ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xcvi.

An Act to enable the *Lancashire and Yorkshire* and *York and North Midland* Railway Companies to enter into Arrangements as to the working and Management of Portions of their Railways.

[17th *June* 1852.]

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* 6 & 7 W. 4. c. 81.
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 "The *York and North Midland* Railway Company" were incorporated: And whereas the Provisions of the said recited Act have been amended and enlarged by several subsequent Acts relating to the said Company, passed respectively in the First, Fourth, Seventh, Eighth, Ninth, Tenth, Eleventh, Thirteenth, and Fourteenth Years of the Reign of Her present Majesty: And whereas, by "The *Manchester and Leeds* Railway Act, 1836," a Company was incorporated by the Name of "The *Manchester and Leeds* Railway Company," for the Purpose of making the Railway and Works in the said Act mentioned; and by several subsequent

The York and North Midland and Lancashire and Yorkshire Arrangement Act, 1852.

Acts further and additional Powers have been granted to the said Company, whose Name was by "The *Manchester and Leeds* Railway Act (No. 3), 1847," changed to that of "The *Lancashire and Yorkshire* Railway Company:" And whereas by One of the said Acts passed in the Tenth Year of the Reign of Her present Majesty, and intituled "The *Hull and Selby* Railway Purchase Act, 1846," the *Hull and Selby* Railway Company were empowered to lease, for any Term of Years, and also to absolutely sell and convey their Railway and the *Bridlington* Branch thereof, and all Rights, Powers, and Privileges in relation thereto, to the *York and North Midland* Railway Company, and to the *Manchester and Leeds* Railway Company, (now called "The *Lancashire and Yorkshire* Railway Company,") or to either of them, who were thereby empowered to accept such Lease and also to make such Purchase: And whereas by "The *York and North Midland* (*Hull* Station) Railway Act, 1847," the *York and North Midland* Railway Company were empowered to construct a new Station at *Hull*, and certain additional Lines of Railway thereto, in connexion with the said *Hull and Selby* Railway and the *Bridlington* Branch thereof, and also in connexion with certain other Lines of Railway then authorized to be made by them in the East Riding of the County of *York*; and by the same Act it was enacted, that it should be lawful for the *York and North Midland* Railway and the *Manchester and Leeds* Railway 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 should respectively deem advisable with reference to the Payment or Contribution by or between the said Companies, for or towards the Costs, Charges, and Expenses of making, constructing, and maintaining the said Station, Railways, and Works thereby 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 might 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: And whereas the said new Station, and the Railways and Works in connexion therewith, have been finished and opened for Traffic: And whereas by "The *Wakefield, Pontefract, and Goole* Railway Act, One thousand eight hundred and forty-five," a Company was incorporated by the Name of "The *Wakefield, Pontefract, and Goole* Railway Company," for the Purpose of making a Railway from *Wakefield* to *Goole*, and by the same Act the Company were empowered to lease and also absolutely to sell and convey their Undertaking, and all Rights, Powers, and Authorities in relation thereto, to the *Manchester and Leeds* Railway Company (now the *Lancashire and Yorkshire* Railway Company), who were thereby empowered to accept such Lease and also to make such

The York and North Midland and Lancashire and Yorkshire Arrangement Act, 1852.

such Purchase: And whereas by "The *Wakefield*, *Pontefract*, *and Goole* Railway Branches Act, 1846," the *Wakefield*, *Pontefract*, *and Goole* Railway Company were empowered to make, among others, a Branch Railway from the main Line of their Railway in the Township and Parish of *Pontefract*, to join the *Midland* or *North Midland* Railway in the Township and Parish of *Methley*, and also a Branch Railway from the said main Line in the Township of *Knottingley*, to or near to *Reed Holme Wood* in the Township and Parish of *Owston*; and it was by the same Act enacted, that all the Powers and Provisions and Restrictions contained in "The *Wakefield*, *Pontefract*, *and Goole* Railway Act, 1845," relative to the leasing or selling the Railway and Branch Railways thereby authorized to be constructed to the *Manchester and Leeds* Railway Company should be applicable to the several Branch Railways and Works thereby authorized, in the same Manner as if such Powers, Provisions, and Restrictions were re-enacted in reference to such Branch Railways and Works: And whereas it is expedient to enable the *York and North Midland* Railway Company and the *Lancashire and Yorkshire* Railway Company to enter into Agreements and Arrangements for the working, managing, and carrying on of the said Traffic of the said *Hull and Selby* Railway, *Bridlington* Branch, new Station, and Branch Railways thereto, and of the said *Wakefield*, *Pontefract*, *and Goole* Railway and the *Askern* and *Methley* Branches thereof, and otherwise with reference to such several last-mentioned Railways or Portions of Railways, 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, in manner following; (that is to say,)

Lancashire and YorkshireRailway Company and the York and North Midland Railway Company to enter into mutual Arrangements, &c. for working the Lines.

I. That it shall be lawful for the *Lancashire and Yorkshire* Railway Company and the *York and North Midland* Railway Company to enter into mutual Arrangements and Agreements, either temporary or permanent, with reference to the Management, working, carrying on, or Conduct of the Traffic by the said *Hull and Selby* Railway and *Bridlington* Branch Railway, and the said new Station at *Hull* and the Branch Railways thereto, and by the said *Wakefield*, *Pontefract*, *and Goole* Railway, and the *Askern* and *Methley* Branches thereof, and also with reference to the working, Management, Use, Supervision, Maintenance, and Repairs of the same several Lines of Railway and the Works connected therewith respectively; and also with reference to the Payment or Contribution by or between the said Two Companies, or of or by the One of them to the other of them, of or towards the Costs, Charges, and Expenses of such Management, working,

The York and North Midland and Lancashire and Yorkshire Arrangement Act, 1852.

working, carrying on, Use, Supervision, Maintenance, and Repairs respectively, or with reference to all or any of such several Matters; and also with reference to the Rates, Tolls, and Charges to be charged or taken by both or either of the said Two Companies on Goods, Merchandise, Articles, Matters, and Things carried or to be carried along or by the said Railways, or any of them (not exceeding the maximum Rates, Tolls, and Charges authorized by any Acts relating to such Railways); and also with reference to the Division and Apportionment between the said Two Companies of such Rates, Tolls, and Charges; and if thought desirable by the said Two Companies so to do, then to appoint and from Time to Time continue a joint Committee of Management of such several Lines of Railway and Works and the Traffic thereof, and to intrust to such Committee all or such of the Powers vested in the said Two Companies, or either of them, with respect to the working, Management, Use, and Enjoyment of the said Railways and Works or any of them, and the Traffic thereof respectively, as may be thought fit, and as such Companies may mutually agree to intrust to such joint Committee; and generally to make and enter into such Arrangements and Agreements for or in respect of all such other Matters and Things as may be considered necessary or desirable for the mutual Convenience, Advantage, and Accommodation of the same Two Companies with reference to the said several above-mentioned Lines of Railway and the Traffic thereby, and the same Agreements, with the Assent of the said Two Companies or the Directors thereof for the Time being, from Time to Time to alter and vary as Occasion may require.

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

II. Provided always, 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 Lines of Railways and Works, upon the same Terms and Conditions, and on Payment of the same Tolls, as they would have been in case no such Contract had been entered into.

Rights of Companies protected and preserved.

III. Provided always, That, except so far as by this Act expressly enacted, or as may be agreed upon and provided for by or under any Contract, Arrangement, or Agreement entered into under the Powers of this Act, nothing in this Act contained shall or shall be construed to defeat, vary, alter, take away, prejudice, or affect any of the Rights, Powers, or Privileges of or any Contracts, Claims, or Demands enforceable by or against the said Two Companies or either of them.

IV. That

The York and North Midland and Lancashire and Yorkshire Arrangement Act, 1852.

Disputes between the Two Companies how to be settled.

IV. That if any Difference shall arise between the said Companies under any Contract, Arrangement, or Agreement entered into by them under the Powers of this Act as to the Use and Occupation, Management, Supervision, Maintenance, and Repairs of the said *Hull and Selby* Railway, *Bridlington* Branch Railway, new Station, and Branches, and the said *Wakefield, Pontefract, and Goole* Railway, and the said *Askern* and *Methley* Branch Railways, or of any Part thereof respectively, or of the Traffic thereof respectively, or as to the Use of the said Railways and Works by any other Person, Company or Companies, whose Railways shall join or be connected with the same or any of them, or as to the Tolls, Rates, and Charges to be charged and made payable for or in respect of the said Railways and Works, or any of them, or the Division and Apportionment between the said Two Companies of such Rates, Tolls, and Charges, or of the Profits to arise and be made by working the same and carrying on the Traffic thereof respectively, or as to the Costs, Charges, and Expenses of the said Railways and Works or any of them, or of such Use, Occupation, Management, Maintenance, and Repairs thereof, or of any Part thereof, or as to any other Matter or Thing relating thereto, or as to the Terms or Conditions of any such Contract, Agreement, or Arrangement which shall be entered into between them as by this Act authorized or as to the Provisions in this Act contained, 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, be settled by Arbitration in the Manner provided by the Railways Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration.

Hull and Selby Railway Company's Rights preserved.

V. 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.

For Protection of the Undertakers of the Navigation of the Rivers Aire and Calder.

VI. That nothing in this Act or in any Arrangement or Agreement entered into under the Powers of this Act 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 Leases, Contracts, or Licences entered into or granted by, or any Claims or Demands of the Undertakers of the Navigation of the Rivers *Aire* and *Calder*, or their Trustees, or to apply to the *York and North Midland* Railway Company any of such Leases, Contracts, or Licences: Provided nevertheless, that the said *York and North Midland* Railway Company shall, for all the Purposes and Objects

mentioned and provided for in and by "The *Wakefield, Pontefract, and Goole* Railway Act, One thousand eight hundred and forty-five," and "The *Wakefield, Pontefract, and Goole* Railway and Port of *Goole* Act, 1846," or either of them, be taken to be a Railway Company desirous of making a Railway to communicate with the Port of *Goole* and whose Line of Railway joins the main Line of the said *Wakefield, Pontefract, and Goole* Railway.

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

VII. That it shall not be lawful for the *Lancashire and Yorkshire* Railway Company or the *York and North Midland* Railway Company, out of any Money by any Act relating to either of the said Companies authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be 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 Companies or either of them to construct any other Railway or execute any other Work or Undertaking.

Railway 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., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

VIII. 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 an Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said *York and North Midland* and *Lancashire and Yorkshire* and *Hull and Selby* Railways, or any of them, or the said *York and North Midland*, *Lancashire and Yorkshire*, and *Hull and Selby* Railway Companies 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 Companies in respect thereof, so far as the same are applicable.

IX. That

Railways not exempt from Provisions of future General Acts.

IX. That nothing herein contained shall be deemed or construed to exempt the *York and North Midland*, *Lancashire and Yorkshire*, and *Hull and Selby* Railways, by the said recited Acts authorized to be made or the said *York and North Midland*, *Lancashire and Yorkshire*, and *Hull and Selby* Railway Companies from the Provisions of any General Act relating to such Acts, 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 maximum Rates of Fares and Charges authorized by the said recited Acts or this Act.

Expenses of Act.

X. That all the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the said *York and North Midland* and *Lancashire and Yorkshire* Railway Companies in equal Moieties.

Short Title.

XI. That in citing this Act in other Acts of Parliament, and in legal Instruments and in any Document or Proceeding whatever, it shall be sufficient to refer to and describe it as "The *York and North Midland* and *Lancashire and Yorkshire* Arrangement Act, 1852."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1852.