



ANNO DECIMO QUARTO

# VICTORIÆ REGINÆ.

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## Cap. xxxix.

An Act to authorize certain Alterations in the Line and Levels of the *Malton and Driffield Junction* Railway, and to amend the Act relating thereto.

[5th June 1851.]

**W**HEREAS an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, called "The *Malton and Driffield Junction* Railway Act, 1846," whereby a Line of Railway was authorized to be made and maintained from the *Scarborough* Branch of the *York and North Midland* Railway at *Norton* near *Malton* to the *Bridlington* Branch of the *Hull and Selby* Railway at *Great Driffield*, with a Branch therefrom, according to the Line and Levels laid down and described on a certain Plan and Section referred to in the said Act as having been deposited with the Clerk of the Peace of the East Riding of the County of *York*: And whereas since the Deposit of the said Plan and Section certain Alterations of the Line and Levels and of the Curves and Gradients of the said Railway which are laid down and described on the Plan and Sections deposited as herein-after mentioned have been found desirable, as well for the greater Convenience of the Landowners on the said Line of Railway as for the Improvement of the said Line: And whereas it is expedient that a certain Portion of the Line of

9 & 10 Vict.  
c. 77.

[Local.]

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Railway

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Railway authorized to be made by the said recited Act should be abandoned; And whereas the said recited Act requires to be amended in certain Particulars: And whereas such Purposes 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, in manner following, (that is to say,)

Provisions of recited Act extended to this Act.

I. That the said recited "*Malton and Driffield Junction Railway Act, 1846,*" as altered and amended by this Act, and this Act, shall be One Act, and shall be carried into execution accordingly.

Short Title.

II. That in reciting this Act in any other Act of Parliament, or in any legal Instruments or Pleadings, it shall be sufficient to refer thereto by the Name of "*The Malton and Driffield Junction Railway Amendment Act, 1851.*"

Power to alter Line and Levels, &c.

III. And whereas a Plan showing the Line of a proposed Alteration of the Line of Railway as authorized by the said recited Act, commencing in the Township and Parish of *Norton* in the East Riding of the County of *York* at a Point marked with the Letter A on the said Plan, and terminating in the Township and Parish of *Wharram-le-Street* in the said Riding at a Point marked with the Letter B on the said Plan, and passing in or through the Parishes, Townships, and Extra-parochial Places of *Norton*, *Settrington*, *North Grimston* otherwise *North Grimstone*, and *Wharram-le-Street*, or some of them, all in the said Riding, together with a Section describing the Levels of the said proposed altered Line, and a Book of Reference containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands required to be taken for the Purposes of the said altered Line, have been deposited with the Clerk of the Peace of the East Riding of the County of *York*: And whereas a Plan and Section showing certain Alterations proposed to be made in the Levels, Gradients, and Curves of the said Railway as authorized to be made by the said recited Act within the Parishes, Townships, and Extra-parochial Places of *Wharram-le-Street*, *Wharram Percy*, *Burdale* otherwise *Burdall*, *Fimber*, and *Wetwang*, or some of them, all in the said Riding, have also been deposited with the said Clerk of the Peace: Be it therefore further enacted, in manner following, that is to say, That it shall be lawful for the said *Malton and Driffield Junction Railway Company* to complete and maintain the said Railway according to the altered Line, Levels, Gradients, and Curves described on the said Plans and Sections so deposited as aforesaid.

IV. That

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IV. That the Company shall abandon the Formation of so much of the Line of the said Railway authorized to be made by the said recited Act as was intended to be constructed between a certain Field which is numbered 29 on the Plans referred to in the said recited Act, and is situate in the Township and Parish of *Norton* aforesaid, and a certain Plantation which is numbered 10 on the same Plans, and is situate in the Township and Parish of *Wharram-le-Street* aforesaid; and all the Powers, Authorities, and Privileges by the said recited Act granted to the Company for the Construction, Maintenance, and Use of the said Portion of Railway so required to be abandoned shall from and after the passing of this Act cease and determine.

Describing  
Works to be  
abandoned.

V. That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which they were by the said recited Act empowered to purchase for the Purposes of constructing the Portion of the 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.

Compensa-  
tion to be  
made where  
Contracts  
entered into  
or Notice  
given.

VI. That the Authority by this Act given for abandoning the Formation of the aforesaid Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Land 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, but the Company shall not be liable to make Compensation in any of the Cases aforesaid unless the Claim for such Compensation shall have been made within Three Months from the passing of this Act.

Saving  
Rights of  
Owners, &c.  
to Compens-  
ation for  
Entry to  
survey and  
take Levels.

VII. And whereas certain Contracts or Agreements have been made or entered into by the said Company, or some Person or Persons acting in their Behalf, with certain Persons, for the Purchase of

As to Pur-  
chase of  
Lands.

of

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of Lands required for the Purposes of the altered Line of Railway by this Act authorized, and certain Orders of Court have been made with reference to the Payment of Purchase Money for such last-mentioned Lands, or some Part thereof, prior to the passing of this Act: That all such Contracts or Agreements for Purchase and Orders of Court shall be as valid, and may be acted on and enforced, as though the same had been so made or entered into subsequent to the passing of this Act.

As to level  
Crossings.

VIII. That it shall be lawful for the said Company to carry the said Railway across and on the Level of the following public Carriage-ways; that is to say, a certain Highway in the Township of *Settrington*, leading from *Settrington* to *North Grimston*, and numbered 25 on the Plan of the proposed altered Line deposited as aforesaid; and a certain public Highway in the Township of *North Grimston* leading to *Wharram Percy*, and numbered 6<sup>a</sup> on the same Plan.

Company to  
erect a Sta-  
tion or Lodge  
at the Points  
of crossing,  
and to abide  
by Rules,  
&c. of Com-  
missioners of  
Railways.

IX. 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 Railway crosses 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 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.

Commis-  
sioners of  
Railways  
may require  
Bridges to  
be erected  
instead of  
level Cross-  
ings.

X. 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 said Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the said Company, within such Time as the Commissioners shall direct, and at the Expense of the said Company, to carry either of the before-mentioned Roads either under or over the said Railway 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 Commissioners best adapted for removing or diminishing the Danger arising from any such level Crossing; but where any such Road shall be

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be so carried either under or over the Railway it shall not be necessary for the said Company to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

XI. That it shall not be lawful for the said Company to exercise any compulsory Powers for the Purchase or taking of Lands for the Purposes of the altered Line of Railway by this Act authorized after the Expiration of Two Years from the passing of this Act. Limiting  
Time for  
compulsory  
Purchase of  
Lands.

XII. That the Works by this Act authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of the said last-mentioned Period all the Powers conferred on the said Company for the making and maintaining of the said Works shall cease in respect of so much thereof as shall not then have been completed. Limiting  
Time for  
Completion  
of Works.

XIII. That it shall be lawful for the Company to take and recover the same Rates, Tolls, and Charges *per* Mile on the Line of Railway as authorized to be altered by this Act as by the said recited Act they were authorized to receive or recover on the Line of Railway by that Act authorized. Tolls.

XIV. That so much of the said recited "*Malton and Driffield Junction Railway Act, 1846,*" as enacts that every Shareholder in the Company shall be entitled to One Vote in respect of each Share held by him, shall be and the same is hereby repealed; and from and after the passing of this Act the several Shareholders in the Company shall be entitled to vote according to the Scale of voting required by the "*Companies Clauses Consolidation Act, 1845,*" to be adopted in Cases where no other Scale of voting is specifically prescribed. Voting.

XV. That so much of the said "*Malton and Driffield Junction Railway Act, 1846,*" as enacts that the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the City of *York*, some Newspaper published at *Hull*, and some Newspaper published at *Leeds*, shall be and the same is hereby repealed; and from and after the passing of this Act it shall be sufficient that any Advertisement relating to the Affairs of the Company, and which may be required to be published in some public Newspaper or Newspapers, be so published in any Newspaper published at *York*, or at *Hull*, or in the East Riding of the County of *York*. Advertise-  
ments.

[Local.]

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XVI. That

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Interest on  
Calls not to  
be paid.

XVI. That it shall not be lawful for the said Company, out of any Money authorized to be raised by them by means of Calls made in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividends to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital of the Company: Provided always, that nothing herein-before contained shall be held to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in accordance with the Provisions of the "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for  
future  
Works not to  
be paid out  
of Capital.

XVII. That it shall not be lawful for the said Company, out of any Money authorized to be raised by them by any Act of Parliament for the Purposes of such Act, 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 made, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Railway and  
Company to  
be subject to  
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.

XVIII. 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 regulating of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two Acts were passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, One thereof intituled *An Act for constituting Commissioners of Railways*, and the other *An Act for regulating the Gauge of Railways*: Be it further enacted, in manner following, that is to say, That nothing in this Act contained shall be held to exempt the said Railway, or the said Company in respect thereof, from the Provisions of the said several Acts, but such Provisions shall be in force in respect to the said Company so far as the same shall be applicable thereto.

Company not  
exempt from  
Provisions of

XIX. That nothing herein contained shall be deemed to exempt the said Company from the Provisions of any General Act relating to

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to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may pass during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken on the said *Malton and Driffield Junction Railway*. any future  
General Act.

XX. That all Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the Company. Expenses of  
Act.

XXI. That in construing this and the recited Act the Expression "the Railway" shall mean the Railway authorized to be made and maintained by the said first-recited Act and this Act. Interpreta-  
tion of "the  
Railway."

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