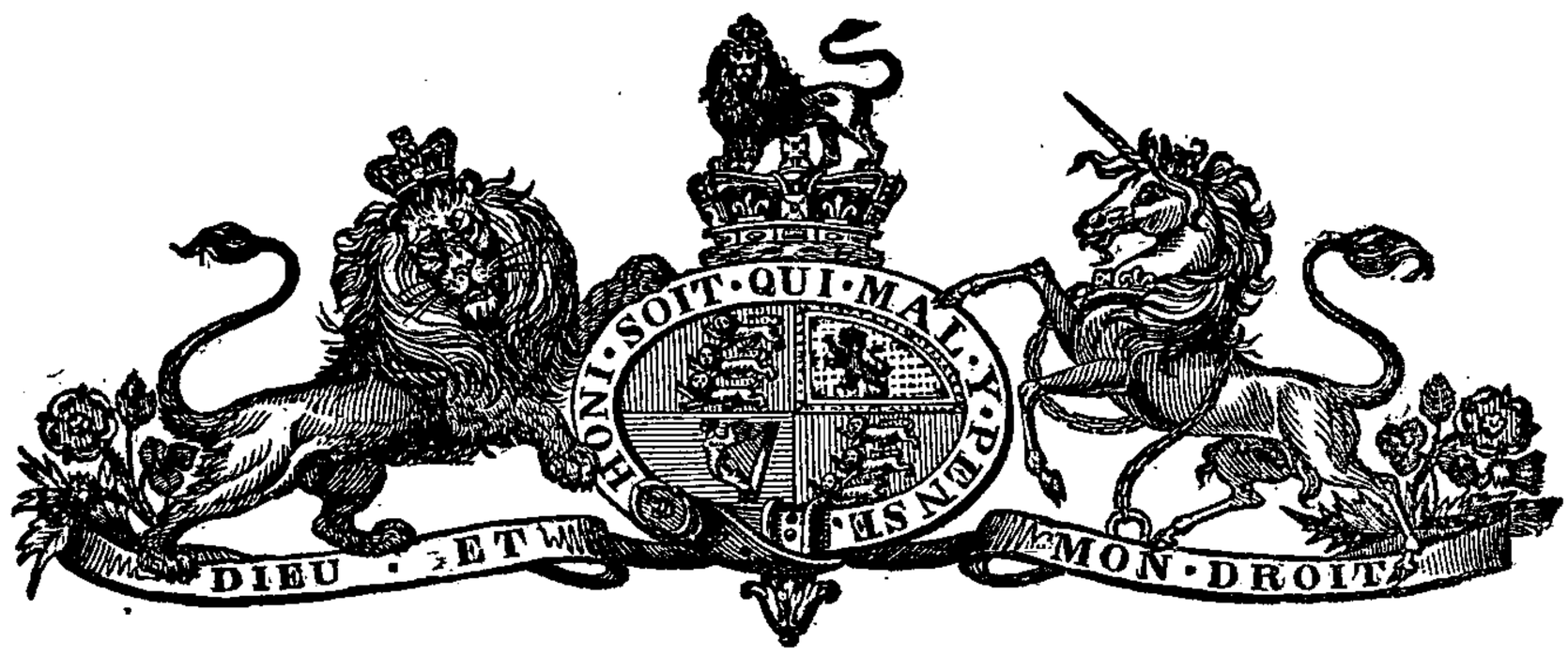



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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were authorized and empowered to make and maintain a Branch from their said Railway in the Parish of *North Ferriby* to *Bridlington* in the East Riding of the County of *York*, and to construct other Works in connexion therewith: And whereas by an Act passed in the Tenth Year of the Reign of Her present Majesty the *Hull and Selby* Railway Company were empowered to lease and also to sell and convey their said Railway, and also the *Bridlington* Branch thereof, with the Stations and Works respectively belonging thereto, to the *York and North Midland* Railway Company and the *Manchester and Leeds* Railway Company, or either of them, who were thereby empowered to accept such Lease and also to make such Purchase; and by the same Act it was provided that any Agreements which might have been entered into between the *Hull and Selby* Railway Company and the *York and North Midland* Railway Company and the *Manchester and Leeds* Railway Company, or between any Two of them, or between the Directors of the same Companies or any Two of them, with reference to the making or accepting such Lease or Purchase, or the Terms or Conditions thereof, or the Interest of the respective Companies or any of them therein, prior to the passing of the same Act, should, if consistent with the Provisions of the Act, be binding on the same Companies, or such of them as should have sanctioned the same: And whereas by the Resolutions of a General Meeting of the Shareholders of the *Hull and Selby* Railway Company held at the Time in the said last-recited Act appointed for that Purpose, a Provisional Agreement entered into on the Thirtieth Day of *June* One thousand eight hundred and forty-five between the *Hull and Selby* Railway Company and the *York and North Midland* Railway Company, for granting a Lease of the *Hull and Selby* Railway and the *Bridlington* Branch belonging thereto, and all Works connected therewith, to the *York and North Midland* Railway Company, for the Term of One thousand Years from the First Day of *July* One thousand eight hundred and forty-five, upon certain Terms and Conditions therein mentioned, with a Power for the *York and North Midland* Railway Company during the Subsistence of the said Lease, and after the Expiration of Five Years from the said First Day of *July* One thousand eight hundred and forty-five, and on giving to the *Hull and Selby* Railway Company Six Calendar Months Notice of their Intention so to do, absolutely to purchase the *Hull and Selby* Railway and *Bridlington* Branch Railway, and Works, Property, and Effects to be comprised in such Lease, upon certain Terms therein mentioned, was absolutely confirmed, and the *York and North Midland* Railway Company are now in the Possession of the *Hull and Selby* Railway and of the *Bridlington* Branch thereof, and of the Works, Property, and Effects belonging thereto or used for the Purposes thereof: And whereas under or by virtue of an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act for enabling the* York and North Midland *Railway Company to make certain Branch Railways in the East Riding of the County of* York, *and for other Purposes*, the *York and North Midland* Railway Company have obtained Power to construct certain Lines of Railway which will be connected with the said *Hull and Selby* Railway or the said *Bridlington* Branch Railway, some of which said Lines of Railway are now in course of Formation: And whereas it would be

9 & 10 Vict. c. 66.

attended with local and public Advantage if an additional and more convenient Station than that now used for the Purposes of the said Railways at *Hull* were provided, and if certain Branch Railways were formed to connect such Station with the *Hull and Selby* Railway and the Branches thereof, and also with the said East Riding Lines of Railway: And whereas the *York and North Midland* Railway Company are willing to make and construct the said Station and Branch Railways, and all necessary Works connected therewith; but such Objects 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 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, or 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.

Provisions of York and North Midland Railway Acts extended to this Act.

II. And be it enacted, That so much of the Lands Clauses Consolidation Act, 1845, and of the Railways Clauses Consolidation Act, 1845, as are applicable to and are not modified by this Act, or inconsistent with the Provisions hereof, shall be held to apply to the Railways, Station, 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.

III. And be it enacted, That after Shares for the whole of the Capital in Shares by the said recited Acts relating to the *York and North Midland* Railway limited or authorized to be raised shall have been taken, and One Half of such Capital shall have been paid up, it shall be lawful for the *York and North Midland* Railway Company to borrow on Mortgage or Bond, for the Purposes of this Act and for the general Purposes of the Company, such Sum or Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding (in addition to the Sums which the Company are authorized to borrow by virtue of the said recited Acts, or may be authorized to borrow by any Act to be passed in the present Session of Parliament, and the Power to borrow which it is hereby declared shall not be prejudiced,) the Sum of One hundred thousand Pounds, and to secure the Repayment of the Money so borrowed, with Interest, by Mortgage of their Undertaking, and of the Rates, Tolls, Duties, and Revenue arising therefrom, or by Bond in the Manner directed by the Provisions of the Companies Clauses Consolidation Act, 1845, herein-after incorporated herewith: Provided always, that it shall not be lawful for the Company to borrow on Mortgage or Bond any Sum or Sums of Money

Power to borrow Money on Mortgage.

Money which, together with such Sum as may be due and owing by the said Company on Mortgage of their Undertaking or on Bond at the Time of borrowing such Sum or Sums of Money, would amount to more than One Third of the Capital for the Time being of the Company in Shares or Stock: Provided further, that it shall not be obligatory on the Company, before exercising the Power for raising Money hereby given, to capitalise the Money which they have Power to capitalise under the Provisions of any Acts relating to the same Company, or any Part thereof.

Prior Mortgages not to be affected.

IV. Provided always, and be it enacted, That nothing herein contained shall be held to affect the Validity of any Mortgages on the said Undertaking which may be subsisting at the Time of the passing of this Act, but all such Mortgages shall during the Continuance thereof have Priority over the Mortgages or any of them which may be created under the Powers of this Act.

Provisions of 8 & 9 Vict. c. 16. as to borrowing Money to apply to this Act.

V. And be it enacted, That all the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by a Company on Mortgage or Bond, and with respect to the Conversion of Money borrowed into Capital, shall be incorporated with this Act, and shall be applicable to the borrowing by the said Company of the Monies hereby authorized to be borrowed by them, and to the Conversion thereof into Capital.

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

VI. And be it enacted, That it shall be lawful for the said Company to apply for or towards the Purposes of this Act any Sum of Money which they may have raised or may raise under the Powers and which shall not have been applied for the Purposes of their said recited Acts or any of them, or of any Act to be passed in the present Session of Parliament relating to the said Company.

Interest not to be paid on Calls paid up.

VII. And be it enacted, That it shall not be lawful for the *York and North Midland* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest 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 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 conformity with the Provisions in the Company's Clauses Consolidation Act, 1845, in that Behalf contained.

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

VIII. And be it enacted, That it shall not be lawful for the *York and North Midland* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to

to construct any other Railway or execute any other Work or Undertaking.

Railways and Works to be made according to deposited Plans.

IX. And whereas Plans and Sections of the Railways and Station and Works hereby authorized to be made, showing the Lines and Levels of the said Railways and the Limits of the said intended Station and other Works, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or through which the same are intended to pass or be made, have been deposited with the respective Clerks of the Peace for the Town and County of the Town or Borough of *Kingston-upon-Hull* and for the East Riding of the County of *York;* be it enacted, That, subject to the Provisions of this Act, and to the several Provisions of the recited and before-mentioned Acts which have been extended to and made applicable to the Purposes of this Act, it shall be lawful for the said Company to make and maintain the said Railways and Station and Works, with all proper Conveniences and Approaches thereto, in the Lines and Situation and according to the Levels described on the said Section, and upon the Lands delineated in the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes or any of them.

Lines of Railways.

X. 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,)

1st. A Railway from and out of the *Bridlington* Branch of the *Hull and Selby* Railway, commencing by a Junction therewith at or near the Point where the Turnpike Road called or known as the *Hessle* Road crosses the said *Bridlington* Branch Railway in the Township of *Willerby* and Parish of *North Ferriby* in the East Riding of the County of *York*, thence passing from, in, through, or into the Townships, Parishes, and extra-parochial or other Places of *Willerby*, *Swanland*, *Kirk Ella*, *West Ella*, *South Ella*, and *North Ferriby*, all in the said East Riding, and in the Township and Parish of *Holy Trinity* in the Town or Borough of *Kingston-upon-Hull* in the County of the same Town or Borough, or some of them, and terminating at or near the West End of a certain Street or Place called *Paragon Street* in the said Township and Parish of *Holy Trinity:*

2d. A Railway from and out of the said first-mentioned intended Railway, commencing by a Junction therewith at or near to a Point marked D on the Plans deposited as aforesaid in the Township and Parish of *Holy Trinity* aforesaid, thence passing from, in, through, or into the Townships, Parishes, and extra-parochial or other Places of *Holy Trinity* aforesaid, *Swanland*, *North Ferriby*, and *Cottingham*, all in the said East Riding, or some of them, and terminating by a Junction with the said *Bridlington* Branch of the *Hull and Selby* Railway at or near a Point marked E on the said Plans in the Township and Parish of *Cottingham* aforesaid:

3d. A Railway from and out of the said first-mentioned intended Railway, commencing by a Junction therewith at or near to a Point marked A on the said Plans deposited as aforesaid in the Township and Parish of *Holy Trinity* aforesaid, thence passing in or through the said Township or Parish of *Holy Trinity*, and terminating by a Junction with the said secondly-mentioned intended Railway at or near a Point marked B on the said Plans in the Township and Parish of *Holy Trinity* aforesaid:

4th. A Railway from and out of the said *Hull and Selby* Railway, commencing by a Junction therewith at or near to a Point marked C on the Plans so deposited as aforesaid in the Township and Parish of *Hessle* in the said East Riding, thence passing from, in, through, or into the Townships, Parishes, and extra-parochial or other Places of *Hessle*, *Swanland*, *Anlaby*, and *North Ferriby*, or some of them, all in the said East Riding, and terminating by a Junction with the said *Bridlington* Branch of the *Hull and Selby* Railway at or near the Point where the same Branch Railway crosses the Road called or known as the *Hessle* Turnpike Road in the Township of *Swanland* and Parish of *North Ferriby* aforesaid.

Certain Roads may be crossed on the Level.

XI. And be it enacted, That, subject to the Provisions in the Railways Clauses Consolidation Act, 1845, 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 Roads or Highways herein-after mentioned on the Level thereof, (that is to say,) a public Highway called *White Chalk Lane* in the Township of *Swanland* and Parish of *North Ferriby* numbered 10 on the said deposited Plans, and a public Highway called *Pesthouse Lane* in the Parish of *Holy Trinity* in the Town or Borough of *Kingston-upon-Hull* numbered 91 on the said Plans.

Company to erect Stations or Lodges at Points of crossing, and to be subject to Regulations of Commissioners of Railways.

XII. 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 Point where any of the said Railways shall cross on the Level either of the before-mentioned Roads, 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 Commissioners of Railways; and if the Company shall fail to erect or at all Times 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 continue after such Penalty of Twenty Pounds shall have been incurred.

As to Inclination of public Carriage Roads.

XIII. And be it enacted, That where the Level of any public Carriage Road shall be altered for the Purpose of carrying such Road either

either under or over any Railway authorized by this Act, the Descent made in such Road to carry the same under the Railway, or the Ascent made in such Road, or in the Approaches to the Bridges, to carry the same over the Railway, shall not be more than One Foot in Thirty Feet, any thing in the Railways Clauses Consolidation Act, 1845, to the contrary thereof notwithstanding.

Land for extraordinary Purposes.

XIV. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes connected with the Railways and Station and Works by this Act authorized not exceeding Ten Acres.

Period in which Lands are to be purchased.

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

Period for Completion of Works.

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

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

XVII. And be it enacted, That the *York and North Midland* Railway Company may, subject to the Provisions in this Act, or the *Hull and Selby* Railway Purchase Act, 1846, contained, lawfully demand and receive, for and in respect of Passengers and Animals, and all Articles, Matters, and Things conveyed upon the Railways by this Act authorized or any Part thereof, and for the Use of Carriages and of Locomotive Engines or other Power supplied by the Company thereon, such Amount of 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 and Animals, Matters and Things, conveyed upon the Railways therein mentioned or referred to, and for the Use of the like Carriages and Locomotive Engines or other Power supplied on the same Railways under the Authority of the said Act.

Hull and Selby Railway Company's Rights preserved.

XVIII. And be it enacted, That nothing in this Act contained shall operate to defeat or take away any of the Powers, Provisions, or Authorities in the said recited Act of the Tenth Year of Her present Majesty authorizing the Lease and Sale of the *Hull and Selby* Railway, reserved and contained to or in favour of the said *Hull and Selby* Railway Company.

Station and Works to be paid for, and belong to the

XIX. And whereas by the Resolutions of the herein-before mentioned Meeting of the Shareholders of the *Hull and Selby* Railway Company

York and North Midland Railway Company and Manchester and Leeds Railway Company, as they may agree.

Company it was provided that the *Manchester and Leeds* Railway Company should have the Option of joining in the Lease and Purchase of the *Hull and Selby* Railway and Branch Railway and Works, on such Terms as had been or might thereafter be agreed upon between them and the *York and North Midland* Railway Company: And whereas the *York and North Midland* Railway Company and the *Manchester and Leeds* Railway Company have agreed to accept a joint Lease of the *Hull and Selby* Railway and Branch Railway and Works, and that the said *Manchester and Leeds* Railway Company shall have the Option of joining with the said *York and North Midland* Railway Company in the Purchase of the same Railways and Works, in case a Purchase thereof shall be determined upon by the said Companies or either of them: And whereas it has been agreed between the *York and North Midland* Railway Company and the *Manchester and Leeds* Railway Company that the Costs and Expences of making and constructing the new Station and Railways contemplated by this Act shall be contributed by and that the same Station and Railways shall belong to and be vested in the said Two Companies, or one of them, in such Proportions and Manner as may hereafter be agreed upon between them, or be settled by Reference, as herein-after mentioned: And whereas it is expedient that Provision be made by this Act for enabling the said Companies to enter into such Agreements; be it therefore enacted, That it shall be lawful for the said Two Companies or for the Directors thereof respectively for the Time being from Time to Time to make and enter into such Contracts and Agreements as they shall respectively deem advisable with reference to the Payment or Contribution by or between the said Companies for or towards the Costs, Charges, and Expences of making, constructing, and maintaining the said Station, Railways, and Works hereby authorized, and as to the Working, Use, and Management thereof or of any Part thereof, and generally for and in respect of all such Matters and Things as may be or be considered necessary or desirable for the mutual Convenience and Advantage of the said Companies respectively, with reference to the same new Station, Railways, and Works.

York and North Midland Railway Company to furnish Plans, and render Accounts of Expenditure for Station, &c.

XX. And be it enacted, That the *York and North Midland* Railway Company shall from Time to Time, as well during the Progress as after the Completion of the said Works, when required by the *Manchester and Leeds* Railway Company, make and deliver to the said *Manchester and Leeds* Railway Company Plans and Drawings of the said new Station, Railways, and Works, and also make out and furnish to the same Company Accounts of the Costs, Charges, and Expences thereof, as well in respect of the Purchase of Land, Payment of Compensation, Surveys, and Engineering Charges, as otherwise distinguishing, if so required, the Costs, Charges, and Expences of the Station, from the Costs, Charges, and Expences of the said new Line of Railway.

When Station, &c. completed and paid for,

XXI. And be it enacted, That when and so soon as the said new Lines of Railway, Station, and Works shall have been made and constructed, and Payment for the same made in such Manner and Pro-



portions

portions as shall be agreed upon between the said *Manchester and Leeds* Railway Company and the said *York and North Midland* Railway Company, or the Directors of the same Companies, or settled by reference as herein-after mentioned, then and from thenceforth the same Lines of Railway, Station, and Works shall vest in and belong to and be occupied and enjoyed by the said Two Companies in such Proportions and Manner as they or their Directors shall then have agreed upon, or as shall have been settled by reference as herein-after mentioned.

the same to vest in the Companies, as may be arranged.

XXII. And be it enacted, That if any Difference shall arise between the said Companies, either as to the Principle or Mode of Construction or Arrangement of the said new Station, Railways, and Works, or as to the Division, Apportionment, and Appropriation thereof to and between the said Companies respectively, or as to the Use and Enjoyment thereof or of any Part thereof by the said Companies or either of them, or as to the Management, Supervision, Maintenance, and Repairs thereof or of any Part thereof, or as to the Use thereof by any other Person, Company, or Companies, whose Railways shall join or be connected with the same, or as to the Tolls to be charged and made payable for such Use, or as to the Costs, Charges, and Expences of the said Station, Railways, and Works, or as to any other Matter or Thing relating thereto, or as to the Terms or Conditions of any such Contract or Agreement as aforesaid, or to the Provisions herein contained, every such Difference or Dispute shall, from Time to Time as Occasion may require, at or upon the Request of either or both of the said Companies, be referred and be subject to the Award and Determination of the Commissioners of Railways, whose Decision on all Matters so from Time to Time referred to them shall be final and conclusive between the Parties: Provided always, that if the said Commissioners shall have ceased to act or exist, or shall refuse or neglect, after reasonable Request to them for that Purpose made by either of the said Companies, to decide such Differences or Disputes, when and as the same shall from Time to Time arise, then every such Dispute or Difference shall and may be settled by Arbitration, in the Manner provided by the Railways Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration.

Disputes between the Two Companies, how to be settled.

XXIII. And be it enacted, That it shall be lawful for the *Manchester and Leeds* Railway Company to contribute Money for or towards the Purposes aforesaid, to such Extent and in such Proportion as may be agreed upon or settled between them and the said *York and North Midland* Railway Company, in manner herein-before provided.

Power for Manchester and Leeds Railway Company to subscribe;

XXIV. And be it enacted, That for such Purposes it shall be lawful for the *Manchester and Leeds* Railway Company to raise all or any Part of the Money to be so contributed by them as aforesaid by the Creation of new Shares or Stock in the Undertakings of the *Manchester and Leeds* Railway Company, of such Amount, and (subject

and to raise the Money for that Purpose.

ject to the Provisions of this Act and of any other Act of the present or last Session of Parliament relating to the same Company,) to be appropriated and disposed of in such Manner, to such Person or Persons, for such Prices, on such Terms, by such Ways and Means, under such Conditions, and to confer on the Proprietors thereof such Rights and Privileges, as by the Order of any General or Special General Meeting of the *Manchester and Leeds* Railway Company shall be determined; and all the Provisions contained in or referred to by the *Manchester and Leeds* Railway Act, 1841, with regard to the Capital and Monies thereby authorized to be raised by Shares or Mortgage, and to the Proprietors thereof, shall in all respects, subject to the Provisions herein contained, and to the Order of any such General or Special General Meeting, be applicable to the Capital and Monies hereby authorized to be raised by Shares or Mortgage by the *Manchester and Leeds* Railway Company, and to the Proprietors thereof; and all the Provisions contained in the *Manchester and Leeds* Railway Act, 1844, authorizing the same Company to consolidate their existing Shares into a general Capital Stock, shall in like Manner be applicable to the Shares hereby authorized to be created by the same Company; or it shall be lawful for the last-mentioned Company, if they think fit, to raise the said Sum or any Portion thereof by Mortgage of the Undertakings of the *Manchester and Leeds* Railway Company, in like Manner and under and subject to the same Provisions as they are by all or any of the Acts relating to their Undertakings authorized to raise Money by Mortgage on the Credit thereof: Provided always, that the *Manchester and Leeds* Railway Company shall not by such Means raise any Money by Mortgage until the whole Capital be subscribed, and One Half thereof paid, nor shall they increase the Amount which may be owing at any One Time on Mortgage of their Undertakings beyond the Proportion of One Third of their then existing Capital in Shares and Stock.

Interest not to be paid on Calls paid up.

XXV. And be it enacted, That it shall not be lawful for the *Manchester and Leeds* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest 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 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 conformity with 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.

XXVI. And be it enacted, That it shall not be lawful for the *Manchester and Leeds* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament

liament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

When any Part of Railways vested in the Manchester and Leeds Company, the Tolls authorized by this Act may be taken by such Company, &c.

XXVII. And be it enacted, That when and so soon as the *Manchester and Leeds* Railway Company shall have become entitled to any of the said Railways and Works hereby authorized, the said Company shall have the same Powers to demand and receive Tolls for the Use of the said Railways, and for Carriages and for locomotive Power, as are by this Act authorized to be demanded and received upon the same Railways by the *York and North Midland* Railway Company, and thereupon all the Powers and Provisions of the several Acts of Parliament relating to the *Manchester and Leeds* Railway Company shall, so far as the same are not inconsistent with the Provisions of this Act, extend to the Railways and Works to which the *Manchester and Leeds* Railway Company shall so become entitled, and may be exercised by them in the same Manner in all respects as if such Railways and Works were Part of the Undertaking of the *Manchester and Leeds* Railway Company.

Power for the Railway Company to purchase certain of Mr. Broadley's Lands affected by the Railway.

XXVIII. And whereas *Henry Broadley* of *Beverley* in the County of *York*, Esquire, is or claims to be seised in Fee Simple of an Estate consisting of about One hundred and eighty-eight Acres of Land, more or less, in the Lordship of *Nyton*, lying near to the *Wold Carr*, and at present divided into Twenty-five Closes, through which the Fork formed by Two of the said Branch Railways runs, and in which a Line of Junction Railway passes joining the said Two Branches, inclosing a Part of the said Lands in the Triangle formed by such Junction, and it is desirable that if the Parties can agree about the Price to be paid for the Sale of the Entirety of the said Estate to the said Company the said Company should be empowered to purchase the same, and to re-sell such Parts thereof as they may not require for the Purposes of the said Railways and Works by this Act authorized, and the said *Henry Broadley* is willing that such a Power of Purchase, without Compulsion, should be given to the said Company, in order that if such Sale can be effected Disputes and Litigation between him and the said Company may be avoided; be it therefore enacted, That it shall be lawful for the *York and North Midland* Railway Company to purchase from the said *Henry Broadley*, his Heirs or Assigns, or other the Owners thereof, all those Twenty-five Closes of Land in the Lordship of *Nyton*, lying together, and adjoining on a Road dividing the same from the *Wold Carr* on or towards the West, if the said Company and the said *Henry Broadley*, his Heirs or Assigns, or other the Owners of the said Lands, can agree upon the Terms for such Purchase; and if any Sale of any Part of the said Lands not delineated on the said Plans and described in the said Books of Reference so deposited as aforesaid shall be made by the said *Henry Broadley*, his Heirs or Assigns, or other the Owners thereof, to the said Company, under the Authority of this present Provision, then the said Company shall and may take a Conveyance of such Lands in like Manner as of any other Lands which they are authorized to purchase and take by virtue of the Powers contained in this

this Act, or in any of the said Acts incorporated herewith: Provided always, that nothing herein contained shall prevent the said Company from taking under the compulsory Powers of this Act such Parts of the said Lands delineated on the said Plans and described in the said Books of Reference as the said Company are by this Act authorized to take for the Purposes of the said Railways and Works; provided also, that it shall not be lawful for the Company to use for the Purposes of the Railway any of the said Lands purchased from the said *Henry Broadley*, his Heirs or Assigns, or other the Owners thereof, except such as lie within the Limits of Deviation shown on the said Plans.

If the Company purchase Mr. Broadley's Lands, they shall sell the Surplus within Five Years.

XXIX. And be it enacted, That if the Company shall, at the Request of the said *Henry Broadley*, his Heirs or Assigns, or other the Owners thereof as aforesaid, purchase any Portion of the Lands to which the said *Henry Broadley* so claims to be entitled which are not delineated on the said Plans and described in the said Books of Reference so deposited as aforesaid, and any Portion of the Lands so purchased shall not be used by the Company for the Purposes of this Act, then and in such Case the Company shall, within the Period of Five Years after the Expiration of the Time by this Act limited for the Completion of the Works hereby authorized, absolutely sell and dispose of all such superfluous Lands, and apply the Purchase Money arising from such Sales to the Purposes of this Act; but it shall not be incumbent on the Company previously to such Sale to offer to sell such Lands to the Owner of any adjoining Lands, any thing in this Act or in the Lands Clauses Consolidation Act, or in any other Act incorporated herewith, to the contrary thereof notwithstanding.

If Company do not purchase the whole of Mr. Broadley's Lands, he may lay out Three Streets with level Crossings over Railways.

XXX. And be it enacted, That if the said Company shall purchase from the said *Henry Broadley*, his Heirs or Assigns, or other the Owners thereof, such Portions only of the said Lands of the said *Henry Broadley* as are delineated on the said Plans, and described in the said Books of Reference, then and in such Case the said *Henry Broadley*, his Heirs or Assigns, lawfully may make on the Residue of his said Lands not purchased by the said Company any Number of Roads or Streets not exceeding Three from a certain Road called "The *Anlaby* Road," to a certain Road called "The *Spring Bank*," or from the one of the said Roads towards the other of them, and shall and lawfully may carry the said Roads or Streets across the said Railways on the Level wherever the Line of such Roads or Streets shall cross the said Railways or any of them; and when any such Roads or Streets shall be so made, it shall be lawful for Passengers, and for Carriages, Carts, Cattle, Horses, Sheep, Pigs, and other Animals passing along the same, to cross the Line of any of the said Railways wherever the same shall cross the Line of such Roads or Streets: Provided always, that the Provisions of this Act with respect to the erecting of Stations or Lodges at level Crossings, and subjecting the Company to the Regulations of the Commissioners of Railways as to the Speed at which Trains shall pass such Crossings, shall apply to the level Crossings hereby authorized to be made: Provided always, that nothing herein contained shall abridge or take away

away any Right which the said *Henry Broadley*, his Heirs or Assigns, shall or may have to Roads for agricultural Purposes, under or by virtue of the said recited Acts incorporated herewith, or any of them, wherever and to any Extent to which such Roads may become necessary, and can be legally demanded as of Right under or by virtue of the said Acts or any of them.

Railway 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.

XXXI. 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 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 to the said Company in respect thereof, so far as the same are applicable.

Railways to be subject to Provisions of any future general Act.

XXXII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during 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.

Expences of Act.

XXXIII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto, shall be paid by the *York and North Midland* Railway Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

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* (*Hull* Station) Railway Act, 1847."

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.