



ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xliii.

An Act to authorize the *Newcastle-upon-Tyne and Carlisle Railway Company* to alter the *Alston Branch* of their Railway, to make a Branch Railway therefrom, and for other Purposes.

[13th July 1849.]

WHEREAS an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Newcastle-upon-Tyne and Carlisle Railway Company to extend their Railway in Newcastle-upon-Tyne, to make a Branch Railway, and for other Purposes connected with their Undertaking*, and called "The *Newcastle-upon-Tyne and Carlisle Branch Railway Act, 1846*": And whereas the said Company were (among other things) empowered by the said Act to make a certain Branch Railway called "The *Alston Branch Railway*:" And whereas it is expedient that the said Company should be empowered to alter the Line of the said *Alston Branch Railway* as authorized by the said "*Newcastle-upon-Tyne and Carlisle Branch Railway Act, 1846*," to be constructed, by abandoning certain Portions thereof, and making Deviations therefrom, and also to make another Branch Railway, and also that the said Act should be varied as herein-after expressed; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that

9 & 10 Vict.
c. 394.

[Local.]

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Certain Provisions of 8 & 9 Vict. cc. 18 & 20. extended to this Act.

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 "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.

Short Title.

II. And be it enacted, That in reciting this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression, "The *Newcastle-upon-Tyne and Carlisle, Alston Branch, Railway Act, 1849.*"

Power to make Railways according to deposited Plans.

III. And whereas Plans and Sections of the Deviations intended to be made from the Line of the said *Alston Branch Railway* as authorized by the said "*Newcastle-upon-Tyne and Carlisle Branch Railway Act, 1846,*" to be constructed; and of the new Branch Railway to be made by virtue of this Act, showing the Lines and Levels thereof respectively, 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, have been deposited with the several Clerks of the Peace of the Counties of *Northumberland* and *Cumberland*: Be it enacted, That, subject to the Provisions in this and the said several herein-before mentioned Acts contained, it shall be lawful for the said Company to make and maintain the several Railways herein-after mentioned on the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Lines of Railway to be abandoned and made.

IV. And be it enacted, That the Portions of the said Line of the said *Alston Branch Railway* to be abandoned, and the new Lines or Portions of Line to be made in lieu thereof, and the new Branch Railway to be made under the Authority of this Act, with suitable Stations, Works, and Conveniences, shall be as follows; (that is to say,)

So much of the said Line of the said *Alston Branch Railway* as extends between the Point of Junction with the *Newcastle-upon-Tyne and Carlisle Railway* in the Township of *Haltwhistle* in the Parish of *Haltwhistle* in the County of *Northumberland* at or near the *Haltwhistle Station* upon the same Railway, and marked with the Letter (A) on the Plans herein-before referred to, and a Point or Place marked (B) on the same Plans in a Field called *Broomhouse Meadow*, belonging to *Cuthbert Ellison Esquire*, and occupied by *John Waugh*, situate in the Township of *Bellister* in the said Parish of *Haltwhistle* and County of *Northumberland*, and passing in, through, or into the Parish of *Haltwhistle* and the said several Townships of *Haltwhistle* and *Bellister*, shall be abandoned, and in lieu thereof there shall be made by the said Company a Line of Railway commencing at the said Point of Junction with the *Newcastle-upon-Tyne and Carlisle Railway* marked (A) on the said Plans, and terminating at the Point (B) on the same Plans in the said Field called *Broomhouse Meadow*, and passing in,

in, through, or into, or to be made within the several Parishes, Townships, Townlands, and extra-parochial Places following, or some of them, (that is to say,) *Haltwhistle, Plenmeller, and Bellister*, all in the said County of *Northumberland*:

So much of the said Line of the said *Alston Branch Railway* as extends between a Point or Place marked with the Letter (C) on the Plans herein-before referred to in a Field belonging to the Honourable *James Hope Wallace*, situate on the South Side of the Road leading from *Rowfoot* to *Featherstone*, and in the Township of *Featherstone* in the said Parish of *Haltwhistle*, and a Point or Place marked (D) on the same Plans in a Field belonging to *Edward Robson*, and in the Occupation of *Ann Stephenson*, situate in the Township of *Knaresdale* in the Parish of *Knaresdale* in the said County of *Northumberland*, and passing in, through, or into the several Parishes, Townships, Townlands, and extra-parochial Places following, or some of them, (that is to say,) *Haltwhistle, Featherstone, Lambley* otherwise *Lamley, Asholme, and Knaresdale* in the said County of *Northumberland*, shall be abandoned, and in lieu thereof there shall be made by the said Company a Railway commencing at the said Point or Place marked (C) in the said Field belonging to the said *James Hope Wallace*, and terminating at the said Point or Place marked (D) in the said Field occupied by the said *Ann Stephenson*, and extending or passing to, from, in, through, or into, or to be made within the several Parishes, Townships, Townlands, and extra-parochial Places following, or some of them, (that is to say,) *Haltwhistle, Featherstone, Lambley* otherwise *Lamley, Asholme, and Knaresdale*, all in the said County of *Northumberland*:

So much of the said Line of the said *Alston Branch Railway* as extends between a Point or Place marked (E) on the Plans herein-before referred to in a Field belonging to the Commissioners and Governors of *Greenwich Hospital*, and occupied by *Rebecca Walton*, situate in the Township and Parish of *Alston Moor* otherwise *Alston* otherwise *Aldstone* in the County of *Cumberland*, and the Western Terminus of the said *Alston Branch Railway* in the Chapelry of *Nent Head* in the said Parish of *Alston Moor* otherwise *Alston* otherwise *Aldstone* in the said County of *Cumberland*, shall be abandoned, and in lieu thereof there shall be made by the said Company a Railway commencing at the said Point or Place marked (E) on the said Plans in the said Field occupied by the said *Rebecca Walton*, and terminating at the Point or Place marked (F) on the said Plans in a Field occupied by *Jane Errington*, and situate in the said Township and Parish of *Alston Moor* otherwise *Alston* otherwise *Aldstone*, and near to the Bridge over the River *Nent*, which last-mentioned Railway will extend or pass from, in, through, or into, or be made within the said Parish or Township of *Alston Moor* otherwise *Alston* otherwise *Aldstone* in the said County of *Cumberland*:

A Branch Railway, with all necessary and convenient Stations and Works connected therewith, shall be made by the said Company, to commence at or upon the Line of substituted Railway secondly above described in a Plantation belonging to and in the Occupation of *Thomas Whitfield*, situate in the said Township of *Lambley* otherwise *Lamley*, and near to the Place where the last-

last-mentioned Railway will be carried across the River *Tyne*, and to terminate at or upon a Part or Point marked (X) on the said Plans of a Railway belonging to the Earl of *Carlisle* situate at *Haltonlea* Gate in the Township of *Hartley Burn* in the said Parish of *Haltwhistle*, which last-mentioned Branch Railway and Works will be made or pass to, from, through, into, or within the Parishes, Townships, Townfields, or extra-parochial Places of *Haltwhistle*, *Lambley* otherwise *Lamley*, *Asholme*, *Bellister*, and *Hartley Burn*, all in the said County of *Northumberland*, or some of them.

Compensation to be made where Contracts have been entered into or Notices given.

V. Provided always, and be it enacted, That in any Case where before the passing of this Act any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were by the said recited Act empowered to purchase, for the Purpose of constructing the Portions of the said *Alston* Branch Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by the "Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the aforesaid Portions of the said *Alston* Branch Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the said "Lands Clauses Consolidation Act" contained.

Funds for constructing Railways.

VI. And be it enacted, That the Cost and Expense of making and constructing the Railways and Works hereby authorized shall be paid by the said Company out of the Capital authorized to be raised by the said "*Newcastle-upon-Tyne and Carlisle* Branch Railway Act, 1846," and the Monies by the same Act authorized to be borrowed.

Rates and Tolls.

VII. And be it enacted, That it shall be lawful for the said Company to demand and receive, for or in respect of the Use of the Railways hereby authorized to be made, such Tolls, Rates, and Dues as are authorized by the said "*Newcastle-upon-Tyne and Carlisle* Branch Railway Act, 1846," to be demanded and received by the said Company; and that, so far as concerns the said Tolls, Rates, and Dues, and all other Matters not herein otherwise specially provided for, the said last-mentioned Act shall after the passing of this Act be read and construed as if the Railways and Works hereby authorized to be made had been comprised therein and thereby authorized to be made, and thenceforth the said Act and this Act shall be read and construed as One Act.

VIII. And

VIII. And be it enacted, That it shall be lawful for the said Company, if they shall see fit, to construct the Bridge by which the said first-mentioned substituted Railway hereby authorized to be made shall cross the River *South Tyne* near *Haltwhistle* aforesaid in such Manner that there shall be a public Roadway for the Passage of Carriages, Horses and other Cattle, and Foot Passengers.

Power to construct Bridge for Carriages, &c.

IX. And be it enacted, That as soon as the said Bridge shall be so constructed as aforesaid it shall be lawful for the said Company, from Time to Time and at all Times thereafter, to demand and receive or take for Pontage as or in the Name of a Toll, before or after any Passage over the said Bridge by the said Roadway shall be permitted, any Sums of Money not exceeding the several Sums following; (that is to say,)

Tolls for Bridge.

For every Horse or Beast of Draught drawing any Coach, Chariot, Landau, Sociable, Berlin, Chaise, Curricule, Whiskey, Car, Calash, Caravan, Hearse, or Litter, or other such Carriage, the Sum of Four-pence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Van, Cart, Wherry, or other such like Carriage, the Sum of Three-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

For every Score of Oxen or Neat Cattle, the Sum of Ten-pence, and so in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence, and so in proportion for any greater or less Number:

For every Person on Foot, the Sum of One Penny:

And such Tolls shall be paid (if demanded) each Time of passing; and it shall be lawful for the Company to erect such Toll Houses and Toll Gates for the Collection of such last-mentioned Tolls as they may see fit.

X. And be it enacted, That the Powers of the said Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof.

Powers for compulsory Purchase of Lands limited.

XI. And be it enacted, That the Railways and Works authorized by this Act shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act and the said "Railways Consolidation Act, 1845," granted to the said Company for executing the said Railways hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways as shall then be completed.

Period for Completion of Works.

XII. And whereas the Railways hereby authorized to be made are intended to be carried across the Turnpike Roads and Highways numbered as follows on the Plans herein-before referred to; (that is to say,) Nos. 1, 4, 14, 31, and 36 in the Township of *Lambley* and *Asholme*, Nos. 3, 5, and 6 in the Township of *Hartley Burn*, all in the County of *Northumberland*; and it is expedient that the same should be carried across the said Turnpike Roads and Highways on a Level: Be it therefore enacted, That it shall be lawful for the said

Turnpike Roads and Highways that may be crossed on a Level.

[Local.]

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Company

Company to make the said Railways respectively across the said Turnpike Roads and Highways on a Level at or near the Points marked on the said Plans for the crossing thereof.

Company to erect Stations at Points of Crossings, and abide by Rules, &c. of the Commissioners of Railways.

XIII. And be it enacted, That for the greater Convenience and Security of the Public the said Company shall, during such Time as the said herein-before mentioned Turnpike Roads or Highways, or any or either of them, shall be crossed on the Level, erect and maintain either a Station or Lodge at the Points where the said Railways shall cross on the Level of any of the said Turnpike Roads or Highways; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Turnpike Roads and Highways on the Level, or with regard to the Speed at which Trains shall pass such Turnpike Roads and Highways, as may from Time to Time be made by the Commissioners of Railways; and if the Company shall during such Period as aforesaid fail to erect or 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, 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.

Commissioners of Railways may require Bridges in lieu of level Crossings.

XIV. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Railways, if it shall appear to them to be necessary for the public Safety, at any Time, either before or after the Railways hereby authorized to be made shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Commissioners shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the said Railways by means of a Bridge or Arch in lieu of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Commissioners the best adapted for removing or diminishing the Danger arising from such level Crossing.

Clause of 9 & 10 Vict. c. 394., prohibiting the Alston Branch Railway to be partially opened, repealed.

XV. And whereas it was in and by the said "*Newcastle-upon-Tyne and Carlisle Branch Railway Act, 1846*," enacted, that it should not be lawful for the said Company to open for the Use of the Public any Part or Portion of the said *Alston Branch Railway* between its Commencement at the Point of Junction with the *Newcastle-upon-Tyne and Carlisle Railway* in the Township of *Haltwhistle* and the Town of *Alston* until the whole of the Line from the said Commencement of the said Branch Railway to *Alston* aforesaid should have been completed and opened for the Use of the Public: And whereas the Restriction contained in the said Enactment is found to be unnecessary: Be it therefore enacted, That the same shall be repealed, and the same is hereby repealed accordingly.

Deposits for future Bills not to be paid out of

XVI. And be it enacted, That it shall not be lawful for the *Newcastle-upon-Tyne and Carlisle Railway Company*, out of any Money by any Act or Acts relating to the said 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.

Capital of
the Com-
pany.

XVII. 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 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 hereby authorized to be made, or the said *Newcastle-upon-Tyne and Carlisle Railway Company*, from the Provisions of the said several above-mentioned Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company, so far as the same may be applicable thereto.

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.

XVIII. 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 or by the said recited Acts.

Railways to
be subject to
Provisions
of future
general
Acts.

XIX. And be it enacted, That all Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the said *Newcastle-upon-Tyne and Carlisle Railway Company*, *pari passu* with the Costs, Charges, and Expenses of any other Act of Parliament passed or to be passed in the present Session of Parliament to which they may be liable, out of the first Monies that shall come to their Hands after the passing thereof, and in preference to any other Payment whatsoever.

Expenses
of Act.

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

Public Act.

LONDON:

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