



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccxliv.

An Act to enable the *Blyth and Tyne* Railway Company to raise further Sums of Money; to extend the Time limited in respect of certain of their authorized Branches; and for other Purposes. [25th July 1864.]

WHEREAS the *Blyth and Tyne* Railway Company (in this Act called the Company), incorporated by "The *Blyth and Tyne* Railway (Consolidation and Extensions) Act, 1854," (in this Act called the Act of 1854,) were authorized to make and maintain various Lines of Railway, and the Share Capital of the Company was fixed at Three hundred and sixty thousand Pounds, and they were authorized to borrow Sixty thousand Pounds: And whereas by "The *Blyth and Tyne* Railway Amendment Act, 1857," (in this Act called the Act of 1857,) the Company were authorized to make an Extension, called in such Act and in this Act the *Warkworth* Extension, and also a Branch, called in such Act and in this Act the *Blyth Harbour* Branch, to communicate with the Works of the *Blyth* Harbour and Dock Company and the Harbour of *Blyth*: And whereas the Company were by the Act of 1857 authorized to

17 & 18 Vict. c. lxxix.

20 & 21 Vict. c. cxiv.

[local.]

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raise

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24 & 25 Vict.
c. xcvi.

raise the additional Sum of One hundred and ten thousand Pounds by Shares, and Thirty-six thousand five hundred Pounds by borrowing: And whereas by "The *Blyth and Tyne* Railway (Amendment) Act, 1861," (in this Act called the Act of 1861,) the Time limited by the Act of 1857 for the Completion of the *Warkworth* Extension and *Blyth Harbour* Branch was extended until the Tenth Day of *August* One thousand eight hundred and sixty-five, and by the same Act the Company were authorized to make Five several Lines of Railway, One of such Railways (the first-described Railway in Section 7 of that Act) being an Extension of the *Blyth and Tyne* Railway to *Newcastle-upon-Tyne*; another of such Railways (the secondly-described Railway in the said Section) being a connecting Line between such Extension and the *Tynemouth* Extension of the *Blyth and Tyne* Railway; another of such Railways (the thirdly-described Railway in the said Section), called in this Act the *Walbottle* Branch; another of such Railways (the fourthly-described Railway in the said Section) being a Branch Railway to the Village of *Newbiggen-by-the-Sea*, and which Railway is called in this Act the *Newbiggen* Branch; and another of such Railways (the fifthly-described Railway in the said Section) being a Railway to the proposed *Tynemouth* Dock authorized to be made by the River *Tyne* Improvement Commissioners, and which last-mentioned Branch Railway is called in this Act the *Tynemouth Docks* Branch; and by the said Act the Company were authorized to raise by Shares Two hundred and ten thousand Pounds, and to borrow Seventy thousand Pounds: And whereas the Works authorized to be made by the *Blyth Harbour and Dock* Company have not yet been made by that Company, and it is expedient that such Arrangements be made with reference to such Branch as in this Act expressed: And whereas the *Warkworth* Extension has been completed so far as the same can be made available for the Fields of Coal already opened out, the Minerals from which would pass on the *Blyth and Tyne* Railway, but the Remainder of such Extension to the North of a Place called *Hirst* cannot be made with Advantage to the Public or the Company until additional Mines are opened within the District to be traversed by the said Extension Railway, and it is expedient that the Time for completing such Extension be further extended: And whereas the Company have proceeded with the Construction of the Railways first and secondly described in Section 7 of the Act of 1861, but inasmuch as the *Tynemouth* Dock has not been constructed by the River *Tyne* Improvement Commissioners, and the Railways called the *Walbottle* Branch and *Newbiggen* Branch are dependent for their Utility upon the Completion of other Works, it is expedient that the Time limited by the Act of 1861 for the compulsory Purchase of Lands and for the Completion of Works be extended in respect of the Railways thirdly, fourthly, and fifthly described in the said Act:

And

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And whereas it is expedient that the Company be authorized to raise further Sums of Money, and that the Provisions of the Acts of 1854, 1857, and 1861 be amended and enlarged; but 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; (that is to say,)

1. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*Blyth and Tyne Railway Act, 1864.*" Short Title.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part II. of "The Railways Clauses Act, 1863," are incorporated with and form Part of this Act. 8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

3. The several Words and Expressions to which by the several Acts wholly or partially incorporated with this Act Meanings are respectively assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context. Same Meanings to Words in this Act as in incorporated Acts.

4. And whereas the *Blyth Harbour* Branch is authorized to pass solely through the Lands of Sir *Matthew White Ridley* Baronet, and he is desirous that such Branch shall be made: Therefore if the said Sir *Matthew White Ridley*, his Heirs or Assigns, shall so require within Two Years from the passing of this Act, and shall be willing to sell to the Company the Lands required for the *Blyth Harbour* Branch under the Provisions of "The Lands Clauses Consolidation Act, 1845," then and in such Case the Company shall make and complete the *Blyth Harbour* Branch within Two Years from the Time of giving such Notice, and the Obligations of the Company for the Construction of such Branch shall be suspended until such Notice shall be given, and if the Company fail to complete the same within Two Years after the giving of such Notice they shall be liable to the Penalty herein-after mentioned, provided the *Blyth Harbour* and Dock Company shall have completed the Construction of the Works to be by them executed under the Agreement set forth in the Schedule to this Act: Provided always, that nothing herein contained shall alter or affect any Agreement between the Company and Sir *Matthew White Ridley*, or between the Company and the *Blyth Harbour* and Dock Company, with reference to the Construction, Working, and Use by the respective Parties to such Agreement of the said *Blyth Harbour* Branch. Blyth Harbour Branch to be made on certain Events.

5. Subject

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Powers for compulsory Purchase of Lands for making certain Branches extended.

5. Subject to the Provisions of this Act, the Powers for the compulsory Purchase or taking of Lands granted by the Act of 1861 for the Purpose of making the Railways before described, and called the *Walbottle Branch*, the *Newbiggen Branch*, and *Tynemouth Dock Branch* respectively, according to the Plans and Sections of the same and Books of Reference to the Plans deposited with the Clerk of the Peace for the County of *Northumberland*, shall continue in force for the Purpose of making such Railways respectively; and the Time limited for the compulsory Purchase of such Lands shall be extended for the Period of Two Years from the passing of this Act, and after the Expiration of such Period the Powers by the Act of 1861 and this Act granted for the compulsory Purchase of the Lands authorized to be taken for such respective Railways shall cease to be exercised: Provided always, that this Act shall not repeal, alter, prejudice, or affect the Tenth Section of the Act of 1854, or the Twenty-third Section of the Act of 1861, or any of the Rights or Privileges reserved by those respective Sections or either of them.

Enlarging Time for constructing certain Railways.

6. The Time by the Act of 1861 limited for the Construction of the following Railways shall be respectively extended and enlarged for the Period of Three Years from the passing of this Act; (that is to say,)

For the Part of the *Warkworth Extension* between *Hirst* and the authorized Termination of the Extension at or near *Warkworth Harbour*:

For the *Walbottle Branch*:

For the *Newbiggen Branch*:

For the *Tynemouth Dock Branch*.

Penalty on Failure to complete Railways.

7. If the Company fail within the respective Periods by this Act limited to complete the Railways, the Time for completing which is by this Act extended, or the *Blyth Harbour Branch* as herein-before required, the Company shall be liable to a Penalty of Fifty Pounds for every Day after the Period so limited until such respective Railways shall be completed and opened for public Traffic, such Sum to be recoverable as a Debt due to the Crown in any of the Superior Courts or in any Court of competent Jurisdiction; but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company was prevented from completing and opening such respective Railways by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be deemed a Circumstance beyond their Control.

As to Expressions "Superior

8. The Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act, shall read and have

have

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have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Courts" or
"Court of
competent
Jurisdic-
tion."

9. In addition to the Lands belonging to the Company, and to the Lands which the Company are by the recited Acts and this Act authorized to purchase and hold, the Company may purchase for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," any Quantity of Land not exceeding Ten Acres.

Lands for
extraordi-
nary Pur-
poses.

10. The Company may from Time to Time raise (in addition to the Sums of Money which they are already authorized to raise) any further Sums not exceeding in the whole Fifty thousand Pounds by the Creation of new Shares in their Undertaking, and such Shares may be issued either as new Ordinary Shares or new Ordinary Stock in the Capital of the Company, or as new Preference Shares or new Preference Stock: Provided, that the Company shall not issue any Share or Stock created under the Authority of this Act, nor shall any Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Power to
raise addi-
tional
Capital by
new Shares.

11. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

Limit of
Amount and
Number of
Calls.

12. The Proprietors of any Shares to be issued under the Authority of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if the same had been original Shares of the Company.

As to Votes
of Proprie-
tors of such
Shares.

13. The Company may from Time to Time, under the Powers of this Act, borrow any additional Sum of Money not exceeding Sixteen thousand Pounds by Mortgage of their Undertaking, but no Part of that Sum shall be borrowed or raised on Debenture Stock until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital or Stock has been subscribed for *bonâ fide*, and has been issued, and that Twenty *per Cent.* on each Share or

Power to
borrow
Money on
Mortgage.

[*local.*]

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Portion

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Portion of Stock has been paid on or before the Issue and Acceptance thereof, and that every Share or Portion of Stock is held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing
Mortgages
to have
Priority.

14. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be created by virtue of this Act.

Application
of Sums
raised under
this Act.

15. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes by this Act authorized.

Parts of
8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. in-
corporated.

16. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

With respect to the Distribution of the Capital of the Company into Shares ;

With respect to the Transfer or Transmission of Shares ;

With respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls ;

With respect to the Forfeiture of Shares for Nonpayment of Calls ;

With respect to the borrowing of Money by the Company on Mortgage or Bond ;

With respect to the Conversion of the borrowed Money into Capital ;

With respect to the Consolidation of Shares into Stock ;

With respect to the Remedies of the Creditors of the Company against Shareholders ; and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested ;

And also the Clauses and Provisions of "The Companies Clauses Act, 1863,"

Part I., with respect to Cancellation and Surrender of Shares ;
and

Part II., with respect to additional Capital,
shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed, under the Powers of this Act.

As to Pro-
duction of
Certificates,
&c.

17. The Company may, when any Transfer of any Share or Stock or of any Mortgage or Bond is sent for Registration to the Secretary of the Company, require that there should be sent with the Transfer
the

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the Certificate of the Share or Stock or the original Mortgage or Bond so transferred, and they shall not be bound to register the Transfer until such Certificate, Mortgage, or Bond, as the Case may be, be so sent.

18. It shall not be lawful for the Company, out of any Money by this Act, or by any other Act relating to the 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 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.

Interest not to be paid on Calls paid up.

19. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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 Company to construct any other Railway, or to execute any other Work or Undertaking.

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

20. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this 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 to be taken by the Company, or of the Rates for small Parcels.

Railway, &c. not exempt from Provisions of present and future General Acts:

21. Nothing herein contained shall prejudice or affect any of the Estates, Interests, Rights, or Privileges of the *Tyne Improvement Commissioners*.

Saving Rights of Tyne Improvement Commissioners.

22. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exercisable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or

Saving Rights of the Crown.

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One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of
Act.

23. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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The SCHEDULE referred to in the foregoing Act.

AGREEMENT made the Twenty-eighth Day of May One thousand eight hundred and fifty-seven between the Blyth and Tyne Railway Company (herein-after designated "the Railway Company") of the one Part, and the Blyth Harbour and Dock Company (herein-after designated "the Harbour Company") of the other Part.

It is agreed that the Petition of the Harbour Company against the Bill now pending in Parliament, promoted by the Railway Company, shall be withdrawn on the following Terms:

The Railway Company shall make the following Alterations in the said Bill, or incorporate the same therewith in some other Manner which shall be satisfactory to the Harbour Company:

In the Clause now numbered 6, at the End of Line 14 on Page 6, they shall add "save that the Company may not enter upon, take, or use any of the Lands numbered from 23 to 61, both inclusive, in the said Plans, in the Parish of Earsdon, except with the Consent of the respective Owners and Occupiers thereof."

In the Description of the Blyth Harbour Branch in the Clause now numbered 7 they shall substitute for the Words now following the Word "terminating" the following Words: "in Lands of the Blyth Harbour and Dock Company at the Boundary between the Two Inclosures numbered 22A and 23 in the said Plans, in the Parish of Earsdon, which Railway is in this Act distinguished as 'The Blyth Harbour Branch.'"

It is further mutually agreed that the Railway Company shall complete the said Branch within Five Years from the passing of the said Bill into a Law, and the Harbour Company shall within the same Period of Five Years make a Railway in continuation of the said Branch to their Shipping Places in the Harbour of Blyth, and provide the necessary Accommodation for shipping there the Coals to be conveyed by the Railway Company over the said Branch, or over any other Branch of the same Company, and shall form, make, complete, and execute all such Railway Shipping Places, Staiths, and other Works as may be necessary or convenient for the Purpose aforesaid, and allow the Railway Company to convey over the Railway to be so made by the Harbour Company as aforesaid the Coals brought over the said Branch, but so that the reasonable Use of the same Railway by the Harbour Company be not thereby impeded more than the Necessity of the Case may require.

And it is further agreed that the Harbour Company and the Railway Company shall mutually afford to each other all requisite and proper Facilities for the Conveyance of the same Coals to the said Harbour, and for the Shipment thereof.

And it is further agreed that in case of Difference the Nature and Extent of the Accommodation to be provided, and of the Works to be made and executed, and of the Facilities to be mutually afforded, and also the Rates and

[local.]

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Sums

Blyth and Tyne Railway Act, 1864.

Sums to be demanded by the Harbour Company from the Railway Company, under the Forty-second Section of "The Blyth Harbour and Dock Act," for the Use of the Harbour Company's Railway and Shipping Places, Staiths, and other Works, and for the Work performed by them in and about the conveying of the said Coals from the said Branch to the Harbour and the Shipment thereof (when any such Work is done by the Harbour Company), shall be settled by Three Arbitrators or a Majority of them, One of the said Three Arbitrators to be appointed by the Railway Company, and another by the Harbour Company, and the third by the Two Arbitrators so appointed by the Parties, such Settlement to be made within Three Months after the Commencement of the Shipment of Coals, and when once made to be final and conclusive.

In witness whereof the said Companies do hereunto set their respective Common Seals the Day and Year first above written.

L.S.L.S.

LONDON

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