



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cxxxiii.

An Act to authorize the Consolidation into One Undertaking of the *York and Newcastle* and the *Newcastle and Berwick* Railways. [9th July 1847.]

WHEREAS an Act was passed in the Fifth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for completing the Railway Communication between the Towns of Newcastle-on-Tyne and Darlington by a Railway, to be called "The Newcastle and Darlington Junction Railway, with a Branch to the City of Durham,"* whereby a Company was incorporated by the Name of the *Newcastle and Darlington Junction Railway Company*, now called the *York and Newcastle Railway Company*: And whereas the Provisions of the said recited Act have been amended and enlarged by several subsequent Acts relating to the said Company passed respectively in the Sixth, Seventh, Ninth, and Tenth Years of the Reign of Her present Majesty: And whereas another Act was passed in the Ninth Year of the Reign of Her present Majesty, intituled *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,"* whereby a Company was incorporated by the Name of the *Newcastle and Berwick Railway Company*,

5 & 6 Vict.
c. 80.

8 & 9 Vict.
c. 163.

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the Provisions of which said last-recited Act have been amended and enlarged by a subsequent Act relating to the same Company passed in the Tenth Year of the Reign of Her present Majesty: And whereas the Railways and Works authorized by the said first-recited Act and the said Acts passed in the Sixth and Seventh Years of Her said Majesty have been formed and are now open to the Public, and the Railways and Works authorized by "The *Newcastle and Berwick* Railway Act, 1845," are now in the Course of Construction and will soon be completed: And whereas it would be for the Advantage of the Public if the Undertakings of the said Two Companies were consolidated in One, whereby the same will be worked and managed with greater Efficiency and Economy, but these Purposes 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 it shall be lawful for the *York and Newcastle* Railway Company, with the Consent of Three Fifths of the Votes of the Proprietors of the same Company who may be present, either personally or by Proxy, at some Meeting of such Company to be specially convened for the Purpose, and for the said *Newcastle and Berwick* Railway Company, by and with the like Consent of Three Fifths of the Votes of their Proprietors present, personally or by Proxy, at some Meeting of such last-mentioned Company to be specially convened for the Purpose, to unite, amalgamate, and consolidate in One Company, viz., in the *York and Newcastle* Railway Company, the Undertakings of the said Two Companies respectively, and all and every or any Lands, Stations, Houses, and Buildings, Staithes, Shipping Places, Wharfs, and other Works and Conveniences, Easements, Rights, and Appurtenances, Engines, Machines, and Utensils whatsoever, now the Property of the said Companies respectively, and all Powers, Rights, Privileges, and Authorities of the said respective Companies in relation thereto, upon and subject to such Terms and Conditions as may be mutually agreed upon between the said Two Companies.

Authority to the York and Newcastle and the Newcastle and Berwick Railway Companies to unite.

Repeal of the Newcastle and Berwick Railway Acts, except certain Provisions and except Tolls.

II. And be it enacted, That from and immediately after the Execution of an Agreement by Deed for such Union or Amalgamation by the said Companies, and Publication of Notice thereof in the *London Gazette*, the said several herein-before recited Acts relating to the *Newcastle and Berwick* Railway shall be and the same are hereby repealed, and the Company thereby incorporated shall be and the same is hereby dissolved, save and except from such repealed Acts all Provisions in the said Acts or either of them contained relating to any other Company, Corporation, or Person therein specially named, and save and except all Provisions in the said Acts or either of them contained for fixing, regulating, or ascertaining the Amount of Tolls by virtue of the said Acts or either of them authorized to be taken, or for regulating and directing the Manner of making or of enforcing the Payment of such Tolls, all which several Provisions hereby excepted shall be and remain valid to all Intents and Purposes, and may be used and enforced by or against the *York and Newcastle* Railway Company in every respect as if that Company had been in every

every Case written instead of the said *Newcastle and Berwick* Railway Company in the said Acts relating to that Company.

III. Provided nevertheless, and be it enacted, That the repealing of the said Acts shall not annul or in any way prejudice or affect any Purchase, Sale, Conveyance, Grant, Contract, Forfeiture, Act, Matter, or Thing whatsoever heretofore made, done, committed, or instituted under or by virtue or in pursuance of the repealed Acts or any of them, but all such Purchases, Sales, Conveyances, Grants, Contracts, Forfeitures, Acts, Matters, and Things shall be and the same are hereby declared to be as good, valid, and effectual to all Intents and Purposes whatsoever as if the said Acts were not repealed.

Conveyances, &c. under repealed Acts to remain valid.

IV. And be it enacted, That all Works and Things which, under the Provisions of the repealed Acts or either of them, the *Newcastle and Berwick* Railway Company were bound, required, empowered, or made liable to make, construct, complete, or maintain, and all Repairs thereof respectively, and all Regulations and Restrictions which, under the Provisions of the repealed Acts or either of them, were imposed upon or required to be observed by the said Company for the Safety, Protection, Accommodation, Convenience, Enjoyment, and Benefit of Persons whose Estates, Properties, or Interests were or might be affected by the making and maintaining of the Railways, Branch Railways, and Works by the repealed Acts or either of them authorized to be made and maintained, or for securing the Enjoyment of such Estates, Properties, and Interests as aforesaid, and all such Payments, annual and in gross, as, under the Provisions of the repealed Acts or either of them, were required to be made by the said Company, or such and so many of the aforesaid Works, Things, Regulations, Restrictions, and Payments as the said Company would have been bound or liable to construct, complete, maintain, make, do, execute, observe, perform, or pay in case this Act had not been passed, shall be constructed, maintained, made, done, executed, observed, performed, kept, and paid by the *York and Newcastle* Railway Company as fully to all Intents and Purposes as the same were by the repealed Acts or either of them required to be made, done, and executed, maintained, observed, performed, kept, and paid by the *Newcastle and Berwick* Railway Company, and as if the several Provisions in the repealed Acts or either of them contained in reference thereto respectively had been specially repeated and re-enacted in and by this Act, and had been applicable to the *York and Newcastle* Railway Company.

Provisions in recited Acts in favour of particular Parties to remain in force.

V. And be it enacted, That from and immediately after such Execution of the said Agreement, and Publication of Notice thereof as aforesaid, the *Newcastle and Berwick* Railway, and all other Railways and Branches thereof respectively, and all Works attached thereto or made or provided for the Purposes thereof respectively, or by or for the Use of the said *Newcastle and Berwick* Railway Company, together with all Stations, Embankments, Drains, Soughs, Tunnels, Arches, Piers, Bridges, Sluices, Gates, Ways, Roads, Landing Places, Quays, Wharfs, Warehouses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, Rails, and Appurtenances to the same Railway, and all Branches and Extensions thereof belonging, and all

Railways and Works vested in Company.

Lands,

Lands, Tenements, Hereditaments, Easements, Rights, Powers, and Privileges whatsoever, and the Benefit of all Contracts, Proceedings, and Agreements in any way relating thereto, of or to which the *Newcastle and Berwick* Railway Company were seised, possessed, or entitled at Law or in Equity immediately before the passing of this Act, and all Interest and Property at Law or in Equity of the said Company in any other Railway, Branches, and Works, shall be well and effectually vested in and belong to the *York and Newcastle* Railway Company for their absolute Use and Benefit.

Chattels and
Choses in
Action
vested in
Company.

VI. And be it enacted, That from and immediately after the Execution of the said Agreement, and Publication of Notice thereof as aforesaid, all the Monies, Goods, Chattels, Steam Engines and other Engines, Carriages, Waggon, Trucks, Machines, Ropes, Live and Dead Stock, Shares, Bonds, Deeds, Securities, Books, Writings, Maps, Plans, and other Personal Estate and Effects of or to which the *Newcastle and Berwick* Railway Company were possessed or entitled at Law or in Equity immediately before the Execution of the said Agreement and Publication of Notice as aforesaid, shall be vested in and belong to the *York and Newcastle* Railway Company for their absolute Benefit; and all Persons who immediately before the Execution of the said Agreement and Publication of Notice as aforesaid owed any Sum of Money to the *Newcastle and Berwick* Railway Company, or any Person on their Behalf, shall pay the same to the *York and Newcastle* Railway Company, together with all Interest (if any) due or to accrue due for the same; and all Debts and Monies which immediately before the Execution of the said Agreement and Publication of Notice as aforesaid were due and owing by or recoverable from the *Newcastle and Berwick* Railway Company, or for the Payment of which they were or but for the passing of this Act would have been liable, shall be paid, with all Interest (if any) due and to accrue due thereon, by or be recoverable from the *York and Newcastle* Railway Company; and all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Execution of the said Agreement and Publication of Notice as aforesaid to, with, or in favour of, or by or for, the *Newcastle and Berwick* Railway Company, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of or against and with reference to the *York and Newcastle* Railway Company, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if the same Company had been a Party to and executed the same, or had been named or referred to therein instead of the Person, Company, or Party actually named therein respectively.

Provisions of
York and
Newcastle
Railway Acts
applied to
this Act.

VII. And be it enacted, That immediately after the Execution of such Agreement, and Publication of Notice thereof as aforesaid, all the Powers and Provisions of the Acts relating to the Railways belonging to the *York and Newcastle* Railway Company shall in Cases not otherwise expressly provided for by this Act, and so far as the same are not inconsistent with or provided for by "The Companies Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," extend and be applied to and used in respect of the Railways, Branches,
and

and Works, and all Land, Property, and Interests, and all Goods, Chattels, and Effects, by the said Agreement and by this Act vested in the *York and Newcastle* Railway Company, as completely as if the same had been vested in that Company by the said Acts relating to the *York and Newcastle* Railway Company.

VIII. And be it enacted, That every Agreement, Contract, or Bond before the Execution of the said Agreement and Publication of Notice as aforesaid made, executed, or entered into between, by, or in behalf of the *Newcastle and Berwick* Railway Company and any Person, by which Agreement, Contract, or Bond any Matter in Dispute between such Company and such Person as last aforesaid shall have been referred or agreed to be referred to the Arbitrament or Determination of any Arbitrator or Umpire, shall be and remain as good, valid, and effectual in favour of and against and with reference to the *York and Newcastle* Railway Company and such Person as last aforesaid, and may be proceeded on and enforced in favour of or against the *York and Newcastle* Railway Company or such Person as last aforesaid in the same Manner, to all Intents and Purposes, as if the Matter in dispute thereby referred was Matter in dispute between the *York and Newcastle* Railway Company and such Person as last aforesaid, and as if the *York and Newcastle* Railway Company had been named or referred to therein, and had been Party to and executed or entered into the same, instead of the dissolved Company by or on whose Behalf the same was made, executed, or entered into as aforesaid; and every Award which shall be made under or by virtue of such Agreement, Contract, or Bond shall be made in favour of or against the *York and Newcastle* Railway Company or such Person as last aforesaid, and shall be as binding and effectual to all Intents and Purposes, and may be proceeded upon and enforced in favour of or against any such Person as last aforesaid, in the same Manner in all respects as it would or might have been with reference to the Company by or with whom such Agreement, Contract, or Bond may have been entered into in case this Act had not been passed.

Future Awards of Arbitrators in Matters already referred to Arbitration to bind the Company.

IX. And be it enacted, That all Works which, under the Provisions of the repealed Acts or either of them, the *Newcastle and Berwick* Railway Company were authorized or required to execute or complete, and which have not been already executed or completed, may be executed or completed, as the Case may be, by the *York and Newcastle* Railway Company, and the *York and Newcastle* Railway Company shall have and be entitled to all such Powers for executing and completing such Works as the *Newcastle and Berwick* Railway Company were entitled to under the said Acts as fully as if the *York and Newcastle* Railway Company had been originally authorized or required to execute and complete the same Works instead of the Company actually authorized or required to execute and complete the same: Provided nevertheless, that where any particular Time is by the repealed Acts or either of them limited for the Execution or Completion of such Works, the same shall and may be so executed and completed within the Period so limited.

Certain Works commenced under repealed Acts to be completed.

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Branch to Alnwick to be opened within Twelve Months after opening of the Main Line.

X. Provided always, and be it enacted, That the *York and Newcastle* Railway Company shall and they are hereby required, within Twelve Months after the Main Line of Railway by "The *Newcastle and Berwick* Railway Act, 1845," authorized shall have been opened for public Use, to complete and open for public Use the Branch Line of Railway to *Alnwick*; and in case such Branch Line of Railway shall not be completed and opened for public Use within the Period aforesaid, the Right of the same Company to demand Toll for the Use of any Part of the Railway by "The *Newcastle and Berwick* Railway Act, 1845," authorized to be made, shall be suspended until the same Branch shall be completed and opened for public Use.

Contracts entered into under repealed Acts to be completed.

XI. And be it enacted, That in all Cases in which the *Newcastle and Berwick* Railway Company, under the Powers or Provisions of the repealed Acts or either of them, have entered into any Contract for the Purchase of or taken or used any Land which, at the Time of the Execution of the said Agreement and Publication of Notice as aforesaid, shall not be effectually conveyed to such Company, or the Purchase Money in respect of which shall not have been duly paid by such Company, then and in every such Case such Contract shall be completed, and such Land shall be conveyed to the *York and Newcastle* Railway Company, or as that Company shall direct, and such Purchase Money shall be paid and applied pursuant to the Act or Acts under which such Contract shall have been made, or such Land shall have been taken or used; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts in relation to the Completion of such Contract, and the Purchase and Conveyance of such Land, and the Payment and Application of the Purchase Money in respect thereof, shall for the Purposes of this Act remain in full Force, and shall be construed and taken as if the *York and Newcastle* Railway Company were named in such Act or Acts and Contract respectively instead of the Company which shall have entered into such Contract, or taken or used such Land.

Application of certain Money payable under repealed Acts.

XII. Provided also, and be it enacted, That in all Cases in which, under the repealed Acts or either of them, any Sum of Money has already been paid by the *Newcastle and Berwick* Railway Company, or shall hereafter be paid by them or the *York and Newcastle* Railway Company, into the Bank of *England*, or to any Trustee or Trustees, on account of the Purchase of any Land or any Interest therein, or for any Compensation or Satisfaction, or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same has been or shall be invested, either by Order of the Court of Exchequer or the Court of Chancery, or otherwise howsoever, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed of pursuant to the Act or Acts under which the same has been or shall be so paid into the Bank of *England*, or to such Trustee or Trustees as aforesaid; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts in relation to such Monies, Stocks, Funds, and Securities, and the Dividends and annual Produce thereof, shall for the Purposes of this Act remain in full Force, and shall be construed and taken as if the *York and Newcastle* Railway Company

Company were named in such Act or Acts instead of the *Newcastle and Berwick* Railway Company to which such Act or Acts relate.

XIII. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the *Newcastle and Berwick* Railway Company previously to the Execution of the said Agreement and Publication of Notice as aforesaid, shall abate or be discontinued or prejudicially affected by this Act, but on the contrary the same shall continue and take effect both in favour of and against the *York and Newcastle* Railway Company in the same Manner in all respects as the same would have continued and taken effect in relation to the *Newcastle and Berwick* Railway Company if this Act had not been passed; and all Penalties incurred, and all Offences which may have been committed, before the Execution of the said Agreement and Publication of Notice as aforesaid against the Provisions of the repealed Acts or either of them, may be sued for and prosecuted in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed, the *York and Newcastle* Railway Company being in reference to the Matters aforesaid in all respects substituted in the Place of the *Newcastle and Berwick* Railway Company.

Actions not to abate.

Penalties to be recoverable.

XIV. And be it enacted, That every Clerk, Agent, Collector, and other Officer appointed by virtue or acting under the Authority of the repealed Acts or either of them, and not acting contrary to the Provisions and Directions in the *York and Newcastle* Railway Acts contained, shall hold and enjoy his Office and Employment, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom; and every such Clerk, Agent, Collector, and other Officer shall have the like Power and Authority, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he had been appointed by virtue of the *York and Newcastle* Railway Acts.

Persons acting under repealed Acts to continue in Office till removed.

XV. And be it enacted, That all Books and other Documents whatsoever by the repealed Acts or either of them authorized or directed to be kept and thereby made Evidence shall still be admitted as Evidence in all Courts of Law and Equity or elsewhere.

Books, &c. to be Evidence.

XVI. And be it enacted, That the several Maps or Plans and Books of Reference which, in pursuance of the repealed Acts or either of them, have been deposited with the respective Clerks of the Peace of the several Counties to which the same relate, shall remain in the Custody of the said Clerks of the Peace respectively; and all the Provisions in the said Acts or any of them contained as to the Correction of Errors and Omissions therein, the Custody or Production and the making of Copies and Extracts of and from the same, and that such Copies or Extracts shall be Evidence, shall for the Purposes of this Act continue in full Force, and shall be construed and taken as if the Company hereby incorporated had been named in such Acts respectively instead of the Company named herein.

Maps, &c. deposited to remain with Clerks of Peace, and to be open to Inspection.

XVII. And

Power for
Company to
make Rail-
ways, &c.
authorized
by any Acts
of present
Session.

XVII. And be it enacted, That after the Execution of such Agreement and Publication of Notice as aforesaid it shall be lawful for the *York and Newcastle* Railway Company to make and maintain all or any Railways, Branches, and Works that have been or shall be authorized to be made and maintained by the said *Newcastle and Berwick* Railway Company in and by any Act or Acts passed or to be passed in this present Session; and the said *York and Newcastle* Railway Company shall have and enjoy all such Estate, Right, Title, and Interest in and to such Railways, Branches, and Works respectively, and such Powers in relation thereto, as the said *Newcastle and Berwick* Railway Company could or might but for the passing of this Act have had or enjoyed under or by virtue of any of the said Acts; and all such projected Railways as upon Completion thereof shall be declared in such Acts to form Part of the Undertaking of the *Newcastle and Berwick* Railway Company shall in like Manner form Part of the Undertaking of the *York and Newcastle* Railway Company; and after the Completion of the said Railways, Branches, and Works the Tolls, Rates, and Charges authorized by this Act shall be applicable and be extended to and collected and taken in respect of such Railways, Branches, and Works respectively; and the said *York and Newcastle* Railway Company shall have like Power by the Creation of new Shares or Stock of the said Company, or by Mortgage of the Undertaking of the said Company, to raise or borrow all such Sums of Money as the said *Newcastle and Berwick* Railway Company is or but for the Dissolution of such Company would by such Acts be authorized to raise or borrow by the Creation of new Shares, or by Mortgage of the said Undertaking; and all Provisions, Powers, Privileges, Restrictions, Matters, and Things which, by any Act or Acts passed or to be passed in this present Session, have been or shall be made applicable or expressed or intended to be made applicable to the said *Newcastle and Berwick* Railway Company, shall take effect and be applicable and construed as if every such Provision, Power, Privilege, Restriction, Matter, and Thing had been made applicable to the said *York and Newcastle* Railway Company instead of the said *Newcastle and Berwick* Railway Company.

Shares to be
subject to
Calls and
Interest.

XVIII. And be it enacted, That immediately after the Execution of the said Agreement, and Publication of Notice thereof as aforesaid, the Capital of the *York and Newcastle* Railway Company shall be the aggregate Amount of the respective Capitals of the same Company and of the said *Newcastle and Berwick* Railway Company at the Period of the Execution of such Agreement and Publication of Notice as aforesaid, and shall be divided into Shares of such Number and such Amount, and shall be distributed amongst the several Corporations and Persons who at the Time of such Amalgamation taking place were Proprietors of Shares in the said Companies respectively in such Proportions and Shares, and with such Priority of Dividends, or other Privileges, Limitations, or Restrictions, as shall have been agreed upon between the said Two Companies in and by such Agreement: Provided always, that in the Distribution of the Capital of the said *York and Newcastle* Railway Company no Proprietor of any Share or Shares in the original Capital of either of the said Two Companies shall have allotted to him, or shall receive in respect of

the Share or Shares so held by him, a larger Amount *per* Share than the other Proprietors of the same Description or Class of Shares in such original Capital shall receive in respect of the Share or Shares held by such Proprietors respectively, but all the Proprietors of each Description or Class of Shares in the original Capitals of the said Two Companies shall divide equally amongst themselves in proportion to the Number of their Shares of the same Description or Class the whole Amount of the new Capital to be allotted amongst the Proprietors of Shares of that Description or Class, and all such new Shares shall by force and virtue of this Act be vested in such Proprietors accordingly.

XIX. And be it enacted, That if any Person who immediately before the Execution of the said Agreement, and Publication of Notice thereof as aforesaid, was a Proprietor of any *Newcastle and Berwick* Share on which any Sums remained unpaid, such Person shall be liable to the same Calls, payable at the same Periods, and in the Amounts, in respect of his *York and Newcastle* Railway Shares, as he would have been liable to if this Act had not passed in respect of the *Newcastle and Berwick* Railway Shares in lieu of which he received such *York and Newcastle* Railway Shares respectively; and the Directors of the *York and Newcastle* Railway Company shall have all the like Powers of making such Calls, and enforcing Payment thereof, and forfeiting and selling such Shares as were possessed by the Directors of the *Newcastle and Berwick* Railway Company under the said repealed Acts or either of them.

Shares given in lieu of Shares in the Newcastle and Berwick Railway to be subject to like Calls.

XX. And be it enacted, That the said *York and Newcastle* Railway Company shall, as soon as conveniently may be after the Execution of the said Agreement and Publication of Notice as aforesaid, enter in the Register of Shareholders directed to be kept by "The Companies Clauses Consolidation Act, 1845," the several Amounts and Numbers of Shares respectively to which the several Shareholders of the said Two Companies shall have become entitled under this Act of and in the Capital of the said *York and Newcastle* Railway Company; and on the Demand of any such Shareholder who under this Act shall become entitled to any Share in the same Company, and who shall deliver up the Certificate of the Share held by him in either of the said Companies for the Purpose of being cancelled, or who shall prove to the Satisfaction of the Directors that his Certificate has been worn out, lost, or destroyed, the Directors shall cause a Certificate of the Proprietorships of the Stock or Share in the Capital of the said *York and Newcastle* Railway Company to be delivered to such Shareholder at the Expence of the Company.

New Register and Certificates.

XXI. And be it enacted, That all Tolls made or imposed under or by virtue of the said recited Acts or any of them, and which immediately before the Execution of the said Agreement and Publication of Notice as aforesaid were payable, or, if the same had not been made and published, would have become payable, to the said Two Companies or either of them, shall be payable to the said *York and Newcastle* Railway Company until the same shall be varied or altered under the Authority of this Act, and shall and may be collected and

Tolls to be recoverable.

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recovered

recovered by the same Company by such Means and under such Restrictions and Regulations as the same might have been collected and recovered by the said Two Companies or either of them if the said Amalgamation had not taken place.

When General Meetings of the Company may be held.

XXII. And be it enacted, That, notwithstanding any thing in the Companies Clauses Consolidation Act, 1845, contained, the General Meetings of the *York and Newcastle* Railway Company shall and may, after the Execution of the said Agreement and Publication of Notice as aforesaid, be held at any Time between the Fifteenth Day of *January* and the last Day of *February*, and the Fifteenth Day of *July* and the last Day of *August*, in each Year.

Expences of Act.

XXIII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said *York and Newcastle* Railway Company out of the first Monies that shall come to their Hands, and in preference to any other Payments whatsoever.

8 & 9 Vict. cc. 16. 18. & 20. extended to this Act.

XXIV. And be it enacted, That "The Companies Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall, so far as the same are not modified by this Act or inconsistent with the Provisions thereof, be held to apply to the Purposes of this Act, and shall be read and construed as forming Part thereof.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXV. 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*; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the said Tenth Year of the Reign of Her Majesty, intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the *York and Newcastle* Railway Company from the Provisions of the said several Acts respectively.

Railway to be subject to Provisions of any future general Acts.

XXVI. And be it further 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 relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration,

Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

XXVII. And be it enacted, That from and after the Execution of such Agreement and the Publication of Notice as aforesaid the *York and Newcastle Railway Company* shall be called "The *York, Newcastle, and Berwick Railway Company*," and by that Name or Style shall have, exercise, and be liable to all the Rights, Powers, Privileges, and Duties which the said *York and Newcastle Railway Company* and the said *Newcastle and Berwick Railway Company*, or either of them, by this Act or the several Acts herein recited, or by any Act passed or to be passed in the present Session, are empowered to have or exercise, or are made liable to; and the several Railways belonging to or authorized to be made by the *York and Newcastle Railway Company* and the *Newcastle and Berwick Railway Company*, or either of them, shall, from and after the Execution of the said Agreement and Publication of Notice as aforesaid, be called "The *York, Newcastle, and Berwick Railway*."

XXVIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

XXIX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or execute any other Work or Undertaking.

XXX. Provided always, and be it enacted, That it shall not be lawful for the said Companies respectively, by virtue of the Provisions herein-before contained, to enter into and conclude the Amalgamation of the said Companies hereby authorized as aforesaid, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Completion of such Amalgamation, that One Half of the whole Amount of the Capital (exclusive of Loans) by the Act or Acts relating to each of the said Companies authorized to be raised has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively.

XXXI. And

Short Title
of Act.

XXXI. And be it enacted, That in citing this Act in any other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to it and describe it by the Title of "*The York, Newcastle, and Berwick Railways Act, 1847.*"

Interpreta-
tion of Act.

XXXII. And be it enacted, That the Words and Expressions made use of in this Act, and the "*Railway Clauses Consolidation Act, 1845,*" and "*The Lands Clauses Consolidation Act, 1845,*" and "*The Companies Clauses Consolidation Act, 1845,*" shall have the Meaning assigned to them by the Three last-mentioned Acts :

The Word "*Person*" shall extend to Corporations, whether aggregate or sole :

The Expression "*York and Newcastle Shareholder*" shall mean any Person or Corporation who, immediately before the Execution of the said Agreement and Publication of Notice aforesaid was a Proprietor of a Share or Shares in the Capital of the *York and Newcastle Railway Company* :

The Expression "*Newcastle and Berwick Shareholder*" shall mean any Person or Corporation who, immediately before the Execution of the said Agreement and Publication of Notice aforesaid, was a Proprietor of a Share or Shares in the Capital of the *Newcastle and Berwick Railway Company* :

The Expression "*York and Newcastle Share*" shall mean a Share in the Capital of the *York and Newcastle Railway* under all, any, or either of the Acts herein-before referred to :

The Expression "*Newcastle and Berwick Share*" shall mean a Share in the Capital of the *Newcastle and Berwick Railway Company* under either of the Acts before referred to :

The Expression "*York and Newcastle Railway Acts*" shall mean the Acts herein recited relating to the *York and Newcastle Railway Company*, so far as not otherwise provided for by or inconsistent with this Act :

The Expression "*repealed Acts*" shall mean the Acts of Parliament repealed by this Act :

The Word "*Tolls*" shall include all Rates, Duties, and Charges which the *York and Newcastle Railway Company* and the *Newcastle and Berwick Railway Company*, or either of them, were entitled to make or receive immediately before the passing of this Act.

Public Act.

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