ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lxxxiv.

An Act for the Abandonment of a Portion of the Line of the *Great North of England* Railway, and for altering and amending the Acts relating thereto. [18th *June* 1842.]

WHEREAS an Act was passed at a Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for* 6 & 7 W. 4. *making a Railway, from near the River* Tyne *to or near the River* c. 105. Tees, *to be called "The* Great North of England *Railway," in the County of* Durham: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act to enable the* 7 W. 4. & Great North of England *Railway Company to extend the Line of their* 1 Vict. c. 102. *Railway, and to make Two Branches therefrom, and for other Purposes relating thereto:* And whereas another Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for* 2 & 3 Vict. *amending and enlarging the Provisions of the several Acts relating to* c. 40. *the* Great North of England *Railway Company, and for other Purposes relating thereto:* And whereas another Act was passed at a Parliament holden in the Fourth and Fifth Years of the Reign of Her

4 & 5 Vict. c. 38.

present Majesty, intituled *An Act for amending and enlarging the Provisions of the several Acts relating to the* Great North of England *Railway Company, and for other Purposes relating thereto:* And whereas under the Powers of the said recited Acts, or some of them, a continuous Line of Railway from the City of *York* to the Town of *Darlington* in the said County of *Durham*, and unto the Railway of the *Stockton and Darlington* Railway Company at the Town of *Darlington* aforesaid, has been completed, and is now open to the Public: And whereas it is found expedient to abandon so much of the Line by the said first-recited Act authorized to be made as extends from a certain Close or Field near to *Shincliffe West House* in the Township of *Shincliffe* in the Parish of *Saint Oswald* in the said County of *Durham*, and now or late in the Occupation of *John Mellanby*, to the Line of the *Blaydon and Hebburn* Railway in a Field or Haugh called the *Hassocks*, situate within the Precincts of the Borough of *Gateshead* in the Township and Parish of *Gateshead* in the said County of *Durham*, belonging to *Adam Askew* of *Redheugh* in the said Parish of *Gateshead*, Esquire, and also to abandon a certain Branch Railway in the said second-recited Act mentioned, and therein called the *Durham* Branch: And whereas it is also expedient that further Provision should be made in reference to the Construction of so much of the Line of Railway comprised in the said recited Acts, or some of them, as extends from the South End of a certain Occupation Road leading to Land belonging to *John Allan* of *Blackwell* in the said County of *Durham*, Esquire, and situate in the Township and Parish of *Darlington* in the said County of *Durham*, to the before-mentioned Close or Field near to *Shincliffe West House* aforesaid: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be altered, amended, explained, and enlarged: And whereas the several Purposes aforesaid cannot be carried into execution 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 all the Powers, Provisions, Matters, and Things contained in the several Acts herein-before recited or mentioned, and now in force, (except such of them as are by this Act repealed, altered, or otherwise provided for,) shall extend to this Act, and shall operate and be in force in respect of the Objects and Purposes of this Act, as fully and effectually as if the same Powers, Matters, and Things were repeated and re-enacted in this Act in reference to the Objects and Purposes thereof.

Powers of the several recited Acts extended to this Act, except as hereby altered.

Company to abandon a Portion of the Line of Railway.

II. And be it enacted, That from and after the passing of this Act all the Powers, Authorities, Privileges, and Directions contained in the said several recited or mentioned Acts, or some or one of them, so far as the same extend to or authorize or require the said Company to make and maintain such Portion of the Line of Railway thereby authorized to be made as lies between a certain Close or Field near to *Shincliffe West House* in the Township of *Shincliffe* in the Parish of *Saint Oswald* in the said County of *Durham*, and now or late

late in the Occupation of *John Mellanby*, and the Line of the *Blaydon and Hebburn* Railway in a Field or Haugh called the *Hassocks*, situate within the Precincts of the Borough of *Gateshead* in the Township and Parish of *Gateshead*, belonging to *Adam Askew* of *Redheugh* in the said Parish of *Gateshead*, Esquire, all in the said County of *Durham*, and also so far as the same extend to or authorize or require the said Company to make and maintain a certain Branch Railway in the said secondly-recited or mentioned Act described, and therein called "The *Durham* Branch," shall cease and determine.

Power to transfer a certain Portion of the Line to another Company.

III. And be it enacted, That if any Act shall be passed in the present or any future Session of Parliament for incorporating any Persons for the Purpose of making a Railway Northward of the said Town of *Darlington*, it shall be lawful for the said *Great North of England* Railway Company to enter into any Agreement or Contract with such new Company, upon such Terms and Conditions as they shall think expedient, and it shall also be lawful for such new Company to enter into any Agreement or Contract with the said *Great North of England* Railway Company for the Construction and Maintenance, by such new Company, of such Portion of the Line of the said Railway by the said recited Acts or any of them authorized to be made as lies between the South End of a certain Occupation Road leading to Land belonging to *John Allan* of *Blackwell* in the said County of *Durham*, Esquire, and situate in the Township and Parish of *Darlington*, and a certain Close or Field near to *Shincliffe West House* in the Township of *Shincliffe* in the Parish of *Saint Oswald*, all in the said County of *Durham*, and now or late in the Occupation of *John Mellanby*, or any Part or Parts of such Portion, and for the Sale and Transfer to such new Company of the Lands and Premises purchased by the said *Great North of England* Railway Company for or with reference to the Construction of such last-mentioned Portion of the said Line of the said *Great North of England* Railway, or any Part or Parts of such last-mentioned Lands and Premises; and that from and after the entering into any such Contract or Agreement as aforesaid it shall not be lawful for the said *Great North of England* Railway Company to exercise any of the Powers, Authorities, Privileges, and Directions which by the said several recited Acts, or some or one of them, were given to them, so far as the same extend to or authorize or require the said *Great North of England* Railway Company to make and maintain the Portion of the Line of Railway lastly herein-before described, or such Part or Parts thereof as shall be comprised in any such Contract or Agreement.

For the Protection of the Coatham Hall Garth Estate.

IV. And whereas the Portion of the Line of the *Great North of England* Railway lying as aforesaid between the said Township and Parish of *Darlington* and the said Township of *Shincliffe* is intended to pass through and over certain Lands near to and adjoining the Estate, Mansion House, Mill, Grounds, Premises, and Hereditaments of *John Harrison* of *Greenwich* in the County of *Kent*, Esquire, and which Estate is called the *Coatham Hall Garth* Estate, and is situate in the Township of *Coatham Mundeville* in the County of *Durham*:

Durham: And whereas it is apprehended by the said *John Harrison* that in case the said Railway shall be formed in the said intended Line it may cause the same Estate, or some Part or Parts thereof, to be frequently overflowed or flooded by the River *Skerne*, which adjoins the same Estate on the East Side thereof, or may otherwise damage the said Estate; be it enacted, That if the Owner or Owners, Occupier or Occupiers respectively of the said Estate or any Part thereof shall sustain any Damage in his, her, or their Estate, Lands, Tenements, or other Hereditaments, or in his, her, or their Occupation or Enjoyment thereof, by such Floods being increased or continued for a longer Period on any of the Lands forming Part of the said Estate, or by the River *Skerne* changing its Course or otherwise injuring the said Estate by reason or on account of the said Portion of the Line of the said Railway passing through or over the said Estate, or over any other Land adjoining or near thereto, then and in every such Case Compensation for such Damage shall be paid by the Company constructing, maintaining, purchasing, holding, taking, or enjoying the same; and (if any Difference arise as to the Amount of such Compensation) the Amount of such Compensation shall be settled by the Verdict of a Jury, in the Manner and subject to the Provisions mentioned and contained in the said Act or Acts of Parliament under or by virtue of which the said Portion of the said Line of Railway is constructed, maintained, purchased, held, taken, or enjoyed.

Restriction as to building on Land of J. Allan, Esq.

V. And be it enacted, That it shall not be lawful for the said Company to erect any Building whatever upon the Land belonging to *John Allan* Esquire in the Township of *Darlington* in the County of *Durham*, lying North of the *Stockton and Darlington* Railway, save and except a Lodge or Cottage, which shall not contain more than One hundred Square Yards in Area nor exceed One Story in Height.

Company to sell certain

VI. And be it enacted, That, notwithstanding any thing in the herein-before recited or mentioned Acts or any of them contained, it shall be lawful for the said *Great North of England* Railway Company absolutely to sell, and by any Deed or Deeds under their Common Seal to convey to the Purchasers thereof, certain Lands and Premises, late of *Thomas Cookson* Esquire, situate in the Parish of *Chester le Street* in the said County of *Durham*, and the whole of which have been purchased and taken by the said *Great North of England* Railway Company under the Powers or Directions of the firstly herein-before recited or mentioned Act, at such Time or Times, and in such Lots or Parcels, and in such Manner, and for such Considerations, and under and subject to such Terms and Stipulations relative to Title or otherwise, and to such Persons or Corporations, as the said *Great North of England* Railway Company shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto.

Repurchase of certain Lands purchased.

VII. And whereas, under and by virtue of the firstly herein-before recited Act, the said *Great North of England* Railway Company purchased certain Lands belonging to the Dean and Chapter of

Durham, for the Purposes of that Part of the said Railway hereby authorized to be abandoned: And whereas a Bill is now pending in Parliament, intituled *A Bill for completing the Railway Communication between the Towns of* Newcastle-on-Tyne *and* Darlington, *by a Railway to be called the* Newcastle and Darlington Junction *Railway, with a Branch to the City of* Durham, whereby it is intended to obtain Powers for the Company proposed to be incorporated by the said Bill, if passed into a Law, to purchase certain other Lands belonging to the said Dean and Chapter for the Purpose of forming a Railway in substitution of the Railway hereby authorized to be abandoned, and the said Dean and Chapter are willing and desirous, notwithstanding any thing in the said firstly herein-before recited Act contained to the contrary, to repurchase from the said *Great North of England* Railway Company the said Lands so sold to them as aforesaid, for the Purposes of that Part of the said Railway hereby authorized to be abandoned, upon being authorized to pay for the same out of the Money to be received by the said Dean and Chapter from the Company proposed to be incorporated by the said Bill herein-before mentioned, if the same shall pass into a Law; be it therefore enacted, That if the said Bill shall pass into an Act, and if the Company thereby incorporated shall purchase from the said Dean and Chapter any Lands for the Purpose of the Undertaking thereby authorized, it shall be lawful for the said Dean and Chapter to make such Repurchase as aforesaid from the said *Great North of England* Railway Company with or out of the Money to be received by or payable to them the said Dean and Chapter for such last-mentioned Lands; and the Sum agreed to be paid for such Repurchase shall be paid accordingly to the said Company, out of the Money so to be received by or payable to the said Dean and Chapter, at any Time after such Money shall have been paid into the Court of Chancery under the Provisions of the said intended Act, (notwithstanding any thing in the said Act to be contained as to the Application of Purchase or Compensation Monies to be payable thereunder,) and for which Payment the said Court of Chancery shall make an Order in a summary Way, upon the joint Petition for that Purpose of the said Dean and Chapter and the said *Great North of England* Railway Company, but at the sole Costs and Expence of the said *Great North of England* Railway Company, who shall bear and pay the Costs, Charges, and Expences attending such Applications to the said Court of Chancery as may from Time to Time be necessary for the Purposes aforesaid; and upon Payment to the said *Great North of England* Railway Company, with or out of such Money as aforesaid, of the Sum which the said Dean and Chapter may have consented or agreed or may consent or agree to pay for such Repurchase as aforesaid, or at the Expiration of Six Calendar Months after the passing of this Act, in case such Payment shall not have been previously made, (but nevertheless without Prejudice to the Agreement for any such Payment as aforesaid,) the Land so repurchased shall vest in the said Dean and Chapter.

from the Dean and Chapter of Durham. 5 Vict. Sess 2. c. 80.

VIII. And be it enacted, That all the Lands which shall have been purchased or taken by the said Company, or are now in their Possession, for the Purposes of that Portion of the said Railway hereby

Land not taken to vest in adjoining Owners, with

Power for all Corporations and Persons to repay to the Company any Part of the original Purchase Money paid by the Company.

hereby authorized to be abandoned, (except such Part of the said last-mentioned Portion as shall or may be repurchased by the said Dean and Chapter under the Power contained in the last preceding Clause, and also except the Mansion, Lands, Tenements, and Hereditaments late of *Thomas Coolson* Esquire in this Act mentioned,) shall immediately after the passing of this Act vest in the respective Owners for the Time being of the Land adjoining such abandoned Portion (except as aforesaid) in manner following; (that is to say,) one Moiety thereof in the Owners of the Land on the one Side, and the Remainder thereof in the Owners of the Land on the other Side thereof, but without Prejudice nevertheless to any Agreement which hath been or may be entered into with the said Company by any Corporation or Persons whomsoever, being the Party in whom such Lands would vest under or by virtue of this present Clause, either for the absolute or any partial Estate or Interest therein, and either in their own Right or as Trustees, for the Repayment by such Parties respectively, out of the Monies paid by the said Company for the original Purchase of such reverting Lands, of a Sum of Money by way of Compensation for or Repurchase of all or any Part of the Lands which would so revert to such Corporations or Persons respectively.

Expences of the Act.

IX. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of all Arrangements preparatory thereto, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the said *Great North of England* Railway Company out of the Money already raised and received, or out of the first Money to be raised or received by virtue of the said recited Acts, or any of them, in preference to any other Payments whatsoever.

Public Act.

X. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially noticed as such.

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