ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. xciii.

An Act to incorporate a Company for making a Railway from *Kingston-upon-Hull* to or near to *Withernsea* in *Holderness*, with a Branch therefrom; and for other Purposes. [8th *July* 1853.]

WHEREAS the making of a Railway from *Kingston-upon-Hull* to or near to *Withernsea* in *Holderness* in the East Riding of the County of *York*, with a Branch therefrom, would be of public and local Advantage: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to carry such Undertaking into execution, but the same 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,

I. That the several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, and with the same shall be construed as One Act.

8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Hull and Holderness* Railway Act, 1853."

Subscribers Incorporated.

III. That *John Almack*, *Anthony Atkinson* the younger, *Anthony Bannister*, *Henry Cautley*, *John Crowther Metcalf Harrison*, *Thomas Frederick Hebblethwaite*, *John George Bowes Thoroton Hildyard*, *George Locking*, *Arthur Marshall*, *Thomas Joseph Owst*, *Arthur Burton Pease*, *James Robinson Pease*, *Joseph Walker Pease*, *Samuel Priestman*, *Christopher Leake Ringrose*, *John Blythe Robinson*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Branch Railway, and for the other purposes herein-after mentioned; and for such Purpose shall be incorporated by the Name of "The *Hull and Holderness* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and have a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

IV. That the Share Capital of the Company shall be One hundred and twenty thousand Pounds, and all and every Part of the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

Number and Amount of Shares.

V. That the Number of Shares into which the said Capital shall be divided shall be Six thousand, and the Amount of each Share shall be Twenty Pounds.

Calls.

VI. That Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls, and that Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

Interest not to be paid on Calls paid up.

VII. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the

the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

VIII. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Power to borrow Money on Mortgage.

IX. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Thirty-three thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One hundred and twenty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up; and all and every Part of the Monies so to be borrowed on Mortgage or Bond shall be applied only in carrying into execution the Objects and Purposes of this Act.

Number and Qualification of Directors.

X. That the Number of Directors shall in the First Year be Eight, and in all subsequent Years Five; and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares at the least in the said Undertaking.

First Directors.

XI. That *Anthony Bannister*, *Henry Cautley*, *John Crowther Metcalf Harrison*, *John George Bowes Thoroton Hildyard*, *Arthur Marshall*, *Joseph Walker Pease*, *Samuel Priestman*, and *Christopher Leake Ringrose* shall be the First Directors of the Company.

Election of Directors at First Ordinary Meeting.

XII. That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent Election of Directors.

XIII. That at the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained, elect Two Persons to supply the Places of Two of the Five Directors then retiring from Office,

Office, as herein-after provided; and the Persons elected at such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said last-mentioned Act.

Rotation of Directors.

XIV. That the Directors to be elected at such First Ordinary Meeting as aforesaid shall go out of Office in the following Proportions; that is to say,

At the End of the First Year, Five;

At the End of the Second Year, Two;

And in every subsequent Year Two of the Directors shall go out of Office.

As to Votes of Shareholders.

XV. That at all General Meetings of the Company every Shareholder shall be entitled to vote according to the Scale following; (that is to say), for One and under Five Shares he shall have One Vote, for Five and up to Ten Shares Two Votes, and he shall have an additional Vote for every Five Shares beyond the First Ten Shares held by him up to One hundred, and an additional Vote for every Ten Shares held by him beyond the First hundred up to Two hundred, and an additional Vote for every Twenty Shares held by him beyond the First Two hundred Shares: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then due upon the Shares held by him.

Quorum.

XVI. That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XVII. That the Numbers of Directors of which Committees appointed by the Directors shall consist shall be not more than Five, and the Quorum of any such Committee shall be Two.

Remuneration of Directors and Auditors.

XVIII. That the Remuneration of the Directors, and also of the Auditors, to be appointed under the Provisions of "The Companies Clauses Consolidation Act, 1845," shall from Time to Time be fixed by a General Meeting of the Company, and be paid out of the Funds of the Company.

Newspapers for Advertisements.

XIX. That every Advertisement relating to the Affairs of the Company shall be inserted in some Newspaper published in the County of the Town or Borough of *Kingston-upon-Hull* or in the County of *York*.

Power to make Railway, &c. herein mentioned.

XX. That it shall be lawful for the Company to make and maintain the Railways herein-after mentioned, with all proper Works, and

and Conveniences connected therewith, (that is to say,) a Railway commencing at or near *Great Union Street* in the Parish of *Sutton* in the Town or Borough of *Kingston-upon-Hull* and County of the same Town or Borough, and terminating in the Township of *Withernsea* in the Parish of *Hollym* in the East Riding of the County of *York*, and a Branch or Junction Line of Railway commencing from and out of the said intended Railway at or near a certain Street called *James Street* in the said Township and Parish of *Drypool*, and terminating by a Junction with the Line of Railway authorized by "The *York and North Midland Victoria Dock* Railway Act, 1852," in the Township of *Southcoates* otherwise *Sudcoates*, all in the said Town or Borough of *Kingston-upon-Hull* and County of the same Town or Borough.

Power to make Railway according to deposited Plans.

XXI. And whereas Plans and Sections of the intended Railways, showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required for the Purposes of the Undertaking, were on or about the Thirtieth of *November* last deposited with the Clerk of the Peace for the East Riding of the County of *York*, and also with the Clerk of the Peace for the Town or Borough of *Kingston-upon-Hull* and County of the same Town or Borough: And whereas since the Deposit of the said Plans and Sections and Books of Reference an Alteration in the Line or Course of the Main Line of the said Railway, commencing in the Township of *Winestead* and Parish of *Winestead*, and terminating in the Township of *Pattrington* and Parish of *Pattrington*, has been deemed expedient, and for effecting such Object it is expedient that a Deviation should be made in the Course of a certain Drain called *Winestead Level* Drain in the Townships of *Winestead* and *Pattrington*: And whereas a Plan and Section describing the intended Alteration in the Line and Levels of the said Railway, and the intended Deviation in the Course of the said Drain, with a Book of Reference to the said Plan, were on or about the Thirty-first Day of *March* in the present Year deposited for public Inspection with the said respective Clerks of the Peace: Be it enacted, That the said Plan, Section, and Book of Reference so deposited with the said respective Clerks of the Peace as last aforesaid shall be kept by them respectively; and it shall be lawful for the Company, subject to the Provisions in this and the said Acts incorporated herewith contained, to make and maintain the said Railways and Works, so far as relates to the proposed altered Portion thereof, in the Lines and upon the Lands delineated on the Plans and described in the Books of Reference so deposited as last aforesaid, and according to the Levels defined on the Sections so deposited as last

aforesaid, and as regards the remaining Portion thereof in the Lines and upon the Lands delineated in the original Plans and described in the original Books of Reference so deposited in the Month of *November* last as aforesaid, and according to the Levels defined on the original Sections so deposited in the Month of *November* last as aforesaid, and to enter upon, take, and use such of the said Lands respectively as shall be necessary for such Purpose.

As to Portion of Line to the Westward of the Victoria Dock Branch of the York and North Midland Railway.

XXII. Provided always, That in case the *York and North Midland* Railway Company shall, as they are hereby empowered to do, before or within Three Months after the passing of this Act, bind themselves, by Deed under their Common Seal, to permit and suffer the Company to have and enjoy or grant to the Company the free Use and Enjoyment along with themselves of such Portion of their *Victoria Dock* Branch Railway as it will be necessary to use in order to enable the Company to obtain Access to the Station now erected or about to be erected on such Branch at or near the *Victoria Dock and Hedon* Road, and also of such Station, and the Sidings and other Conveniences connected with such Portion of Line and Station, upon such Terms as have already been or shall hereafter be agreed upon, then and in such Case such Part of the said intended Railway, Branch Railway, and Works as were originally proposed to be constructed across and to the Westward of the said *Victoria Dock* Branch Railway shall not be made, nor shall the Company have Power to purchase, for the Purposes of their Undertaking, or to exercise any Powers over, any Land lying Westward of the said *Victoria Dock* Branch Railway, but in lieu thereof the Company shall and may, subject to the Provisions in this Act contained, form such Junctions within the Limits of Deviation defined on the Plans of the said Railway as may be necessary to enable them to use and may thenceforth use and occupy the said Portion of Line, Station, and Works, upon such Terms as aforesaid, and may contribute and pay such Sum or Sums of Money as may be agreed upon between the said Companies towards the Construction and Maintenance thereof respectively.

As to Construction of Railway across Drain in the Parish of Paghill, &c.

XXIII. And whereas the said intended Railway will cross a certain Drain numbered on the said Plan 6 in the Parish of *Paghill* otherwise *Paull* otherwise Parish of *Marfleet:* Be it enacted, That the said intended Railway shall be carried over the said Drain by means of a Bridge with a close Parapet, the Top of which shall not be lower than the present Top of the *Humber Bank* at *Marfleet Clough*, and the Span of which Bridge shall not be less than Forty Feet in Width, and the under Side of which Bridge shall not be less than Three Feet Six Inches above the under Side of the present *Hedon Road Bridge;* and that in order not to narrow, impede, or obstruct the free Course and Current of the Waters in the said Drain, all the Works

Works necessary for the Foundation of the said Bridge shall be erected and built parallel thereto, and not less than Twenty Feet from the Centre thereof; and that whilst the said Bridge shall be building or at any future Time repairing, the said Company shall not do or cause or permit to be done any Act, Matter, or Thing which shall in anywise interfere with or interrupt the ordinary free Passage of the Waters down the said Drain to its Outfall, or which shall or may cause or occasion any Damage or Injury to the existing Works of the said Drainage; and that in case of any such Interruption or Damage as aforesaid the said Company shall indemnify the Trustees of the said Drainage for the same respectively: Provided always, that the Provision above contained for the Indemnification of the Trustees shall not prejudice their Right to restrain the Company from executing Works hereby prohibited.

As to Construction of Railway across Drain in the Parish of Preston.

XXIV. And whereas the said intended Railway will cross a certain Drain in the Parish of *Preston* numbered 5 on the said Plan: Be it enacted, That the said intended Railway shall be carried over the said Drain by means of a Bridge, and that the under Side of such Bridge shall not be lower than the West Bank of the said Drain as defined on the said Section, and that the said Bridge shall be erected and built so as not to cause any Obstruction whatever to the Waterway of the said Drain.

Preserving Powers of Local Board of Health in Kingston-upon-Hull as to Construction of Sewers, &c.

XXV. That it shall be lawful for the Local Board of Health in *Kingston-upon-Hull*, and their Successors, or other the Person or Persons or Body or Bodies Corporate in whom at any Time or Times hereafter the Right or Power of making or constructing public Sewers in the Borough of *Kingston-upon-Hull* is or shall be vested, to make or construct, or cause to be made or constructed, any Sewer or Sewers, or tubular or other Drain or Drains, which in their Judgment, or upon the Report of their Surveyor, may appear to be necessary, in, through, over, across, or under any Part or Parts of the Railway or several Lines of Railway hereby authorized to be made, or any of the Lands hereby authorized to be taken by the Company hereby incorporated, after giving to the said Company or their Secretary for the Time being Fourteen Days Notice in Writing for that Purpose or in that Behalf, and also at any Time or Times hereafter to enter on the said Railway or Lines of Railway, or any Part or Parts of the said Lands of the said Company, for the Purpose of constructing or making, or for the Purpose of cleansing or repairing, any such Sewer or Sewers, or Drain or Drains as aforesaid; provided that all and every such Sewer or Sewers, Drain or Drains, shall be made and for ever thereafter maintained and kept in good and proper Repair by and at the Expense of the said Local Board, or other the Person or Persons or Body

Body or Bodies Corporate requiring to make or who shall have made the same, or in whom the same shall for the Time being be vested; provided also, that all and every such Sewer or Sewers, Drain or Drains, shall be made and repaired to the Satisfaction of the Surveyor of the said Local Board, or the Surveyor of the Person or Persons or Body or Bodies Corporate aforesaid, and to the Satisfaction of the Engineer for the Time being of the Company hereby incorporated, or of some other Person duly authorized by them for that Purpose, and in case they cannot agree upon the said Matter or Matters, then the same shall be settled and determined by the Surveyor of or other Person to be appointed by the General Board of Health; and that while such Sewers or Drains are being made or repaired as aforesaid the said Local Board, or other the Person or Persons or Body or Bodies Corporate requiring to make or who shall have made the same, or in whom the same shall for the Time being be vested, shall not do or cause or permit to be done any Act, Matter, or Thing whatsoever which shall in anywise unnecessarily interfere with or interrupt the ordinary and regular passing of the Trains and Engines along the said Railway, or which shall or may cause or occasion any Damage or Injury to the Works of the said Railway, without Compensation for the same, and that in case of any such Interruption or Damage as aforesaid the said Local Board, or other the Person or Persons or Body or Bodies Corporate requiring to make or who shall have made the same, or in whom the same shall for the Time being be vested, shall indemnify the Company; provided also, that nothing herein contained shall alter, rescind, abridge, or lessen the Powers of the said Local Board under and by virtue of or contained in the "Public Health Act, 1848," or any other Act or Acts for the Promotion of or relating or which shall relate to the Public Health.

Preserving Powers of Sutton, Southcoates, and Drypool Gaslight Company to lay down Pipes.

XXVI. That it shall be lawful for the *Sutton, Southcoates, and Drypool* Gaslight Company, from Time to Time as may be necessary, to take up, repair, and relay all or any of their Mains or Pipes already laid in or under all or any of the Streets, Roads, or Ways in or near *Kingston-upon-Hull* aforesaid intended to be crossed by the Railway hereby authorized to be made, and also from Time to Time, as may be necessary, to lay down, take up, repair, and relay new, additional, or other Mains or Pipes, as well in the said Streets, Roads, or Ways in which Mains or Pipes are already laid down as aforesaid as in such of the said Streets, Roads, or Ways in or near *Kingston-upon-Hull* aforesaid intended to be crossed by the said Railway as aforesaid wherein no such Mains or Pipes of the said Gaslight Company now exist; and that all such Repairs and Relayings of Pipes or Mains, and laying down such new, additional, or other Pipes or Mains as aforesaid, shall be made and effected at the Expense of the said Gaslight Company, and shall be done and constructed with all safe and reasonable

sonable Despatch, and to the Satisfaction of the Engineer for the Time being of the Company hereby incorporated, or of some other Person duly authorized by them for that Purpose; and that whilst such Mains or Pipes are being taken up, repaired, or laid down as aforesaid the said Gaslight Company shall not do or cause or permit to be done any Act, Matter, or Thing whatsoever which shall in anywise interfere with or interrupt the passing of the ordinary and regular Trains along the said Railway, or which shall or may cause or occasion any Damage or Injury (except what must necessarily and unavoidably arise from the Exercise of the Powers hereby given of taking up, repairing, relaying, or laying down of Pipes or Mains as aforesaid,) to the Works of the said Railway; and that in case of any such Interruption or Damage as aforesaid (except as aforesaid) the said Gaslight Company shall indemnify the Company.

Lands for extraordinary Purposes.

XXVII. That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Thirty Acres.

Period for Completion of Works.

XXVIII. That the Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said Acts incorporated herewith granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall then be completed.

Deposit Money not to be repaid, unless under certain Circumstances.

XXIX. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, c. 20, a Sum of Eight thousand two hundred and fifty Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Eight thousand two hundred and fifty Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company hereby incorporated shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and

Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland;* provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Eight thousand two hundred and fifty Pounds shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Eight thousand two hundred and fifty Pounds if the said Company shall not within the Time limited for the Completion of the said Railway either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

XXX. That,

Power to cross certain Highways on a Level.

XXX. That, subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the Railways by this Act authorized to be made, to carry the same across and on the Level of the several Roads numbered on the Plans deposited as herein-before mentioned as follows; (that is to say,)

	No. on Plan.	Parish.
Main Line	91	Sutton.
	2	Drypool.
	12	Ditto.
	20	Ditto.
	24	Ditto.
	27	Ditto.
	29	Ditto.
	35	Ditto.
	25	Paghill otherwise Paull otherwise Parish of Marfleet.
	32	Ditto.
	16	Preston.
	43	Ditto.
	12	Hedon.
	42	Skeckling-cum-Burstwick.
	54	Ditto.
	20	Keyingham.
	23	Ditto.
	19	Ottringham.
	43	Ditto.
	4	Winestead.
	13	Ditto.
	6	Pattrington.
Branch -	27	Drypool.
	29	Ditto.

Company to erect a Station or Lodge at Points of crossing, and abide by Rules, &c. of Board of Trade.

XXXI. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the several Points where the said Railways cross the before-mentioned Roads on the Level; and the 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 Board of Trade; and if the 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

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 imposed.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

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

Tolls.

XXXIII. That it shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

In respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Farthing:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Sheet Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters or Things, *per* Ton

Ton *per* Mile not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

And for every Carriage, of whatever Description, having more than Two Wheels, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Sixpence, and if having only Two Wheels, Fourpence, and a Sum of Twopence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Twopence; provided that in any Case where the total Sum otherwise chargeable by virtue of this Act for any such Carriage would not amount to Seven Shillings and Sixpence the Company may charge that Sum.

Tolls for Passengers or Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; provided that in any Case where the total Sum otherwise chargeable by virtue of this Act for any such Horse, Mule, Ass, or other Beast of Draught or Burden would not amount to Five Shillings the Company may charge that Sum:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; provided that in any Case where the total Sum otherwise chargeable by virtue of this Act for any such Ox, Cow, Bull, or Neat Cattle would not amount to Two Shillings the Company may charge that Sum:

For every Calf or Pig, Sheep or Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Farthing; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; provided that in any Case where the total Sum otherwise chargeable by virtue of this Act for any such Calf or Pig,

Pig, Sheep or Lamb, or other small Animal, would not amount to One Shilling, the Company may charge that Sum.

Tolls for propelling Power.

XXXIV. That (except as herein-before otherwise provided) the Tolls which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed Three Farthings *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, and One Penny Halfpenny *per* Mile for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations as to Tolls.

XXXV. That the following Provisions and Regulations shall be applicable to the fixing of the Tolls and Charges by this Act authorized to be taken and made; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand the Tolls and Charges by this Act prescribed as for Four Miles:

For a fractional Part of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weights.

XXXVI. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) on the Railway or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Sixpence;

For

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence;

For any Parcel not exceeding Twenty-eight Pounds in Weight, Two Shillings;

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings and Sixpence;

And for any Parcel exceeding Fifty-six Pounds in Weight the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any one Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Limit of Weights to be carried on the Railway.

XXXVII. That no Carriage shall carry or bear at any One Time upon the Railway or any Part thereof, including the Weight of such Carriage, more than the Weight of Eight Tons, without the special Licence of the Company.

Limiting Charge for the Conveyance of Passengers.

XXXVIII. That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railways by this Act authorized than Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance: Provided always, that if any such Passenger be conveyed for a less Distance than Six Miles it shall be lawful for the Company to demand and receive Tolls as for Six Miles.

XXXIX. That

Limiting Charge for Conveyance of Goods and Cattle.

XXXIX. That it shall not be lawful for the Company to charge, in respect of the several Articles, Matters, and Things and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railways by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance (except a reasonable Charge for the Expense of loading and unloading, collecting, receiving, or delivering, and for providing Covers for Goods, Articles, or Animals, where such Service is performed by the Company, and also except as is by this Act otherwise provided), than the several Sums herein-after mentioned; that is to say,

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile One Penny Three Farthings:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Sheet Iron, and other Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile Twopence:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, and Things, *per* Ton *per* Mile not exceeding Threepence Halfpenny:

And for every Carriage, of whatever Description, having more than Two Wheels, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Ninepence; and if having only Two Wheels, *per* Mile Sixpence:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile Fivepence:

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile, if only One, Threepence, if more than One, Twopence *per* Head:

For every Calf, Pig, Sheep, Lamb, or other small Animal, One Penny *per* Mile.

Passengers Luggage.

XL. That every Passenger travelling upon the Railway may take with him his ordinary personal Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for

for Third-class Passengers, without any Charge being made for the Carriage thereof.

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

XLI. That, notwithstanding anything in this Act contained, it shall be lawful for the Company and they are hereby authorized and empowered, by Agreement with the Owner or Owners of or Person or Persons in charge of Goods of any Description, to take and receive, and in such case to demand and recover, either in respect of the Conveyance of such Goods, other than small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto, any increased Rates or Charges, over and above the Rates and Charges by this Act limited or authorized to be received and taken for or in respect of any such Goods.

Power to charge extra for special Trains.

XLII. That, notwithstanding anything in this Act contained, it shall be lawful for the Company and they are hereby authorized and empowered to demand, receive, and take any reasonable Sum for the Use of Engines and Carriages for special or extra Trains by or on the said Railway or any Part or Parts thereof, other than ordinary or express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway, and for loading and unloading, collecting, receiving, or delivering, and for providing Covers for Goods, Articles, or Animals.

Power to lay down Electric Telegraph.

XLIII. That it shall be lawful for the Company, if they shall think fit, from Time to Time to establish and lay down and to maintain, or to contract with any Company or Person for laying down and maintaining, along the Lines of Railway by this Act authorized, One or more Line or Lines of Electrical Telegraph.

Company not to interfere with the York and North Midland Railway or Works.

XLIV. That it shall not be lawful for the Company hereby incorporated, or for any other Person, in the Execution of this Act, in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the *York and North Midland* Railway Company, or in any Manner to alter, vary, or interfere with the Lines of Railway belonging to the *York and North Midland* Railway Company, or any of the Works appertaining thereto, save only so far as may be necessary for the Purpose of crossing and forming a Junction with the Line of Railway authorized by "The *York and North Midland* (*Victoria Dock*) Railway Act, 1852," as shown on the said Plans, and as may be otherwise mutually agreed upon between and by the said Two Companies, under the Provisions in this Act contained.

Communications with York and North Midland Railway to be made under the Direction of the Engineer of that Company.

XLV. That all Communications between the Railway hereby authorized to be made and the Railway of the *York and North Midland* Railway Company, and all such Openings in the Ledges or Flanches of the said last-mentioned Railway as may be necessary or convenient for effecting such Communication, shall be made and effected, at the Expense of the Company hereby incorporated, in a substantial and workmanlike Manner, by means of Connexion Rails and Points, and shall be constructed under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time being of the *York and North Midland* Railway Company, or of some other Person duly authorized by them for that Purpose, and shall for ever afterwards be maintained and kept in good and proper Repair by and at the Expense of the Company by this Act incorporated.

Company to be at the Expense of maintaining and watching the Points.

XLVI. That the Company shall from Time to Time and at all Times hereafter maintain and keep in good and proper Order and Condition the Switches or Points at the Places of Communication between the Railway hereby authorized to be made and the Railway of the *York and North Midland* Railway Company, and shall at their sole Expense hire and employ proper and sufficient Persons to watch and regulate the same; or such Switches or Points and Persons shall, at the Option of the said *York and North Midland* Railway Company, be in the first instance so maintained, kept, hired, and employed by them the said last-mentioned Company, in which Case the Company hereby incorporated shall, on Demand, from Time to Time repay to the *York and North Midland* Railway Company the Costs and Expenses thereby incurred by them.

Power for the Company and the York and North Midland Railway Company to enter into Agreements.

XLVII. That it shall be lawful for the Company hereby incorporated and the *York and North Midland* Railway Company from Time to Time to enter into such mutual Contracts, Conveyances, Arrangements, and Agreements, (such Arrangements and Agreements being either temporary or permanent,) as shall be deemed expedient, with reference to the Purchase or taking by the Company hereby incorporated of any of the Lands, Grounds, Property, or Works of the *York and North Midland* Railway Company which may be required to be purchased or taken for the said intended Railways or the Works connected therewith, and which the Company are hereby empowered to purchase, take, or use; and also with reference to the Use by the respective Companies of the said intended Railway and the Stations thereof, and the Railways and Stations authorized by the "*York and North Midland* (*Victoria Dock*) Railway Act, 1852," and the "*York and North Midland*, *Hull* Station, Railway Act, 1847," and such Portions of the Railway commonly called "The *Hull and Selby* Railway," and the *Bridlington* Branch thereof,

thereof, as it may be necessary to travel upon or use in order to obtain Access from the said intended Railways to the Goods Stations of the *Hull and Selby* Railway at *Kingston-upon-Hull* aforesaid, and of the Stations, Watering Places, and Water, Sidings, Platforms, Booking and other Offices, Warehouses, Buildings, Conveniences, and Works now or which shall hereafter be connected with the said intended Railways, or with the several other herein-before mentioned Railways, Portions of Railway, and Stations; and also with reference to the working by the *York and North Midland* Railway Company of the said intended Railways, and the Regulation and Management by such Company of the Traffic upon or over the same or either of them, or any Part thereof; and also with reference to the Rates, Tolls, and Charges to be charged or taken by both or either of the said Two Companies for or in respect of any Passengers, Goods, Merchandise, Articles, Matters, and Things carried or to be carried along or by the same several Railways and Portions of Railways, or any of them (not exceeding the maximum Rates, Tolls, and Charges authorized as regards the Railways by this Act authorized, and as regards the said other Railways and Portions of Railways by the several Acts of Parliament relating thereto respectively); and also with reference to the Collection, taking, levying, Division, and Apportionment between the said Two Companies of the Rates, Tolls, and Charges to be taken or received by both or either of the said Two Companies in respect of the Passengers, Goods, Merchandise, or other Traffic carried or taken by them or either of them over or along the said intended Railways; and generally to make and enter into such Arrangements and Agreements for or in respect of all such Matters and Things as aforesaid as may be considered necessary or desirable for the mutual Convenience, Advantage, and Accommodation of the same Two Companies respectively; and the same Agreements, with the Assent of the same Two Companies, or the Directors thereof for the Time being, from Time to Time to alter and vary as Occasion may require; and any provisional or other Deed or Agreement which shall have been entered into and executed by or between the Provisional Committee or Directors of the Company hereby incorporated, and the *York and North Midland* Railway Company, or the Directors thereof, before the passing of this Act, with reference to the several Matters and Things aforesaid, or any of them, shall, so far as the same are consistent with the Provisions of this Act, be valid and binding on the same Two Companies.

Interest of Company under Contracts.

XLVIII. That the Interest of the Company hereby incorporated and the *York and North Midland* Railway Company respectively under any such Contract or Arrangement as aforesaid for the Time being in force shall, subject to the Terms and Conditions thereof and the

the Provisions of this Act, be Part of the Undertaking of the respective Company so interested.

Company, &c. may take Tolls on Parts of Railways, under Contract.

XLIX. That, subject to the Provisions of this Act, the Company hereby incorporated and the *York and North Midland* Railway Company respectively may demand and take, on any Parts of the Railways of the other of those Companies, whereof the respective Company has from Time to Time, under any Contract or Arrangement between those Two Companies made under this Act, the User, any Tolls, Rates, and Charges for the Traffic thereon of the respective Company having such User, not exceeding the Tolls, Rates, and Charges which by this Act, as regards the Railways hereby authorized, or as regards the said other Railways and Portions of Railways which by the several Acts of Parliament relating thereto respectively or any of them, the other Company might demand and take for their Traffic thereon.

Contracts, &c. not to alter Tolls or to prevent Lines being used by other Companies.

L. Provided, That no such Contract or Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the said Two Companies shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract or Agreement, be entitled to the Use and Benefit of the before-mentioned Railways and Works, upon the same Terms and Conditions, and on the Payment of the same Tolls, as they would have been in case no Contract had been entered into.

Disputes between the Two Companies how to be settled.

LI. That if any Difference shall arise between the Company hereby incorporated and the *York and North Midland* Railway Company as to the Provisions in this Act contained, or as to the Execution, Maintenance, and Support, Costs, Charges, or Expenses of any of the Works, Matters, or Things by this Act required to be made, done, executed, performed, maintained, kept in repair, and paid by the Company hereby incorporated, or under any Contract, Arrangement, or Agreement entered into by the said Two Companies under the Powers of or which is confirmed by this Act, or as to the Terms or Conditions of any such Contract, Arrangement, or Agreement, then and in any such Case every such Difference or Dispute shall and may from Time to Time, when and as the same shall arise, unless otherwise provided by any such Contract or Agreement, be settled by Arbitration in the Manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

LII. That

Hull and Selby and Lancashire and Yorkshire Railway Companies not to be affected by Act.

LII. That nothing in this Act contained shall extend or be deemed or construed to extend in any way to defeat or take away, alter, vary, prejudice, or affect any Rights, Powers, or Privileges of, or any Contracts, Claims, or Demands enforceable by, the *Hull and Selby* Railway Company and the *Lancashire and Yorkshire* Railway Company, or any or either of the same Two Companies respectively.

York and North Midland Railway Company not to be affected by Act, except where respectively provided.

LIII. That nothing in this Act contained shall extend or be deemed or construed to extend in any way to defeat or take away, alter, vary, prejudice, or affect any Rights, Powers, or Privileges of, or any Contracts, Claims, or Demands enforceable by, the *York and North Midland* Railway Company, except only so far as the same are respectively by this Act, or by any such Contract, Conveyance, Arrangement, or Agreement as aforesaid, expressly altered, varied, or affected.

In case York and North Midland Railway Company be amalgamated with any other Company, Powers of this Act to extend to Company so formed.

LIV. That the several Powers and Provisions of this Act applicable to the *York and North Midland* Railway Company shall, in the event of that Company being amalgamated with or into any other Company, or of the Undertaking of the *York and North Midland* Railway Company, or any Part thereof, being amalgamated with or into all or any Part of the Undertaking of any other Company, apply to the Company formed by or in consequence of such Amalgamation, and from and after any such Amalgamation the Expression the *York and North Midland* Railway Company in this Act shall extend to or include the Company so formed.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

LV. 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 Railways;* 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 Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That,

That nothing in this Act contained shall be held to exempt the said Railways and Works or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Works and Company, so far as the same are applicable.

Railway not exempt from Provisions of future General Acts.

LVI. That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made or the Company from the Provisions of any General Act relating to such Act, or of any General Act 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 Rates for small Parcels or of the maximum Rates of Fares and Charges authorized by this Act.

Expenses of Act.

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

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