ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cxxxiv.

An Act for enabling the *York and Newcastle* Railway Company to make certain Branch Railways in the Counties of *Durham* and *York*, and for other Purposes. [9th *July* 1847.]

5 & 6 Vict. c. 80.

WHEREAS an Act was passed in the Fifth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act 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 several Persons became and were incorporated by the Name of "The *Newcastle and Darlington Junction* Railway Company," which Name has since been altered to the "*York and Newcastle* Railway Company:" And whereas the Provisions of the said recited Act have been amended and enlarged by several subsequent Acts relating to the said Company passed respectively in the Sixth, Seventh, Ninth, and Tenth Years of the Reign of Her present Majesty: And whereas it would be attended with local and public Advantage if certain Lines of Railway from or connected with the Lines of Railway belonging to or leased by the said *York and New-*

castle Railway Company were authorized to be made, and a Portion of the authorized Line of the *Thirsk and Malton* Railway were abandoned, and the same Company are willing to execute the same, but these Purposes 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.

8 & 9 Vict. cc. 18. & 20. incorporated with this Act.

Powers of York and Newcastle Railway Acts extended to this Act.

II. And be it enacted, That all the Provisions, Matters, and Things contained in the said recited Acts relating to the Railways belonging to the *York and Newcastle* Railway Company, or any of them, so far as the same are now unrepealed, and except such as have expired by Effluxion of Time, and such as are by this Act or any Statute repealed, altered, or otherwise provided for, or are inapplicable to this Act, or inconsistent with or provided for by the said "Lands Clauses Consolidation Act," or the said "Railways Clauses Consolidation Act," shall extend to this Act, and to the several Purposes and Things hereby authorized, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to the Objects and Purposes hereof.

Power to borrow Money on Mortgage.

III. And be it enacted, That after Shares for the whole of the Capital in Shares by the recited Acts limited or authorized to be raised shall have been taken, and One Half of such Capital shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond for the Purposes of this Act such Sum or Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding (in addition to the Sums which the Company are authorized to borrow by virtue of the said recited Acts, or may be authorized to borrow by any Act to be passed in the present Session of Parliament, and the Power to borrow which it is hereby declared shall not be prejudiced,) the Sum of Two hundred and ninety-eight thousand six hundred and thirty-three Pounds, and to secure the Repayment of the Money so borrowed, with Interest, by Mortgage of their Undertaking, or by Bond, in manner provided by the Companies Clauses Consolidation Act, 1845: Provided always, that it shall not be lawful for the Company to borrow on Mortgage or Bond any Sum or Sums of Money which, together with such Sums as may be due and owing by the said Company on Mortgage of their Undertaking or on Bond at the Time of the borrowing of such Sum or Sums of Money, would amount to more than One Third of the Capital for the Time being of the Company in Shares or Stock: Provided further, that it shall not be obligatory on the said Company, before exercising the Power for

raising Money hereby given, to capitalize the Money which they have Power to capitalize under the Provisions of any Acts relating to the same Company, or any Part thereof.

Prior Mortgages not to be affected.

IV. Provided always, and be it enacted, That nothing herein contained shall be held to affect the Validity of any Mortgages on the said Undertaking which may be subsisting at the Time of the passing of this Act, but all such Mortgages shall during the Continuance thereof have Priority over the Mortgages or any of them which may be created under the Powers of this Act.

Provisions of 8 & 9 Vict. c. 16. as to borrowed Money to apply to this Act.

V. And be it enacted, That all the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by a Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held applicable to the borrowing by the said Company of the Monies hereby authorized to be borrowed by them, and to the Conversion thereof into Capital.

Mortgages and Transfers, &c. to be stamped.

VI. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said recited 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 recited Acts contained to the contrary notwithstanding.

Monies raised under Powers of former Acts, &c. may be applied to this Act.

VII. And be it enacted, That it shall be lawful for the said Company to apply for or towards the Purposes of this Act any Sum of Money which they may have raised or may raise under the Powers, and which shall not have been applied for the Purposes, of their said recited Acts or any of them, or of any Act to be passed in the present Session of Parliament relating to the said Company.

Interest not to be paid on Calls paid up.

VIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

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

IX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter

hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or execute any other Work or Undertaking.

Railway to be made according to deposited Plans, &c.

X. And whereas Plans and Sections of the Railways and Works hereby authorized to be made 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 or be made, have been deposited with the Clerk of the Peace for the North Riding of the County of *York*, for the County of *Durham*, and for the Borough and County of *Newcastle-upon-Tyne*; be it enacted, That, subject to the Provisions in this Act, and the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, contained, it shall be lawful for the said Company to make and maintain the said Railways and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Lines of Railway.

XI. And be it enacted, That the Lines of Railway to be made under the Authority of this Act shall be the following; (that is to say,)

A Railway commencing by a Junction with that Part of the *Newcastle and Darlington Junction* Railway belonging to the *York and Newcastle* Railway Company, called or lately called the *Brandling Junction* Railway, at or near the present Goods Station on the same Railway in the Township and Parish of *Gateshead* in the County of *Durham*, thence passing from, in, through, or into the several Parishes, Townships, and extra-parochial or other Places following or some of them, that is to say, *Gateshead*, *Gateshead Fell*, *Jarrow*, *Heworth* otherwise *Nether Heworth*, all in the said County of *Durham*, and terminating by a Junction with the said *Brandling Junction* Railway at or near to the *Pelaw* Station on the same Railway, in the said Township of *Heworth* otherwise *Nether Heworth* in the said Parish of *Jarrow*:

A Railway or Railways from and out of the *South Shields* Branch of the said *Brandling Junction* Railway commencing at or near a Point where the same Branch Railway crosses a Lane or Road called the *Green Lane* in the Township of *Harton* and Parish of *Jarrow* in the said County of *Durham*, thence passing from, in, through, or into the several Parishes, Townships, and extra-parochial or other Places following, or some of them, that is to say, *Monkwearmouth*, *South Shields*, *Fulwell*, *Jarrow*, *Harton*, *Saint Hilda*, *Westoe* otherwise *Wyvestoe*, and *Saint Nicholas*, all in the said County of *Durham*, and *Saint Nicholas* in the Borough and County of *Newcastle-upon-Tyne*, and terminating at or near the South Side of the proposed *Tyne* Dock in *Jarrow Slake*

Slake in the said Township of *Westoe* otherwise *Wyvestoe*, and Parishes of *Saint Hilda*, *Jarrow*, and *Saint Nicholas*, or some or one of them:

A Railway commencing by a Junction with the *Wingate* Branch Railway belonging to the *Hartlepool* Dock and Railway Company at or near to a Point marked A. on the Plans deposited as aforesaid in the Township and Parish of *Castle Eden* in the said County of *Durham*, and thence passing from, in, through, or into the several Parishes, Townships, extra-parochial and other Places following, or some of them, that is to say, *Castle Eden*, *Wingate*, *Kelloe*, *Thornley*, *Cassop*, *Sherburn*, *Sherburn House*, and *Whitwell House*, all in the said County of *Durham*, and terminating by a Junction with the Main Line of the said *Newcastle and Darlington Junction* Railway at or near a Point where the *Whitwell* Colliery Branch joins the same in the Township or extra-parochial Place of *Whitwell House* aforesaid in the said County of *Durham*:

A Railway from and out of a certain Branch Railway connecting the *Great North of England*, *Clarence*, *and Hartlepool Junction* Railway with the *Byers Green* Branch of the *Clarence* Railway, and which same intended Railway will commence by a Junction with the said first-mentioned Branch Railway at or near the Viaduct of the *Sherburn* Branch of the said *Clarence* Railway in the Township of *Thrislington* in the Parish of *Bishop-Middleham* in the said County of *Durham*, and thence passing from, in, through, or into the several Parishes, Townships, and extra-parochial or other Places following, or some of them, (that is to say,) *Thrislington*, *Bishop-Middleham*, *Ferryhill*, and *Merrington*, all in the said County of *Durham*, and terminating by a Junction with the Main Line of the said *Newcastle and Darlington Junction* Railway at or near to a Point marked B. on the Plans deposited as aforesaid in the said Township of *Ferryhill* in the Parish of *Merrington* aforesaid in the said County of *Durham*:

A Railway from and out of the Main Line of the *Great North of England* Railway commencing by a Junction therewith at or near to a Point marked H. on the Plans deposited as aforesaid in the Townships of *Raskelf* and *Easingwold*, or one of them, in the Parish of *Easingwold* in the County of *York*, thence passing from, in, through, or into the several Parishes, Townships, and extra-parochial or other Places following, or some of them, (that is to say,) *Easingwold* and *Raskelf* aforesaid, and terminating at or near to a Point marked C. on the said Plans in the said Township and Parish of *Easingwold*:

A Railway from and out of the said Main Line of the said *Great North of England* Railway commencing by a Junction therewith at or near to a Point marked K. on the Plans deposited as aforesaid in the Township of *Raskelf* in the said Parish of *Easingwold* in the said County of *York*, thence passing from, in, through, or into the several Parishes, Townships, and extra-parochial or

other Places following, or some of them, (that is to say,) *Raskelf*, *Easingwold*, *Brafferton*, *Helperby*, *Thirkleby*, *Great* otherwise *High Thirkleby*, *Little* otherwise *Low Thirkleby*, *Sessay*, *Hutton*, *Hutton Sessay*, *Birdforth*, *Wildon Grange*, *Coxwold*, *Thormanby*, *Carlton*, *Husthwaite*, and *Carlton-Husthwaite*, all in the said County of *York*, and terminating by a Junction with the present authorized Line of the *Thirsk and Malton* Branch Railway, belonging to the said *York and Newcastle* Railway Company, at or near to a Point marked D. on the said Plans in the Township of *Wildon Grange* in the Parish of *Coxwold* aforesaid:

And a Railway commencing by a Junction with the present authorized Line of the *Bedale* Branch Railway, belonging to the said *York and Newcastle* Railway Company, at or near to a Point marked E. on the Plans so deposited as aforesaid in the Township of *Aiskew* and Parish of *Bedale* in the said County of *York*, thence passing from, in, through, or into the said Parish and Township of *Bedale* and *Aiskew*, and terminating by a Junction with the present authorized Line of the *Northern Counties Union* Railway, otherwise called the *Yorkshire and Glasgow Union* Railway, at or near to a Point marked F. on the said Plans in the Parish and Township of *Bedale* aforesaid.

For the Protection of the Interests of the Dean and Chapter of Durham in the Brandling Junction, &c. Railway.

XII. Provided always, and be it enacted, That nothing herein contained shall extend to or shall authorize the said Company to purchase or take any Part of the Railway lately called or known by the Name of the *Brandling Junction* Railway, but now called or known by the Name of the *South Shields* Branch of the *York and Newcastle* Railway, or any Part of the Railway called or known by the Name of the *Pontop and South Shields* Railway, now held by Lease for a Term of Years under the Dean and Chapter of the Cathedral Church of *Durham*, or to depart from or in any way alter or vary the Agreements which the said Company have already entered into with the said Dean and Chapter respecting the said Two Railways or either of them.

Power to the Dean and Chapter to make a cross Railway.

XIII. Provided also, and be it enacted, That it shall and may be lawful to and for the Dean and Chapter of the Cathedral Church of *Durham*, and their Successors, Lessees, Grantees, or Assigns, to have, make, and use at their own Expence a Railway, Waggonway, or other Road or Way not exceeding Fourteen Yards in Width through or under the Lands which shall be taken and purchased by the said Company under the Powers and Provisions of this Act for the Purposes of the said secondly-mentioned Railway or Railways and Works known as the *Tyne* Dock Branches, such Railway, Waggonway, or other Road or Way being made by means of a Tunnel passing under the said secondly-mentioned Railway or Railways, and such Tunnel being made in a Line or Direction parallel with and at a Distance not exceeding Sixty Yards from the Hedge or Fence shown on the deposited Plans of the said secondly-mentioned Railway or Railways and Works known as the *Tyne* Dock Branches as dividing the Fields thereon numbered 6 and 8 from the Fields thereon

thereon numbered 9 and 10: Provided always, that such Tunnel and the Works connected therewith shall be made so as not to injure or endanger the Security of the Railway or Railways by this Act secondly authorized, or the Works and Machinery connected therewith, and that the same shall be made and constructed in all respects to the Satisfaction of the principal Engineer for the Time being of the said Company.

Certain Roads may be crossed on the Level.

XIV. And be it enacted, That, subject to the Provisions in the Railways Clauses Consolidation Act, 1845, contained, in reference to the crossing of Roads on a Level, it shall be lawful for the Company in the Construction of the Railways by this Act authorized to be made to carry the same across the several Turnpike Roads and Highways herein-after mentioned on the Level thereof; that is to say,

Pelaw Branch.

No. on Plan.	Parish and Township.	Description of Road.
86	Parish of Jarrow, Township of Heworth	Township Road.
	Hartlepool Branch.	
66	Parish of Kelloe, Township of Wingate	Township Road.
	Easingwold Branch.	
29	Parish of Easingwold, Township of Raskelf.	Highway.
48	Parish of Easingwold, Township of Raskelf.	Highway.
59	Parish of Easingwold, Township of Raskelf.	Highway.
31	Parish of Easingwold, Township of Easingwold.	Highway.
43 *a*	Parish of Easingwold, Township of Easingwold.	Highway.
	Thirsk and Malton Branch.	
16	Parish of Thormanby, Township of Thormanby.	Turnpike Road from York to Thirsk.
2	Parish of Coxwold, Township of Wildon Grange.	Highway.

Company to erect Stations or Lodges at Points of crossing, and abide by Rules, &c. of the Commissioners of Railways.

XV. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway shall cross on the Level the before-mentioned Roads; and the said Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if

if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule and Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Lands for extraordinary Purposes.

XVI. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes connected with the Railways by this Act authorized, not exceeding Thirty Acres.

Period for compulsory Purchase of Lands.

XVII. And be it enacted, That 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 thereof.

Period for Completion of the Works.

XVIII. And be it enacted, That the Railways and Works by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the Acts incorporated herewith or extended hereto granted to the Company for executing the same Railways and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such Railways and Works as shall then have been completed, and except such Powers as are by the same Acts or any of them declared to be continued for a longer Period.

Company to take same Tolls as are allowed by the Great North of England Purchase Act, 1846.

XIX. And be it enacted, That the Company may, subject to the Provisions in this or the Act passed in the Tenth Year of the Reign of Her present Majesty, intituled "The *Great North of England* Railway Purchase Act, 1846," contained, lawfully demand and receive for and in respect of Passengers and Animals, and of all Articles, Matters, and Things, conveyed upon the Railways by this Act authorized, or any Part thereof, and for the Use of Carriages and of Locomotive Engines or other Power supplied by the Company thereon, such Amount of Rates, Tolls, or other Charges as by the said *Great North of England* Railway Purchase Act, 1846, the said Company are authorized to demand and receive for the like Passengers and Animals, Matters, and Things conveyed upon the Railways therein mentioned or referred to, and for the Use of the like Carriages and Locomotive Engines or other Power supplied by the said Company on the same Railways.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97.,

XX. 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*

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;* and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the said Tenth Year of the Reign of Her Majesty, intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railways hereby authorized, or the said Company in respect thereof, from the Provisions of the same several Acts respectively, but that such Provisions shall be in force with reference to the same Railways and Company in respect thereof so far as the same are applicable.

5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

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

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

Power to abandon Part of Thirsk and Malton Branch.

XXII. And whereas the Construction of the Railways or some of them by this Act authorized will supersede and render unnecessary the making of a certain Part of the *Thirsk and Malton* Branch authorized by the *Newcastle and Darlington Junction* (*Thirsk and Malton* Branches) Railway Act, 1846; be it therefore enacted, That the said *York and Newcastle* Railway Company shall abandon and relinquish the Construction of so much of the Line of the said *Thirsk and Malton* Branch of their said Railway authorized by the said last-mentioned Act as lies between a Point marked G. on the Plans relating to the said Branch, deposited with the Clerk of the Peace for the North Riding of the County of *York* in the Month of *November* One thousand eight hundred and forty-five, in the Township of *Great* otherwise *High Thirkleby* in the Parish of *Thirkleby* and the Point of Junction of the said Branch with the Main Line of the *Great North of England* Railway in the Township and Parish of *Sessay*, all in the said County of *York*, and all Powers and Provisions for making the same shall cease and determine.

Expences of Act.

XXIII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Short Title. XXIV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe it as "The *York and Newcastle* (*Pelaw* and other Branches) Railway Act, 1847."

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

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