ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. xxiv.

An Act for enabling the *York, Newcastle, and Berwick* Railway Company to improve their Main Line of Railway, and to make certain Branches in the County of *Durham;* and for other Purposes. [30th *June* 1848.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years 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 extended or altered by several subsequent Acts relating to the said Company, passed respectively in the Sessions of Parliament held in the Sixth and Seventh, the Seventh and Eighth, the Eighth and Ninth, and the Ninth and Tenth Years of the Reign of Her present Majesty, and in the last Session of Parliament: And whereas an Act was passed in the last

5 & 6 Vict. c. 80.

10 & 11 Vict. c. 133.

Session of Parliament, intituled *An Act to authorize the Consolidation into One Undertaking of* "*The* York and Newcastle" *and* "*The* Newcastle and Berwick" *Railway Companies*, by virtue of which the Companies so consolidated have assumed the Name of "The *York, Newcastle, and Berwick* Railway Company:" And whereas it would be attended with local and public Advantage if a Railway were formed from the Line of the *Newcastle and Berwick* Railway in the Township and Parish of *Gateshead* in the County of *Durham* to the Main Line of the said *York, Newcastle, and Berwick* Railway Company in the Township and Parish of *Saint Giles*, all in the said County of *Durham*, with certain Branches therefrom, also if some of the Levels of the *Durham* Branch Railway of the said Company were altered, and if Part of the authorized Line of the *Bishop Auckland* Branch Railway of the said Company was abandoned, and the said *York, Newcastle, and Berwick* Railway Company are willing to execute the same: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be altered, amended, extended, and enlarged; but the Purposes aforesaid 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,

Provisions of 5 & 6 Vict. c. 80. &c. extended to this Act.

That all the Provisions contained in the first-recited Act, or in any other Act which has subsequently been passed relating to the Railways belonging to the *York, Newcastle, and Berwick* Railway Company, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things, and the said Acts and this Act shall be construed and read together as forming One Act.

Provisions of 8 & 9 Vict. cc. 18. and 20. extended to this Act.

II. And be it enacted, That so much of the "Lands Clauses Consolidation Act," 1845, and of the "Railways Clauses Consolidation Act," 1845, as are applicable to and are not modified by this Act, or inconsistent with the Provisions hereof, or of the said Acts relating to the Railways belonging to the *York, Newcastle, and Berwick* Railway Company, shall be held to apply to the Railways and Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

Power to borrow Money on Mortgage or Bond.

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

Act to be passed in the present Session of Parliament, and the Power to borrow which it is declared shall not be prejudiced by this Act,) the Sum of Six hundred and ninety thousand 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 said 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, &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.

Interest not to be paid on Calls paid up.

VII. 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 them 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 or 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.

VIII. And

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

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 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 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.

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

IX. And whereas Plans and Sections describing the Line and Levels of the Railways and Works hereby authorized to be made, and also describing the intended Alteration in the Levels of the said *Durham* Branch belonging to the said *York, Newcastle, and Berwick* Railway Company, together with Books of Reference to the said Plans containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands through which the same respectively are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Durham;* 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 Company to make and maintain the Railways herein-after mentioned, with all proper Works and Conveniences connected therewith, also to make the Alteration herein-after mentioned in the said *Durham* Branch in the Lines and according to the Levels shown upon the said Plans and Sections, 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.

Line of Railway.

X. 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 the *Newcastle and Berwick* Railway, now in course of Formation, at or near to a Point marked (A) on the Plans so deposited as aforesaid in the Township and Parish of *Gateshead* within the Borough 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, Chester-le-Street, Lamesley, Kibblesworth, Birtley, Ouston, Urpeth, Harraton, Plawsworth, Framwellgate, Saint Oswald, Saint Margaret, Elvet, Crossgate, Houghton-le-Spring, West Rainton, Moorhouse, Saint Giles, Pittington Hallgarth, Great Usworth, Little Usworth, Whickham, Washington, Ravensworth, North Biddick, Pelton, Great Lumley, Little Lumley, Waldridge, Kimblesworth,* and *Witton Gilbert,* all in the said County of *Durham,* and terminating by a Junction with that Part of the Main Line of Railway belonging to the said Company called the *Newcastle and Darlington Junction* Railway at or near a Point marked (B) on the said Plans where the Road or Highway leading from *Pittington* to the City of *Durham* crosses over the said Main Line of the said *Newcastle and Darlington Junction*

Junction Railway in the Township and Parish of *Saint Giles* in the said County of *Durham*:

A Railway from and out of the said first-mentioned intended Railway commencing at or near to a Point marked (C) on the Plans so deposited as aforesaid in the Township of *Framwellgate* and Parish of *Saint Oswald*, 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,) *Kimblesworth*, *Witton Gilbert*, *Plawsworth*, *Saint Oswald*, *Saint Margaret*, *Crossgate*, *Elvet*, extra-parochial between the Townships of *Elvet* and *Brandon* and *Byshottles*, *Brandon* and *Byshottles*, *Brancepeth*, *Stockley*, *Sunderland Bridge*, *Broom*, *Croxdale*, *Byers Green*, *Tudhoe*, *Newfield*, *Willington*, *Helmington Row*, *Saint Andrew Auckland*, *Hunwick* and *Helmington*, *Newton Cap*, *Crook and Billy Row*, *Bishop Auckland* otherwise *Bondgate* in *Auckland*, *Pollard's Lands*, and *Escomb*, all in the said County of *Durham*, and terminating by a Junction with the present authorized *Bishop Auckland* Branch Railway belonging to the said Company at or near to a Point marked (D) on the said Plans where the said *Auckland* Branch crosses the River *Wear*, near *Newton Cap Bridge* in the Township of *Newton Cap* in the Parish of *Saint Andrew Auckland* in the said County of *Durham*:

A Railway commencing by a Junction with the said first-mentioned intended Railway at or near to a Point marked (E) on the Plans so deposited as aforesaid in the said Township of *Framwellgate* in the said Parish of *Saint Oswald*, thence passing in or through the several Parishes, Townships, and extra-parochial Places of *Framwellgate*, *Saint Oswald*, and *Saint Margaret* aforesaid, and terminating at or near to a Point marked (F) on the said Plans in the said Township of *Framwellgate* and Parish of *Saint Oswald* by a Junction with the said secondly mentioned intended Railway:

A Railway from and out of the said first-mentioned intended Railway commencing by a Junction with the same at or near to a Point mark (G) on the Plans so deposited as aforesaid in the said Township and Parish of *Saint Giles*, and thence passing from, in, through, and into the several Parishes, Townships, and extra-parochial or other Places following, or some of them, (that is to say,) *Saint Giles*, *Elvet*, *Moorhouse*, *Houghton-le-Spring*, and *West Rainton*, all in the said County of *Durham*, and terminating by a Junction with the said *Newcastle and Darlington Junction* Railway at or near to a Point marked (H) on the said Plans in the Township of *West Rainton* aforesaid in the Parish of *Houghton-le-Spring* aforesaid.

As to Alteration in Levels of Durham Branch.

XI. And be it enacted, That the said Alteration in the Levels of the *Durham* Branch Railway belonging to the said *York*, *Newcastle*, *and Berwick* Railway Company shall commence at or near the *Belmont* Station of the said Branch Railway, and shall terminate at a Point on the same Branch at or about Five hundred Yards to the West of the said Station, all in the said Township and Parish of *Saint Giles*.

A Portion of the Bishop Auckland Branch to be abandoned.

XII. And be it enacted, That the said Company shall abandon and relinquish the Construction of so much and such Parts of the Line of the *Bishop Auckland* Branch of their Railway, as authorized by the *Newcastle and Darlington Junction* (County of *Durham* Branches) Act, 1846, as lies between a Point at or about Ninety Yards North of the Point where the same is authorized to cross the River *Wear* in the Township of *Newton Cap* and Parish of *Saint Andrew Auckland* and the Junction of the said *Bishop Auckland* Branch with the said *Newcastle and Darlington* Junction Railway in the Township of *Pittington* in the Parish of *Pittington Hallgarth*, together with the Branches authorized to be made from and out of that Part of the said *Bishop Auckland* Branch which is so proposed to be abandoned to the City of *Durham*, all in the said County of *Durham*, and from and immediately after the passing of this Act all the Powers and Authorities granted by the said last-mentioned Act for making and maintaining the Portion of the said *Bishop Auckland* Branch, and the Branches therefrom to the City of *Durham*, hereby authorized to be abandoned, shall cease and determine.

Certain Roads may be crossed on the Level.

XIII. 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 Roads herein-after mentioned on the Level thereof; (that is to say,)

As regards the Railway firstly herein-before described, the Roads following; (that is to say,)

No. 285, 323, and 350 in the Parish of *Chester-le-Street*:
No. 17 and 95 a in the Parish of *Saint Oswald*:
No. 24 in the Parish of *Saint Giles*:

As regards the Railway secondly herein-before described, the Roads following; (that is to say,)

No. 268 in the Parish of *Saint Oswald*:
No. 181 in the Parish of *Brancepeth*:

As regards the Railway thirdly herein-before described:
The Road No. 95 a in the Parish of *Saint Oswald*.

Company to erect a Station or Lodge at Points of crossing, and to abide by Regulations of Commissioners of Railways.

XIV. 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 crosses the before-mentioned Roads on the Level, and the said Company shall be subject to and shall 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 the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or 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 or 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.

XV. And

Land for extraordinary Purposes.

XV. 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 Fifty Acres.

Period within which Lands are to be purchased.

XVI. 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.

XVII. 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 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 9 & 10 Vict. c. 242.

XVIII. 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.

Company may take increased Charges by Agreement.

XIX. Provided further, and be it enacted, That nothing herein contained shall be held to prevent the Company from taking any increased Charges, over and above the Charges herein-before authorized, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect to the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55.,

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 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,

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

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 Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the same Session of Parliament, 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.

Railways to be subject to Provisions of future general Act.

XXI. 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 Acts, or of any general Act relating to Railways, now in force or 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 maximum Rates of Fares and Charges authorized by this Act.

Costs of Act.

XXII. And be it enacted, That all the Costs, Charges, and Expenses 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 Expenses 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.

XXIII. 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, Newcastle, and Berwick* (Main Line Improvement) Railway Act, 1848."

Public Act.

XXIV. 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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