



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. lvi.

An Act for enabling the *Leeds and Thirsk* Railway Company to make a Railway from *Melmerby* to *Northallerton*, and to form a Junction with the *York and Newcastle* Railway. [22d July 1848.]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from Leeds to Thirsk, with Branches therefrom*: And whereas another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act to enable the Leeds and Thirsk Railway Company to make a Railway from Northallerton to the Stockton and Hartlepool Railway*: And whereas another Act was passed in the same Session, intituled *An Act for enabling the Leeds and Thirsk Railway Company to make certain Deviations in the Line of the Saint Helens Branch of the said Railway*: And whereas another Act was passed in the same Session, intituled *An Act to enable the Leeds and Thirsk Railway Company to* [Local.]

8 & 9 Vict. c. 104.
9 & 10 Vict. c. 149.
9 & 10 Vict. c. 153.
9 & 10 Vict. alter c. 154.

alter and extend the Line of Part of their Railway, and for other Purposes: And whereas it would be attended with local and public Advantage if the said *Leeds and Thirsk* Railway Company were empowered to make a Railway commencing at or near the Boundary between the Townships of *Wath* and *Melmerby*, and terminating by a Junction with their *Leeds and Hartlepool* Railway, as already authorized, in the Township and Parish of *Northallerton*, and also to form a Junction between the said intended Railway and the *York, Newcastle, and Berwick* Railway in the Township of *Romanby* and Parish of *Northallerton*, all in the North Riding of the County of *York*: And whereas it is also expedient that some of the Powers and Provisions of the said recited Acts should be amended 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, That all the Provisions contained in the said recited Acts, 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 recited Acts and this Act shall be construed and read together as forming One Act.

Provisions of
recited Acts
extended to
this Act.

Power to
raise Money.

New Shares
to form Part
of general
Capital.

II. And be it enacted, That it shall be lawful for the said Company to raise the Sum of One hundred and fifty-three thousand Pounds by the Creation of new Shares or Stock, in addition to the Sums of Money they are authorized to raise by their former Acts, or may be authorized to raise by any Act to be passed during the present Session of Parliament; and the new Shares or Stock to be created by virtue of this Act shall be considered Part of the general Capital of the Company: Provided nevertheless, that in the Creation of such new Shares or Stock it shall not be lawful for the said Company to guarantee Interest, or give any Preference in the Receipt of Dividend, upon or in respect of such new Shares or Stock; provided also, that all and every Part of such Sum of Money so to be raised shall be applicable only to the Objects and Purposes by this Act authorized.

Calls.

III. Provided always, and be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders in respect of the Money by this Act authorized to be raised, and Three Months at the least shall be the Interval between successive Calls.

IV. And

IV. And be it enacted, That after Shares for the whole of the Capital in Shares by this and the said 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 such 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 the whole, in addition to the Sums authorized to be borrowed by the said recited Acts, and in addition to any further Sum which they may be authorized to borrow by any Act to be passed during the present Session of Parliament, the Sum of Fifty-one thousand Pounds, and to secure the Repayment of the Sum to be borrowed, with Interest, by Mortgage of the Undertaking, as by "The Companies Clauses Consolidation Act, 1845," provided, and subject to the several Provisions therein contained with respect to the borrowing of Money on Mortgage: Provided always, that all and every Part of such Sum of Money so to be borrowed shall be applicable only to the Objects and Purposes by this Act authorized.

Power to borrow Money on Mortgage.

V. Provided always, and be it enacted, That all Mortgages or 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.

Former Mortgages to have Priority.

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.

Mortgages, Transfers, &c. to be stamped.

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 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.

Interest not to be paid on Calls paid up.

VIII. And

Deposits for
future Bills
not to be
paid out of
the Com-
pany'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.

Power to
make Rail-
way and
Junciton
with York
and New-
castle Rail-
way.

IX. And whereas Plans and Sections, showing the Line and Levels of the Railway and Branch by this Act authorized to be made, together with a Book of Reference to the said Plans, containing the Names of the reputed Owners and Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace for the North Riding of the County of *York*; be it enacted, That, subject to the Powers of Deviation contained in "The Railways Clauses Consolidation Act, 1845," it shall be lawful for the Company to make and maintain the Railway and Branch herein-after mentioned, with all proper Works and Conveniences connected therewith respectively, in the Line or Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as may be requisite for such Purpose.

Lines of
Railway.

X. And be it enacted, That the Railway and Branch to be made under the Authority of this Act shall be the following; that is to say,

A Railway commencing at or near the Boundary between the Townships of *Wath* and *Melmerby* in the Parish of *Wath* in a Field in the Township of *Wath* in the Parish of *Wath* aforesaid, numbered 6 on the Plans referred to in the *Leeds and Thirsk* Railway Act, 1845, thence passing from, in, through, or into the several Parishes, Townships, and extra-parochial or other Places of *Wath*, *Melmerby*, *Middleton*, *Middleton Quernhow*, *Norton Conyers*, *Sutton*, *Howgrave*, *Sutton-with-Howgrave*, *Ainderby*, *Ainderby Quernhow*, *Kirklington*, *Kirklington-with-Upsland*, *Sinderby*, *Carthorpe*, *Burniston*, *Pickhill*, *Pickhill-cum-Roaxby*, *Swamby*, *Swamby-with-Allarthorpe*, *Maimby*, *Allarthorpe*, *Satenby*, *Kirby*, *Kirby Wiske*, *Newby*, *Newby Wiske*, *South Otterington*, *North Otterington*, *Warlaby*, *Croft*, *Romanby*, and *Northallerton*, or some of them, and terminating by a Junction with the Line of Railway authorized by the *Leeds and Hartlepool* Railway Act, 1846, in or near a Field in the said Township and Parish of *Northallerton* numbered 7 upon the Plans referred to in the said

Leeds

Leeds and Hartlepool Railway Act, 1846, all in the North Riding of the County of York :

A Branch Railway from and out of the said intended Railway, to join the *York, Newcastle, and Berwick Railway*, which said Branch Railway will be wholly situate within the Township of *Romanby* and Parish of *Northallerton* aforesaid.

XI. 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 the 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 numbered in the said Plans and Book of Reference as herein-after mentioned on the Level thereof; (that is to say,)

Certain Roads may be crossed on the Level.

In the Township of *Wath* and Parish of *Wath*, the Road numbered 6 :

In the Township of *Middleton Quernhow* and Parish of *Wath*, the Road numbered 7 :

In the Township of *Pickhill-cum-Roaxby* and Parish of *Pickhill*, the Roads numbered 17a, 62, and 72 :

In the Township of *Maunby* and Parish of *Kirby Wiske*, the Road numbered 31 :

In the Township of *Newby Wiske* and Parish of *Kirby Wiske*, the Road numbered 24 :

In the Township of *Romanby* and Parish of *Northallerton*, the Roads numbered 41, 57, and 59a :

In the Township of *Northallerton* and Parish of *Northallerton*, the Road numbered 31.

XII. 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.

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

XIII. Provided always, and be it enacted, That as regards the Road marked as herein-after mentioned on the said Plan and Book of

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Reference

As to the Inclination of a certain Road.

Reference deposited as aforesaid it shall be lawful for the Company to make the Rates of Inclination of such Road when altered as follows ; (that is to say,)

A Highway numbered 62 in the Township of *Pickhill-cum-Roaxby* in the Parish of *Pickhill*, One in Sixteen.

As to crossing the Northern Counties Union Railway on a Level.

XIV. And whereas the Railway hereby authorized to be made is intended to cross the *Northern Counties Union* Railway on the Level thereof, and it is expedient that Provision should be made for preventing all Danger and Inconvenience and all Interruption in the Traffic on the said Railway owing to such Mode of crossing thereof ; be it therefore enacted, That it shall not be lawful for the *Leeds and Thirsk* Railway Company, or for any Person using their Railway, to cross the *Northern Counties Union* Railway with any Engines or Carriages, excepting by such Means and at such Speed and under such Conditions as the Commissioners of Railways shall determine ; and if any Engines or Carriages employed on the said Railway hereby authorized shall cross the said *Northern Counties Union* Railway otherwise than as the said Commissioners shall direct, the *Leeds and Thirsk* Railway Company shall be liable for such Default to a Penalty of Fifty Pounds payable to the *Northern Counties Union* Railway Company.

As to the Construction and working of the Level Crossing.

XV. And be it enacted, That the *Leeds and Thirsk* Railway Company shall not in any Manner interfere with the said *Northern Counties Union* Railway, or any of the Lands or Works belonging thereto, except only according to such Plans and in such Manner as shall be approved of by the Engineers for the Time being of the *Northern Counties Union* Railway Company and the *Leeds and Thirsk* Railway Company ; and all Works in connexion with the said *Northern Counties Union* Railway shall be constructed at the Expense of the *Leeds and Thirsk* Railway Company, under the Superintendence and Direction of the said Engineers, and in such Manner as not to endanger or interfere with the Security of the *Northern Counties Union* Railway, or to impede the Traffic thereon ; and it shall be lawful for the said *Northern Counties Union* Railway Company to require all such Precautions to be taken by the *Leeds and Thirsk* Railway Company, and all such Works to be constructed by them, and at their Expense, and for ever thereafter to be maintained by them, as may seem to the said Engineers expedient for protecting the said Railway from Injury, or the Traffic thereon from Interruption.

In case of Difference as to Construction of Works, the same to be referred to Arbitrator.

XVI. Provided always, and be it enacted, That if any Difference shall arise between the Two Companies or their Engineers touching any of the Matters aforesaid, or touching the Necessity or Expediency of any Works required with reference to such crossing, or touching any other Matter arising under this Act in which the said Two Companies

Companies may be mutually interested, such Difference shall be referred to Arbitration in the usual Manner, the Umpire, in case of Difference, being appointed by the Commissioners of Railways, on the Application of the Company or of either of the said Companies; but in the event of any such Difference it shall not be lawful for the *Leeds and Thirsk* Railway Company to proceed with any Works in respect of which such Difference shall have arisen until such Difference shall have been settled, either by Agreement between the Parties, or by Award made on such Arbitration as aforesaid; provided that such Difference shall be settled within One Month after the same shall have arisen.

XVII. And be it enacted, That if by reason of any of the Works or Proceedings of the *Leeds and Thirsk* Railway Company the said *Northern Counties Union* Railway, or any of the Works connected therewith respectively, shall be injured or damaged, such Injury or Damage shall be forthwith made good by the *Leeds and Thirsk* Railway Company, at their own Expense, or in the event of their failing so to do then the *Northern Counties Union* Railway Company may make good such Injury or Damage, and recover the Expense thereof against the *Leeds and Thirsk* Railway Company; and if any Interruption shall be occasioned to the Traffic on the *Northern Counties Union* Railway by reason of any of the Operations of the *Leeds and Thirsk* Railway Company, the last-named Company shall pay to the *Northern Counties Union* Railway Company the Sum of Ten Pounds *per* Hour by way of Penalty for every Hour during which such Interruption shall continue; or, in lieu thereof shall repay to such last-mentioned Company all Costs and Expenses to which they may be put by reason of such Interruption, as well as full Compensation for the Inconvenience sustained by them by reason of such Interruption.

Damage in constructing Works to be made good by Leeds, &c. Railway.

Penalty on interrupting Traffic or neglecting to make good Damage done the Northern Counties Union Railway.

XVIII. And be it enacted, That, notwithstanding any thing in this Act contained to the contrary, it shall not be lawful for the *Leeds and Thirsk* Railway Company, or for any other Person or Persons, either for or in execution of this Act, or for any other Purpose or in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Lands or Property of the said *Northern Counties Union* Railway Company, or in any manner to alter, vary, or interfere with the Railway belonging to them, or any of the Works appertaining thereto, save only in the Manner and for the Purposes authorized by this Act.

Land of Northern Counties Union Railway Company not to be taken.

XIX. And be it enacted, That, except as by this Act specifically expressed, nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *Northern Counties Union* Railway Company,

Saving Rights of Northern Counties Union Railway Company.

Company, but all the Rights, Privileges, Powers, Franchises, and Authorities of the *Northern Counties Union* Railway Company are hereby expressly saved and reserved, not only as against and with respect to the *Leeds and Thirsk* Railway Company, but also as against and with respect to all other Companies and Persons whomsoever.

As to Use of Part of Northern Counties Union Railway by Leeds and Thirsk Railway Company.

XX. And whereas by the *Northern Counties Union* Railway Act, 1846, Power was given to the Company thereby incorporated to construct a Portion of their Railway over certain Lands lying between a Field numbered on the said deposited Plans 10 *a* in the Township of *Wath* and a certain Field numbered 11 in the Township of *Middleton Quernhow*, and the said Portion of their Railway is now in course of Construction, and may be used for the Purposes of the Railway hereby authorized, and in common between the said Companies; be it enacted, That the *Leeds and Thirsk* Railway Company shall, if required by the *Northern Counties Union* Railway Company, pay to the *Northern Counties Union* Railway Company One Half of the Expense of constructing the Railway, and also of purchasing Land sufficient for the Construction of Four Sets of Rails between the Points aforesaid, and the *Leeds and Thirsk* Railway Company shall in such Event pay One Half of the Expense for ever afterwards of maintaining the same Portion of Railway, and such Portion, when constructed, shall be used by each of the Two Companies for their respective Traffic, without any Payment of Tolls or other Charges to the other: Provided always, that if the *Northern Counties Union* Railway Company shall not proceed *bonâ fide* in the Construction of the said Portion of Railway, and shall not have completed the same within One Year from the passing of this Act, then it shall be lawful for the *Leeds and Thirsk* Railway Company to construct or complete the same, and the same shall thenceforth belong exclusively to the *Leeds and Thirsk* Railway Company, and the *Northern Counties Union* Railway Company shall repay to the *Leeds and Thirsk* Railway Company any Money which they may have received from them toward the Construction of the said Portion of Railway, or the Purchase of Land as aforesaid.

Double Sets of Rails may be constructed.

XXI. And whereas it is the Intention of the *Northern Counties Union* Railway Company to lay down only Two Sets of Rails upon the said Portion of their Railway, and it may be found necessary, for the Accommodation of the Traffic of the Two Companies, that Four Sets of Rails should be constructed; be it enacted, That it shall be lawful for the *Leeds and Thirsk* Railway Company to lay down, at their own Expense, Two additional Sets of Rails, with proper Sidings and Works connected therewith, on the Lands aforesaid, and that after the same additional Rails shall have been so constructed the Two Easternmost Sets of Rails shall thenceforth be devoted to the exclusive Use of the *Leeds and Thirsk* Railway Company, and the same Company shall not use or interfere with the Two Western Sets of Rails.

XXII. And

XXII. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes, not exceeding Twenty Acres, in addition to the Lands which the Company are authorized by the said recited Acts to take for such Purposes.

Land for extraordinary Purposes.

XXIII. 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 of this Act.

Powers for compulsory Purchase of Lands limited.

XXIV. And be it enacted, That the said Railways hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said former Acts granted to the Company for executing the same Railways shall cease to be exercised, except as to so much of the same Railways as shall then be completed.

Period for Completion of Works.

XXV. 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*; 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, 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 or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Company, so far as the same are applicable.

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85. and 9 & 10 Vict. cc. 57. & 105.

XXVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway 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 may hereafter pass during this 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 the said recited Acts or this Act.

Railway to be subject to Provisions of future general Acts.

XXVII. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental

Expenses of Act.

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thereto,

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.

XXVIII. 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 by the Title of the "*Leeds and Thirsk Railway, Melmerby and Northallerton Junction, Act, 1848.*"

Public Act.

XXIX. 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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