ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. ccxc.

An Act to enable the *Northern Counties Union* Railway Company to make certain Alterations in their Railway in the Parishes of *Aysgarth* and *Wensley* in the North Riding of the County of *York*.

[22d *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, called "The *Northern Counties Union* Railway Act, 1846:" And whereas it is expedient that certain Alterations should be made in the Line of such Railway as authorized by the said Act, and that some of the Provisions of the said recited Act should be 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, That all the Provisions, Matters, and Things contained in the

Powers of recited Act

extended to this Act.

the said recited Act and in the Acts incorporated therewith, except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, so far as the same Provisions, Matters, and Things are applicable thereto, as fully and effectually as if the same were repeated and re-enacted in this Act in reference to such Purposes and Things.

Short Title of Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to describe it as "The *Northern Counties Union* Railway Deviation Act, 1847."

Railway to be made according to deposited Plans.

III. And whereas Plans and Sections of the proposed Deviation, showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same are intended to pass, 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 Provisions in this Act and the recited Act contained, it shall be lawful for the Company to make and maintain the said Deviation in the Line 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 Lands as shall be necessary for such Purpose.

Line of Railway.

IV. And be it enacted, That the said Deviation shall commence in the Parish of *Aysgarth* numbered 60 on the deposited Plans of the said *Northern Counties Union* Railway referred to in the said recited Act, pass thence in or through the several Places of *Aysgarth*, *Askrigg*, *Carperby*, *Wensley*, *Castle Bolton*, *Redmire*, *Preston*, and *Leyburn*, all in the said North Riding of the County of *York*, and terminate in the Wood numbered 97 on the same Plans in the said Township of *Leyburn* in the said Parish of *Wensley*.

Abandonment of Portion of Railway instead of which Deviation to be made.

V. And be it enacted, That the said Company are hereby empowered and required to abandon the Formation of so much of the said Railway by the said recited Act authorized to be constructed as lies between the said Field in the said Parish of *Aysgarth* numbered 60 on the said last-mentioned Plans and the said Wood in the said Parish of *Wensley* numbered 97 on such Plans, and all the Powers, Authorities, and Privileges which by the said recited Act are given for making and maintaining the Portion of such Railway by this Act authorized to be abandoned shall from and after the passing of this Act cease and determine.

Power to cross certain

VI. And be it enacted, That it may be lawful for the Company to construct the said Deviation across and upon the Level of the public

Roads numbered on the deposited Plans as follow, (that is to say,) Numbers 57, 21, and 24 in the Parish of *Aysgarth*, and Numbers 36 and 63 in the Township of *Redmire*. Roads on a Level.

VII. 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 Deviation shall cross on the Level the before-mentioned Roads; and the 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 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 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 where Roads cross on a Level, and to abide by Rules, &c. of Commissioners of Railways.

VIII. And whereas a Bill is now pending in Parliament for authorizing certain Alterations in the Line of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, and for authorizing the said last-mentioned Company to join with the *Northern Counties Union* Railway Company in the Construction of certain Portions of Railway specified in the said Bill, and intended under the Provisions thereof to be jointly constructed, managed, and used by the said Two Companies; be it therefore enacted, That if the said Bill shall pass into a Law during the present Session of Parliament nothing in this Act or the said first-recited Act contained shall in any Manner interfere with or prejudice the Provisions of the said Bill. As to Construction and Management of certain Portions of the Railway.

IX. And be it enacted, That in carrying the Railway over the Road numbered 16 in the Township of *Redmire* in the said deposited Plans it shall be lawful for the Company, notwithstanding any thing in the "Railways Clauses Consolidation Act, 1845," contained, to construct the Bridge by which the Railway is so proposed to be carried over the said Road so that the principal Arch thereof may not be more than Fifteen Feet in Span and Fifteen Feet in Height. As to Construction of Bridge over the Road.

X. 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. Period within which Lands are to be purchased.

XI. And

Period for Completion of Works.

XI. And be it enacted, That the said Deviation shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making such Deviation, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Capital, and Amount of Money to be borrowed, reduced.

XII. And whereas by the first-recited Act it was enacted, that, whereas the estimated Expence of constructing the Railway and Works thereby authorized was Three million Pounds, the Capital of the Company should be Three million Pounds: And whereas it has been found that the said Railway and Works, amended as by this Act they are authorized to be amended, together with the Stations, Approaches, and Conveniences connected therewith, may be well and sufficiently constructed for the Sum of Two million six hundred and twenty-five thousand Pounds; be it enacted, That the Capital of the Company shall be Two million six hundred and twenty-five thousand Pounds, instead of Three million Pounds, and that the Powers given by the said Act to the Company for the borrowing of Money be reduced from One million to Eight hundred and seventy-five thousand Pounds.

Amount of Shares.

XIII. And be it enacted, That it shall be lawful for the Directors, by the Authority of a General Meeting of the Company, to divide the said reduced Capital into Shares of such an Amount as may be convenient for the Distribution of them among the Shareholders of the Company in direct Proportion to the Number of Shares held by each Shareholder at the Time of the Distribution thereof.

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

XIV. 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.

Same Tolls to be taken as on original Line.

XV. And be it enacted, That it shall be lawful for the Company to demand and receive, for and in respect of the new or substituted Lines of Railway by this Act authorized, the same Tolls and Charges as they are by the said recited Act authorized to demand and receive for and in respect of the Railway by such Act authorized to be constructed.

Railway Company to be subject to

XVI. 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*

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 Acts were passed in the last Session of Parliament, the one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways*, be it enacted, That nothing in this Act contained shall be held to exempt the said Deviation from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the Deviations so far as the same shall be applicable thereto.

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.

XVII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railway by this or the said recited Act 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

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

XVIII. And be it enacted, That all the Costs, Charges, and Expences for applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company, in preference to all other Payments whatsoever.

Expences of Act.

XIX. And be it enacted, That the Term "the Company" in this Act shall mean "The *Northern Counties Union* Railway Company."

Interpretation of Act.

XX. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving the Rights of the Crown.

Public Act.

XXI. 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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