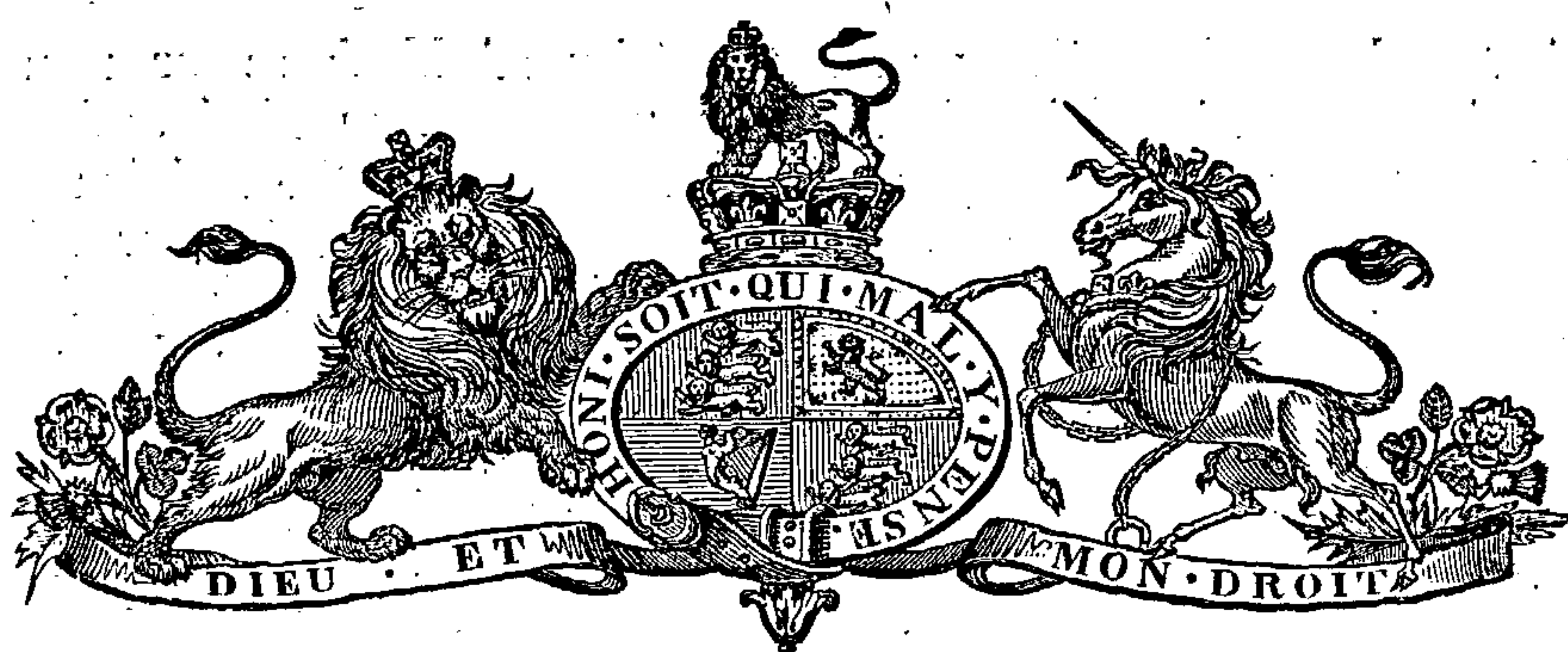




ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap.lx.

An Act for enabling the *York and North Midland* Railway Company to divert their Railways between *Market Weighton* and *Beverley*, and *Copmanthorpe* and *Tadcaster*, all in the County of *York*; and for other Purposes.

[13th July 1849.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the City of York to and into the Township of Altofts, with various Branches of Railway, all in the West Riding of the County of York or County of the said City*, whereby several Persons became and were incorporated by the Name of “*The York and North Midland 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 First, Fourth, Seventh, Eighth, Ninth, Tenth, and Eleventh Years of the Reign of Her present Majesty : And whereas by One of the said Acts passed in the Ninth Year of the Reign of Her present Majesty, and intituled “*The York and North Midland (East Riding Branches), No. 1., Railway Act, 1846,*” the *York and North Midland Railway Company* were authorized, amongst other things, to make a Railway from the *York*

[Local.]

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and

and Scarborough Railway near the City of York to or near to Beverley, Part of which said Railway, namely, from York to Market Weighton, has already been made and opened to the Public: And whereas by One of the said Acts passed in the Tenth Year of the Reign of Her present Majesty, and intituled "The York and North Midland (Leeds Extension) Railway Act, 1846," the York and North Midland Railway Company were empowered, amongst other things, to make a Railway from Copmanthorpe (near York) to Tadcaster, Part of which Railway has already been made: And whereas it would be of advantage if Part of the said Line between Market Weighton and Beverley, and Part of the said Line between Copmanthorpe and Tadcaster, were diverted, and if the Parts rendered unnecessary by such Diversions were abandoned, and the York and North Midland Railway Company are willing to make such Diversions: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be repealed, altered, amended, 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 so much of "The Lands Clauses Consolidation Act, 1845," and of "The Railways Clauses Consolidation Act, 1845," as are applicable, and are not modified by this Act, or inconsistent with the Provisions hereof, shall be held to apply to the Railways and Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

8 & 9 Vict.
cc. 18. and
20. extended
to this Act.

Provisions
of York and
North Mid-
land Railway
Acts ex-
tended to
this Act.

II. And be it enacted, That all the Provisions contained in the first-recited Act, or in any other Act which has subsequently been passed relating to the York and North Midland Railway, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, and except so far as such Provisions, Matters, and Things are inconsistent with "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 re-enacted in this Act in reference to such Purposes, Matters, and Things; and the said Acts and this Act shall be construed and read together as forming One Act.

Power to
make Rail-
ways ac-
cording to
deposited
Plans, &c.

III. And whereas Plans and Sections of the Railways hereby authorized to be made, showing the Lines 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 or be made, have been deposited with the Clerks of the Peace for the East and West Ridings 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, with all proper Conveniences thereto, in the Lines and upon the

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 or any of them.

IV. 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 East Riding Branches, No. 1., Railway, at or near the East End of the Passenger Platform of the *Market Weighton* Passenger Station in the Township and Parish of *Market Weighton* in the East Riding of the County of *York*, belonging to and in the Occupation of the *York and North Midland* Railway Company, 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,) *Market Weighton*, *Goodmanham*, *Etton*, and *Cherry Burton*, all in the said East Riding of the County of *York*, and terminating by a Junction with the present authorized Line of the said East Riding Branches, No. 1., Railway, at or near a public Highway leading from *Etton* to *Cherry Burton* aforesaid in the Township and Parish of *Cherry Burton* aforesaid, and which Highway is numbered 2 on the Plans deposited in *November* 1845 with the Clerks of the Peace for the North and East Ridings of the said County of *York* and for the Town and Borough of *Kingston-upon-Hull*, and referred to by the said Act called "The *York and North Midland* (East Riding Branches), No. 1., Railway Act, 1846:"

And a Railway commencing at or near a Field belonging to Colonel *George Wyndham*, and in the Occupation of *William Shillitoe*, in the Township of *Tadcaster East* otherwise *Tadcaster East Side*, in the Parish of *Tadcaster* in the West Riding of the County of *York*, which Field is numbered 30 on the Plans deposited in *November* 1845 with the Clerk of the Peace for the West Riding of the County of *York*, and referred to by the said Act called "The *York and North Midland* (*Leeds* Extension) Railway Act, 1846," thence passing from, in, through, or into the several Parishes, Townships, and extra-parochial and other Places following, or some of them, that is to say, *Tadcaster*, *Tadcaster East* otherwise *Tadcaster East Side*, *Healaugh*, *Catterton*, *Bilbrough*, *Colton*, *Steeton*, *Oxton*, *Street Houses*, and *Bolton Percy*, all in the West Riding of the said County of *York*, and terminating by a Junction with the *York and North Midland* Railway at or near where the same Railway crosses the Highway leading from *Bolton Percy* to *Colton* in the Township and Parish of *Bolton Percy* aforesaid.

V. 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 the 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, Certain
Roads may
be crossed
on the Level.

A public Highway in the Township and Parish of *Market Weighton*, numbered 133 in the same Parish on the Plans of the said first-mentioned

mentioned intended Railway so deposited with the Clerks of the Peace for the said East and West Ridings:

A public Highway from *Goodmanham* to *South Dalton* in the Township and Parish of *Goodmanham*, numbered 16 in the same Parish on the said Plans :

A public Highway from *Market Weighton* to *South Dalton* in the Township and Parish of *Goodmanham*, numbered 22 in the same Parish on the said Plans :

A public Highway from *Gardholme* to *Etton* in the Township and Parish of *Etton*, numbered 33 in the same Parish on the said Plans :

A public Highway in the Township of *Tadcaster* or *Tadcaster East Side* and Parish of *Tadcaster*, numbered 4 in the same Parish on the Plans of the said second-mentioned intended Railways also deposited with the Clerks of the Peace of the said East and West Ridings :

The Turnpike Road from *York* to *Tadcaster* in the Township of *Steeton* and Parish of *Bolton Percy*, numbered 9 in the same Parish on the said last-mentioned Plans.

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

VI. 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 intended 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 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 and at all Times to 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 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 be continued after such Penalty of Twenty Pounds shall have been incurred.

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

VII. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Railways, if it shall appear to them necessary for the public Safety, at any Time, either before or after the Railways hereby authorized to be made or either of them 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 Part of the Line of the Railway which shall be crossed thereby 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.

Land for extraordinary Purposes.

VIII. And be it enacted, That it shall be lawful for the said Company to purchase any Quantity of Land for extraordinary Purposes connected

connected with the Railways and Works by this Act authorized, not exceeding Thirty Acres.

IX. 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 Three Years from the passing of this Act.

Period for compulsory Purchase of Lands limited.

X. And be it enacted, That the Railways 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, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such Railways 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.

Period for the Completion of the Works.

XI. And be it enacted, That the Period by "The *York and North Midland* (East Riding Branches), No. 1., Railway Act, 1846," limited for the compulsory Purchase of the Lands thereby authorized to be taken for the Purposes of the said Act, shall, so far as relates to the Lands required for the Purposes of so much of the said Railway thereby authorized to be made from the *York and Scarborough* Railway near the City of *York* to or near to *Beverley* as lies between the Point on the same Railway near the said public Highway leading from *Etton* to *Cherry Burton* in the said Township and Parish of *Cherry Burton* aforesaid at which the first-mentioned Railway by this Act authorized will terminate and the Termination of the said authorized Line of Railway at or near to *Beverley*, be and the same is hereby extended and enlarged for the further Term of Two Years, to be computed from the passing of this Act, and that the Period by "The *York and North Midland* (East Riding Branches), No. 1., Railway Act, 1846," limited for the Execution and Completion of that Portion of the Railway and Works (the Time for purchasing the Lands for the Purposes whereof is so hereby extended) shall be and the same is hereby extended and enlarged for the further Period of Five Years from the passing of this Act.

Time for compulsory Purchase of certain Lands and Completion of Works extended.

XII. Provided always, and be it enacted, That the Extension hereby authorized of the respective Periods aforesaid shall not in anywise prejudice or affect any Contract entered into or Notice given by the said Company before the passing of this Act for purchasing, taking, or using any Lands which under "The *York and North Midland* (East Riding Branches), No. 1., Railway Act, 1846," such Company is entitled to purchase, take, or use, but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if such Extension of the said respective Periods had not been authorized as aforesaid.

Existing Contracts and Notices to take Lands to be construed as if this Act had not passed.

XIII. Provided also, and be it enacted, That the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under

Parties aggrieved by Extension of

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the

Time being granted may have Compensation for additional Damage.

the Provisions of the said *York and North Midland* (East Riding Branches), No. 1., Railway Act, 1846, shall award or assess the Compensation to be made by the said Company to the Owners or Occupiers of or other Persons interested in any Lands which shall be taken or used for the Purposes of the said *York and North Midland* (East Riding Branches), No. 1., Railway Act, or which may be injuriously affected by the Construction of the Works thereby authorized, and the Powers to purchase or use which Lands are extended by this Act, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension hereby authorized of the respective Periods aforesaid.

Company to take the same Tolls as are allowed by the Hull and Selby Railway Purchase Act, 1846.

XIV. And be it enacted, That from and after the passing of this Act it shall be lawful for the *York and North Midland* Railway Company, and they are hereby authorized and empowered, subject nevertheless to the Provisions in this Act, and in "The *Hull and Selby* Railway Purchase Act, 1846," contained, to demand, receive, and take, for and in respect of Passengers, and of the several Articles, Matters, and Things, and of all Descriptions of Animals, conveyed upon the said Railways, and also for the Use of Carriages and Locomotive Engines or other Power supplied by the said Company thereon, such and the like Rates, Tolls, or other Charges as by "The *Hull and Selby* Railway Purchase Act, 1846," are authorized to be demanded and received for the like Passengers, Animals, Articles, Matters, and Things conveyed upon the Railways thereby authorized to be purchased and leased, or therein mentioned or referred to, and for the Use of the like Carriages and Locomotive Engines or other Power, as well for ordinary as for Express Trains supplied on the same Railways under the Authority of the said Act: Provided always, that so much of the said "*Hull and Selby* Railway Purchase Act, 1846," as declares that it shall not be lawful to include in One Package several Parcels of several Sorts, and intended for various Individuals, but that it shall be lawful for the Companies to be amalgamated by virtue of such Lease or Purchase, any or either of them, to charge a separate Sum for each such Parcel, although many are included in One Package, shall not extend or apply to the said Railways by this Act authorized or either of them.

Power to charge extra for Express and Special Trains.

XV. Provided always, and be it enacted, That, notwithstanding anything in this Act or the said recited Acts or any of them contained, it shall be lawful for the said Company and they are hereby authorized and empowered to demand, receive, and take any reasonable Sum for the Use of Engines and Carriages for Express, Special, or Extra Trains by or upon the said Railways or any Part or Parts thereof respectively, and for loading and unloading, collecting, receiving, or delivering, and for providing Covers for Minerals, Goods, Articles, or Animals; provided that the Sum to be charged for Passengers by Express Trains, over and above the maximum Toll *per* Mile authorized to be taken for Passengers by ordinary Trains, shall not exceed One Penny *per* Mile for First-class Passengers and One Halfpenny *per* Mile for Second-class Passengers.

XVI. Provided

XVI. Provided also, and be it enacted, That, notwithstanding anything in this Act or the said recited Acts contained, it shall be lawful for the said Company and they are hereby authorized and empowered, by Agreement with the Owner of or Person in charge of Goods of any Description conveyed or to be conveyed on the said Railways, to take and receive, and in such Case to demand and recover, either in respect of the Conveyance of such Goods by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto, any increased Rates or Charges, over and above the Rates or Charges in and by this Act, or "*The Hull and Selby Railway Purchase Act, 1846*," limited or authorized to be received and taken for or in respect of any such Goods.

Power to charge extra for Goods by Agreement with the Owners.

XVII. And be it enacted, That the several Clauses, Powers, and Provisions contained in "*The Railways Clauses Consolidation Act, 1845*," with respect to the carrying of Passengers and Goods upon the Railway, and the Tolls to be taken thereon, shall extend and apply to all and every Part of the said Railways, as fully and effectually, to all Intents and Purposes, as if the same Clauses, Powers, and Provisions, and every Part thereof, were re-enacted in this Act with reference to such Railways respectively.

Provisions of 8 & 9 Vict. c. 20. relating to Passengers and Goods on the Railway extended to this Act.

XVIII. And be it enacted, That it shall be lawful for the Company to apply for or towards the Purposes of this Act any Sum or Sums of Money which they may have raised or may raise under the Powers of "*The York and North Midland (East Riding Branches), No. 1., Railway Act, 1846*," or of "*The York and North Midland (Leeds Extension) Railway Act, 1846*."

Company may employ Funds under the existing Acts for the Purposes of this Act.

XIX. And be it enacted, That the said Company shall abandon and relinquish the Construction of the following Portions of their Lines of the said East Riding Branches, No. 1., Railway, and of the said *Leeds Extension Railway*; namely, so much of the said East Riding Branches, No. 1., Railway, as is authorized to be made by "*The York and North Midland (East Riding Branches), No. 1., Railway Act, 1846*," and lies between the said East End of the said Platform of the said *Market Weighton* Passenger Station in the Township and Parish of *Market Weighton* aforesaid and the said public Highway leading from *Etton* to *Cherry Burton* (numbered 2 on the said Plans referred to by the same Act) in the Township and Parish of *Cherry Burton* aforesaid; and so much of the said *Leeds Extension Railway* as is authorized by "*The York and North Midland (Leeds Extension) Railway Act, 1846*," and lies between the said Field (numbered 30 on the said Plans referred to by the same Act) belonging to Colonel *George Wyndham*, and in the Occupation of *William Shillitoe*, in the said Township of *Tadcaster East* otherwise *Tadcaster East Side* in the Parish of *Tadcaster* aforesaid and the Point where the same *Leeds Extension Railway* is authorized to join the *York and North Midland Railway* in the Township of *Copmanthorpe* in the Parish of *Saint Mary Bishophill the Younger* in the said West Riding at or near a Field in the same Township and Parish numbered 6 on the same Plans, belonging to *Frederick Henry Wood*, and in the Occupation of *John Nalton*; and from and immediately

Company to abandon Portions of the authorized Lines.

after

after the passing of this Act all the Powers and Authorities granted by the said last-mentioned Acts for making and maintaining the Portions of the said East Riding Branches, No. 1., Railway, and *Leeds* Extension Railway, respectively, hereby authorized to be abandoned, shall cease and determine.

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

XX. 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 York and North Midland* (East Riding Branches), No. 1., Railway Act, 1846," or by "*The York and North Midland* (*Leeds* Extension) Railway Act, 1846," empowered to purchase, for the Purpose of constructing the Portions of the said Railways so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Persons 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 Railways shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the said 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.

Certain Provisions in 6 & 7 W. 4. c. 81. as to Juries apportioning Purchase Monies repealed.

XXI. And whereas by the said recited Act of the Sixth Year of His said late Majesty it was enacted that Juries should, if thereunto required, settle what Shares and Proportions of the Purchase Money, Satisfaction, and Recompence or Compensation for Damages, which should be assessed as thereby provided, should be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, by way of Lease or otherwise, for his Interest therein: And whereas the said recited Provision hath been found insufficient, and it is expedient that the same should be repealed, and that other Provision should be made in lieu thereof: Be therefore enacted, That the said recited Provision shall be and the same is hereby repealed.

Power to have separate Interests settled by One Jury or Arbitration.

XXII. And be it enacted; That from and after the passing of this Act, in all Cases where several Persons have distinct Estates, Rights, or Interests in any Lands required and authorized to be purchased or taken either permanently or temporarily by the said Company, or where such Lands are held in undivided Shares or Parts, it shall be lawful for the said Company to require the Value of the whole or of any Two or more of such Estates, Rights, or Interests in any such Lands, and any Question as to the Compensation or Damages to be paid for the

the same, to be and to have the same included and settled in one and the same Inquiry, or by one and the same Arbitration; and the Jury before whom any such Inquiry shall be taken or made, or the Arbitrators or Umpire, as the Case may be, to whom any such Question or Matter shall be referred, shall ascertain, in the first place, the entire Value of such Lands, or of the Estates, Rights, or Interests therein so referred to them or him as aforesaid, and the entire Compensation to be paid for Damages by Severance or otherwise in respect thereof, and shall afterwards apportion the Amount so found or ascertained amongst the respective Parties entitled to or interested in such Lands, or so many of them as shall be Parties to or whose Estates or Interests shall form the Subject of any such Inquiry or Arbitration, according to their respective Estates, Rights, Shares, or Interests in such Lands: Provided always, that in every such Case as last aforesaid the said Company shall give Notice in Writing to all the Persons whose Estates, Rights, or Interests they may require to have so jointly settled, of such their Intention; and unless all such Persons shall jointly agree or elect to have the Question in dispute settled either by one and the same Jury or by one and the same Arbitration, and of such Agreement or Election shall give Notice in Writing to the said Company within Fourteen Days after the Service of such first-mentioned Notice by the said Company on the said Parties respectively, then and in every such Case such Question shall be settled by one and the same Jury.

XXIII. And be it enacted, That in all Cases where, by or under or by virtue of this Act or the said recited Acts, or any Act of Parliament incorporated therewith, any Dispute or other Matter with reference to the Purchase or taking of or Compensation to be paid for any Lands, or with reference to any Matter connected with the Construction of the said Railways, is or shall be left to Arbitration, the Costs of any such Arbitration and incident thereto shall, in case the Parties shall not agree as to the Amount thereof, be taxed and settled by One of the Masters of the Court of Queen's Bench of *England*, on the Application of either Party to such Arbitration, and that it shall not be necessary to include the Amount thereof in the Award to be made under any such Arbitration, or to delay the making of any such Award in consequence thereof; and where the Costs of the Arbitration are not included in the Award the Amount thereof, when so taxed and settled, together with the Costs of recovering the same, may be recovered by Distress in the Manner by the Lands Clauses Consolidation Act provided in other Cases of Costs.

Cost of Arbitration to be settled by Master of the Queen's Bench.

XXIV. And be it enacted, That the Costs of and incident to any Question, Inquiry, Adjudication, Appeal, or other Proceedings which, by or under or by virtue of this Act or the said recited Acts, or any Act of Parliament incorporated therewith, is or shall be left to the Decision, Determination, or Adjudication of any Justice or Justices of the Peace, with reference to the Purchase or taking of or Compensation to be paid for any Lands, or with reference to any Matter connected with the Construction of the said Railways, shall, in all Cases where the Parties shall not agree as to the Amount thereof, and where the same shall exceed the Sum of Ten Pounds, be taxed and settled by One of the Masters of the Court of Queen's Bench of *England*,

Costs of Matters left to Justices to be settled by Master of Queen's Bench in certain Cases.

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England, on the Application of either Party to or interested in any such Question, Inquiry, Adjudication, Appeal, or other Proceedings.

Bye Laws
extended to
Lines in
Lease.

XXV. And whereas it is desirable to amend the several Enactments contained in the Acts herein-before recited or referred to with reference to Bye Laws, Orders, Rules, and Regulations, and to extend the same to Railways held under Lease by the said Company, and of which they are not the actual Owners: Be it therefore enacted, That all and every the Enactments, Clauses, Powers, and Provisions contained in the said recited Acts, or in "The Railways Clauses Consolidation Act, 1845," or any of them, with respect to Bye Laws, and all and every Bye Laws heretofore or hereafter to be made in pursuance thereof or of any of them, shall extend to every Railway of or which now is or hereafter may be in the Possession or Occupation of the said Company under or by virtue of the said recited Acts or any of them.

Extending
the Time for
the Sale of
superfluous
Lands.

XXVI. And whereas by the said first-recited Act the said Company were required to sell such superfluous Lands as they might not want within Ten Years from the passing of that Act, and a similar Provision is contained in several of the Acts herein-before mentioned or referred to, and to which the said Company are now made subject: And whereas the said Company have under the Provisions of some of the said recited Acts become the Lessees and Owners of other Lines of Railway, in the Acts relating to which, or some of them, similar Provisions are contained: And whereas by reason of the great Extension of the Railways belonging to the said Company, and of the increased Traffic thereon, various Portions of Land which were at one Time considered superfluous are now used for additional Station Accommodation, Cottages and Gardens for Labourers on the said Railways, and for other Purposes connected therewith, and it is apprehended that the Remainder of such Lands may in due Time be required for the like or for other Purposes connected with the said Railways, owing to the still increasing Traffic on the same, and the Want of further Accommodation for the Public: Be it therefore enacted, That the Period allowed by the said recited Acts or the Acts therein recited or referred to, or any of them, for the Sale of any superfluous Lands, shall be and the same is hereby extended to the further Period of Five Years from the passing of this Act, and from thenceforward, after the Expiration of such Five Years, until the Person or Persons claiming any such Lands or entitled thereto shall give Notice in Writing to the said Company of such his or their Claim or Title, and Twelve Calendar Months shall have elapsed from the Service of such Notice on the said Company: Provided always, that in case, before the Expiration of the said Period of Twelve Months, the said Company shall have reasonable Grounds to apprehend that the Lands to which any such Notice shall relate, or any Part thereof, may be thereafter required by them for the Purposes of their said Railways, and shall obtain the Certificate of the Commissioners of Railways extending the said Period for such further Term as they may think fit, and so from Time to Time as often as such Commissioners shall deem reasonable, (which Certificate the said Commissioners are hereby authorized to grant,) or if the said Company shall before the Expiration of the said Twelve Months use or apply any such Lands for any Purpose connected

connected with their said Railways, then and in every such Case such Claim or Title shall, as regards the Lands so likely to be required or which may be used, as the Case may be, be postponed until the Expiration of such extended Period or Periods, or altogether cease, as the Case may be.

XXVII. And whereas by the said first-recited Act it was enacted, that at the First General Meeting, or at some Adjournment thereof, to be held pursuant to the Directions of that Act, Twelve Persons, respectively possessed in their own Right of Twenty or more Shares in the said Undertaking, should be elected Directors to manage the Affairs of the said Company, by the Proprietors present at such Meeting, either personally or by Proxy, Eight at least of which Persons so to be elected Directors should be Proprietors residing in or within Seven Miles of *York*, unless there should at any Time not be so many as Eight Proprietors duly qualified and willing to act resident within that Distance from the Limits of the said City, in which Case all Proprietors duly qualified and willing to act should be qualified to be elected as Directors, which Restriction as to Residence was by subsequent Provisions of the said Act extended to the Directors to be subsequently elected or appointed, so that Eight at least of the Directors for the Time being of the said Company should, subject as therein mentioned, always consist of Proprietors residing in or within Seven Miles of the City of *York*: And whereas by the said Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to enable the York and North Midland Railway Company to raise a further Sum of Money, to make a certain Approach to the said Railway, and to amend the Acts relating thereto*, it was enacted, that when by Death or Resignation, or any other Cause than than that of going out of Office by Rotation, as provided for by the said first-recited Act, the Number of Directors should be reduced below Twelve (and so often as the same should happen), it should not be necessary for the remaining Directors to proceed to fill up such Vacancy previous to the General Meeting of the said Company which would be held in the Month of *January* then next ensuing, and if any such Meeting should resolve that it was inexpedient to fill up the said Vacancy, then the Number of Directors of the said Company should be and remain reduced accordingly, and all the Acts of the said Directors, when so reduced in Number, should be as valid and effectual as if the Number of the said Directors had not been reduced; and it was by the same Act provided, that at no Time should the whole Number of Directors be reduced under the Provisions therein-before contained to a less Number than Eight: And whereas under the Provisions of the said last-mentioned Act the Number of Directors of the said Company has been reduced to Eight: And whereas Doubts are entertained whether under the Provisions of the said Acts the whole of the Eight Directors for the Time being, or only Two Thirds of that Number, ought to be resident in or within Seven Miles of the City of *York*: And whereas, some of the present Directors of the Company not being so resident, Doubts may be raised as to the Validity of their Acts as Directors of the Company, which Doubts it is expedient should be removed: And whereas the greater Portion of the Proprietors of the said Company who are in other respects duly qualified to act as Directors of the said Company are now resident in

Removing
Doubts as to
the Validity
of the Acts
of the Direc-
tors.

4 & 5 Vict.
c. 7.

London

London and other Places distant from the City of *York*, and have no Residence in or within Seven Miles of the said City, and it is expedient that a General Meeting of the Proprietors of the said Company should be authorized to dispense with the said Restriction as to Residence, and to declare that any Proprietor of the Company, wherever resident, shall, if otherwise duly qualified, be eligible to be elected or appointed a Director of the said Company: Be it enacted, That the Acts and Proceedings of the present Directors of the said Company done in the Execution or under the Authority of the said recited Acts and this Act, or any of them, shall not be or be deemed invalid by reason or in consequence of such Directors or any of them not being resident in or within Seven Miles of the said City of *York*; and that it shall be lawful for any General or Special General Meeting of the said Company, of which due Notice, stating the Objects of such Meeting, shall have been given, to declare that any Proprietor of the said Company who may thereafter be a Candidate for the Office of or be willing to act as a Director of the said Company shall, if otherwise duly qualified, be eligible to be elected or appointed a Director of the said Company, although he may not be resident in or within Seven Miles of the said City of *York*, anything in the said recited Acts or any of them to the contrary thereof in anywise notwithstanding.

Facilitating
Proof of the
Purchase of
the Whitby
and Pickering
Railway
by the York
and North
Midland
Railway
Company,
authorized
by recited
Act, 8 & 9
Vict. c. 57.

XXVIII. And whereas by an Act passed in the Ninth Year of the Reign of Her present Majesty, styled or called "*The Whitby and Pickering Railway Act, 1845*," it was enacted, that it should be lawful for the *Whitby and Pickering Railway Company*, by and with the Consent of Three Fifths of the Votes of the Proprietors of the same Company who might be present, either personally or by Proxy, at some Meeting of the same Company specially convened for the Purpose, to sell to the *York and North Midland Railway Company*, and for the last-mentioned Company, by and with the like Consent of Three Fifths of the Votes of their Proprietors present, personally or by Proxy, at some Meeting of such last-mentioned Company specially convened for the Purpose, to purchase and take the *Whitby and Pickering Railway*, and all and every or any Lands, Stations, Houses, and other Buildings and Wharfs, and other Works and Conveniences, Easements, Rights, and Appurtenances, Engines, Machines, and Utensils whatsoever, the Property of the *Whitby and Pickering Railway Company* aforesaid, and all Powers, Rights, Privileges, and Authorities of the said *Whitby and Pickering Railway Company* in relation thereto, at or for such Price or Sum, and upon and subject to such Terms and Conditions, as might be mutually agreed upon between the said Two Companies; and it was by the same Act also enacted, that the Sum at which the said *Whitby and Pickering Railway*, and other the Property thereof, should be so agreed to be sold and purchased as aforesaid, or so much thereof as should not be retained by the said *York and North Midland Railway Company*, as therein-after in that Behalf mentioned, should be paid to Directors for the Time being of the said *Whitby and Pickering Railway Company*, to be applied and disposed of by them in the Manner therein-after directed; and it was by the same Act further enacted, that the Receipt or Receipts in Writing of Three of the Directors for the Time being of the said *Whitby and Pickering Railway Company*, for the

Purchase

Purchase Monies so to be payable to the same Company as aforesaid, or for the Balance or Surplus thereof which should remain after such Retention thereout as aforesaid, and for any other Money which might be payable to the same Company by the said *York and North Midland Railway Company* on any Account whatsoever, should effectually discharge the said last-mentioned Company from the Sum or Sums which in such Receipt or Receipts should be expressed or acknowledged to be received, and that such last-mentioned Company should not be obliged or concerned to see to the Division or Distribution thereof amongst the Shareholders of the said *Whitby and Pickering Railway Company*, or be otherwise answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or any Part thereof; and it was by the same Act further enacted, that immediately on such Payment of the said Purchase Money as aforesaid, or of the Balance or Surplus thereof, (as the Case might be,) and upon Publication of a Notice thereof in the *London Gazette* and in some Newspaper of the County or City of *York*, of which Payment the said Receipt, under the Hands of Three Directors of the said *Whitby and Pickering Railway Company*, should be sufficient Evidence, the therein recited Acts of the Third and Seventh Years of the Reign of King *William the Fourth* (being the Acts of Parliament incorporating and relating to the said *Whitby and Pickering Railway Company*) should be and the same were thereby repealed, save and except as therein is excepted; and it was thereby further enacted, that from and immediately after the Payment of the said Purchase Money, or the Balance or Surplus thereof, (as the Case might be,) and such Publication of Notice thereof as aforesaid, the said *Whitby and Pickering Railway*, and all Stations, Houses, and other Buildings, Wharfs, Weighing Machines, and other Works belonging thereto, and the Ground and Soil thereof respectively, and all and every other the Lands, Tenements, and Hereditaments, Rights, Easements, and Appurtenances whatsoever, of or to which the said *Whitby and Pickering Railway Company* were by virtue of the said therein recited Acts of the Third and Seventh Years of the Reign of King *William the Fourth*, or either of them, or by any other Means whatsoever, seised, possessed, or entitled, at Law or in Equity, immediately before the Payment of the said Purchase Money, or the Balance or Surplus thereof, (as the Case might be,) should belong to, and should by virtue of the now reciting Act be absolutely vested in, the said *York and North Midland Railway Company*, and the Undertaking of the *Whitby and Pickering Railway* should thenceforth become and form Part of the Undertaking of the *York and North Midland Railway*, subject nevertheless as therein particularly mentioned; and it was thereby further enacted, that all Contracts, Agreements, Conveyances, Mortgages, Bonds, Covenants, and Securities made or entered into with, to, or in favour of or by or for the said *Whitby and Pickering Railway Company*, before such Payment of the said Purchase Money, or the Balance or Surplus thereof, (as the Case might be,) and the Publication of such Notice thereof as aforesaid, should, from and after such Payment, and such Publication of Notice thereof, be and remain as good, valid, and effectual, in favour of, against, and in reference to the said *York and North Midland Railway Company*, and might be proceeded on and enforced in the same Manner, by or against the said *York and North Midland Railway Company*, to all Intents and Purposes, as if the said

York and North Midland Railway Company had been a Party to and executed the same, or had been named or referred to therein, instead of the said *Whitby and Pickering* Railway Company; and it was further enacted, that from and after the Payment of the said Purchase Money, or the Balance or Surplus thereof, (as the Case might be,) and such Notice thereof as aforesaid, all and singular the Powers and Provisions, Clauses, Matters, and Things, in the therein recited and herein-before mentioned Acts of the Sixth Year of the Reign of His late Majesty King *William* the Fourth, and the First, Fourth, Seventh, and Eighth Years of the Reign of Her present Majesty, being the Acts then relating to the said *York and North Midland* Railway Company, or in any of them, contained, should, so far as they were not repealed, altered, varied, or otherwise provided for by the now reciting Act, or by any Statute, extend to that Act, and to the Objects and Purposes thereof, and to the said *Whitby and Pickering* Railway, and the Works, Conveniences, Lands, Tenements, and Hereditaments so agreed to be purchased by the said *York and North Midland* Railway Company, when the same should so as aforesaid become vested in the said last-mentioned Company, to all Intents and Purposes as if the same Railway, and Works, Conveniences, Lands, Tenements, and Hereditaments, had in and by the said Acts relating to the said *York and North Midland* Railway Company been vested in and made Part of the Undertaking of the said *York and North Midland* Railway Company, and as if the Enactments, Powers, Provisions, Clauses, Matters, and Things in the same Acts or in any or either of them contained had been in and by the said last-mentioned Acts expressly enacted in reference to the said *Whitby and Pickering* Railway, and Works, Conveniences, Lands, Tenements, and Hereditaments of or belonging thereto or connected or used therewith, and so agreed to be purchased as aforesaid, as well as to the said *York and North Midland* Railway, and also as if the same Powers, Provisions, Clauses, Matters, and Things had been expressly repeated in the now reciting Act, with reference to the Objects and Purposes thereof: And whereas the said *Whitby and Pickering* Railway Company, by and with the unanimous Consent of the Votes of the Proprietors in the same Company present, both personally and by Proxy, at a Meeting of the said Company specially convened for the Purpose, and held on the Sixteenth Day of *July* in the Year One thousand eight hundred and forty-five, agreed to sell, and the said *York and North Midland* Railway Company, by and with the unanimous Consent of the Votes of their Proprietors present, both personally and by Proxy, at a Meeting of such last-mentioned Company specially convened for the Purpose, and held on the Fifth Day of *August* in the same Year, agreed to purchase and take, the said *Whitby and Pickering* Railway, and all and every other the Lands, Hereditaments, and Premises in and by the said last above-recited Act mentioned to be authorized to be purchased as aforesaid, at or for the Price or Sum of Eighty thousand Pounds, which Money it was agreed should be wholly paid to the Directors of the said *Whitby and Pickering* Railway Company, without Deduction: And whereas by an Agreement by Deed bearing Date the Third Day of *September* One thousand eight hundred and forty-five, and made or expressed to be made between the said *Whitby and Pickering* Railway Company of the First Part, *Thomas Fishburn*, *Henry Simpson*, and *John Chapman*, all of the Borough of *Whitby*,
Esquires,

Esquires, Three of the Directors of the said Company, of the Second Part, and the *York and North Midland* Railway Company of the Third Part, and made and entered into in pursuance of the therein and lastly herein-before recited Act, the said Parties thereto of the Second Part did, as such Three Directors of the said *Whitby and Pickering* Railway Company, duly acknowledge the Receipt by them from the said *York and North Midland* Railway Company of the said Purchase Money or Sum of Eighty thousand Pounds, Notice whereof was duly published in the "*London Gazette*" of the Twelfth Day of *September* in the Year One thousand eight hundred and forty-five, and in a Newspaper called the "*Yorkshire Gazette*," being a Newspaper of the City of *York*, on the Thirteenth Day of the same Month: And whereas since the Execution of the said Agreement and Receipt, and Publication of such Notice as aforesaid, the said *Whitby and Pickering* Railway, and all the Property and Effects thereof, have, pursuant to the Provisions of the said last herein-before recited Act, become and are now the Property of the *York and North Midland* Railway Company: Be it therefore enacted, That in all Actions, Suits, and other Proceedings preferred by or against the *York and North Midland* Railway Company aforesaid it shall not be necessary for the same Company to produce or prove the said Deed of Agreement and Receipt, Notices in the *London Gazette* and Newspaper of the City of *York*, or other the Documents or Proceedings relating to the said Sale and Purchase, unless the Plaintiff, Defendant, or other Party in such Action, Suit, or other Proceeding, shall have given Notice Seven Days at least before the Hearing of any such Action, Suit, or other Proceeding, to the said *York and North Midland* Railway Company, to produce the same, but the Production of this Act shall in all Cases (except where such Notice to produce shall have been given as aforesaid) be sufficient Evidence that such Sale and Purchase as aforesaid has been duly made and completed, according to the Provisions and in manner required by the said last-recited Act.

XXIX. And be it enacted, That it shall not be lawful for the Company, out of the Capital which they have been authorized to raise for the Purposes of any existing Act, to pay the Deposits required by the Standing Orders to be made for the Purposes of any Application to Parliament for a Bill for the Construction of another Railway.

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

XXX. 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 present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in

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.

in the same Year of Her present Majesty's Reign, 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, 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 future
general Acts.

XXXI. 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, or the Company, from the Provisions of any general Act relating to such Acts, or of any general Acts relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, 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.

Expenses of
Act.

XXXII. 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 out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Interpreta-
tion of
Terms.

XXXIII. And be it enacted, That the following Words and Expressions in this or in any of the Acts incorporated herewith shall have the Meanings hereby assigned to them ; that is to say,

The Expression "the Company," or "the said Company," shall mean the *York and North Midland* Railway Company :

The Expression "the Railways," or "the said Railways," shall mean and include every Part of the Railways of or which now is or hereafter may be in the Possession or Occupation of the said Company, under or by virtue of the said recited Acts or any of them, and the Works of whatever Description connected with such Railways, and by this or the said recited Acts or any of them authorized to be made and executed :

The Expression "the special Act" shall mean and include this Act.

Short Title.

XXXIV. 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 and North Midland* Railway Act, 1849."

Public Act.

XXXV. 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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