ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. xxi.

An Act to authorize certain Alterations in the *Hitchin, Northampton, and Huntingdon* Extension of the *Midland* Railways; and for other Purposes. [30th *June* 1848.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to consolidate the* North Midland, Midland Counties, *and* Birmingham and Derby Junction *Railways,* whereby the Companies to whom such Railways respectively belonged were united into One Company, under the Name of "The *Midland* Railway Company," and the same Railways and all Branches thereof respectively were and are now vested in such united Company: And whereas another Act was passed in the last Session of Parliament, intituled *An Act to enable the* Midland *Railway Company to make a Railway from near* Leicester *viâ* Bedford *to* Hitchin *and to* Northampton *and* Huntingdon, *with Branches; to enlarge the* Leicester *Station of the* Midland *Railway; and for other Purposes:* And whereas it is expedient that some Portions of the Lines of Railway authorized by the said last-mentioned Act should be abandoned, and that certain Lines or substituted Lines of Railway should be constructed in lieu thereof: And whereas it is also expedient that an Approach or Approaches should be made from the Town of *Wellingborough* in the County of *Northampton*

7 & 8 Vict. c. 18.

10 & 11 Vict. c. 135.

Northampton to a certain intended Station of the said Company on the new or substituted Line of Railway firstly herein-after mentioned: And whereas the said *Midland* Railway Company are desirous of carrying into effect the said Alterations, and of constructing the said Approach or Approaches, if authorized by Parliament so to do: 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so far as the same may be in force at the Time of the passing of this Act, and except such of them as are by this Act repealed, altered, or otherwise provided for, or as are inconsistent with the Provisions of "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," 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 repeated and re-enacted in this Act in reference to such Purposes, Matters, and Things.

Certain Provisions of recited Acts extended to this Act.

II. And be it enacted, That the Provisions of the said "Lands Clauses Consolidation Act, 1845," and of the said "Railways Clauses Consolidation Act, 1845," so far as the same are not modified by or inconsistent with the Provisions herein-after contained, shall be incorporated with and form Part of this Act.

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

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in all legal Documents and Proceedings, it shall be sufficient to use the Expression "The *Midland* Railways Extension to *Hitchin, Northampton, and Huntingdon* Railway (*Wellingborough* Deviations) Act, 1848."

Short Title.

IV. And be it enacted, That the said *Midland* Railway Company shall and they are hereby required to abandon the Formation of so much of the Line of the Railway as authorized to be made by "The "*Midland* Railways Extension to *Hitchin, Northampton, and Hunt-* "*ingdon* Railway Act, 1847," as lies between a certain Field in the Parish of *Isham* in the County of *Northampton*, numbered 22 on the Plans of the said Railway, from near *Leicester* to *Hitchin*, referred to in the said last-mentioned Act, and a certain other Field in the Parish of *Irthlingborough* otherwise *Irtleborough* in the said County, and numbered 22 on the said last-mentioned Plans, and also to abandon the Formation of the Branch Railway authorized to be made by the said last-mentioned Act, and in such Act described as a Branch Railway diverging from and out of the said therein first-mentioned intended Railway in the Parish of *Wellingborough* in the County of *Northampton*, and terminating by a Junction with the *Northampton and Peterborough* Branch of the *London and North-western* Railway in the Parish of *Irchester* in the said County, and also to abandon the short Branch Railway authorized by the said Act to connect the said Branch Railway so to be abandoned with the said therein first-mentioned intended Railway, and to make and maintain in lieu thereof respectively the several new or substituted Lines of Railway, with all

Power to alter certain Parts of Railway.

all proper Works and Conveniences connected therewith respectively, herein-after mentioned; that is to say,

A Railway commencing in or near the said Field in the said Parish of *Isham* numbered 22 on the said Plans, and terminating in or near the said Field in the Parish of *Irthlingborough* otherwise *Irtleborough* aforesaid numbered 22 on the said Plans:

A Branch Railway commencing from and out of the said last-mentioned intended Railway in or near a certain Field in the Parish of *Wellingborough* and County of *Northampton* aforesaid, and numbered 28 on the said Plans, and terminating by a Junction with the *Northampton and Peterborough* Branch of the *London and North-western* Railway at or near the *Wellingborough* Station of the said last-mentioned Railway in the said Parish of *Irchester* and County of *Northampton*:

And also a short Branch Railway to connect the said last-mentioned intended Branch Railway with the said first-mentioned intended new or substituted Railway, commencing in or near a certain Field in the said Parish of *Irthlingborough* otherwise *Irtleborough* numbered 5 on the said Plans, and terminating near a certain Field in the said Parish of *Wellingborough* numbered 54ª on the Plans according to which the said Branch Railways so to be abandoned were by the said last-mentioned Act authorized to be made.

Power to make Approaches to Wellingborough Station.

V. And be it enacted, That it shall be lawful for the said Company to make the following Approach Roads or Communications to the said new or substituted Railway herein-before firstly described and authorized; (that is to say,)

An Approach Road commencing in or near a certain Street called or known as *Sheep Street* in the Town and Parish of *Wellingborough* aforesaid, and terminating in or near a certain Field in the Parish of *Wellingborough* numbered 24 on the said first-mentioned Plans;

An Approach Road commencing at or near a certain Place called *East End* in the said Town of *Wellingborough*, and terminating by a Junction with the said last-mentioned Approach Road;

And an Approach Road commencing at or near a certain Lane in the said Town of *Wellingborough* called *Cheese Lane*, and terminating by a Junction with the said first-mentioned Approach Road.

New Lines to form Part of Midland Railways.

VI. And be it enacted, That the said new or substituted Railways shall be and become Part of the Undertaking of the *Midland* Railway Company, and shall as such be subject to the several Provisions of the said recited Acts as extended to this Act.

New Lines of Railway to be made according to deposited Plans.

VII. And whereas Plans and Sections of the said new or substituted Lines of Railway and of the said Approach Roads, showing the Direction of the same respectively, together with a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Land 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 *Northampton*; be it enacted, That, subject to the Powers of Deviation in

"The Railways Clauses Consolidation Act, 1845," contained, the said new or substituted Railways and Approach Roads shall be made in the Line or Course or Lines or Courses and according to the Levels of the same respectively as defined upon the said Plans and Sections; and, subject to the Provisions in this and the said recited Acts as extended to this Act contained, it shall be lawful for the said Company to enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Book of Reference as shall be necessary for the Purposes of the said new or substituted Railways and Approach Roads.

Power to cross Roads on the Level.

VIII. And be it enacted, That, subject to the Provisions in the said "Railways Clauses Consolidation Act" contained, it shall be lawful for the said Company to carry the said new or substituted Lines of Railway, or any of them, across and on the Level of the Road numbered on the Plans deposited as aforesaid as follows; (that is to say,)

In the Parish of *Great Harrowden* the Road numbered 5. on the said last-mentioned Plans.

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

IX. 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 new or substituted Lines of Railway cross the before-mentioned Road 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 Road on the Level, or with regard to the Speed at which Trains shall pass such Road, 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 to 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 for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

As to Communication with the London and North-western Railway.

X. And be it enacted, That the Railway hereby authorized to communicate with the *Northampton and Peterborough* Branch of the *London and North-western* Railway shall communicate therewith at the respective Points where, according to the Plan deposited as in this Act mentioned, such Railway appears to communicate therewith, and at no other Point, without the Consent in Writing of the *London and North-western* Railway Company, under their Common Seal; and that all Communications between the said Railway hereby authorized and the said *Northampton and Peterborough* Branch of the *London and North-western* Railway shall be effected in a substantial and workmanlike Manner, by means of Connexion Rails and Points, of the Construction and laid in the Manner most approved from Time to Time and to the entire Satisfaction of the Engineer for the Time being of the said *London and North-western* Railway Company.

XI. And

Expenses of forming Communication to be borne by the Midland Railway Company.

XI. And be it enacted, That the Expense of the Communications hereby authorized with the said *Northampton and Peterborough* Branch of the *London and North-western* Railway, and of all necessary Openings in the Rails thereof respectively, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of regulating and adjusting the same, and also of Bridges and other Works necessary for carrying the said Railway hereby authorized over or under the said Branch Railway, and also of keeping the same in repair, shall be borne and paid by the *Midland* Railway Company; and that all such Communications, Openings, Crossings, Bridges, and other Works shall not only be in the first instance made and done, but shall also from Time to Time be altered, amended, repaired, and maintained, to the reasonable Satisfaction of the Engineer for the Time being of the said *London and North-western* Railway Company, on each Occasion and in such Manner and Form and by such Ways and Means as shall not in anywise prejudice or injure the said Branch Railway of the *London and North-western* Railway Company, or impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the same.

Company not to take Lands required by the London and North-western Railway Company.

XII. And be it enacted, That, notwithstanding any thing in this Act contained, it shall not be lawful for the *Midland* Railway Company or for any other Company, or for any other Person acting under or in execution of this Act, or for any other Purpose, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the said *London and North-western* Railway Company, or which they have Power to take under their respective Acts of Parliament, or in any Manner to alter, vary, or interfere with the said *London and North-western* Railway, or any of the Works appertaining thereto, save only for the Purpose of effecting the several Crossings of such Branch Railway and the Junctions therewith respectively by this Act authorized, or for the Purpose of forming Stations or Sidings on such Lands as shall not be actually required for that Purpose by the said *London and North-western* Railway Company.

Saving Rights of the London and North-western Railway Company.

XIII. And be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *London and North-western* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament and otherwise are hereby expressly saved and reserved.

Provisions of 10 & 11 Vict. c. 135. as to the Nen Navigation extended to this Act.

XIV. And be it enacted, That all the Provisions of the secondly recited Act relating to the crossing of the Western Division of the River *Nen* Navigation by the Railway by that Act authorized to be made, or to any Interference with or Injury to the said Navigation by the Works of such Railway, shall be applicable to the new or substituted Line of Railway and Works by this Act authorized to be made.

Tolls.

XV. And be it enacted, That it shall be lawful for the said *Midland* Railway Company to demand and receive, in respect of the Use of the said new or substituted Lines of Railway by this Act authorized to be made, such Tolls and Charges as they are authorized to demand and receive in respect of the Use of the said *Midland* Railway, but not exceeding in Amount the Tolls and Charges which the same Company are authorized to demand and receive in respect of the Use of the *Syston and Peterborough* Line of the said Railway, under and by virtue of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, called "*Midland* Railway, *Syston and Peterborough* Branch, Act, 1845."

Limiting Period for compulsory Purchase of Lands.

XVI. And be it enacted, That the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Period for Completion of Works.

XVII. And be it enacted, That the said new or substituted Railways and Approach Roads by this Act authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the said recited Acts granted to the said Company for executing the new or substituted Railways and Approach Roads shall cease to be exercised, except as to so much of the said Works respectively as shall then be completed.

Power to vary the Number of Directors.

XVIII. And whereas it was by the said first-recited Act enacted that the Number of Directors of the said Company should be Fifteen, and it is expedient that the Company should be empowered to increase the Number of such Directors; be it therefore enacted, That, subject to the Provisions of the said first-recited Act, it shall be lawful for the said Company, from Time to Time, at any General Meeting thereof, to increase or reduce the Number of Directors, provided that the increased Number do not exceed Twenty, and that the reduced Number be not less than Fifteen: Provided always, that if the increased or reduced Number of Directors be some Number not divisible by Five the Directors shall in each Case determine what Number of Directors, as nearly One Fifth as may be, shall go out of Office, so that the whole Number shall go out of Office in Five Years.

Expenses of Act.

XIX. And be it enacted, That all Costs, Charges, and Expenses attending the passing of this Act or incidental thereto shall be paid by the said *Midland* Railway Company out of the first Monies which shall come to their Hands, and in preference to every other Payment whatsoever.

Railway to be subject to the 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*

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 Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said new or substituted Railways by this Act authorized, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company so far as the same shall be applicable thereto.

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

Railway to be subject to Provisions of future general Railway Acts.

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 may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

XXII. 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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