ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. lv.

An Act for enabling the *York, Newcastle, and Berwick* Railway Company to deviate or alter Part of their *Thirsk and Malton* Branch Railway, and to abandon Part of the same; and for other Purposes. [22d *July* 1848.]

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* 5 & 6 Vict.
the Towns of Newcastle-on-Tyne *and* Darlington, *by a Railway to be* c. 80.
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 was afterwards changed to the "*York and Newcastle* Railway Company," and has since been altered to "*The York, Newcastle, and Berwick* 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, Tenth, and Eleventh

Years of the Reign of Her present Majesty: And whereas it would be attended with local and public Advantage if certain Parts of the present authorized Line of the *Thirsk and Malton* Branch Railway, belonging to the said *York, Newcastle, and Berwick* Railway Company, were deviated or altered, and a new Line substituted for the same, and if the Construction of a Portion of such present authorized Line were abandoned; and the same Company are willing to carry into effect such Purposes; but the same cannot be accomplished 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 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. and 20. incorporated with this Act.

Extending Powers of York, Newcastle, and Berwick Railway Acts 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, Newcastle, and Berwick* 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 raise Capital, &c. by former Act not to be prejudiced by this Act.

III. And be it enacted, That the Power to raise additional Capital by Shares, and to borrow and re-borrow Money, and to convert Loans into Capital, given by the *Newcastle and Darlington Junction* (*Thirsk and Malton* Branches) Railway Act, 1846, shall not be prejudiced by this Act, but such Power shall continue in force in all respects as if this Act had not been passed.

Power to apply certain Monies towards the Purposes of this Act.

IV. 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: Provided always, that such Sum of Money so to be applied shall not exceed the Amount of Three hundred and fifty thousand Pounds in the whole.

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

V. 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

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. pany's Capital.

VI. And be it enacted, That it shall not be lawful for the 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.

VII. 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*; 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. Power to make Railway according to deposited Plans, &c.

VIII. 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,) Lines of Railway.

A Railway commencing by a Junction with the present authorized Line of the said *Thirsk and Malton* Branch Railway in or near a Field belonging to *Charles Gregory Fairfax* Esquire, and in the Occupation of *Robert Kilvington*, at or near to the West Side of the Turnpike Road leading from *York* to *Helmsley* near the Village of *Gilling* in the Township and Parish of *Gilling* in the North Riding of 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, *Gilling*, *Grimstone*, *Cawton Stonegrave*, *Yearsley*, *Oswaldkirk*, *Ampleforth*, *Ampleforth Saint Peter*, *Ampleforth Oswaldkirk* or *Oswaldkirk Quarter*, *Ampleforth Birdforth*, *Thorpe-le-Willows*, *Byland*, *Byland-cum-Membris*, *Wass*, *Oldstead*, *Kilburn*, *High Kilburn*, *Low Kilburn*, *Newburgh*, *Coxwold*, *Angram*, *Angram Grange*, *Wildon*, *Wildon Grange*, *Thornton on the Hill*, *Baxby*,

Baxby, *Thornton with Baxby*, *Husthwaite*, *Carlton*, *Carlton Husthwaite*, *Thormanby*, *Birdforth*, *Sessay*, *Hutton Sessay*, *Brafferton*, *Helperby*, *Raskelf*, and *Easingwold*, all in the said North Riding of the County of *York*, and terminating by a Junction with the Railway now or lately called the *Great North of England* Railway near to where the Road leading from *Raskelf* to *Boroughbridge* is carried over the same Railway by a Bridge, in the Township of *Raskelf* in the Parish of *Easingwold* in the said North Riding, and which Railway now or lately called the *Great North of England* Railway now forms Part of the Main Line of the *York*, *Newcastle*, *and Berwick* Railway, and is in the Occupation of and agreed to be purchased by the said *York*, *Newcastle*, *and Berwick* Railway Company:

And also a Railway commencing by a Junction with the above-mentioned intended Railway at or near to a Point marked (A) on the Plans thereof deposited as aforesaid in the Township of *Raskelf* in the Parish of *Easingwold*, and terminating by a Junction with the said Railway now or lately called the *Great North of England* Railway near the Fifteenth and a Half Mile Post (measured from *York*) in the Township and Parish of *Brafferton*, and passing from, through, or into the several Parishes, Townships, and extra-parochial or other Places of *Easingwold*, *Raskelf*, and *Brafferton*, all in the said North Riding.

Certain Roads may be crossed on the Level.

IX. 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,)

Number on Plan.	Parish and Township.	Description of Road.
116	Parish of Coxwold, Township of Coxwold	Highway.
14	Parish of Easingwold, Township of Raskelf	Highway.

Company to erect Stations or Lodges at Points of crossing.

X. 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 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

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.

Period for compulsory Purchase of Lands limited.

XI. 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 Works.

XII. 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.

XIII. 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 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.

XIV. 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 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

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 not exempt from Provisions of any future general Act.

XV. 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 Acts 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.

Relinquishment of Part of Thirsk and Malton Branch.

XVI. And whereas the Construction of the Railways 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, and by the *York and Newcastle* (*Pelaw* and other Branches) Railway Act, 1847; be it therefore enacted, That the said *York, Newcastle, and Berwick* Railway Company shall abandon and relinquish the Construction of the following Portions of the Line of the said *Thirsk and Malton* Branch of their said Railway, namely, so much of the said *Thirsk and Malton* Branch Railway as is authorized to be made by "The *Newcastle and Darlington Junction* (*Thirsk and Malton* Branches) Railway Act, 1846," and lies between a Point marked Twelve Miles Two Furlongs on the Plans relating to the same 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 *Gilling* in the Parish of *Gilling*, and a Point marked (A) on the said last-mentioned Plans in the Township of *Dalton* in the Parish of *Topcliffe*, all in the said North Riding of the County of *York*, and so much of the said *Thirsk and Malton* Branch Railway as is authorized to be made by "The *York and Newcastle* (*Pelaw* and other Branches) Railway Act, 1847," and which last-mentioned Part intended to be abandoned is described on the Plans relating to the same Branch deposited with the Clerk of the Peace for the said North Riding in the Month of *November* One thousand eight hundred and forty-six, and extends from the Township of *Wildon Grange* in the Parish of *Coxwold* to the Township of *Raskelf* in the Parish of *Easingwold* (including the same Parishes and Townships), all in the said North Riding of the County of *York*, and all Powers and Provisions for making the same shall cease and determine.

Costs of Act.

XVII. 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.

XVIII. And

XVIII. 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* (*Thirsk and Malton*) Railway Act, 1848." Short Title.

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

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Printers to the Queen's most Excellent Majesty. 1848.