



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cxxii.

An Act for maintaining and improving the *Blyth and Tyne* Railway in the County of *Northumberland*, and for incorporating the Subscribers thereto. [30th June 1852.]

WHEREAS several Persons have united themselves into a Company or Partnership, and have joined in making a Railway, with Branches, commencing at the Town of *Blyth* in the County of *Northumberland*, communicating in its Course with the *Newcastle and North Shields* Branch of the *York, Newcastle, and Berwick* Railway, and terminating at the River *Tyne* at or near a Place called *Hay Hole* in the Township of *Chirton* in the County of *Northumberland* and Parish of *Saint Nicholas* in the County of the Town of *Newcastle-upon-Tyne*: And whereas such Railway and Branches have been made by Agreement with certain Proprietors of Land, and the same have been completed and opened for Traffic: And whereas the Queen's most Excellent Majesty in right of Her Crown, the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*, and his Grace the Most Noble *Algernon* Duke of *Northumberland*, respectively claim so much of the Land upon which the said Railway was constructed as may have been within the Flux and Reflux of the Tides: And whereas such Railway and Branches

[*Local.*]

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have

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have been extensively used for the Carriage of Passengers, Minerals, and Goods, and the same are of public Utility: And whereas the Sum of One hundred and thirty thousand Pounds has been expended upon the Construction of the said Railway and Branches: And whereas the said several Persons are desirous of being incorporated for the Purpose of maintaining the said Railway and Branches, and it is expedient that Powers should be given to purchase Lands by Agreement from the Proprietors, or to take Leases for long Terms of Years, and that proper Regulations should be made for the Management and working of the said Undertaking: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commence-
ment of Act.

I. That this Act shall commence and take effect upon the Second Day of *August* next after the passing thereof.

8 & 9 Vict.
c. 16. incor-
porated with
this Act.

II. That, subject to the Provisions of this Act, the Companies Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act.

Short Title.

III. That in citing this Act in other Acts of Parliament, and in legal Documents of every Description, it shall be sufficient to use the Expression "*The Blyth and Tyne Railway Act, 1852.*"

Incorpora-
tion of Sub-
scribers.

IV. That upon the Commencement of this Act *John Carr, George Carr, William Carr, Charles Carr, and Ralph Park Philipson*, 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 maintaining the Railway and Branch Railways herein-after mentioned, with proper Works and Conveniences connected therewith, according to the Provisions and for the Purposes contained in this Act and the Acts incorporated herewith, and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The Blyth and Tyne Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands and take Leases of Lands, for the Purpose of the Undertaking, subject to the Restrictions herein and in the Acts incorporated herewith contained.

Company to
remain liable
to Debts and
Contracts

V. That the several Persons by whom the said Railway and Branch Railways have been made shall, notwithstanding anything in this Act or the Companies Clauses Consolidation Act, 1845, contained, severally

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rally and respectively continue and remain liable to and for all just Demands against and for the due Performance of all Covenants and Agreements entered into by the said several Persons before the Commencement of this Act, in such Manner and to such Extent in all respects as they would have been liable if this Act had not been passed.

prior to this Act.

VI. That the Incorporation of the Company shall not in anywise prejudice or affect any Purchase, Sale, Lease, Conveyance, Grant, Agreement, Contract, Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, entered into, or executed by the Partnership or Persons who have constructed the said Railway, nor shall any Estate, Term of Years, Right, Title, or Interest vested in or acquired by the said Partnership or Persons previously to the Commencement of this Act be prejudicially affected by the Incorporation of the Company, but all such Purchases, Sales, Leases, Conveyances, Grants, Contracts, Agreements, Securities, Terms of Years, Rights, Titles, Interests, Acts, Matters, and Things respectively shall be and remain as good, valid, and effectual, and may be enjoyed by the Company incorporated by this Act, or enforced against such Company, by any Person entitled thereto, as the same might have been enjoyed by or enforced against the Partnership or Persons who have constructed the Railway if this Act had not been passed.

Agreements to remain in force.

VII. That nothing herein contained shall extend or be construed to extend to diminish or prejudice the Rights of the several Proprietors through and over whose Lands the said Railway and Branch Railways herein-after mentioned respectively pass, nor any existing Leases or Agreements relating to such Passage or to the Use of the said Railway and Branch Railways respectively, nor the Right and Power of the said Proprietors (subject to existing Leases or Agreements) from Time to Time and at any Time or Times hereafter to grant or withhold any such Passage or Use.

Saving Rights of Landowners.

VIII. And whereas the Expense of the Railway has been One hundred and thirty thousand Pounds, and the Undertaking is completed: Be it enacted, That the Capital of the Company shall be One hundred and fifty thousand Pounds.

Capital.

IX. That the Number of Shares into which the Capital shall be divided shall be Six thousand, and the Amount of each Share shall be Twenty-five Pounds.

Number and Amount of Shares.

X. And whereas the several Persons who have formed the said Railway have paid up in the whole the said Sum of One hundred and thirty thousand Pounds: Be it enacted, That Five thousand and two hundred

Shares to be divided amongst Proprietors.

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hundred of such Shares shall be distributed amongst the said several Proprietors according to their Interests in the said Railway at the Time of the passing of this Act, and the Remainder of the said Shares may be sold and disposed of by the Company in such Manner as they may think proper.

Power to borrow on Mortgage.

XI. That it shall be lawful for the Company, after the whole of the said Share Capital of One hundred and fifty thousand Pounds shall have been subscribed for, to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Twenty-five thousand Pounds.

Existing Mortgages to have Priority.

XII. That all Mortgages or Bonds, if any, granted by the Persons who have constructed the Railway, and secured upon the Railway or the Rates and Tolls thereof, previous to the Commencement of this Act, and in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgage or Bond by this Act authorized to be granted.

Application of Monies raised.

XIII. That the Monies hereby authorized to be raised by Shares or by Mortgage or Bond shall be applied only in the Purchase of additional Engines and Carriages, in the Improvement of the Line of Railway and the Stations and Works connected therewith, and in otherwise carrying the Purposes of this Act into execution.

First and other Meetings.

XIV. That the First Ordinary Meeting of the Company shall be held within Six Months after the Commencement of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly on the First Day of *February* and the First Day of *August*, or within One Month before or after those Days respectively.

Directors.

XV. That the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Forty Shares in the Undertaking.

Power to reduce the Number of Directors.

XVI. That it shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Three.

First Directors.

XVII. That *John Carr, George Carr, William Carr, Charles Carr, and Ralph Park Philipson* shall be the First Directors of the Company.

Directors appointed to continue in

XVIII. That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the Commencement

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mencement of this 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.

Office till
First Ordinary Meeting.

XIX. 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 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 nor 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.

XX. That the Quorum of a Meeting of Directors shall be Three so long as the Number of Directors exceeds Three, and after the Reduction of the Directors to Three the Quorum of a Meeting of Directors shall be Two.

Quorum of
Directors.

XXI. That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be a Newspaper published in the Town of *Newcastle-upon-Tyne*.

Newspaper
for Adver-
tisements.

XXII. And whereas Plans and Sections of the Railway and Branches herein-after described showing the Lines and Levels thereof respectively as at present constructed, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands through which the same respectively have been made, have been deposited with the respective Clerks of the Peace for the County of *Northumberland* and for the County of the Town of *Newcastle-upon-Tyne*: Be it enacted, That, subject to the Provisions in this and the Acts incorporated herewith contained, it shall be lawful for the said Company to maintain the said Railway and Branches following in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels shown on the said Sections; (that is to say,)

Power to
maintain
Railway and
Branches
according to
deposited
Plans.

A Railway commencing at or near the Quay adjoining the River *Blyth* in the Township of *Newsham* and *South Blyth* in the Parish of *Earsdon*, passing thence from, in, through, and into the several Parishes, Townships, and Extra-parochial Places of *Earsdon*, *Woodhorn*, *Horton*, *Tynemouth*, *Newsham*, and *South Blyth*, *Cowpen*, *Seaton Delaval*, *Sighill*, *Backworth*, *Earsdon*
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Township, *Monkseaton, Whitley, Preston, and Chirton*, or some of them, all in the County of *Northumberland* and the Parish and Township of *Saint Nicholas* in the Town and County of the Town of *Newcastle-upon-Tyne*, and terminating at or near the River *Tyne* at a Place called *Hay Hole* at or near to a certain Coal Staith there in the Occupation of the Owners or Lessees of *Sighill Colliery* in the said Township and Parish of *Saint Nicholas*, with a Branch Line diverging near to the Termination of such Railway to a certain other Staith in the Occupation of the Owners of *Sighill Colliery* aforesaid, and adjoining the Staith before mentioned, and which diverging Line will be situate wholly in the said Townships of *Chirton* and *Saint Nicholas* and Parishes of *Tynemouth* and *Saint Nicholas* :

A Branch Railway commencing from and out of the Main Line of Railway at or near to a Place called the *Percy Main Stables*, and terminating at or near the River *Tyne* at a Place called the *Hay Hole* aforesaid, at a certain other Staith in the Occupation of the Owners or Lessees of *Sighill Colliery* aforesaid, on the East of a Staith in the Occupation of the Owners or Lessees of *Cramlington Colliery*, and which said Branch Railway will be situate wholly in the said Townships of *Chirton* and *Saint Nicholas* and Parishes of *Tynemouth* and *Saint Nicholas*, with a Branch Railway diverging out of the last before-mentioned Branch Railway near to the Termination thereof to a certain other Staith in the Occupation of the Owners or Lessees of *Sighill Colliery*, and which diverging Line will be situate wholly in the said Townships of *Chirton* and *Saint Nicholas* and Parishes of *Tynemouth* and *Saint Nicholas* :

A Branch Railway commencing from and out of the Main Line of Railway at or near the Turnpike Road at *Percy Main High Row*, and terminating by a Junction with the Branch Line of the *York, Newcastle, and Berwick Railway* between *Newcastle* and *North Shields* at or near the *Percy Main Station* of such last-mentioned Railway, and which said Branch Railway will be situate wholly in the Township of *Chirton* and Parish of *Tynemouth*.

Lands and Works of existing Company vested in incorporated Company.

XXIII. That all Lands, Buildings, and Premises, Easements, Wayleaves or Rights of Way, Engines, Carriages, Machinery, and all other Rights, Powers, and Interests, Personal Estate and Effects, of which the Partnership or Persons who have constructed the Railway, or any Person in trust for them, were seised, possessed of, or entitled to, at Law or in Equity, at the Time of the Commencement of this Act, in relation to the Railway and Branch Railways herein-before described, and all Interest and Property at Law or in Equity therein, shall be well and effectually vested in and belong to the Company hereby

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hereby incorporated, and may be used, employed, and enjoyed by such Company for the Purposes of this Act: Provided always, that nothing herein contained shall prejudice or affect any Leases or Agreements subsisting at the Time of the passing of this Act between any Proprietors of Lands and the Partnership or Persons who have constructed the Railway.

XXIV. That, subject to the Provisions of this Act, the Lands 8 & 9 Vict. c. 18. incorporated with this Act. Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act: Provided always, that nothing in this Act or in the Acts incorporated herewith contained shall authorize or empower the Company to enter into or upon, or to take or use, the Lands of any Party whomsoever, without the Licence or Authority in Writing of the Owner and Occupier of such Lands or other Person or Persons by this Act entitled to give or grant such Licence or Authority first had and obtained, nor to retain Possession of any Lands which may have been already entered upon, taken, or used for the said Railway or Branch Railways, for any longer Period, or under any different Title, or for any other Purposes, or upon any other Terms and Conditions, than the Persons who have entered upon, taken, or used such Lands for the Purpose of constructing the said Railway and Branch Railways might have done if this Act had not been passed, except under the Authority of new and express Agreements with the Owners and Occupiers of such Lands.

XXV. That it shall be lawful for the Company to treat, contract, Power to lease Lands. and agree with any Party empowered by the Lands Clauses Consolidation Act, 1845, or otherwise entitled to sell and convey Lands, who shall be willing so to treat, contract, and agree, for granting, demising, or leasing to the Company, for any Term or Number of Years, or in perpetuity, any Lands described upon the Plans and in the Books of Reference deposited as herein-before referred to, or any Waggonway or other Right of Way and Passage, or other Rights, Liberties, Privileges, or Easements whatsoever which it shall seem expedient to the Company to acquire for the Purpose of maintaining or improving the said Railway, in, upon, through, over, and along any such Lands; and it shall be lawful for all Corporations and Persons empowered by the said Lands Clauses Consolidation Act to sell and convey Lands, if they think fit so to do, to grant, demise, and lease to the said Company, for any Term or Number of Years or in perpetuity, to take effect in possession and not in reversion, as well any Lands described on the said Plans, as also full and free Liberty, Licence, Power, and Authority in, upon, through, and over any such Lands, to erect, make, lay and place Railways, Waggonways, Byeways, Sideways, Branches, Bridges, Embankments, or Cuts, with all necessary Engines, Inclined Planes, and other Machinery for the
Conveyance

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Conveyance of Passengers, Coals, Goods, Wares, Merchandise, and other Commodities, and any other Liberties, Privileges, or Easements whatsoever, for such Consideration or annual Rent, and for such contingent Sum or Sums in the way of Rent, Royalty, or otherwise, or for any or either of the aforesaid Royalties or Sums, as they shall think proper, without taking any Fine or Foregift for the same, so as the said Company do execute Counterparts of all such Demises, Leases, or Grants, and enter into such Covenants and Agreements for the due and punctual rendering and paying the Rent or Sum of Money and Reservations to be thereby respectively reserved, and for regulating the Use and Enjoyment of the Liberties and Privileges thereby to be granted and demised, as the Party making such Demises, Leases, and Grants shall deem expedient.

Certain Provisions of 8 & 9 Vict. c. 20. incorporated with this Act.

XXVI. That, subject to the Provisions of this Act, the Railway Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the Clauses which relate to the temporary Occupation of Lands near the Railway during the Construction thereof.

Certain Roads to be crossed on the Level.

XXVII. That, subject to the Provisions of the said "Railway Clauses Consolidation Act, 1845," it shall be lawful for the said Company to maintain the said Railway across and on the Level of the several Roads numbered on the Plans deposited as aforesaid as follows; (that is to say,)

Parish of *Woodham*, Chapelry of *Horton*, Number 16 :

Parish of *Earsdon*, Numbers 38, 116, 151 :

Parish of *Tynemouth*, Numbers 14, 25, 48, 60.

Company to carry Railway over Road by a Bridge.

XXVIII. That the Company shall, within Twelve Months from the Commencement of this Act, carry the Railway over the Road numbered on the Plans deposited as aforesaid 7 in the Chapelry of *Horton* in the Parish of *Woodhorn*, by a good and sufficient Bridge, built to the Satisfaction of the Surveyors for the Time being of the Highways of the Township of *Cowpen* in the said Chapelry, with a Platform of such Span as to leave the Road thereunder of the clear Width of not less than Seventeen Feet Three Inches, and the clear Height from the Surface of such Road to the lower Surface of such Platform for the Width of Fourteen Feet shall be not less than Twelve Feet; and the Company shall not, for the Purpose of giving such Height as aforesaid, lower the said Road below the Level thereof as shown on the deposited Plans and Sections, without the Consent in Writing of the said Surveyors; and further, that the Company shall, within Twelve Months from the making to them of a Request in Writing by the Surveyors for the Time being of the said Township, raise the said Platform to the Satisfaction of the said Surveyors, so that an additional clear Height between the lower Surface of the Platform and the Surface

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Surface of the Road may be given as stated in such Request, but the Company shall not be required to give a greater Height than Fourteen Feet, and the Company shall not lower the said Road below the Level before mentioned without the Consent in Writing of the Surveyors; and in case the Company shall not, within such respective Periods, carry the Railway over the said Road in manner before mentioned, the Company shall forfeit and pay to the said Surveyors the Sum of Five Pounds for every Day during which such respective Provisions shall not be complied with beyond the respective Periods aforesaid: Provided also, that the Company shall in all respects (except as before provided) be subject, in the Case of the said Road, to the Provisions of the Railways Clauses Consolidation Act, 1845, with respect to the crossing of Roads or other Interference therewith.

XXIX. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway crosses the before-mentioned Roads on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the said Company shall fail to erect, or at all Times maintain, any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to erect a Station or Lodge at Points of crossing, and abide by Rules, &c. of Board of Trade.

XXX. Provided always, That it shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time to require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing, and such Works shall be executed by the Company within such Time as shall be directed by the said Board of Trade.

Board of Trade may require Bridges instead of level Crossings.

XXXI. That the Company, upon the Request in Writing of the Local Board of Health of the Borough of *Tynemouth*, under the Hand of their Clerk, shall, within Five Years from the Commencement of this

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As to Construction of Bridges over certain Road under Juris-
Act,

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diction of
Local Board
of Health.

Act, or within Twelve Months from the making of such Request, in case the same shall not be made earlier than Twelve Months before the Expiration of the said Five Years, carry the Roads herein-before referred to as numbered on the Plans deposited as aforesaid as follows, that is to say, Parish of *Tynemouth* 14 and 48, and which Roads are now respectively under the Jurisdiction of the said Local Board of Health, by good and sufficient Bridges, over the Level of the Railway, with suitable and convenient Approaches, such Bridges, and the Approaches and Works connected therewith, to be executed at the Expense of the Company, and to the Satisfaction of the said Local Board, and such Bridges shall be built in conformity with the following Regulations; (that is to say,)

In the Case of the Road numbered 14 on the said Plans in the Parish of *Tynemouth*, the Road over the Bridge shall have a clear Space between the Fences thereof of such Width as the said Local Board shall require, not exceeding Twenty-five Feet, and the Ascent shall not be more than One Foot in Twenty Feet:

In the Case of the Road numbered 48 as aforesaid in the said Parish of *Tynemouth*, the Road over the Bridge shall have a clear Space between the Fences thereof of Thirty Feet, and the Ascent on the East Side of the Railway shall not be more than One Foot in Twenty Feet, and on the West Side of the Railway shall not be more than One Foot in Thirty Feet:

And in case the Company, upon being so requested as aforesaid, shall not, within the said Period of Five Years from the passing of this Act, or within the Period of Twelve Months from the making of such Request as aforesaid, fully comply with the Provisions herein-before contained with respect to the said Two lastly-mentioned Roads, the Company shall forfeit and pay to the said Local Board Five Pounds for every Day during which such Provisions shall not be complied with beyond the Period so herein-before appointed for that Purpose: Provided also, that the Company shall in other respects, in the Case of the said Two lastly-mentioned Roads, be subject to the Provisions of the Railways Clauses Consolidation Act, 1845, with respect to the crossing of Roads, or other Interference therewith.

Admiralty
may order
local Survey,
at Expense
of Company.

XXXII. That if after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the
Costs

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Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

XXXIII. That if any Work to be constructed by the Company in, affecting, or across any tidal Water or navigable River, or if any Portion of the Work which affects any such Water or River, or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition; at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

If Works across tidal Waters are abandoned, Admiralty may remove them, at the Expense of the Company.

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

Power to Company to demand Tolls;

In respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, and included within the following Classes :

for Tonnage for Articles;

Class 1. For all Coals, Coke, Culm, Charcoal, and Cinders, *per Ton per Mile* not exceeding Three Farthings; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Farthing; and such Sum shall be in addition to the Sums which may from Time to Time be payable to the respective Owners of the Land through which the Railway has been or may be made :

Class 2. For all Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, 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 Merchandise, *per Ton per Mile* not exceeding One Penny Farthing; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Three Eighths of One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding Three Eighths of One Penny :

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding

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ing One Halfpenny ; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Halfpenny :

Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding One Penny Three Farthings ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings ; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Halfpenny :

Class 5. And for every Carriage, not being a Carriage adapted or used for travelling or passing upon a Railway, but carried or conveyed on a Truck or Platform, *per Mile* not exceeding Threepence ; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* not exceeding One Penny Halfpenny ; and if propelled by an Engine belonging to the Company, a further Sum *per Mile* not exceeding One Penny Halfpenny.

for Animals,
&c. ;

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

Class 6. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny ; and if such Carriage be propelled by an Engine belonging to the said Company, an additional Sum *per Mile* not exceeding One Penny :

Class 7. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, the Sum of One Penny Halfpenny *per Mile* ; and if conveyed in any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny ; and if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per Mile* not exceeding One Penny :

Class 8. For every Calf or Pig, Sheep, Lamb, or other small Animal 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 *per Mile* not exceeding One Halfpenny ; and if propelled by an Engine belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny.

and for
Passengers.

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

For every Person conveyed in or upon any such Carriage, *per Mile* not exceeding One Penny Halfpenny ; and if conveyed in or upon any

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any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

XXXV. That every Person travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof. Passengers
Luggage.

XXXVI. That the maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums: Maximum
Rates of
Charges for
Passengers.

For every Passenger conveyed in a First-class Carriage, the Sum of Twopence *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.

XXXVII. That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance (except the loading and unloading of Goods, when such Service is performed by the Company), shall not exceed the Amounts mentioned in the following Table; (that is to say,) Maximum
Charges for
Goods and
Animals.

For the Matters herein-before mentioned under Class 1, not exceeding One Penny Farthing *per* Ton *per* Mile:

For the Matters mentioned under Class 2, not exceeding Twopence *per* Ton *per* Mile:

For the Matters mentioned under Class 3, not exceeding Twopence Halfpenny *per* Ton *per* Mile:

For the Matters mentioned under Class 4, not exceeding Threepence *per* Ton *per* Mile:

For any Carriage mentioned under Class 5, not exceeding Sixpence *per* Mile:

For everything mentioned under Class 6, not exceeding Fourpence *per* Mile:

For everything mentioned under Class 7, not exceeding Threepence Halfpenny *per* Mile:

For everything mentioned under Class 8, not exceeding Twopence *per* Mile:

[*Local.*]

20 Y

Provided

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Provided always, that, except with respect to Class One, the maximum Charges herein-before prescribed shall be deemed to include the Rents payable to the Owners of the Land through which the Railway has been or may be made ; but with respect to Matters herein-before mentioned under Class One the Company may, in addition to such maximum Charges, demand and recover the Sums so payable for such Rents.

Regulations
as to the
Tolls.

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

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand Tolls and Charges as for Four Miles :

For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles the Company may demand Tolls and Charges as for One Mile :

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so on in proportion for any smaller Quantity :

Where a Waggon for the Carriage of Cattle or Sheep shall be engaged by One Party, the Charge for any such Waggon capable of containing Six Oxen or Twenty-five Sheep shall not exceed Sixpence *per* Mile.

Tolls for
small Parcels
and Articles
of great
Weight.

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

For the Carriage of small Parcels not exceeding Fourteen Pounds in Weight, Sixpence :

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, One Shilling :

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Two Shillings :

For Parcels exceeding Fifty-six Pounds and not exceeding One Hundredweight, Three Shillings ; and for every additional Hundredweight

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dredweight beyond One Hundredweight up to Five Hundredweight, Ninepence:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per* Ton *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Mile not exceeding Sixpence; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Twopence:

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

XL. 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 be run upon the Railway, but shall apply to every other Train appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Restriction as to Charge, not to apply to Special Trains.

XLI. That nothing herein contained shall be held to prevent the said Company from taking any increased Charges, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description (other than small Parcels), by Agreement with the Owners of or Persons in charge of such Goods, either in respect to the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Company may take increased Charges by Agreement.

XLII. That the Railway shall be subject to Inspection, under the Provisions of the Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Fifty-five, and the Notices required by such Act shall forthwith, upon the Commencement of this Act, be given to the Board of Trade, in the same Manner as if such Railway were about to be opened for the public Conveyance of Passengers; and the Board of Trade shall have the like Power, on the Report of their inspecting Officer, of ordering the Use of the Railway to be discontinued until the same can be used without Danger to

Railway to be subject to Inspection of Board of Trade.

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to the Public, as by the said Act is provided with regard to the Postponement of the opening of Railways; and from and after such Inspection and Report made that the Railway is fit for the Conveyance of Passengers, the Railway shall be deemed to have been constructed under the Powers of an Act of Parliament, and shall be liable to such Regulations, and the Company shall be entitled to all such Benefits and Advantages, as if the said Railway had been constructed under the Powers of this Act: Provided always, that after such Notices shall be given, and except where the Railway shall be used contrary to any such Order of the Board of Trade as aforesaid, the Company shall not be subject to any Penalty by reason of their continuing to work and use the said Railway and to carry Passengers thereon in the same Manner as if this Act had not been passed; provided also, that until the Commencement of this Act nothing herein contained shall prevent the Persons who have constructed the Railway working and using the Railway as heretofore.

Interest not to be paid on Calls paid up.

XLIII. That it shall not be lawful for the 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 or Dividend 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 of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

XLIV. That it shall not be lawful for the Company, out of Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purpose 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.

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

XLV. 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 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*

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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 Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provision of the said several Acts respectively.

7 & 8 Vict.
c. 85.,
9 & 10 Vict.
c. 57., and
14 & 15 Vict.
c. 64.

XLVI. That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made, or the said Company, from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, or to the Conveyance of small Parcels by Railways, now in force or 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, or of the Tolls for small Parcels.

Railways not
exempt from
Provisions of
future General
Acts.

XLVII. That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction:

Interpreta-
tion of
Terms.

The Word "Railway" shall include the Railway, Branch Railways, and Works hereby authorized to be maintained; and the Word "Company" shall mean the Company hereby incorporated.

XLVIII. That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or incident thereto, shall be paid by the Company.

Expenses
of Act.

XLIX. That all Wayleaves and Rights of Way and other Rights and Privileges of or belonging to the *Seaton Delaval* Coal Company shall and may be exercised and enjoyed by such Company in the same Manner and to the same Extent as if this Act had not been passed.

Saving
Rights of
*Seaton De-
laval Coal
Company.*

L. That nothing whatsoever contained in this Act, or in any of the Acts herein referred to, shall extend to authorize the said Company

Saving
Rights of
the Crown.

[Local.]

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to

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to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues having the Management and Direction of the same Premises, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or but for the Provisions of the same Act or Acts might have been, vested in or enjoyed by Her Majesty, Her Heirs or Successors.

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