



ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. cccxciv.

An Act to authorize the *Newcastle-upon-Tyne and Carlisle* Railway Company to extend their Railway in *Newcastle-upon-Tyne*, to make a Branch Railway, and for other Purposes connected with their Undertaking. [26th August 1846.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway or Tramroad from the Town of Newcastle-upon-Tyne in the County of the Town of Newcastle-upon-Tyne to the City of Carlisle in the County of Cumberland, with a Branch thereout*; and by the said Act several Persons were incorporated into a Company by the Name of "*The Newcastle-upon-Tyne and Carlisle Railway Company*," and were thereby empowered to make and maintain a certain Railway, with proper Works and Conveniences connected therewith, commencing in the Town of *Newcastle-upon-Tyne* aforesaid, and terminating in the City of *Carlisle* in the said County of *Cumberland*, together with One Branch Railway or Tramroad from and out of such Railway or Tramroad: And whereas another Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to accelerate the raising by the New-* 10 G. 4. c. 72.
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castle-upon-Tyne and Carlisle *Railway Company of a certain Sum for the more speedy Prosecution of the Undertaking*: And whereas another Act was passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to authorize the Newcastle-upon-Tyne and Carlisle Railway Company to make an additional Branch Railway or Tramroad, and for other Purposes connected with their Undertaking*: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act to authorize the Newcastle-upon-Tyne and Carlisle Railway Company to raise an additional Sum of Money for the Purposes of their Undertaking*: And whereas another Act was passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to alter, amend, and enlarge the Powers granted to the Newcastle-upon-Tyne and Carlisle Railway Company; and to authorize Alterations in the Line of the Railway*: And whereas the Railways and Works authorized by the said recited Acts of Parliament have been completed, and are of great Convenience and Advantage to the Public: And whereas it is expedient that the said Company should be empowered to make the additional Lines of Railway herein-after mentioned, that is to say, the Extension Railway into *Newcastle*, and the *Alston Branch Railway*, and also that their said recited Acts should be varied as herein-after expressed; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall respectively (except so far as the same respectively are altered by or are inconsistent with this Act) be incorporated with and form Part of this Act, and together with the same shall be construed as One Act.

Repeal of Tolls payable under former Acts. II. And be it enacted, That so much of the Provisions contained in the said recited Acts of the *Newcastle-upon-Tyne and Carlisle Railway Company* as relate to the Amount of the Tolls, Rates, and Dues to be demanded and received by the said Company shall be and the same are hereby repealed.

Powers of receiving former Tolls extended to new Tolls. III. And be it enacted, That all the Provisions, Matters, and Things contained in the said recited Acts of the *Newcastle-upon-Tyne and Carlisle Railway Company* for levying, collecting, and receiving Tolls, Rates, and Duties by the said recited Acts authorized to be demanded and received shall apply to the levying, collecting, and taking the Tolls hereby authorized to be taken.

Tolls hereafter to be taken. IV. And be it enacted, That it shall be lawful for the said *Newcastle-upon-Tyne and Carlisle Railway Company*, from and after the passing of this Act, to demand and receive, in respect of Passengers, and of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned conveyed on the said Railway and the Branches thereof, whether in Carriages belonging to the

the said Railway Company or otherwise, any Tolls not exceeding the following; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, Ironstone and Iron Ore, and all undressed Materials for the Repair of public Roads and Highways, which shall be conveyed for a Distance of Forty Miles or upwards, *per Ton per Mile* One Penny One Farthing :

For the like Articles, Goods, and Things which shall be conveyed a less Distance than Forty Miles, *per Ton per Mile* One Penny Halfpenny :

For all Pig Iron not manufactured into Utensils or into other Articles or Merchandize, Pitching and Paving Stones and other Kinds of Stone, Bricks, Tiles, Draining Pipes, Slates, Clay, and Sand, which shall be conveyed for a Distance of Forty Miles or upwards, *per Ton per Mile* Two-pence :

For the like Articles, Goods, and Things which shall be conveyed for a less Distance than Forty Miles, *per Ton per Mile* Three-pence :

For all Sugar, Grain, Corn, Flour, Hides, Hemp, Dyewoods, Earthenware, Timber, Deals, Lead Ore, Metals (except Pig Iron), which shall be conveyed for a Distance of Forty Miles or upwards, *per Ton per Mile* Three-pence :

For the like Articles, Goods, and Things which shall be conveyed for a less Distance than Forty Miles, *per Ton per Mile* Four-pence :

For all Coals, Coke, Culm, and Cinders which shall be conveyed for a Distance of Forty Miles or upwards, *per Ton per Mile* One Penny One Farthing :

For the like Articles, Goods, and Things which shall be conveyed for Thirty Miles, but for a less Distance than Forty Miles, *per Ton per Mile* Three Halfpence :

For the like Articles, Goods, and Things which shall be conveyed for Twenty-four Miles, but for a less Distance than Thirty Miles, *per Ton per Mile* One Penny Three Farthings :

For the like Articles, Goods, and Things which shall be conveyed for Ten Miles, but for a less Distance than Twenty-four Miles, *per Ton per Mile* Two-pence :

For the like Articles, Goods, and Things which shall be conveyed for a less Distance than Ten Miles, *per Ton per Mile* Two-pence One Farthing :

For the like Articles, Goods, and Things which shall be conveyed for a less Distance than Forty Miles, and which shall be intended for Shipment, *per Ton per Mile* One Penny Halfpenny :

For the like Articles, Goods, and Things which shall be conveyed for a greater Distance than Forty Miles, and which shall be intended for Shipment, One Penny Farthing :

For all Vitriol which shall be conveyed for a Distance of Forty Miles or upwards, *per Ton per Mile* Sixpence :

For all Vitriol conveyed for a less Distance than Forty Miles, *per Ton per Mile* Sixpence Three Farthings :

For all Cotton and all other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, and Things not before enumerated, which shall be conveyed for a Distance of Forty Miles or upwards, *per Ton per Mile* Four-pence :

For

For the like Articles, Goods, and Things which shall be conveyed for a less Distance than Forty Miles, *per Ton per Mile* Four-pence Halfpenny :

For every Carriage, of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, and which shall be conveyed for a Distance exceeding Sixteen Miles, *per Mile* Five-pence :

For every such Carriage which shall be conveyed for only Sixteen Miles, or for a less Distance than Sixteen Miles, for the whole Distance Seven Shillings and Sixpence, and a Sum *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh Two-pence :

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

For every Passenger conveyed in a Second Class Carriage, *per Mile* Two-pence :

For every Passenger conveyed in a Third Class Carriage (except by the Government Trains), *per Mile* One Penny Farthing :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, conveyed for a Distance exceeding Sixteen Miles, *per Mile* Five-pence :

For every such Animal which shall be conveyed for Sixteen Miles, or a less Distance, for the whole Distance Six Shillings and Six-pence :

For every Ox, Cow, Bull, or Neat Cattle, conveyed for a Distance exceeding Sixteen Miles, *per Head per Mile*, if One, Three-pence, if more than One, Two-pence :

For every such Animal which shall be conveyed for Sixteen Miles, or a less Distance, for the whole Distance Two Shillings and Sixpence :

For every Calf, Pig, Sheep, Lamb, or other small Animal, conveyed for a Distance exceeding Sixteen Miles, *per Head per Mile* One Penny :

For every such Animal which shall be conveyed for Sixteen Miles, or a less Distance, for the whole Distance One Shilling and Four-pence :

Provided always, that if any Person liable to the said Tolls for a less Distance shall declare his Option to be charged for the greater Distance next in gradation, according to the above Scale, for the like Articles and Things, such Person declaring such Option shall be charged for such greater Distance accordingly.

Power to
take Pontage
on the Rail-
way above
the Tonnage.

V. And be it enacted, That it shall be lawful for the said Company, in consideration of the extraordinary Expence occasioned by the Erection of the Bridges at *Scotswood* and *Corby*, to demand and receive for Passage over each of the said Bridges, over and above the Tolls herein-before mentioned and authorized to be taken, the same Tolls as the said Company are by this Act authorized to demand and receive in respect of Three Miles in Length of the said Railway.

Power to
charge for

IV. Provided always, and be it enacted, That in the said Tolls shall be included the Toll for the Use of Engines for propelling the Carriages

riages on the said Railway, and that no further Charge than is herein-before stated shall be made by the said Railway Company for the Use of such Engines: Provided also, that nothing herein contained shall be construed to prevent the said Railway Company from charging any reasonable Sum for the Use of such Engines and Carriages for Express Trains, and for loading and unloading, and providing Covers for Minerals, Goods, or Articles.

Express
Trains, and
loading and
unloading.

VII. And be it enacted, That the following Provisions and Stipulations shall be applicable to the fixing of all the above-mentioned Tolls; (that is to say,)

Regulations
as to Tolls.

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

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

For a Fraction of a Ton the said Company may demand Tolls 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.

VIII. And with respect to small Packages and single Articles of great Weight, be it enacted, That, notwithstanding the Rates of Tolls herein-before prescribed, the said Company may lawfully demand and receive the Tolls following; (that is to say,)

Tolls for
small Parcels
and Articles
of great
Weight.

For any Parcel not exceeding Fourteen Pounds in Weight, if carried a Distance of not more than Twenty Miles, Sixpence; and if carried a greater Distance than Twenty Miles, One Shilling:

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, for any Distance not exceeding Twenty Miles the Sum of One Shilling, and for any Distance exceeding Twenty Miles Two Shillings:

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, for any Distance Two Shillings and Sixpence; and for Parcels exceeding Fifty-six Pounds in Weight the said Railway Company may demand, in addition to the last-mentioned Toll, any Sum which they may think fit, not exceeding the Sum of One Halfpenny for every Pound in Weight exceeding Fifty-six Pounds: Provided always, that Parcels sent in large aggregate Quantities, although made up of separate Parcels, such

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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; and provided also, that it shall not be lawful to include in One Package several Parcels of various Sorts belonging to more than One Person or Firm, and intended for various Individuals, but that it shall be lawful for the said Railway Company to charge a separate Sum for each such Parcel, although many are included in One Package :

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 Truck or Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the said Company may demand and receive such Sum as they may think fit, not exceeding Sixpence *per Ton per Mile* :

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

Short Title
of the Act.

IX. And be it enacted, That in reciting this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Newcastle-upon-Tyne and Carlisle* Branch Railway Act, 1846."

Additional
Capital.

X. And whereas the estimated Expence of making the several Railways, Stations, and Works to be made by virtue of this Act is Two hundred and forty thousand Pounds Sterling; be it enacted, That the additional Capital of the said Company shall be Two hundred and forty thousand Pounds Sterling, and that it shall be lawful for the said Company to raise the same by creating new Shares of One hundred Pounds each.

New Shares
to be con-
sidered the
same as
original
Shares.

XI. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the said *Newcastle-upon-Tyne and Carlisle* Railway Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the nominal Amount or Value of such Shares, and the proportionate Dividends thereon respectively, and except as to any special Advantages in favour of or other Regulations in relation to such Shares which may be resolved on by any General or Special General Meeting of the said Company, and except as to the Amount and Time of making and of Payment of Calls on such new Shares, which the Directors of the said Company shall fix from Time to Time as they shall think fit; and such new Shares shall be disposed of in such Manner as the Company shall at any General or Special General Meeting direct.

Power to
borrow
Money
on Mort-
gage.

XII. And be it enacted, That it shall be lawful for the said Company, in addition to the Sums authorized to be borrowed by them by the said recited Acts, to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of Eighty thousand Pounds ;

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

XIII. Provided always, and be it enacted, That all Mortgages and Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages or Bonds to be created by virtue of this Act. Old Mortgages to have Priority.

XIV. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated; any thing herein or in the said Acts contained to the contrary notwithstanding. Mortgages and Transfers to be stamped.

XV. And be it enacted, That the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money, and to the Conversion of the borrowed Money into Capital, and to the Consolidation of the Shares into Stock, shall extend to and be incorporated with this Act for the Purposes thereof. Reborrowing.

XVI. And be it enacted, That the said Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies payable upon their respective Shares beyond the Sums actually called for; and upon the Money so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls made upon the Shares in respect of which such Advance shall have been made, the said Company may pay Interest at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the Shareholders paying such Sum in advance and the said Company shall agree upon. Payment of Subscriptions before Calls.

XVII. And be it enacted, That if any Shareholder residing in *Scotland* shall fail to pay the Amount of any Call made upon him by the said Company in respect of any Share held by him in the said Company, it shall be lawful for the said Company to proceed against him in *Scotland*, and to sue for and recover the Amount of such Call, or to declare such Shares forfeited in such Manner as is by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," provided in regard to Shareholders of any Company in *Scotland*. For recovering Calls from Shareholders resident in Scotland.

XVIII. And be it enacted, That the Proprietors of any new Shares created under the Powers 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, immediately before the passing of this Act, if such Shares had been original Shares in the Undertaking of the said *Newcastle-upon-Tyne and Carlisle Railway Company*. As to Votes of Proprietors of new Shares.

XIX. And

Shareholders may vote personally or by Proxy.

XIX. And with respect to the Exercise of the Right of voting by the Shareholders of the *Newcastle-upon-Tyne and Carlisle* Railway Company at General Meetings of the Company, be it enacted, That the Votes of Shareholders, according to the prescribed Scale, may be given either personally or by Proxies, being Shareholders, authorized by Writing according to the Form in the Schedule A. to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation, then under their Common Seal; and no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Clerk or Secretary of the Company not less than Forty-eight Hours before the Time appointed for holding the Meeting at which such Proxy is to be used.

Expences of Act.

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

Power to make Railways according to deposited Plans.

XXI. And whereas Plans and Sections of the several Railways to be made by virtue of this Act showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same are intended to pass, have been deposited with the several Clerks of the Peace of the Counties of *Northumberland* and *Cumberland*, and the Clerk of the Peace of the Borough and County of the Town of *Newcastle-upon-Tyne*; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the several Railways herein-after mentioned, on the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Company to erect a Fence Wall and seat Sleepers with Felt before Infirmary.

XXII. And whereas the Noise occasioned by the Passage of Traffic and Engines along the said Railway may be injurious to the Inmates of the Infirmary for the Counties of *Northumberland*, *Durham*, and *Newcastle-upon-Tyne*; be it enacted, for the Remedy thereof, before opening for public Use the said intended Line of Railway into *Newcastle* by this Act authorized to be made, the said *Newcastle-upon-Tyne and Carlisle* Railway Company shall erect a Fence Wall on the North Side of the said Extension Line of Railway of not less than Thirteen Feet in Height from the Level of the Rails there to screen the same Railway from the Building now occupied by the said Infirmary and the Grounds thereto belonging, the said Fence Wall to commence at the Bridge across the Highway called the *Forth Bank Road* at the Western Extremity of the said Bridge, and to extend therefrom in a Westerly Direction for the Space of a hundred Yards; and in constructing the said Line the said *Newcastle-upon-Tyne and Carlisle* Railway Company shall for the Space herein-after mentioned use Timber Sleepers, and seat the Chairs of the Rails upon Felt, by placing a Layer of Felt between the said Chairs and the Sleepers to which the same are attached, and that the said
Extension

Extension Line of Railway shall be so constructed throughout such Portion of the Line as shall be screened by the Fence Wall hereinbefore described, and further in an Easterly Direction until the same Railway shall enter the Station House.

XXIII. And be it enacted, That the Lines of Railway to be made under the Authority of this Act, with suitable Stations, Works, and Conveniences, shall be the following ; (that is to say,) Lines of Railway.

A Railway to pass from the present Station on the said *Newcastle-upon-Tyne and Carlisle* Railway at or near a Road called the *Lead Factory Lane*, situate in the Township of *Elswick* in the Borough and County of *Newcastle-upon-Tyne*, to, from, through, into, or within the several Parishes, Townships, Townlands, or Extra-parochial Places following, or some of them ; that is to say, *Elswick, Westgate, Saint John, and Saint Nicholas*, all within the Borough and County of *Newcastle-upon-Tyne*, and to terminate at or upon a Parcel of Ground situate on the South Side of *Neville Street*, and near the Town's Wall, within the Township of *Saint John* in the said Borough and County of *Newcastle-upon-Tyne* :

A Railway commencing by a Junction with the Line of the *Newcastle-upon-Tyne and Carlisle* Railway in the Township of *Haltwhistle* in the Parish of *Haltwhistle* in the County of *Northumberland*, at or near the *Haltwhistle* Station upon the said Railway, and extending or passing to, from, in, through, or into, or to be made within the several Parishes, Townships, Townlands, and Extra-parochial Places following, or some of them ; that is to say, *Haltwhistle, Bellister, Featherstone, Lambley* otherwise *Lamley, Asholme, Knaresdale, and Kirkhaugh*, all in the said County of *Northumberland*, and *Alston Moor* otherwise *Alston* otherwise *Aldstone*, and *Nenthead*, all in the County of *Cumberland*, and terminating at or near to the Smelt Mills at *Nenthead* in the said Township or Chapelry of *Nenthead* in the said Parish of *Alston Moor* otherwise *Alston* otherwise *Aldstone* in the said County of *Cumberland*.

XXIV. And be it enacted, That the Quantity of Land to be taken for extraordinary Purposes shall not exceed Twenty Acres, in addition to the Lands which the said Company are by this and the said recited Acts, or any of them, authorized to take and hold. Land for extraordinary Purposes.

XXV. And be it enacted, That the Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof. Compulsory Powers of purchasing Land limited.

XXVI. And be it enacted, That the Railways authorized by this Act to be made shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this and the said Railways Clauses Consolidation Act granted to the said Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised except as to so much of the said Railways as shall then be completed. Period for Completion of Works.

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XXVII. And

Company not to use Locomotive Power on a certain Part of the Railway without Consent of Board of Trade.

XXVII. And be it enacted, That it shall not be lawful for the said Company to use Locomotive Engine Power on such Part of the said Branch Railway as extends from the *Haydon Bridge* and *Alston Turnpike Road* at *Alston* to the Termination of the said Branch Railway at *Nenthead*, without the Licence and Consent of the Board of Trade for that Purpose first had and obtained; and in case the said Company shall use Locomotive Engine Power on such Part of the said Railway without such Licence as aforesaid, they shall forfeit and pay the Sum of Five Pounds for every Day they shall so use such Power.

Branch to Alston not to be opened until completed.

XXVIII. And be it enacted, That it shall not be lawful for the said Company to open for the Use of the Public any Part or Portion of the said last-mentioned Branch Railway, between its Commencement at the Point of Junction with the *Newcastle and Carlisle* Railway in the Township of *Haltwhistle* and the Town of *Alston*, until the whole of the Line from the said Commencement of the said Branch Railway to *Alston* aforesaid shall have been completed and opened for the Use of the Public.

Certain Turnpike Roads and Highways may be crossed on a Level.

XXIX. And whereas the Railway secondly herein-before described is intended to be carried across the Turnpike Roads and Highways numbered as follows on the Plans herein-before referred to; that is to say, 10 in the Township of *Featherston* in the Parish of *Haltwhistle*, 6 and 32 in the Township and Parish of *Knaresdale*, 19^a in the Township and Parish of *Kirkhaugh*, 43, 86, 101, and 113, in the Township and Parish of *Alston Moor* otherwise *Alston* otherwise *Aldstone*, and 70 and 81 in the Chapelry of *Nenthead* in the Parish of *Alston Moor* otherwise *Alston* otherwise *Aldstone*; and it is expedient that the said Railways and Branch Railway respectively should be carried across the said Turnpike Roads and Highways on a Level; be it therefore enacted, That it shall be lawful for the Company to make the said Railways and Branch Railway respectively across the said Turnpike Roads and Highways on a Level at or near the Points marked on the said Plans for the crossing thereof.

Company to erect Stations or Lodges and Gates at level Crossings.

XXX. And be it enacted, That for the greater Security and Convenience of the Public the Company shall forthwith make and maintain on both Sides of any of the Railways made or to be made under the Powers of the said recited Acts or this Act, at the Points where any of the said Railways shall cross on the Level any Turnpike or other public Carriage Road (except the Roads crossing the River *South Tyne* at *Wharmley* and *Allerwash Fords*), good and sufficient Gates across such Turnpike or other Road, and shall employ proper Persons to attend to the opening and shutting such Gates, and such Gates shall be kept constantly closed across such Road on both Sides of the Railway except during the Time when Horses, Cattle, Carts, or Carriages passing along the same shall have to cross such Railway, and such Gates shall be of such Dimensions and so constructed as when closed to fence in the Railway and prevent Cattle or Horses passing along the Road from entering upon the Railway, and the Person intrusted with the Care of such Gates shall cause the same to be

be closed as soon as such Horses, Cattle, Carts, or Carriages shall have passed through the same; and for every Neglect the said Company shall forfeit and pay any Sum not less than Twenty Shillings and not more than Ten Pounds, in the Discretion of Two Justices of the Peace acting for any of the Counties of *Northumberland*, *Durham*, *Cumberland*, or the Town of *Newcastle-upon-Tyne*, such Penalties to be recovered within Ten Days after each such Neglect in like Manner and with the like Power of Appeal as is enacted with respect to Penalties in the said first-recited Act, and that the Company shall erect and permanently maintain a Station or Lodge at each of the said Points; and in case the said Company shall not erect such Station or Lodge within Twelve Months after the passing of this Act at such Points of crossing upon the said Railways already made under the Authority of the said recited Acts or any of them, and on or before the opening of the Parts of the said Railways by this Act authorized to be made, then the said Company shall forfeit and pay a Sum of One thousand Pounds in each Case, which may be recovered by any Person suing for the same by Action in any of Her Majesty's Courts of Record at *Westminster*, with full Costs of Suit: Provided always, that it shall be lawful for the Board of Trade, in any Case in which they are satisfied that it will be more conducive to the public Safety that the Gates on any level Crossing over any such Road should be kept closed across the Railway, to order that such Gates shall be kept so closed instead of across the Road, and in such Case such Gates shall be kept constantly closed across the Railway, except when Engines or Carriages passing along the Railway shall have occasion to cross such Road, in the same Manner and under the like Penalty as above directed with respect to the Gates being kept closed across the Road.

Board of Trade may order Gates to be kept closed across the Railway.

XXXI. And whereas by the Act thirdly recited it is enacted, that the Railways therein mentioned shall not cross any Turnpike Road on the Level thereof, but should be carried either over or under the same by means of a Bridge or Tunnel, at the Expence of the Company, and that such Bridge should be of such Construction as therein-after mentioned; and by the Act fourthly herein-before recited it is enacted, that with respect to any Turnpike Road whatsoever it should be a sufficient Compliance with the said thirdly-recited Act, if the same were carried either over or under the Railways authorized by the said last-mentioned Acts or the Acts therein recited, or any of them, by means of a Bridge or Tunnel, at the Expence of the said Company, and that such Bridge or Tunnel should be of such Construction as is mentioned in the said thirdly-recited Act: And whereas, notwithstanding the said lastly-mentioned Enactments the Convenience of the Public has rendered it expedient that the Railways made under the said recited Acts should be carried on a Level across the several Turnpike Roads distinguished on the Plans deposited, in the Year One thousand eight hundred and twenty-eight, with the several Clerks of the Peace for the Counties of *Cumberland* and *Northumberland*, by the Numbers following; that is to say, Twelve in the Township of *Caldew Gate* in the Parish of *Saint Mary Carlisle* in the County of *Cumberland*, Twenty-eight in the Township of *Blenkingsop* in the Parish of *Haltwhistle*, Twenty-three in the Township of *Netherwarden*

Certain existing Crossings on a Level confirmed.

Netherwarden otherwise *Low Warden* in the Parish of *Warden*, and *Seven* in the Township of *Dilston* in the Parish of *Corbridge*, all in the County of *Northumberland*; be it enacted, That it shall be lawful for the said Company to have, use, and continue the several Crossings lastly herein-before mentioned, any thing in the said recited Acts contained to the contrary thereof notwithstanding; and that after the Expiration of Three Calendar Months after the passing of this Act the Clauses and Penalties contained in the said "Railways Clauses Consolidation Act, 1845," with respect to the erecting, maintaining, opening, and shutting Gates across Turnpike Roads crossed on a Level, shall be applicable to the said Turnpike Roads by this Clause authorized to be crossed on a Level.

Company
to erect
certain
Bridges.

XXXII. And whereas the said Railways are also carried on a Level across the Turnpike Roads distinguished in the said Plans deposited, in the Year One thousand eight hundred and twenty-eight, with the several Clerks of the Peace for the Counties of *Cumberland* and *Northumberland*, by the Numbers following; 29 in the Township of *Corbridge* in the Parish of *Corbridge*, 5 in the Western Portion of the Township of *Old Ridley* in the Parish of *Bywell Saint Peter*, and Twenty-four in the Parish and Township of *Hexham*, all in the County of *Northumberland*; and it is expedient that the said last-mentioned Turnpike Roads should be carried over the said Railway by means of Bridges; be it enacted, That it shall be lawful for the said Company to have, use, and continue the Three several Crossings lastly herein-before mentioned, as the same now are, for the Space of Twelve Calendar Months next after the passing of this Act and no longer; and that the said Company shall, before the Expiration of the said Space of Twelve Calendar Months, construct and complete Bridges to carry the said Three last-mentioned Turnpike Roads over the said Railway, in the Manner prescribed in such Cases by the said "Railways Clauses Consolidation Act, 1845," (so always, nevertheless, that the Ascent to the first-mentioned Bridge from the North shall not exceed One Foot in Twenty Feet,) the Provisions of which Act respecting the crossing of Turnpike Roads, or other Interference therewith, are hereby declared to extend and be applicable to the said Three Turnpike Roads; and until each of the said last-mentioned Bridges shall be completed as herein-before directed the Company shall cause Gates to be erected and maintained across each of the said Turnpike Roads respectively, and shall cause the same to be respectively opened, shut, and watched according to the Provisions of the said "Railways Clauses Consolidation Act, 1845;" provided also, that if the said Bridges, or either of them, shall not be completed and fit for Use within the said Period of Twelve Calendar Months, the said Company shall forfeit the Sum of Ten Pounds for each of the said Bridges which shall be incomplete and unfit for Use, for each and every Day during which the said Bridges, or either of them, shall remain incomplete and unfit for Use after the Expiration of the last-mentioned Period, such Penalties or Penalty to be respectively paid to the Trustees for the Time being having the Management of the said Turnpike Roads respectively or Turnpike Road (as the Case may be) for which the Bridges or Bridge shall so remain incomplete and

unfit for Use as aforesaid, to be by them respectively applied for the Purposes of the Trusts of the same Turnpike Roads respectively or Turnpike Road (as the Case may be), and every such Penalty shall from Time to Time be recoverable, with Costs of Suit, by Action in any of the Superior Courts at *Westminster*.

XXXIII. Provided always, and be it enacted, That nothing herein contained shall exempt the said Company from Liability in respect of any Penalty incurred by the said Company before the passing of this Act. Company not to be exempt from Penalties.

XXXIV. And whereas it is expedient that the Company should be enabled to vary the Tolls upon the Railway, so as to accommodate them to the Circumstances of the Traffic, but that such Power of varying should not be used for the Purpose of prejudicing or favouring particular Parties, or for the Purpose of collusively and unfairly creating a Monopoly, either in the Hands of the Company or of particular Parties; be it therefore enacted, That it shall be lawful for the said Company, subject to the Provisions and Limitations in the said "Railways Clauses Consolidation Act, 1845," and in this Act contained, from Time to Time to alter or vary the Tolls by this Act authorized to be taken, either upon the whole or upon any particular Portions of the Railway, as they shall think fit; provided that all such Tolls be at all Times charged equally to all Persons, and after the same Rate, whether *per Ton per Mile* or otherwise, in respect of all Passengers, and of all Goods or Carriages of the same Description, and conveyed or propelled by a like Carriage or Engine passing only over the same Portion of the Line of Railway under the same Circumstances, and no Reduction or Advance in any such Tolls shall be made, either directly or indirectly, in favour of or against any particular Company or Person travelling upon or using the Railway. Power to vary Tolls.
Tolls to be charged equally

XXXV. Provided always, and be it enacted, That nothing in this Act contained shall take away, alter, or prejudice the Tolls or Duties called the Thorough Toll otherwise the Great Toll which now or at any Time hereafter shall be payable to the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*; and that it shall be lawful for the said Mayor, Aldermen, and Burgesses, or their Lessees, or their or any of their Collectors or Servants, to demand and receive the said Tolls or Duties in respect of all Cattle, Goods, Wares, Merchandize, Articles, and Things which shall be brought, taken, carried, or conveyed on the Railways made or to be made under this Act and the said recited Acts, and every of them, within or out of the said Borough of *Newcastle-upon-Tyne*, or such Part of the same Borough as shall be included within the Line on which the said Tolls shall for the Time being be authorized to be taken, and in case of Nonpayment of the said Tolls or Duties hereby made payable, or any of them, to have and exercise all and every the Powers and Rights for levying and recovering the same which they or any of them now have or are or shall be entitled to exercise in respect of the said Tolls and Duties called the Thorough Toll otherwise the Great Toll. Act not to affect the Thorough Toll payable to the Corporation of Newcastle-upon-Tyne.

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

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

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

XXXVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Bills, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

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

SCHEDULE (A.)

Form of Proxy.

A.B., one of the Proprietors of the "Newcastle-upon-Tyne and Carlisle Railway Company," doth hereby appoint *C.D.* of
to be the Proxy of the said *A.B.*, in his Absence to vote in his Name
upon any Matter relating to the Undertaking proposed at the Meet-
ing of the Proprietors of the said Company to be held on the
Day of next, in such Manner as he the said *C.D.* shall think
proper. In witness whereof the said *A.B.* hath hereunto set his
Hand [*or if a Corporation say, the Common Seal of the Corporation,*]
the Day of One thousand eight hundred
and

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