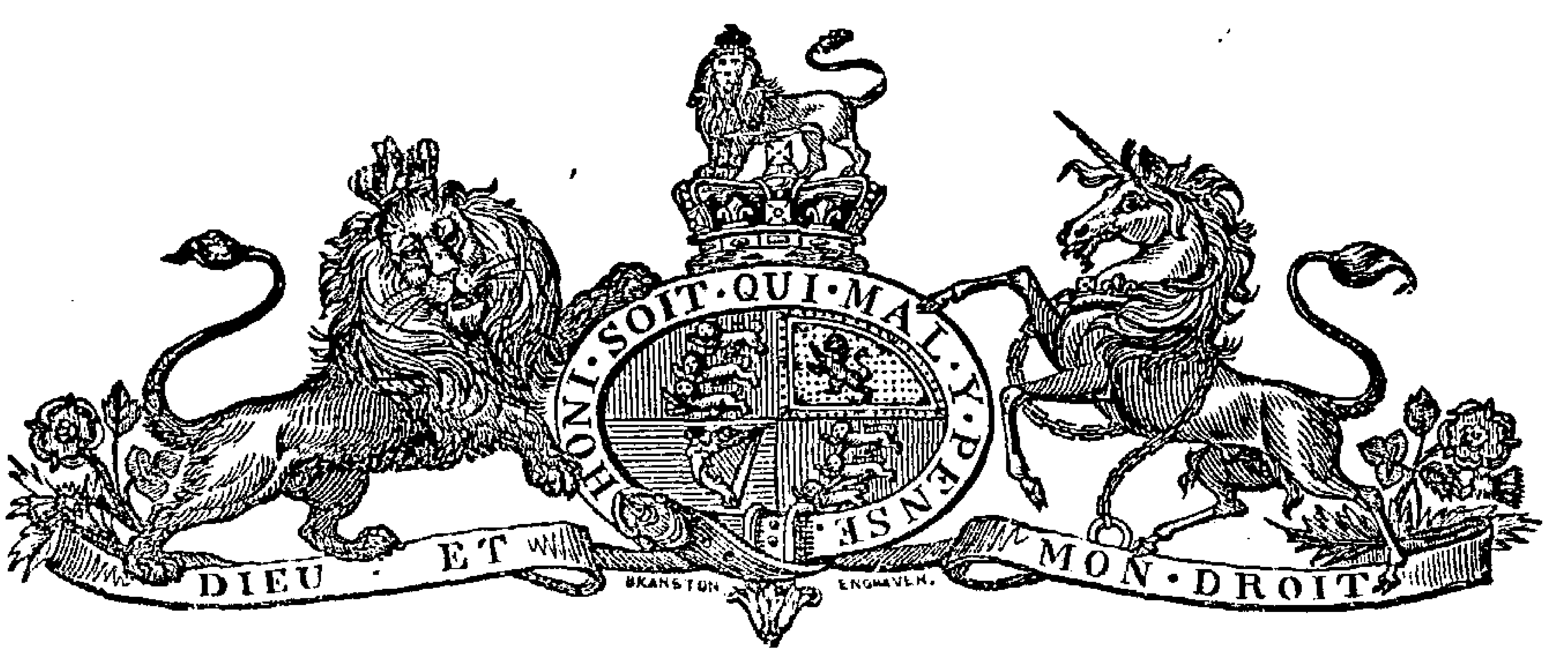



ANNO QUINTO

# VICTORIÆ REGINÆ.

Sess. 2.

*************************************************

## *Cap.* xvii.

An Act to alter, amend, extend, and enlarge the Powers and Provisions of an Act relating to the *Great North of England, Clarence, and Hartlepool Junction* Railway in the County of *Durham.*

[13th *May* 1842.]

WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making and maintaining a Railway to connect the* Great North of England, Clarence, and Hartlepool *Railways in the County of* Durham: And whereas the Company incorporated by the said Act have proceeded to carry the same into execution, and have made considerable Progress in the Construction of the Railway and Works by such Act authorized to be constructed: And whereas it is expedient that the Term granted by the said recited Act for the Completion of the said Railway and Works should be extended, and that some of the other Provisions of the said Act should be explained, altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it

7 W. 4. & 1 Vict. c. 95.

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That all the Provisions, Matters, and Things contained in the said recited Act (except such of them as are by this Act repealed, altered, or otherwise provided for) shall operate and be in force in respect of the Purposes of this Act, as effectually as if the same Provisions, Matters, and Things were re-enacted in this Act in reference to such Purposes.

Powers of recited Act extended to this Act.

II. And be it enacted, That the Time limited by the said recited Act for making and completing the said Railway and Works shall be extended and enlarged for the Term of Five Years, to be computed from the passing of this Act; and all Provisions, Penalties, and Things in the said recited Act shall be construed as if the Time limited by the said recited Act for the Completion of the said Railway and Works had been the Time limited by this and the recited Act for that Purpose.

Time enlarged for completing Railway.

III. And be it enacted, That the said Company shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act, for the Year ending on the Thirtieth Day of *June*, or some other convenient Day in each Year, under the several distinct Heads of "Receipt" and "Expenditure," with a Statement of the Balance of such Accounts duly audited and certified by the Directors of the said Company, or some of them, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Durham*, on or before the Thirty-first Day of *January* then next; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

A General Account of Receipt and Expenditure to be made up, and a Copy transmitted to the Clerk of the Peace yearly.

IV. And whereas it is by the said recited Act enacted, "that no Action, Suit, orI nformation, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person, for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Twenty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial

Repeal of Clause as to Limitation of Actions.

Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as hereinbefore directed, then and in every such Case the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases;" and it is expedient that the said Enactment should be repealed; be it therefore enacted, That the said Enactment shall be and the same is hereby repealed.

Repeal of the Clause directing the Rates and Tolls to be charged equally.

V. And whereas it is by the said recited Act enacted, "that the aforesaid Rates and Tolls to be taken by virtue of this Act upon any Goods, Matters, or Things to be carried upon the said Railway shall at all Times be charged equally, after the same Rate *per* Ton *per* Mile, throughout the whole of the said Railway, in respect of the same Description of Articles, Matters, or Things, and that the aforesaid Rates and Tolls for every Person, Animal, or Carriage, to be conveyed upon the said Railway by virtue of this Act, shall at all Times be charged equally, and after the same Sum *per* Mile, throughout the whole of the said Railway, and that no Reduction or Advance of the said Rates and Tolls shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said Railway, but that every such Reduction or Advance of Rates and Tolls upon any particular Kind or Description of Articles, Matters, or Things, or upon Persons, Animals, or Carriages, shall extend to and take place throughout the whole and every Part of the said Railway, upon and in respect of the same Description of Articles, Matters, and Things so reduced or advanced, and shall extend to all Persons whomsoever using the same, or carrying the same Description of Articles, Matters, and Things thereon, any thing to the contrary thereof in anywise notwithstanding;" and it is expedient that the said Enactment should be repealed, and that other Provisions should be made in lieu thereof; be it therefore enacted, That the said Enactment shall be and the same is hereby repealed.

New Provision respecting the Charging of Tolls.

VI. And be it enacted, That all Tolls for the Use of the Railway shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile or *per* Ton *per* Mile, or otherwise, in respect of all Passengers, and all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine; and that all Tolls for Carriages and the Use of locomotive Power shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile or *per* Ton *per* Mile, or otherwise, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage, passing

passing on the same Portion of the Line of Railway under the like Circumstances; and no Reduction or Advance in any such Tolls for the Use of the Railway, or for Conveyance by the Company, or for the Use of any locomotive Power to be supplied by them, shall be made, either directly or indirectly, in favour of or against any particular Company or Person travelling upon or using the same Portion of the Railway.

Payment of Expences of this Act.

VII. And be it enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act shall be defrayed and paid by the said Company out of the first Monies received or to be received by them under the Authority of the said recited Act and of this Act, in preference to any other Payment.

Provision for general Railway Act.

VIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railway from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1842.