



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cxli.

An Act for enabling the *York and North Midland Railway Company* to make a Railway from their Line at *Burton Salmon* to *Knottingley*, with a Branch therefrom ; and for other Purposes.

[9th July 1847.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the City of York to and into the Township of Altofts, with various Branches of Railway, all in the West Riding of the County of York or County of the said City*, whereby several Persons became and were incorporated by the Name of "*The York and North Midland Railway Company*:" And whereas the Provisions of the said recited Act have been amended and enlarged by several subsequent Acts relating to the said Company, passed respectively in the First, Fourth, Seventh, Eighth, Ninth, and Tenth Years of the Reign of Her present Majesty: And whereas it would be attended with local and public Advantage if a Railway were formed from the Line of the *York and North Midland Railway* at or near the Station at *Burton Salmon* in the West Riding of the County of *York* to *Knottingley* in the same Riding,

[Local.] 21 E with

6 & 7 W.4.
c.81.

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

with a Branch therefrom, and the *York and North Midland* Railway Company are willing to execute the same; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," shall respectively (except so far as the same respectively are altered by or are inconsistent with this Act) be incorporated with and form Part of this Act, and together with the same shall be construed as One Act.

Extending
Powers of
York and
North Mid-
land Railway
Acts to this
Act.

II. And be it enacted, That all the Provisions, Matters, and Things contained in the said recited Acts relating to the Railways belonging to the *York and North Midland* Railway Company or any of them, so far as the same are now unrepealed, and except such as have expired by Effluxion of Time and such as are by this Act or any Statute repealed, altered, or otherwise provided for, or are inapplicable to this Act, or inconsistent with or provided for by the said "Lands Clauses Consolidation Act" or the said "Railways Clauses Consolidation Act," shall extend to this Act and to the several Purposes and Things hereby authorized, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to the Objects and Purposes hereof.

Power to
borrow
Money on
Mortgage.

III. And be it enacted, That after Shares for the whole of the Capital in Shares by the recited Acts 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 Company to borrow on Mortgage or Bond, for the Purposes of this Act, 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 declared shall not be prejudiced by this Act) the Sum of Sixty-five thousand Pounds, and to secure the Repayment of the Money so borrowed, with Interest, by Mortgage of their Undertaking, or by Bond in manner provided by the Companies Clauses Consolidation Act, 1845: Provided always, that it shall not be lawful for the Company to borrow on Mortgage or Bond any Sum or Sums of Money which, together with such Sums as may be due and owing by the said Company on Mortgage of their Undertaking or on Bond at the Time of the borrowing of 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 said Company, before exercising the Power of raising Money hereby given, to capitalize the Money which they have Power to capitalize under the Provisions of any Acts relating to the same Company, or any Part thereof.

Prior Mort-
gages 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

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.

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, and to the Conversion of Money borrowed, or authorized to be borrowed, into Capital, shall be held 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. Provisions of 8 & 9 Vict. c. 16. as to borrowed Money to apply to this Act.

VI. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money to be granted or made by virtue of the said recited Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said recited Acts contained to the contrary notwithstanding. Mortgages and Transfers, &c. to be stamped.

VII. 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. Monies raised under recited Acts to be applied to this Act.

VIII. And be it enacted, That it shall not be lawful for the said 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. Interest not to be paid on Calls paid up.

IX. And be it enacted, That it shall not be lawful for the said 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 construct any other Railway or execute any other Work or Undertaking. Deposits for future Bills not to be paid out of the Company's Capital.

X. And whereas Plans and Sections of the Railways authorized to be made showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, Railways to be made according to deposited Plans, &c.

piers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass or be made, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*; be it enacted, That, subject to the Provisions in this Act, and the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, contained, it shall be lawful for the said Company to make and maintain the said Railways and Works in the Lines and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Lines of
Railway and
Works.

XI. 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,)

A Railway from and out of the Main Line of the *York and North Midland* Railway, commencing by a Junction therewith at or near the Bridge over the same Railway adjoining the *Burton Salmon* Station on the same Railway in the Township of *Burton Salmon* in the Parish of *Monk Fryston* in the West Riding of the County of *York*, and terminating by a Junction with the *Wakefield, Pontefract, and Goole* Railway at or near a Point marked A. on the Plans deposited as aforesaid in the Township or Chapelry of *Knottingley* in the Parish of *Pontefract* in the said West Riding, which said intended Railway and other Works will pass from, in, through, or into, or be situate within, the several Parishes, Townships, and extra-parochial or other Places following, or some of them; that is to say, *Monk Fryston, Burton Salmon, Sutton, Brotherton Ferry Fryston* otherwise *Water Fryston, Ferry Bridge, Byram, Byram with Pool, Pool, Knottingley, Pontefract Park, and Pontefract*, all in the said West Riding of the County of *York*:

And also a Railway from and out of the said first-mentioned intended Railway, commencing by a Junction therewith at or near a Point marked B. on the Plans deposited as aforesaid in the Township of *Knottingley* in the Parish of *Pontefract* aforesaid, thence passing from, in, through, or into the Parishes, Townships, and extra-parochial or other Places of *Knottingley, Pontefract, Ferry Bridge, and Ferry Frystone*, or some of them, and terminating by a Junction with the said *Wakefield, Pontefract, and Goole* Railway in the Township of *Ferry Bridge* otherwise *Ferry Frystone* in the Parish of *Ferry Frystone*, all in the County of *York*.

Land for ex-
traordinary
Purposes.

XII. 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 by this Act authorized not exceeding Fifteen Acres.

Period for
compulsory
Purchase of
Lands
limited.

XIII. 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 the passing thereof.

XIV. And

XIV. And be it enacted, That the Railways by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the Acts incorporated herewith or extended hereto granted to the Company for executing the same Railways, or otherwise in relation thereto, shall cease to be exercised, except to so much of such Railways as shall then have been completed, and except such Powers as are by the same Acts, or any of them, declared to be continued for a longer Period.

Period for
Completion
of Works.

XV. And be it enacted, That the Company may, subject to the Provisions in this or the "*Hull and Selby Railway Purchase Act, 1846*," contained, lawfully demand and receive, for or in respect of Passengers and Animals, and of 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 said "*Hull and Selby Railway Purchase Act, 1846*," the said Company are authorized to demand and receive 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 by the said Company on the same Railways.

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

XVI. And be it enacted, That the said Railway shall be carried across the River *Aire* at *Brotherton* by a Bridge to be constructed to the Satisfaction of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, and if by any other Sort of Bridge, it shall be lawful for the Lord High Admiral, or for the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and restore the Site thereof to its former Condition; and the Cost of such Removal and Restoration shall be a Debt due by the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Bridge
across the
River Aire
to be con-
structed to
Satisfaction
of the Ad-
miralty.

XVII. And be it enacted, That during the Construction of the said Bridge and Works connected therewith the said Company shall cause to be hung out or exhibited, every Night from Sunset to Sunrise, a Light, to be kept burning by and at the Expence of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridge the said Company shall, if they shall be required to that effect by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, such Requisition to be signified in Writing to the Company under the Hand of the Secretary to the Admiralty for the Time being, cause to be hung out or exhibited upon or near to the Centre of the said Bridge, every Night from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expence of the Company, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the said Company in such Manner, and be of such Description, and be so used, as the said Lord High Admiral or the said Commissioners shall by Writing under the Hand of the Secretary to the Admiralty approve of; and in case the said

Company to
cause a Light
to be exhi-
bited during
the Con-
struction of
the Bridge.

Company shall neglect to exhibit and keep either of such Lights burning as aforesaid, after a Requisition shall have been made upon them as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

If Bridges across any tidal Water shall be abandoned Admiralty may remove the same.

XVIII. And be it enacted, That if any Bridge to be constructed by the Company across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

For protection of the Aire Navigation in respect of the Bridge to be made by the Company.

XIX. And whereas the said Branch Railway hereby authorized to be made, which commences by a Junction with the said *York and North Midland* Railway and terminates by a Junction with the *Wakefield, Pontefract, and Goole* Railway, is intended to be carried over the navigable River *Aire* near *Brotherton* in the West Riding of the County of *York*, the Navigation of which River belongs to the Undertakers of the *Aire and Calder* Navigation, and it is expedient to make further Provision respecting the Manner in which the same Railway shall cross the said River, and for free Access to and along the same River for the Trade and Merchandize thereof; be it therefore enacted, That in carrying the said intended Railway over the said River the said Company shall and they are hereby required, at their own Expence, under the Inspection of the Engineer of the said Undertakers for the Time being, and according to Plans to be approved by the respective Engineers of the said Undertakers and of the said Company or their Umpire, to make, erect, build, and execute at such Crossings such Bridge and other Works as herein-after described respectively; that is to say, in carrying the said Railway over the said River the Company shall erect and build a good and substantial Bridge of Stone, Brick, or Iron, of Three Arches, over the said River *Aire*, and the Towing Path thereof, with proper Approaches thereto, with perpendicular Foundation Walls to such Bridge, and without any Projections under Water, the Towing Path whereof shall not be less than Eight Feet in Width, and shall be carried under such of the Arches of the said Bridge as the Engineer of the said Undertakers shall direct, and the Breast Wall of which Towing Path shall be built perpendicularly from the Foundation thereof, the under Side of the Opening at the Keystone of each of the Arches of such Bridge not being less than Twenty-eight Feet above the ordinary Surface Water Level of the same River where such last-mentioned Bridge shall be constructed, and the Opening or Span of each Arch of such Bridge not being less than Fifty Feet measured on the Square, and so that the Arches of such Bridge shall extend over and include the entire Width of the said River *Aire* and of the Towing Path thereto belonging, at the Place where such Bridge shall be so erected, and the Space between the Piers of the Arches of such

such Bridge (except so much thereof respectively as shall be occupied by the Towing Path or Banks of the said River *Aire*) shall, after the said Bridge shall have been completed, be cleared out by the said Company to the Depth of Eight Feet below the ordinary Surface Water Level under the same respectively, and from Time to Time and at all Times thereafter, except during the necessary Repairs of such Bridge or the Erection of any future Bridge in lieu thereof, be kept and preserved open, uninterrupted, navigable Waterways: Provided always, that it shall be lawful for the said Company to alter or vary any of the said Works with the Consent in Writing of the Engineer for the Time being of the said Undertakers first obtained for that Purpose.

XX. Provided always, and be it enacted, That the said Company shall and they are hereby required, during the Progress of constructing the said Bridge or of the necessary Repairs thereof, or of the Erection of any future Bridge in lieu thereof, from Time to Time and at all Times to leave an open, uninterrupted, navigable Waterway in the said River of not less than Twenty-eight Feet in Width and Twenty Feet in Height above the ordinary Surface Water Level thereof (in case the said Undertakers shall consider the same to be necessary), together with a Towing Path thereto, and that the present Towing Path of the said River shall remain undisturbed until the new Towing Path Wall shall be erected and the Ground made good and properly gravelled, and open for the Passage of Horses under the said Bridge; and during the Time of constructing the said Bridge over the said River sufficient Space shall be left for passing the Waters thereof freely and without flooding the adjoining Lands; and in case by reason of any Accident caused by or arising in, from, or in consequence of the Execution of any of the Works by this or the said recited Acts authorized, or by reason of the bad State of Repair of any Part of such Works, or of the said Bridge, or any of the Slopes, Banks, or Walls of the said Railway, near to the said River or any of them, it shall happen that the same River, or the Towing Path thereof, or any Part thereof, shall be so obstructed as that Boats, Barges, Lighters, or other Vessels navigating or using the same or either of them shall be impeded in their Passage, or shall not be able at all Times freely and uninterruptedly to pass along the same, or in case the navigable Waterway or Towing Path herein-before required to be preserved during the Progress of the Works shall at any Time be contracted to a less Width than herein-before prescribed, then and in every such Case the said Company shall pay to the said Undertakers of the said Navigation, as or by way of ascertained Damages, the Sum of Ten Pounds for every Hour during which any such Obstruction or Contraction shall continue: Provided always, that if such Obstruction or Contraction shall continue beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act on the Part of the Servants or other Persons employed by the said Company, then and in every such Case the said Company shall pay to the said Undertakers the Sum of Thirty Pounds for every Hour during which the said Obstruction or Contraction shall continue, as and by way of ascertained Damages; and in default of Payment of the said Sum or Sums, as the Case may be, on Demand made on

If Navigation of the River is obstructed by Company, they shall make good the Damage.

Penalty on Company if Obstruction continues beyond a certain Time.

on the Treasurer or any Officer of the Company, the said Undertakers may sue for and recover the same, together with full Costs of Suit, against the said Company, by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*: Provided also, that nothing herein contained shall extend to prevent the said Undertakers from recovering against the said Company any special Damage that may be sustained by them on account of the Acts or Defaults of the said Company in respect of which the said Penalties are imposed beyond the Amount of such Penalty or Penalties (and they are hereby authorized to sue for and recover such special Damage accordingly); but in every Case where the Penalty or Penalties herein-before imposed shall have been paid by the said Company, and any Action for special Damage shall be brought as above mentioned, then the said Penalty or Penalties so paid shall be deemed and considered as Payments on account of such special Damages, and Credit shall be given by the Court before which such Action shall be tried for any Sum or Sums of Money so paid by the said Company, and the same shall be deducted from the Amount of Damages to be recovered by the said Undertakers; and in case the Amount of Damages recovered shall not exceed the Sum or Sums so paid, then and in such Case Judgment shall be given for the said Company, and no Action shall be maintained by the said Undertakers against the said Company for the Recovery of any Penalty or Penalties after Judgment shall have been obtained by them for any special Damage in respect of the Act or Acts for which such Penalty or Penalties would have then been recoverable.

In case Railway crosses any Stream supplying the Navigation, proper Culverts to be made.

XXI. And be it enacted, That wheresoever the said Railway hereby authorized to be made shall cross or intersect any Brook or Stream of Water now falling into or supplying the said River *Aire*, or any of the Cuts or Canals of the said Undertakers, the said Company shall and they are hereby required, at their own Expence, to cause such Brooks or Streams to be either carried over or under the said Railway, and into the same River, Cuts, or Canals respectively at their present Places and Levels, and for that Purpose proper Culverts, Drains, and Aqueducts shall be made and maintained in proper Repair for the same, to the Intent that the Supply of Water of the same River, Cuts, and Canals respectively may not in any Manner be diminished or prejudiced.

Company to maintain Bridge, &c. in good Repair.

XXII. Provided always, and be it enacted, That the said Company shall and they are hereby required, at their own Expence, to maintain the said Bridge over the River *Aire*, and the Culverts, Passages, Aqueducts, and Viaducts which they are hereby or by the said recited Acts required or authorized to make as aforesaid, in perfect Repair and well and sufficiently drained, and where necessary fenced off; and if the said Railway shall at any Time be abandoned by the said Company, the said Company shall, at their own Expence, remove the said Bridge, Culverts, Passages, Aqueducts, and Viaducts, and all the Materials thereof, if they shall be required so to do by the said Undertakers; and in case the Bridge herein-before required to be erected by the said Railway Company over the said River, or the Approaches thereto, or the Side Slopes or Banks of the said Railway near the same, or any of the Culverts, Arches, Aqueducts, or Viaducts

ducts to be made or erected by the said Company for any Brooks or Streams supplying the said River *Aire*, or any of the Cuts or Canals of the said Undertakers, shall not be kept in good Repair, and drained and fenced off as aforesaid, it shall be lawful for the said Undertakers to do the needful Repairs, and to drain, and where necessary fence off the same, and to recover the Amount of the Expences thereof from the said Company by Action of Debt or on the Case, and with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

XXIII. Provided also, and be it enacted, That it shall not be lawful for the said Company to make any Deviation or Extension whatever to a greater Extent than Five Yards on either Side of the Line of the said intended Railway from the Course of Direction thereof, or to alter the Line or Level thereof, shown on the Plane and Sections thereof so deposited as aforesaid, where the same crosses the said River, save so far as may be necessary for crossing the same River at the Heights and in the Manner herein-before provided, without the Consent of the said Undertakers or their Committee of Directors, signified by Writing under the Hands of Five of such Committee being first obtained for that Purpose; and also that the said Company shall not be authorized to make, erect, or set up any other Bridges over, or Tunnels, Passages, Culverts, Drains, or Works under or upon the said River, other than such as are herein-before required or mentioned and provided for; nor shall it be lawful for the said Company to take or use or in any Way damage the said River, Brooks, or Streams herein-before mentioned, or any of them, or the Locks, Towing Paths, Bridges, or other Works or Property of the said Undertakers, or any of them, or any Part or Parts thereof respectively, without the Consent of the said Undertakers or their Committee of Directors, signified by Writing under the Hands of Five of such Committee, first obtained for that Purpose, other than and except in the Manner herein-before expressly provided and authorized.

Restrictions
as to Devia-
tion, &c. in
Property of
Undertakers.

XXIV. And be it enacted, That, save as herein-before mentioned and provided, nothing in this or the said recited Acts contained shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, or Authorities vested in the said Undertakers, or authorize or empower the said Company to divert or alter the Course or Level of the said River, or the Towing or Foot Paths thereto, or any Part thereof, or in any Manner to obstruct the Navigation of the said River, or any Part thereof, or to divert, intercept, cut off, take, use, or diminish, or raise or sink any of the Streams of Water which supply the said River, or to hinder, obstruct, or prevent the said Undertakers at any Time hereafter and from Time to Time from further enlarging or straightening the same River, or from making such Cuts or Canals or other Works or Improvements to the said Navigation as they are now lawfully authorized to make or execute, in the same Manner and as fully in all respects as the said Undertakers could or might have done had not this Act been passed; provided that the same shall not interfere with the Construction of or prevent the free Passage of Passengers and Goods along the said

Saving
Rights of the
Aire Naviga-
tion Com-
pany.

Railway hereby authorized to be made for any longer Time or in any other Manner than shall be unavoidably necessary.

Mode of crossing the Doncaster and Tadcaster Turnpike Roads.

XXV. And be it enacted, That, notwithstanding any thing herein to the contrary, the said intended Railway shall be carried across the *Doncaster and Tadcaster* Turnpike Road, numbered 165 *a* on the said Plans, in the said Township and Parish of *Ferrybridge* otherwise *Ferryfryston*, by an Arch of the Width of Thirty-five Feet, which shall be so constructed as to leave a clear Height of Twenty Feet from the Surface of the said Road, the Level whereof shall remain unaltered, to the under Side of the Keystone of the said Arch, and that the said *York and North Midland* Railway Company shall make and for ever hereafter maintain the said Arch, with proper and sufficient Culverts to carry off the Water from the said Railway and from the Sides thereof, and to prevent the same from flowing into the said Turnpike Road, and shall in all other respects complete the same Works in accordance with the General Acts of Parliament relating to Railways.

As to Communications with the Manchester and Leeds Railway.

XXVI. And be it enacted, That the Lines of Railway hereby authorized shall communicate with the *Wakefield, Pontefract, and Goole* Railway (now forming Part of the Undertakings of the *Manchester and Leeds* Railway Company) at the Points where, according to the Plan deposited as in this Act mentioned, the same appears to communicate therewith, and at no other Points (without the previous Consent in Writing of the *Manchester and Leeds* Railway Company under their Common Seal), and that all Communications between the said Lines of Railway and the said *Wakefield, Pontefract, and Goole* Railway shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points laid to the entire Satisfaction of the Engineer for the Time being of the said *Manchester and Leeds* Railway Company.

Expence of such Communications to be borne by the York and North Midland Railway Company.

XXVII. And be it enacted, That the Expence of the Communication hereby authorized with the *Wakefield, Pontefract, and Goole* Railway, and of all necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of regulating and adjusting the same, shall be borne and paid by the *York and North Midland* Railway Company; and that all such Communications, Openings, and Works shall not only be in the first instance made and done, but shall also from Time to Time be altered, amended, repaired, and maintained to the entire Satisfaction of the Engineer for the Time being of the said *Manchester and Leeds* Railway Company, and in such Manner and Form and by such Ways and Means only as shall not in anywise prejudice or injure the said *Wakefield, Pontefract, and Goole* Railway, or impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the same.

Company not to take Property of or interfere

XXVIII. And be it enacted, That, notwithstanding any thing in this Act contained to the contrary, it shall not be lawful for the *York and North Midland* Railway Company, or for any other Person or
Persons,

Persons, for the Purpose of or in 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 said *Manchester and Leeds* Railway Company, other than such as upon the said Plans is shown or intended to be, and as must necessarily be taken for the Construction of the said Lines of Railway only, or in any Manner to alter, vary, and interfere with the said *Wakefield, Pontefract, and Goole* Railway, or any of the Works appertaining thereto, save only for the Purpose of effecting the Junctions hereby authorized in manner aforesaid, and not otherwise.

with the
Manchester
and Leeds
Railway
Company or
their Works.

XXIX. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the *Manchester and Leeds* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities under the several Acts of Parliament relating to the said Company or otherwise are hereby expressly saved and reserved, not only as against and with respect to the *York and North Midland* Railway Company, but also as against and with respect to all other Companies and Persons whomsoever.

Saving
Rights of the
Manchester
and Leeds
Railway
Company.

XXX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the said Tenth Year of the Reign of Her Majesty, intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railways hereby authorized, or the said Company in respect thereof, from the Provisions of the same several Acts respectively, but that such Provisions shall be in force with reference to the same Railways and Company in respect thereof so far as the same are applicable.

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 be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any general Act relating to Railways which hereafter may pass during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Rates of Fares and Charges authorized by this Act.

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

XXXII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall

Expences
of Act.

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10° & 11° VICTORIÆ, Cap. cxli.

shall be paid by the said 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. XXXIII. 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 (*Knottingley* Branch) Railway Act, 1847.”

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

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