



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccxxvii.

An Act to authorize certain Alterations in the
Line of the *Liverpool, Manchester, and Newcastle-
upon-Tyne Junction* Railway, and for other Pur-
poses. [22d July 1847.]

WHEREAS an Act was passed in the last Session of Parlia-
ment, intituled *An Act for making a Railway, to be called* 9 & 10 Vict.
“*The Liverpool, Manchester, and Newcastle-upon-Tyne* c. 90.
Junction Railway, with a Branch to the Town of Hawes, whereby
certain Persons were incorporated under the Name of “*The Liver-
pool, Manchester, and Newcastle-upon-Tyne Junction* Railway Com-
pany:” And whereas it is expedient that certain Alterations should be
made in the Line of the said Railway and Branch as authorized by the
said Act, which Alterations the said Company are desirous of carrying
into effect if authorized by Parliament so to do: And whereas an Act
was passed in the last Session of Parliament for making a Railway
called the *Northern Counties Union* Railway, Part of the Line of
which Railway, that is to say, between a Point thereon situate in the
Township of *Leyburn* and Parish of *Wensley* in the North Riding of
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the County of *York* and another Point thereon near *Newton-le-Willows* in the same Riding and County, as well as Part of one of the Alterations in the Line of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway herein-before referred to, *videlicet*, from a Point thereon in the Township of *Leyburn* aforesaid to another Point thereon near *Bolton Castle* in the same Riding and County, might be rendered available for the Purposes of the Traffic as well of that Railway as of the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company as of the *Northern Counties Union* Railway Company, and it is expedient that the said Portions of the said Lines respectively should be common to the said Companies: And whereas it is also expedient that some of the Powers and Provisions of the said recited Acts should be amended and enlarged: 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 of the said first-recited Act, so far as the same are or may be applicable and are 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 Works, Matters, and Things hereby authorized to be made and done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Works, Matters, and Things, and the said first-recited Act and this Act shall be construed and read together as forming One Act.

Provisions of first-recited Act extended to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in all legal Instruments and Proceedings, it shall be sufficient to use the Expression “The *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Amendment Act, 1847.”

Interpretation of Act.

III. And be it enacted, That in the Construction of this Act the Expression “the Company” shall be held to refer to the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company.

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

IV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by the said recited 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 abandon Parts of the Railway.

V. And be it enacted, That the Company shall abandon the Formation of that Part of the Main Line of Railway as authorized to be made by the said first-recited Act which is situate between a certain Field in the Township of *Bishopdale* and Parish of *Aysgarth* in the

North Riding of the County of *York*, numbered 35 on the Plans of the said Railway referred to in the said Act, and the Point of Junction of the said Line with the *Richmond* Branch of the *York and Newcastle* Railway in the Township of *Uckerby* and Parish of *Catterick* in the said Riding and County, and also the Formation of so much of the Line of the said Branch Railway as authorized to be made by the said Act as is situate between the Point of Divergence of the said Branch from the said Main Line as authorized to be made by the said Act and a certain Highway crossed by the said Branch Line in the said Parish of *Aysgarth*, and numbered 83 on the Plans of the said Branch referred to in the said Act; and from and after the passing of this Act the Powers of the said first-recited Act with reference to the Formation and Maintenance of the said Portions of Line so to be abandoned as aforesaid shall cease and be of no Effect.

VI. And be it enacted, That, subject to the Provisions herein-after contained, it shall be lawful for the Company, in lieu of certain Parts of the Portion of the said Main Line of Railway hereby authorized to be abandoned, to make and maintain the following new Lines of Railway; that is to say, a Railway commencing in the said Field in the Township of *Bishopdale* in the Parish of *Aysgarth* in the North Riding of the County of *York*, numbered 35 on the said Plans referred to in the said first-recited Act, and terminating by a Junction with the Line of the *Northern Counties Union* Railway as at present authorized to be made in the Township of *Leyburn* in the Parish of *Wensley* in the North Riding of the County of *York* aforesaid; also a Railway commencing by a Junction with the Line of the said *Northern Counties Union* Railway as at present authorized to be made in the Township of *Newton-le-Willows* in the Parish of *Patrick Brompton* in the said North Riding of the County of *York* aforesaid, and terminating by a Junction with the *York and Newcastle* Railway at or near the *Cowton* Station of the said last-mentioned Railway in the Parish of *East Cowton* otherwise *Long Cowton* in the said Riding and County.

Power to
alter Rail-
way.

VII. And be it enacted, That in lieu of that Portion of the said Branch Railway by this Act authorized to be abandoned it shall be lawful for the Company to make and maintain a new or altered Line of Railway, commencing by a Junction with the said first-mentioned intended new or altered Main Line of Railway in the said Parish of *Aysgarth*, and terminating by a Junction with the Line of *Hawes* Branch of the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway as authorized to be made by the said first-recited Act at or near the said Highway in the same Parish, numbered 83 on the said Plans referred to in the said Act: Provided always, that the Powers of this Act with reference to the Formation of the said Portion of Railway to be substituted for that Portion of the said Branch Railway which is herein-before authorized to be abandoned shall only take effect if or when the Powers by the said first-recited Act given for the Construction of the said Branch Railway to the Town of *Hawes* shall come into operation.

Power to
alter the
Hawes
Branch of
Railway.

VIII. And

New Lines
to become
Part of the
Liverpool,
&c. Railway.

VIII. And be it enacted, That the new or altered Lines of Railway by this Act authorized to be made shall, subject to the Provisions herein-after contained, be and become Part of the Undertaking of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway, and shall as such be subject to the Provisions of the said first-recited Act relating thereto as extended to this Act.

New Lines
to be made
according to
deposited
Plans.

IX. And whereas Plans and Sections showing the Situation and Levels of the said new or altered Lines of Railway by this Act authorized, 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 which may be required to be taken for the Purposes of the said new or altered Lines of Railway respectively, have been deposited with the Clerk of the Peace for the North Riding of the County of *York*; be it therefore enacted, That, subject to the Powers of Deviation and Alteration of Levels contained in the said Railways Clauses Consolidation Act, 1845, the said new or altered Lines of Railway shall be made in the Direction and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purpose of the said new or altered Lines of Railway and the Works to be connected therewith.

Certain
Roads may
be crossed
on the Level.

X. And be it enacted, That, subject to the Provisions in the said Railway Clauses Consolidation Act contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company in the Construction of the new or altered Lines of Railway by this Act authorized to be made to carry the same across and on the Level of the several Roads numbered on the Plans deposited as herein-before mentioned as follows; (that is to say,)

In the Parish of *Aysgarth*, the Roads numbered respectively 101, 115, 122, 157, and 245:

In the Parish of *Wensley*, the Roads numbered respectively 28, 38, 105, and 209:

In the Parish of *Bedale*, the Roads numbered respectively 32 and 53:

In the Parish of *Kirkby Fleetham*, the Roads numbered respectively 39 and 61:

In the Parish of *Catterick*, the Roads numbered respectively 10 and 16:

In the Parish of *Danby Wiske*, the Road numbered 1:

In the Parish of *East Cowton* or *Long Cowton*, the Road numbered 9.

Company to
erect a Sta-
tion or Lodge
at level
Crossings,
and abide by
Regulations

XI. 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 Railways cross 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

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.

of Railway
Commis-
sioners.

XII. And be it enacted, That it shall be lawful for the Company to purchase and take for extraordinary Purposes any Quantity of Land not exceeding Twenty Acres, in addition to the Lands which they are authorized to take for the same Purposes by the said first-recited Act.

Lands for ex-
traordinary
Purposes.

XIII. 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.

Limiting
Time for
completing
Purchase.

XIV. And be it enacted, That the Works herein-before authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the Acts herein recited granted to the Company for executing the same shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Limiting
Time for
Completion
of Works.

XV. And whereas it has been agreed between the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company and the said *Northern Counties Union* Railway Company that the Line of the *Northern Counties Union* Railway between a Point thereon in the Township of *Leyburn* in the Parish of *Wensley* and another Point thereon near *Newton-le-Willows* should be jointly constructed by and held in common between the last-mentioned Company and the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, and that the Portion of the new or altered Railway herein-before firstly described and authorized, which will be situate between the Junction thereof with the Line of the *Northern Counties Union* Railway in the Township of *Leyburn* and a certain Field numbered 8 in the Parish of *Wensley* on the said Plans deposited as aforesaid, shall be constructed at the joint Expence of, and be held in common by and for the joint Use of, the said Two Companies; be it therefore enacted, That the said Portion of the *Northern Counties Union* Railway, that is to say, between a certain Point in a certain Wood in the said Township of *Leyburn* and Parish of *Wensley* numbered 97 on the Plans of the said Railway referred to in the Act authorizing the Construction thereof, and a certain Point in a certain Field in the Township of *Newton-le-Willows* in the Parish of *Patrick Brompton* aforesaid numbered 7 on the same Plans, and also the Portion herein-before specified of the said new or altered Railway

Power to
join with
Northern
Counties
Union Rail-
way Com-
pany in the
Construction
of certain
Portions
under the
Superinten-
dence of a
joint Com-
mittee.

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herein-

herein-before firstly described and authorized, shall be constructed under the Superintendence and Control and to the Satisfaction of a joint Committee composed of Five Directors of the said *Northern Counties Union Railway Company*, and of Five Directors of the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction Railway Company*, and at the joint Expence and for the mutual Benefit of the said Two Companies.

Powers of
joint Com-
mittee.

XVI. And be it enacted, That the said Committee shall, in reference to the Purchase of Lands for and to the Construction of the said last-mentioned Portions of Line, be Directors of and shall and may exercise all the Powers and Authorities which are conferred on the Directors of either of the said Companies by the Acts incorporating such Companies respectively or by this Act ; and the said *Northern Counties Union Railway Company* shall, in respect of One equal Half Share or Interest with themselves in the said Portion of the said *Northern Counties Union Railway* authorized to be constructed by the said recited Act relating thereto, and the Works connected therewith, and in the Lands which may be purchased or taken in their Name for the Purposes thereof, stand seised and possessed of the same as Trustees only for the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction Railway Company* ; and the said last-mentioned Company shall, in respect of One equal Half Share or Interest with themselves in the Portion herein-before specified of the said new or altered Railway by this Act authorized to be made, and intended to belong jointly to the said Two Companies and the Works connected therewith, and in the Lands which may be purchased or taken in their Name for the Purposes thereof, stand seised and possessed of the same as Trustees only for the said *Northern Counties Union Railway Company*.

Appoint-
ment of Com-
mittee.

XVII. And be it enacted, That within Two Months after the passing of this Act the Directors of the said *Northern Counties Union Railway Company* shall and they are hereby required to nominate Five Directors out of their Body, and within the same Period the Directors of the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction Railway Company* shall and they are hereby required to nominate and appoint Five Directors out of their Body to form a joint Committee ; and it shall be lawful for the Directors of the said Two Companies respectively to remove from Time to Time any Member or Members of the said Committee who may have been appointed by them ; and on such Removal, or on the Death, Resignation, or other Disqualification of any Member or Members of the said Committee, the Board of Directors by whom such Member or Members may have been appointed shall also have Power to appoint another Member or Members out of their Body in his or their Stead.

Quorum of
Committee.

XVIII. And be it enacted, That not less than Three Members shall constitute a Quorum of the said Committee at any Meeting thereof, of which Meetings due Notice shall be given to the several Members of the said Committee : Provided always, that the Acts of

the said Committee shall be valid although at any Time there shall be a less Number than Ten Members composing the same: Provided also, that it shall be lawful for the said Committee to sub-divide itself into Sub-Committees, and to delegate to such Sub-Committees such of their Powers as they may see fit, except the Power of calling on either of the said Companies for Contributions towards the said joint Lines.

XIX. And be it enacted, That in case there shall be an Equality of Voices upon any Question upon which the said Committee shall be divided in Opinion, such Question shall be referred to and shall be decided by some impartial Person to be appointed by the Commissioners of Railways for that Purpose, or agreed on by the said joint Committee.

As to the Decision of Questions upon which Committee are equally divided in Opinion.

XX. And be it enacted, That the said Two Companies shall contribute in equal Proportions the Sums which may be necessary for executing and maintaining the aforesaid Portions of Railway, and for the Purchase of the Lands requisite for the Purposes thereof, as and when the same may be required and called for by the said joint Committee; and if either Company shall fail to contribute the Proportion of such Sums payable by such Company for the Space of Two Months after the Proportion payable by the other of the said Companies shall have been paid by them, the Company so making default shall (unless it be otherwise agreed between the said Companies) be held to have forfeited all Right to participate in the Construction or Ownership of the said Portions of Railway, and the Profits which may arise thereon.

As to Contributions by both Companies.

XXI. And be it enacted, That it shall be lawful for the said joint Committee to appoint such Clerks, Officers, and Servants as they may consider necessary for conducting the Business connected therewith, and to fix the Salaries of such Clerks, Officers, and Servants, to be jointly paid by the said Two Companies; and when and so soon as the said Portions of Railway shall be completed it shall be lawful for both or either of the said Two Companies to use the said Portions of Railway, with their Engines and Carriages, without Payment of any Toll to the other of them.

Officers to be appointed by joint Committee.

XXII. And be it enacted, That the said joint Committee shall keep Accounts of all Sums received and disbursed by them in execution of the Powers by this Act conferred on them, which Accounts shall be open at all reasonable Times to Inspection by any of the Directors of either of the said Two Companies; and the said joint Committee shall at each Ordinary Meeting of the said Companies respectively exhibit a Balance Sheet of such their Receipts and Disbursements during the preceding Half Year, and it shall be lawful for either of the said Companies, if they think fit, to appoint any of their Shareholders to audit the same, and the said Two Companies shall be entitled equally to all Profits (if any) arising out of the Use of

Accounts to be kept by joint Committee.

of the said Portions of Railway by any Persons or Companies other than themselves.

On Completion of Railway joint Committee to be dissolved.

XXIII. And be it enacted, That, unless it shall be otherwise agreed between the said Two Companies, when and so soon as the said Portions of Railway shall have been completed and opened for the Purposes of public Traffic the said joint Committee shall be dissolved, and the said Portions of Railway shall thenceforth be maintained and governed by the Board of Directors of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company jointly with the Board of Directors of the *Northern Counties Union* Railway Company at the joint Expence of the said Two Companies, who shall have Power to enter into such Arrangements for the Maintenance and Management of the said Portions of Railway as may from Time to Time be mutually agreed on between them; and the said Two Boards of Directors shall have an equal Voice in reference to all Matters connected with the Management of the said joint Undertaking.

Disputes to be settled by Commissioners of Railways.

XXIV. And be it enacted, That in the event of any Dispute arising between the said Two Boards of Directors upon any Matter connected with the working, Maintenance, or Management of the said Portions of Railway, such Dispute shall be referred to and shall be decided by the Commissioners of Railways, or by some Person to be appointed by them for that Purpose.

As to Actions, Suits, &c. against the Northern Counties Union Railway Company in respect of Portion of Line or Acts of joint Committee.

XXV. And be it enacted, That if either of the said Companies by reason of any joint Act or Default with reference to the aforesaid Portions of Railway shall become liable and shall be required to pay any Penalty or any Sum of Money as Damages, Costs, or otherwise, the other of the said Companies shall bear an equal Proportion of such Penalty or Sum of Money; and all Indictments, Actions, Suits, or other Proceedings which may arise by reason of any such Act or Default, or which it may be necessary to institute in relation to the said Portions of Line or either of them, or any Act, Default, Matter, or Thing connected therewith, shall and may, notwithstanding the joint Ownership of the said Portions of Railway by the said Two Companies, be instituted and prosecuted by or against either of the said Companies separately in like Manner as though they were sole Owners of the said Portions of Railway.

Tolls.

XXVI. And be it enacted, That it shall be lawful for the Company to demand and receive in respect of the Use of the new or altered Lines of Railway by this Act authorized, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding the maximum Tolls and Charges limited by the said first-recited Act.

Construction of the Hawes Branch of the Liverpool, Man-

XXVII. And be it enacted, That, notwithstanding any thing to the contrary in the said first-recited Act contained, it shall not be lawful for the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company to construct or to purchase any Land for the Purpose

pose of constructing the Branch Railway to the Town of *Hawes* by the said first-recited Act authorized for the Period of Two Years from the passing of the said first-recited Act; and that if the *Northern Counties Union* Railway Company shall, before the Expiration of the said Period of Two Years, have proceeded *bonâ fide* in the Execution of the Portion of the Railway authorized by the *Northern Counties Union* Railway Act, 1846, corresponding with the Branch Railway to the Town of *Hawes* by the said first-recited Act authorized, then and in such Case all and every the Powers and Authorities vested by the said first-recited Act in the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, so far as respects the making of the said Branch to the Town of *Hawes*, shall cease and determine: Provided always, that if at the Expiration of the said Period of Two Years the said *Northern Counties Union* Railway Company shall not in the Opinion of the Commissioners of Railways, or some competent Person to be appointed by them, on the Application of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, have proceeded *bonâ fide* in the Execution of the said last-mentioned Portion of Railway, then and thenceforth all the Powers and Authorities vested by the said first-recited Act in the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company shall take effect, and be in as full Force in respect to the said Branch to the Town of *Hawes* as in respect of any other Portion of the Line of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway.

XXVIII. 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 last Session of Parliament, intituled respectively *An Act for constituting Commissioners of Railways*, and *An Act for regulating the Gauge 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 to the said Railways and Company so far as the same shall be applicable thereto.

XXIX. 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 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

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chester, and
Newcastle-
upon-Tyne
Junction
Railway
postponed.

Railway
Company to
be subject
to the Pro-
visions 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.

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

other 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. XXX. 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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