridge, Railway, or Roadway to be made under the Authority of this Act, or on the *Newcastle and North Shields* Railway by this Act authorized to be incorporated with the *Newcastle and Berwick* Railway within or out of the said Borough of *Newcastle-upon-Tyne*, or such Parts of the same Borough as shall be included within the Line on which the said Tolls or Duties shall for the Time being be authorized to be taken, and in case of Nonpayment of the said Tolls or Duties, or any of them, to have and exercise all and every their Powers and Rights for levying and recovering the same which they the said Mayor, Aldermen, and Burgesses now have, or are or shall be entitled to exercise, in respect of the said Tolls and Duties called the Thorough Toll, otherwise the Great Toll: Provided always, nevertheless, that Cattle, Goods, Wares, Merchandize, Articles, or Things carried or conveyed upon the said Railways or either of them within the circumscribing Line on which for the Time being the Thorough Toll, otherwise the Great Toll, shall be taken and received, (such Cattle, Goods, Wares, Merchandize, Articles, or Things being carried or conveyed upon the said Railways or either of them from one Place without the said Line, or from any Quay or Shipping Place within the said Line, to some other Place without the said Line, or to any Quay or Shipping Place within the said Line,) shall not by reason of having been so carried or conveyed on the said Railways or either of them within the said circumscribing Line be or be deemed to be liable to the Payment of the said Tolls or Duties.

LXXII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament*; and for other Purposes in relation to Railways; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

LXXIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act

[Local.]

42 A

Act

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

Railway not exempt from Provisions of any future general Acts.

Act relating to such Acts, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expences of
Act.

LXXIV. And be it enacted, That all Costs, Charges, and Expences connected with the passing of this Act shall be paid by the Company hereby incorporated, or the Directors thereof, out of the first Monies that shall come to their Hands after the passing thereof.

Public Act.

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

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