



CHAPTER xlii.

An Act to authorise the Construction of a Bridge across the Ouseburn Valley, in the township of Byker, at Newcastle-upon-Tyne. A.D. 1874.
[30th June 1874.]

WHEREAS the erection of a bridge or viaduct in the township of Byker at Newcastle-upon-Tyne across the Ouseburn and the valley through which that stream flows would form an improved means of communication between populous and increasing districts, and would be of public and local advantage :

And whereas certain persons have formed themselves into a company, under the name of the Byker Bridge Company, Limited (herein-after referred to as the Limited Company), for the purpose amongst other things of constructing the said bridge or viaduct :

And whereas the share capital of the Limited Company is forty thousand pounds, divided into four thousand shares of ten pounds each, and the Limited Company do not owe any money upon mortgage :

And whereas it is expedient that the Limited Company should be dissolved and re-incorporated with further powers :

And whereas plans and sections showing the line and levels of the bridge or viaduct and of the approaches thereto, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands and other property required or which may be taken for the purposes of the said bridge or viaduct, have been deposited with the clerk of the peace for the county of the town of Newcastle-upon-Tyne, and are herein-after referred to as the deposited plans, sections, and book of reference :

And whereas the objects aforesaid cannot be accomplished 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

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A.D. 1874. — 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,)

Short title. 1. This Act may be cited for all purposes as “ The Byker Bridge (Newcastle-upon-Tyne) Act, 1874.”

Provisions of certain general Acts incorporated.

2. “ The Companies Clauses Consolidation Act, 1845 :”
Parts I. and III. of “ The Companies Clauses Act, 1863,” relating respectively to “ cancellation and surrender of shares ” and to “ debenture stock :”
“ The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 :”
The seventeenth section of “ The Railways Clauses Consolidation Act, 1845,” and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof, and with respect to mines lying under or near the railway, and the thirteenth, eighteenth, and nineteenth sections of “ The Railways Clauses Act, 1863 :”
are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction :

The expression “ the Company ” means the Limited Company, as re-incorporated by this Act :

The expressions “ the bridge ” and “ the undertaking ” mean respectively the bridge or viaduct and approaches, and the works connected therewith by this Act authorised :

The expression “ toll gate ” means and includes all toll gates or bars from time to time erected upon or across the bridge, or the approaches thereto :

The word “ carriages ” means and includes all coaches, stage coaches, omnibuses, cabs, flies, vans, caravans, chariots, chaises, hearses, waggon, wains, and other four-wheeled vehicles, by whatever name known. The word “ cart ” means and includes all vans, gigs, carts, or other two-wheeled vehicles, by whatever name known :

The expressions “ the railway ” and “ the work ” in the provisions of “ The Railways Clauses Consolidation Act, 1845,” and “ The Railways Clauses Act, 1863,” incorporated in this Act, mean for the purposes of this Act the bridge ; and the expression “ the centre of the railway ” means for the same purposes the line of road marked on the deposited plans.

4. From and after the passing of this Act the Limited Company shall be dissolved, and the several persons and corporations who immediately before the passing of this Act were members of that Company, and all other persons and corporations who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purpose of making and maintaining the bridge, and for other the purposes of this Act, and shall be and are hereby incorporated by the name of the Byker Bridge Company, and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

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Incorporation of Company.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the bridge herein-after described, with all proper toll gates, works, and conveniences connected therewith, and may cross or divert any street or thoroughfare in manner shown on the said plans, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

Power to make bridge according to deposited plans.

The bridge herein-before referred to will be situate wholly in the township of Byker in the borough of Newcastle-upon-Tyne, commencing at the junction of Register Street with New Bridge Street, crossing over Stepney Lane, the road from Stepney Bank to Crawford's Buildings, the Ouseburn, Pottery Lane, Porter's Hill, and Wilkinson Street, and terminating at the junction of Wilfred Street with the North Shields Road.

6. If there be any omission, mis-statement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference, the Company, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to two justices for the correction thereof, and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described, and such certificate shall be deposited with the clerk of the peace for the county of the town of Newcastle-upon-Tyne, and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates, and

Correction of errors in deposited plan and book of reference.

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Deviations from lines on plans and sections.

7. The Company may in the construction of the bridge deviate from the lines thereof to the extent delineated upon the deposited plan, but not in any case into any land not described in the deposited plan and book of reference without the previous consent in writing of the owner, lessee, and occupier of such land, and the Company may deviate from the levels of the bridge as marked on the deposited section to any extent not exceeding five feet.

Present property of Limited Company vested in Company incorporated by this Act.

8. Subject to the provisions of this Act, all moneys, securities, credits, effects, and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company, or to any trustee on their behalf, and the benefit of all contracts and engagements (if any) entered into by or on behalf of the Limited Company, and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company, or any trustee on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for, and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

Memorandum and articles of association of the Limited Company to be void, without prejudice to remedies for antecedent breaches thereof.

9. Subject to the provisions of this Act, the memorandum and articles of association of the Limited Company shall, as to any prospective operation thereof, be wholly void, and the Company and the shareholders therein shall be exempted from all the provisions, restrictions, and requirements of any Act which applied to the Limited Company and the members thereof as such; but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

10. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the Limited Company, or the members thereof as such, shall be as valid as if the Company had not been incorporated and

the said memorandum and articles of association had not been avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such rights, liabilities, claims, and demands, the Company and its shareholders and property shall to all intents and purposes represent the Limited Company, and the members thereof as such, and the property of the Limited Company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

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11. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers, and servants of the Limited Company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf.

Company to satisfy liabilities of Limited Company.

12. All persons who immediately before the passing of this Act owed any money to the Limited Company, or to any person on their behalf, shall pay the same, with all interest (if any) due or accruing upon the same, to the Company, and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company, or for the payment of which the Limited Company were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

As to payment of debts owing before passing of Act.

13. Notwithstanding the avoidance of the said memorandum and articles of association, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force, and continue and be available in all respects as if they had not been avoided.

Certificates, &c. to remain in force.

14. All documents, books, and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence, shall be admitted as evidence in all courts of law and equity and elsewhere, notwithstanding such dissolution and avoidance.

Books, &c. continued evidence.

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Officers to
continue
until
removed.

15. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever, as if they had been appointed under this Act.

Present
registers of
members to
be continued.

16. The books kept by the Limited Company for entering the names and designations of the members thereof, with the numbers of their shares and the proper distinguishing number of such shares, shall and may continue to be kept for the same purpose by the Company, and shall, until some other register of shareholders shall be provided by the Company, be taken and considered as the register of shareholders required to be kept by "The Companies Clauses Consolidation Act, 1845."

Capital.

17. The capital of the Company shall be fifty thousand pounds, whereof forty thousand pounds is in this Act called the original capital, and ten thousand pounds is in this Act called the additional capital, and shall be raised in manner herein-after mentioned, and the original capital shall be divided into four thousand shares of ten pounds each, which shares are in this Act called "the old shares," and the Company may convert into stock the whole or any part of their original or additional capital when fully paid up.

Vesting of
old shares in
present
shareholders.

18. The several persons who immediately before the passing of this Act were the registered members of the Limited Company shall be entitled to old shares in substitution (share for share) for the existing shares to which they were at the passing thereof entitled in the Limited Company, and such shares shall be vested in such persons, and every share so vested shall be subject to the same liability for calls, and subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the share for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Company
shall call in
and cancel
existing
share certifi-
cates and
issue new

19. The Company shall call in and cancel the existing certificates of shares in the Limited Company, and issue in lieu thereof certificates in the form and under the conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the holders of such existing certificates of shares shall not be entitled to any

certificates of proprietorship under this Act until they shall have delivered up to the Company, to be cancelled, the certificates of proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof. A.D. 1874.
certificates
in lieu
thereof.

20. The Company may, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise as the additional capital any sum not exceeding in the whole ten thousand pounds by the issue of new ordinary shares, which new shares shall form part of the capital of the Company. Power to
raise addi-
tional
capital.

21. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds, nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not
to be issued
until one
fifth paid.

22. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and two thirds of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

23. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardians or committee of his estate shall be a sufficient discharge to the Company. Receipt
clause in
case of
persons not
sui juris.

24. The Company may from time to time borrow on mortgage any sum not exceeding in the whole sixteen thousand six hundred pounds, but no part thereof shall be borrowed until the whole capital of fifty thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a Power to
borrow.

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A.D. 1874. certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a receiver.

25. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Debenture stock.

26. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

27. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied to the purposes of this Act only.

First ordinary meeting.

28. The first ordinary meeting of the Company shall be held within three months after the passing of this Act.

Number of directors.

29. The number of directors shall be six, but the Company may from time to time reduce the number, provided the number be not less than four.

Qualification of directors.

30. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

31. The quorum of a meeting of directors shall be three.

First directors.

32. Addison Potter, Andrew Leslie, Nathaniel Grace, John Frederick Gibson, Ralph Cook, and William Brogg Leighton shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the

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provisions of "The Companies Clauses Consolidation Act, 1845;" 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 same Act.

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33. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

34. If the bridge be not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the bridge, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for completion of bridge.

35. When the bridge is opened for public traffic the Company from time to time may set up such toll gates at or upon the bridge, and remove the toll gates and set up others, as they think fit, and from time to time may provide and maintain such toll houses and other conveniences near to the toll gates as they think fit.

Power to provide toll gates and toll houses.

36. The Company may demand and take at the toll gates to be erected as aforesaid, in respect of persons, animals, and carriages from time to time passing over, along, or upon the bridge and approaches, or any part thereof respectively, any tolls not exceeding the following; (that is to say,)

Power to take tolls.

For every horse or other beast drawing any carriage, the sum of sixpence ;

For every horse or other beast drawing any cart, the sum of fourpence ;

For every horse, mule, or ass, laden or unladen, and not drawing, the sum of one penny halfpenny ; and if carrying more than one person, for each additional person a further sum of one penny ;

For every ox, cow, bull, or head of neat cattle, the sum of one penny ;

For every calf, pig, sheep, or lamb, the sum of one halfpenny, or for a score sixpence ;

For every person on foot (except the person or persons not exceeding two in number actually driving and accompanying any carriage or cart) who shall pass over the said bridge, the sum of one penny ;

And for every person who shall ride in or upon any carriage or cart, or who shall ride upon any horse or beast drawing any carriage or cart (except the persons not exceeding two in

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number actually driving or accompanying such carriage or cart), the sum of one penny :

And the said tolls shall be paid before any such person or any such horse, mule, ass, cattle, or beast, or any such carriage as aforesaid, shall be entitled to pass through such toll gate, and the said tolls are hereby vested in the Company and their successors for the purposes of this Act.

Locomotives Acts, 1861 and 1865, to apply to bridge.

37. The clauses and provisions of "The Locomotives Act, 1861," and "The Locomotives Act, 1865," and of any Act for the time being in force amending the said Acts, with respect to tolls and all other matters, shall apply to the bridge.

Exemptions from toll.

38. No tolls shall be demanded or taken for Her Majesty or any of the royal family, or for any person, horse, or carriage attending Her Majesty or any of the royal family, or returning therefrom, or for any officer or officers of customs or persons employed for the prevention of smuggling, whilst on duty or proceeding to or returning from the same, or for any policeman on duty, or for any horse, cart, or waggon employed only in carrying or conveying any vagrant sent by a legal pass or any prisoner sent by legal warrant, or returning empty after having been so employed, or for any person attending the same, or for any such vagrant or prisoner, or for any horse or carriage of whatever description, or any person employed or to be employed in carrying the mails of letters and expresses under the authority of Her Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such mails or expresses, or in returning back from conveying or guarding such mails or expresses, or for any person, carriage, or animal entitled to exemption from turnpike or bridge tolls under the Acts for the time being in force relating to any of Her Majesty's land or sea forces, including auxiliary and reserve: Provided that if any person shall claim and take the benefit of any of the exemptions by this Act granted, not being entitled to the same, every such person for every offence shall forfeit any sum not exceeding forty shillings.

List of tolls to be exhibited on a board.

39. A list of the tolls from time to time authorised to be taken shall be published by the same being painted upon a board in distinct black letters on a white ground, or white letters on a black ground, or by the same being printed in legible characters on paper affixed to such board, and such board shall be exhibited at every toll gate or toll bar where such tolls shall be payable.

Tolls to be taken only whilst board exhibited.

40. No tolls shall be demanded or taken by the Company during any time at which the board herein-before directed to be exhibited shall not be so exhibited.

41. It shall be lawful for the Company from time to time to lessen or reduce all or any of the tolls hereby granted for such time as they shall think proper, and to raise again the tolls so lessened or reduced, or any part thereof, so that the same do never exceed the tolls herein-before granted, and the tolls so lessened or reduced or raised again shall be collected and recovered in the same manner as the tolls hereby granted are authorised or directed to be collected and recovered.

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Power to vary tolls.

42. Every toll collector shall and he is hereby required to place his christian and surname painted on a board in legible characters in the front or some other conspicuous part of the toll house or toll gate immediately on his coming on duty, each of the letters of such name or names to be at least two inches in length and of a breadth in proportion, and painted in black letters on a board with a white ground, and shall continue the same so placed during the whole time he shall be on duty; and if any toll collector shall not place such board and keep the same there during the time he shall be such collector as aforesaid, or shall demand or take a greater or less toll from any person than he shall be authorised to do by virtue of the powers of this Act, or of the orders and resolutions of the Company made in pursuance thereof, or shall demand and take a toll from any person who shall be exempted from the payment thereof and claim such exemption, or shall refuse to permit or suffer or shall in anywise hinder any person from reading the inscriptions on the said board, or upon the table of tolls by this Act required to be put up at every toll gate of the Company, or shall refuse to tell his christian or surname to any person who shall demand the same on having paid the said tolls, or any of them, or shall in answer to such demand give a false name, or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any passenger from passing through any turnpike or toll gate, then and in every such case every such toll collector shall forfeit and pay any sum not exceeding forty shillings for every such offence, as the justice or justices before whom the complaint shall be heard shall adjudge.

For preventing toll collectors from taking undue toll or misbehaving.

43. If any person shall take off or cause to be taken off any horse or other beast from any carriage or cart at or near to any toll house or gate to be erected or set up by virtue of this Act, and afterwards put or add the same after having passed such toll house or gate as aforesaid, with intent to evade, and thereby shall evade or endeavour to evade, the payment of any part of the said tolls, or shall forge, counterfeit, or alter, or receive from or deliver to any other person or persons any note or ticket with intent to

Penalty on evading tolls.

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Power to stop any person refusing to pay toll.

44. If any person subject to the payment of the tolls hereby made payable, or any of them, or any person having charge of any horse, beast, carriage, cart, or thing in respect of which toll is payable, shall, after demand made thereof by any collector appointed to receive toll, neglect or refuse the same, or any part thereof, such collector by himself, or taking such assistance as he shall think necessary, may stop and prevent the passage of the person so neglecting or refusing, or of the horse, beast, carriage, cart, or thing for or in respect of which such tolls ought to have been paid, until full payment thereof, or may seize and distrain any horse or other beast, together with the bridles, saddles, gear, harness, and accoutrements thereunto belonging, or any carriage or cart drawn by any such horse or beast, or any article or thing in or upon the same or belonging to such person; and if such tolls and the reasonable charges of such seizure and distress shall not be paid within the space of four days next after such seizure and distress made, the person so seizing and distraining shall and may sell the horse, beast, carriage, cart, or thing so seized or distrained, returning the overplus (if any) upon demand to the owner thereof after such tolls and the reasonable charges occasioned by such seizure, distress, and sale shall be deducted.

For settling disputes concerning tolls.

45. In case any dispute shall happen respecting the demanding and taking of tolls or the amount of toll due, or the charges of keeping or selling any distress for nonpayment of such toll, it shall be lawful for the collector or the person distraining to retain such distress, or the money arising from the sale thereof (as the case may be) until the amount of the toll due, and the charges of keeping and selling the distress, be ascertained by a justice or justices, who upon application made to him or them for that purpose shall have power to determine the amount of the toll due, and other matters in dispute between the parties, and may also award such costs to be paid by either party to the other as to such justice or justices shall seem just and reasonable.

Power to lease the tolls.

46. The Company may from time to time lease or demise all or any of the said tolls for any term of years, not exceeding three

years at any one time, for such rent payable at such times and under such covenants and upon such conditions as they shall think fit, and during the continuance of any such lease the lessee shall be deemed collector of the tolls so leased, and shall have the same powers for collecting and recovering the tolls leased, and be subject to the same rules, duties, and penalties in relation thereto as if he were a toll collector appointed under this Act.

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47. If any such lease shall have become void or voidable according to any stipulations therein contained for that purpose by reason of the failure on the part of the lessee to comply with any of the terms of such lease, or if all or any part of the rent thereby reserved shall be in arrear or unpaid for twenty-one days after the same shall have become payable, the Company may determine such lease, and the same shall accordingly be utterly void, except as to the remedies of the lessors for payment of the rent due, or in respect of unperformed or broken obligations or conditions on the lessees part, all which remedies shall remain in full force; and in every such case the Company may again let the tolls to the same or any other person, or cause them to be collected in the same manner as if no such former lease had been made relative thereto.

Power to determine lease of tolls.

48. Upon the determination of any such lease, any justice, upon application made by the Company, may order any constable, with proper assistance, to enter upon any toll house, dwelling house, office, weighing machine, or other building, with the appurtenances thereto belonging to the Company, and remove from the same the lessee or collector, or other person found therein, together with his goods, and take possession thereof, and of the property found therein belonging to the Company, and deliver the same to them, or any person appointed by them to receive the same.

Lessees making default to be removed.

49. The Company or lessee of the tolls, as the case may be, may from time to time discharge any collector or receiver of the tolls appointed by them respectively, and nominate and appoint some other fit and proper person to be a collector or receiver of the said tolls, in the stead of such collector or receiver who shall be so discharged, or of any collector or receiver who may die or become incapable of performing his duty, and such person so nominated and appointed shall be invested with the like power and authority, and be answerable and accountable in like manner in all respects as the collector or receiver who shall so die or be discharged would have been; and if any collector or receiver of the said tolls who shall be discharged from his office by virtue of this Act, or the wife or widow, or any of the family or other representatives of any such collector or receiver, or any other person who may have possession

Company may remove collectors and appoint temporary collectors.

If discharged collectors refuse to deliver up toll houses, any justice

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A.D. 1874. of any toll house or building, or any appurtenances thereto, erected, set up, or used by virtue of this Act, shall neglect or refuse to deliver up the possession thereof for the space of three days next after demand thereof made by notice in writing signed by the secretary of the Company, or by such lessee for that purpose, given to such collector or receiver, person or persons, or left at such toll house, building, or premises, then and in every of the said cases it shall be lawful for any justice, by warrant under his hand, to order any constable or other peace officer for the borough of Newcastle-upon-Tyne, with such assistance as may be necessary, to enter into such toll house or other buildings or premises in the daytime, and to remove the persons who shall be found therein, together with their goods, out of the same, and put the Company or lessee, or such new appointed collector or receiver, or such other person as the Company or lessee shall appoint as aforesaid, into the possession thereof.

may grant warrants, and constables enter and remove them.

For preventing nuisances on the bridge and roads.

50. If any person shall wilfully or negligently injure, destroy, or otherwise damage, or shall ride or drive or lead any horse, beast, cattle, or carriage over or upon any footpath or causeway on the side or sides of any part of the said bridge or approaches, or shall wilfully obstruct the passage thereof, or if the driver of any carriage or cart shall wilfully or carelessly break or damage any of the posts or stones which may be erected for the security of the said footpaths or causeways, or if any person shall scrape off any mud, soil, or other matter or thing which shall be or lie upon any part of the said bridge or approaches, so as to damage the said bridge or approaches, or any part thereof, or if any person shall leave any carriage or cart, or any plough, harrow, or other implement of husbandry, without some reasonable cause, to be allowed by the justice who shall hear any such complaint, or except with regard to such carriage or cart during such reasonable time as the same shall be loading or unloading, and standing as near the side of the said approaches as conveniently may be, in, upon, or on the sides of the said bridge or approaches, either with or without any horse or beast harnessed or yoked thereto, or shall lay any timber, wood, or bushes, or any stones, bricks, hay, straw, dung, manure, soil, or rubbish whatsoever upon any part of the said bridge or approaches, or on the side or sides thereof, to the prejudice thereof or to the annoyance of any person travelling thereon, every person so offending shall, for every such offence, forfeit and pay a sum not exceeding forty shillings.

Same penalties for injuries to

51. The provisions of the Act passed in the session of Parliament held in the twenty-fourth and twenty-fifth years of the reign of

Her present Majesty, "to consolidate and amend the statute law of England and Ireland relating to malicious injuries to property," shall apply to the bridge and to the toll gates, toll bars, weighing engines, and other property of the Company.

A.D. 1874.
—
bridge as
under Act of
24 & 25 Vict.
c. 97.

52. All offences under this Act, and all penalties and forfeitures, damages, charges, tolls, and costs inflicted, imposed, or ordered to be paid or payable under or by virtue of this Act, may be taken cognizance of or recovered under the provisions of the Act eleventh and twelfth of Victoria, chapter forty-three, and any Act for the time being in force amending the same, and all such penalties shall be paid to the Company, unless the convicting justice or justices shall think fit to award a portion not exceeding one moiety thereof to the informer.

Recovery
and applica-
tion of
penalties, &c.
11 & 12 Vict.
c. 43.

53. Where it is necessary for the Company to serve any summons, demand, notice, writ, or other proceeding at law or in equity upon any corporation or person, the same may be in writing or in print or partly in writing and partly in print, and be signed by the secretary or clerk, or by the chairman for the time being, of the Company, and need not be under the common seal of the Company, and shall be sufficiently served by being personally delivered to such person, or left at his last or usual place of abode in England or Wales, or by being delivered to some clerk or other officer of such corporation, or being left at the principal office of such corporation.

Declaring
what shall be
good service
of notice by
the Com-
pany.

54. In all cases wherein damages or charges are by this Act directed or authorised to be paid, and the manner of ascertaining thereof is not specified or provided for, such amount in case of non-payment thereof, or any dispute respecting the same, shall be ascertained and determined by one or more justice or justices of the peace for the borough of Newcastle-upon-Tyne.

Damages
and charges
in case of
dispute to be
settled by
justices.

55. No waggon or other carriage shall, without the consent of the Company, carry at one time upon the bridge (including the weight of such waggon or carriage) more than ten tons.

Limiting the
weight to be
carried on
bridge.

56. The Company may cause to be erected at or near the bridge, or at such distance as they shall think expedient, one or more cranes or weighing machines proper for the weighing of waggons and other carriages conveying goods, wares, or other articles.

Power to
erect weigh-
ing ma-
chines.

57. The keeper of any weighing machine or toll gate, or any other person appointed by the Company or by their lessee, shall or may require every driver or conductor of any waggon, cart, or other

Toll keeper
may weigh
carriages, &c.

[Ch. xlii.] *The Byker Bridge (Newcastle-upon-Tyne) Act, 1874.* [37 & 38 VICT.]

A.D. 1874. — carriage or engine which shall pass or be about to pass over the bridge to be weighed at such crane or weighing machine as aforesaid; and if any such driver, conductor, or owner of such waggon, cart, or other carriage or engine shall refuse to allow the same to be weighed, or shall resist any gate keeper, toll keeper, or toll collector in weighing the same, every such owner, driver, or conductor shall forfeit to the Company any sum not exceeding five pounds.

Saving rights of the Crown.

58. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with, any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

59. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.