CHAP. clxix.

An Act to authorise the construction of Railways in the neighbourhood of Bradford in Yorkshire, to be called "The Bradford and Thornton Railways." [24th July 1871.]

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WHEREAS the construction of the railways herein-after mentioned in the neighbourhood of Bradford in the West Riding of Yorkshire would be attended with great local and public advantage, and the persons herein-after named, with others, are willing, at their own expense, to construct the said railways:

And whereas plans and sections showing the lines and levels of the railways, and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of the railways, have been deposited with the clerk of the peace for the West Riding of Yorkshire, and are herein-after referred to respectively as the deposited plans, sections, and books of reference:

And whereas it is expedient that the powers herein-after contained should be conferred on the Great Northern Railway Company with respect to the undertaking hereby authorised, and that powers should also be conferred with respect to the use of certain portions of the undertaking of that Company:

And whereas the purposes aforesaid 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, as follows; (that is to say,)

1. This Act may be cited for all purposes as "The Bradford and Thornton Railways Act, 1871." Short title.

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845;"

Parts I. and III. of "The Companies Clauses Act, 1863," relating respectively to "cancellation and surrender of shares" and to "debenture stock;"

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;"

"The Railways Clauses Consolidation Act, 1845," and (so far as applicable) Part I. of "The Railways Clauses Act, 1863," relating to "construction of a railway," and Part III., relating to "working agreements,"

are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the railways" and "the undertaking" mean respectively the railways and undertaking by this Act authorised; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. Mark Dawson, William Foster, Abraham Briggs Foster, Angus Holden, Alfred Illingworth, Archibald Neill, Theophilus Peel, Frederick Priestman, Isaac Smith, and Samuel Smith, Esquires, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the railways, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Bradford and Thornton Railways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called "The Bradford and Thornton Railways."

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways herein-after described, with all proper stations, approaches, works, and conveniences con-

nected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose:

The railways herein-before referred to and authorised by this Act are the following; (namely,)

Railway No. 1 (about five miles and five furlongs in length), commencing by a double junction with the branch of the Great Northern Railway to the Lancashire and Yorkshire Railway at Bradford in the township of Bowling in the parish of Bradford in the West Riding of Yorkshire, one of such junctions commencing near and north of the bridge carrying the Great Northern Railway over the footpath at the south end of Conway Street, and the other of such junctions commencing sixty-six yards or thereabouts east of the bridge carrying the street to Ripleyville over the Great Northern Railway; and the said railway will terminate in the township of Thornton in the parish of Bradford, near to and on the west side of Lower Mill:

Railway No. 2 (about one mile and two furlongs in length), commencing by a junction with Railway No. 1, twenty-seven yards or thereabouts south of the New Parsonage House at Little Horton in the township of Horton in the parish of Bradford, and terminating in a brickyard on the south-west side of Thornton Road in the township of Manningham in the parish of Bradford:

Railway No. 3 (one furlong and seven chains in length), and entirely in the said township of Bowling, commencing by a junction with Railway No. 1, twenty-eight yards or thereabouts north of Bowling House, and terminating by a junction with the Lancashire and Yorkshire Railway at a point twenty-eight yards or thereabouts north of a bridge carrying the footpath from Little Horton to Bowling and Bowling Dyeworks over the Lancashire and Yorkshire Railway: All the foregoing railways and works will be in the parish of Bradford in the West Riding of Yorkshire.

Capital.

6. The capital of the Company shall be two hundred and seventy-five thousand pounds in twenty-seven thousand five hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

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Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

9. The Company may from time to time borrow on mortgage any sum not exceeding in the whole ninety-one thousand six hundred pounds, but no part thereof shall be borrowed until the whole capital of two hundred and seventy-five thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

10. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Application of moneys.

11. All moneys raised under this Act, whether by shares, stock, or borrowing, shall be applied to the purposes of this Act only.

First ordinary meeting.

12. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of February or March, and of August or September, in every year.

Quorum of general meetings.

13. The quorum of general meetings of the Company shall be eight shareholders present in person or by proxy holding in the aggregate not less than forty thousand pounds in the capital of the Company.

14. The number of directors shall be ten, but the Company may from time to time reduce the number, provided that the number be not less than five. Number of directors.

15. The qualification of a director shall be the possession in his own right of not less than twenty shares. Qualification of directors.

16. The quorum of a meeting of directors shall be three whilst their number is five, and four when their number is more than five. Quorum.

17. Mark Dawson, William Foster, Abraham Briggs Foster, Angus Holden, Alfred Illingworth, Archibald Neill, Theophilus Peel, Frederick Priestman, Isaac Smith, and Samuel Smith, Esquires, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act: At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors. Election of directors.

18. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed three acres. Lands for extraordinary purposes.

19. 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 of this Act. Powers for compulsory purchases limited.

20. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,) Regulating inclinations of certain roads.

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No. on deposited Plans.	Parish or Township.	Description of Road.	Intended Inclination.
228	Horton - -	Turnpike road (Horton Lane)	1 in 23 on one side of the railway.
129	Clayton - -	Public road (Cocking Lane)	1 in 13½ on one side of the railway.

Describing works near Bradford Union Workhouse.

21. Notwithstanding anything contained in the deposited plans and sections, the Company, in constructing the Railway No. 1 through the lands numbered on the said plans 84, 85, 86, 87, and 88 in the township of Horton in the parish of Bradford, shall observe the following conditions and restrictions:

(*a.*) The railway shall be constructed in tunnel through the said lands, but for the purposes of such construction the Company may make an open cutting, restoring the surface of the said lands without unnecessary delay to their original condition: Provided that the Company shall so construct the railway that the northern wall of the said tunnel shall not be nearer to the Fever Hospital of the said guardians than fourteen feet, and if the Company in constructing the said tunnel shall remove the wall or palisadoes near the said hospital, they shall restore the same:

(*b.*) There shall be at least six feet of earth (including eighteen inches of soil at the surface) over every part of the crown of the said tunnel, excepting for the distance of seventy yards from the west side of Park Lane, where such covering of earth and soil shall be of such depth as the surface of the ground will admit, and at all events not less than eighteen inches in depth, in order to deaden the sound of traffic to the adjacent hospital, and the tunnel shall be of sufficient strength to admit of the surface being safely used for its present purpose as recreation ground or garden, but need not be of such strength as to support buildings thereon, nor shall it be lawful for the guardians of the said union to erect any such buildings:

(*c.*) The Company and their officers and servants shall at all times have access to the tunnel, for the purpose of the maintenance and repair thereof, and if it shall be necessary for that purpose to disturb the surface of the said lands the Company shall be at liberty to do so, paying to the said guardians compensation for any damage which may

be done to the said lands, and may not be adequately compensated by the restoration of the surface thereof:

(*d.*) The Company shall complete the tunnel and all operations upon or in the land of the guardians within two years after the commencement thereof, and in all respects to the reasonable satisfaction of the engineer or surveyor of the said guardians, and during the construction of the tunnel the Company shall, at their own expense, make and maintain sufficient fences, to the reasonable satisfaction of the guardians, for preventing the inmates of the workhouse from danger, and from having access to the works of the Company, and shall take all precautions proper and sufficient for protecting the lands, buildings, and property of the guardians against all damage or injury by workmen, labourers, and others employed about the said works, and from being trespassed upon by them or others:

(*e.*) The Company shall not enter upon or interfere with more of the said lands than is necessary for making the said tunnel, and shall not, without in every case the previous consent in writing of the guardians, use any part of the said lands lying on the north side of the limits of deviation shown upon the said plans for the deposit of soil or material, or as a road or way, or for any other temporary purpose, or so as to obstruct or interfere with the free access to the said hospital or any of the buildings belonging thereto:

(*f.*) The Company shall acquire only a perpetual easement, and the guardians shall grant a perpetual easement in the said lands, for the purpose of constructing and maintaining the said tunnel, making due compensation for such easement, and the said guardians shall be entitled to the surface of the said lands when the said surface shall be restored, and to use the same for the same purposes for which the said lands are now used, or for any other purposes not inconsistent with the maintenance and use of the said tunnel, and with the conditions of this enactment:

(*g.*) The Company shall, whenever required by the guardians, and to the reasonable satisfaction of the engineer or surveyor of the guardians, construct a drain eighteen inches in diameter, and of the depth of ten feet, from Park Lane for a distance of one hundred and ten yards along the land of the guardians on the south side of the said tunnel, and connect such drain with the main drains of the town in Park Lane.

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As to works within the borough of Bradford.

22. In constructing within the borough of Bradford the railways and works by this Act authorised, the Company shall conform to and observe the following provisions, regulations, and restrictions; that is to say,

1. All works on, over, or under any of the streets in the borough (the word "street" in these provisions having the meaning assigned thereto in the "Bradford Improvement Act, 1850"), or which shall interfere with any sewer or drain, or with any water main conduit or pipe, or with any gas main or pipe, or with any sanitary water or gas work which now is or which before the commencement of the said works may be vested in or belong to the mayor, aldermen, and burgesses of the said borough (herein-after called the corporation), shall be made according to plans and specifications previously submitted to the surveyor of the corporation, and approved of by him, and shall be executed and maintained at the expense of the Company, under the superintendence and to the satisfaction of the said surveyor, and according to the plans and specifications ultimately determined on:

2. If any difference should arise between the said surveyor and the engineer of the Company with respect to the said plans and specifications, or with respect to the execution or maintenance of the said works or any of them, every such difference shall be determined by an engineer named by the said surveyor and engineer, or if they cannot agree upon such referee, then to be nominated by the Board of Trade on the application of either party: Each of the parties shall bear their own expenses of any such reference, and the costs of the referee shall be paid by the parties in equal moieties:

3. Whenever (subject as aforesaid) it may be necessary to interrupt or interfere with any existing sewer or drain, main conduit or pipe, or any sanitary water or gas works, the Company shall, if so required by the corporation, before interrupting or interfering with the same, construct, according to a plan to be approved of by the corporation, a substituted sewer or drain, main conduit or pipe, or other works, in lieu of and of equal capacity with that so proposed to be interrupted or interfered with, and such new and substituted main conduit, pipe, or works shall be connected by and at the expense of the Company with any existing main conduit, pipe, or works which was previously connected with those so interrupted or interfered with, and in such manner as shall be approved of by the corporation:

4. If by reason of the construction of the railways and works connected therewith by this Act authorised any increased length or dimension of sewers, drains, main conduits, pipes, or works of the corporation shall become necessary, the same shall be constructed and laid down, by and at the expense of the Company, of such capacity, upon such plan, and in such manner as shall be approved of by the corporation:

5. If by reason of the construction of the railways and works connected therewith by this Act authorised, the corporation shall at any time necessarily incur any cost in altering any existing sewer or drain, main conduit, pipe, or sanitary water or gas works, the Company shall repay to the corporation such additional cost, and the same may be recovered, in default of payment, in any court of competent jurisdiction as a simple contract debt:

6. Where the Company shall have formed any part of their railway by open cutting or by embankment, and the requirements of the public shall, in the opinion of the corporation, at any time hereafter render it necessary that roads or streets should be carried across the railway there, in order to prevent severance of traffic between different parts of the borough, all requisite bridges, culverts, or tunnels, and other appliances shall and may be constructed and maintained, to the satisfaction of the corporation, for carrying such roads and streets across the railway, with suitable approaches, subject nevertheless to the following conditions and restrictions:

(*a.*) The Company shall, at their own expense, provide and maintain two bridges or such other works as may be necessary for carrying over or under the railway the new road about to be formed between Little Horton Green and Great Horton Road: The corporation shall within six months after the passing of this Act define the sites thereof;

(*b.*) The corporation and the Company shall jointly bear the expense of making and maintaining any additional number of such communications which shall be required by the corporation, not exceeding four in number;

(*c.*) The corporation shall bear the whole expense of making and maintaining any further number of such communications as they may require, the Company affording all reasonable facilities and easements which may be required;

(*d.*) Nothing contained in this enactment shall operate to interfere with the construction, maintenance, or use of the

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railway, or shall compel the Company to purchase or take more lands than are necessary for the purpose of their railways;

(*e.*) All the above bridges and other works shall be subject to the joint approval of the surveyor of the corporation and the engineer of the Company, and in the event of difference the same shall be dealt with according to the second paragraph of this enactment:

7. The provisions of "The Railways Clauses Consolidation Act, 1845," contained in the sections 18 to 23 inclusive shall apply to all drains, sewers, watercourses, conduits, mains, and pipes, sanitary water or gas works, of the corporation; whenever in those sections the words "company" or "society" are used, the same shall for all the purposes of the said Act be held to extend to and include the corporation:

8. Where any station in the borough constructed or provided under the authority of this Act abuts on a public street or road, such station shall be either so arranged as that carriages, carts, and other vehicles frequenting the same shall enter into the station for the purpose of receiving or setting down passengers, and loading or unloading goods, or that a space of not less than ten feet in width shall be left between the boundary of the street or road and the station for the length of the station, but not exceeding twenty yards, upon which space carts or other vehicles, either bringing goods or passengers to be conveyed by the railways or waiting to convey goods or passengers from the railways, shall stand so as to prevent, as far as practicable, obstruction to the free passage along such street or road: Provided that in all cases where the Company cannot, without considerable inconvenience, set back such stations in manner aforesaid, it shall be lawful for such modifications of the space aforesaid to be made, and also for such arrangements to be adopted relative to the space at which vehicles shall receive or discharge goods or passengers, as may be approved of by the corporation:

9. Before obstructing or breaking up any street, the Company shall give to the corporation seven days notice in writing, and the work shall be done under the superintendence and to the reasonable satisfaction of the corporation:

10. Wherever any street shall have to be temporarily diverted by the Company in the execution of the works by this Act

authorised, proper accommodation for the traffic and accesses to property shall be provided, maintained, fenced, watched, and lighted by the Company, to the reasonable satisfaction of the Corporation:

11. The Company shall make good all damage of any nature whatever to property occasioned by any alteration of the levels of Great Horton Road:

12. If the Company shall make default in any of the above provisions on their part to be observed or performed, they shall be liable to a penalty not exceeding twenty pounds for every day during which such default may continue, the same to be recoverable by summary proceedings before any justices of the peace acting in and for the said borough, and any fine thus accruing shall be paid to the treasurer of the corporation, to the credit of the borough fund.

For protection of Lancashire and Yorkshire Railway Company.

23. The following restrictions and provisions shall apply to the works affecting the Lancashire and Yorkshire Railway:

(*a.*) All the works in, upon, or under the lands of the Lancashire and Yorkshire Railway Company, for the purpose of carrying the Railway No. 1 under the railway of that Company, shall be executed under the superintendence and to the reasonable satisfaction in all respects of the engineer of that Company, and at the expense of the Company; and the Company, in constructing the said railway and works, where it will cross the Lancashire and Yorkshire Railway, shall carry it under that railway by such means and in such manner only as not to interfere with the free, uninterrupted, and safe user of the Lancashire and Yorkshire Railway, and so as to leave undisturbed all the existing lines thereof at the respective spots where they are so to be passed under, and the bridge by which the said railway and works shall be carried under the Lancashire and Yorkshire Railway shall be of a clear width between the parapets of not less than forty-six feet on the square, so as to enable the last-mentioned Company to widen their railway at such respective crossing by the addition of not exceeding two additional lines of rail:

Maintenance of those works.

(*b.*) The Company shall at all times maintain the arches, girders, or other works by which Railway No. 1 shall be carried under the Lancashire and Yorkshire Railway in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the engineer of the Lanca-

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shire and Yorkshire Railway Company, and if and whenever the Company fail so to do the Lancashire and Yorkshire Railway Company may make and do, in and upon as well the lands of the Company as their own lands, all such works and things as that Company may reasonably think requisite in that behalf, and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company, and in default of full repayment the amount due may be recovered, with full costs, by that Company, from the Company, in any court of competent jurisdiction:

Plans, &c.

(*c.*) The arches, girders, or other works by which Railway No. 1 shall be carried under the Lancashire and Yorkshire Railway, and all works and conveniences connected therewith respectively, shall be made only according to plans, elevations, sections, and specifications to be submitted by the Company to the engineer of the Lancashire and Yorkshire Railway Company, and to be reasonably approved of by him in writing under his hand before any of those works are begun:

Restricting interference with lands.

(*d.*) The Company shall not, without in every case the previous consent of the Lancashire and Yorkshire Railway Company, in writing under their common seal, take, use, enter upon, or interfere with any of the lands from time to time belonging to or in the possession or under the power of the Lancashire and Yorkshire Railway Company, except only such parts of their lands as it shall be necessary for the Company to take, use, enter upon, or interfere with for the purpose of making and maintaining the Railway No. 1, and the necessary sidings and works connected therewith, and the junction of Railway No. 3, as authorised by this Act, with the Lancashire and Yorkshire Railway: Provided that the Company shall not take any more of the land of the Lancashire and Yorkshire Railway Company on the west side of the centre line of Railway No. 1, shown on the deposited plans between the "commencement of Railway No. 1" and the spot where Railway No. 1 passes under the Lancashire and Yorkshire Railway, than is necessary for the construction and maintenance of two lines of sidings:

Traffic.

(*e.*) The Company shall not, in the execution of the works authorised by this Act, in any manner obstruct or interfere

with the free, uninterrupted, and safe user of the Lancashire and Yorkshire Railway, or any traffic thereof; and if by reason of any works or proceedings of the Company there shall be any obstruction or interference so as to impede or prevent the convenient passage of engines, carriages, or waggons along that railway, the Company shall pay to the Lancashire and Yorkshire Railway Company the sum of twenty pounds per hour, by way of ascertained damages, for every hour during which any such obstruction or interference shall continue:

Company to pay expenses of watchmen.

(*f.*) The Company shall bear, and, on demand, pay to the Lancashire and Yorkshire Railway Company, the expense of the employment by that Company during the execution of the works affecting the Lancashire and Yorkshire Railway of a sufficient number of inspectors and watchmen to be appointed by the Lancashire and Yorkshire Railway Company for watching their railway and its works, with reference to and during the execution of such intended works, and for preventing as far as may be all interference, obstruction, danger, and accident from any of the operations or from the acts or defaults of the Company or their contractors, or any person or persons in the employ of the Company or of their contractors, with reference thereto or otherwise:

In case of injury, &c., Company to make compensation.

(*g.*) If by reason of the execution of any of the works or any proceedings of the Company, or the failure of any such works, or any act or omission of the Company or of their contractors, or of any persons in the employ of the Company or of their contractors, or otherwise, the Lancashire and Yorkshire Railway, or any of the works connected therewith, or any of the passengers or other traffic passing along the same, shall be injured or damaged, such injury or damage shall be forthwith made good by the Company, at their own expense, or in the event of their failing so to do, then the Lancashire and Yorkshire Railway Company may make good the same, and recover the expense thereof, with full costs, against the Company, in any court of competent jurisdiction; and if any interruption shall be occasioned to the traffic of the Lancashire and Yorkshire Railway by reason of any of the matters or causes aforesaid, the Company shall, in addition to the penalty lastly provided for, on demand, pay to the Lancashire and Yorkshire Railway Company all costs and expenses to which

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that Company may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs, expenses, and compensation to be respectively recoverable, with full costs, by that Company, from the Company, in any court of competent jurisdiction:

Company to acquire only easements in lands.

(*h.*) With respect to any land of the Lancashire and Yorkshire Railway Company which the Company is by this Act from time to time authorised to use, enter upon, or interfere with, the Company shall not purchase or take the same, but the Company may purchase and take, and the Lancashire and Yorkshire Railway Company may and shall sell and grant accordingly, an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same.

Notice to be given of taking houses of labouring classes.

24. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes, as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses; and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same, in manner herein-before required.

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

25. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of fourteen thousand eight hundred and forty-four pounds sixteen shillings three pounds per centum consolidated bank annuities, being equal in value to five per centum upon the amount of the estimate in respect of the railways authorised by this Act, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railways hereby authorised to be made, either open the railways for the public conveyance of pas-

sengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital, and if the said period shall expire before the Company shall either have opened the railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application of deposit.

26. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as the Court of Chancery in England may deem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them; provided that, until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable, as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

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Period for completion of railways.

27. The railways shall be completed within five years from the passing of this Act; and if the railways shall not be completed within that period, then, on the expiration thereof, the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls:

28. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

For passengers;

In respect of passengers and animals conveyed upon the railways or any part thereof, as follows:

For every person twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

For animals;

Class 1. For every horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 2. For every ox, cow, bull, or head of neat cattle, twopence per head per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 3. For every calf, pig, sheep, lamb, or other small animal, one penny each per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one halfpenny per mile.

For goods.

In respect of goods conveyed on the railways or any part thereof:

Class 4. For all dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, coal, coke, culm, cannel, ironstone, iron ore, limestone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile one penny halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 5. For all pig iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, charcoal, chalk, lime, bricks, salt, sand, fire-clay, cinders, slag, and stone, per ton per mile twopence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 6. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deal, and metals (except iron),

nails, anvils, vices, and chains, and for light iron castings, per ton per mile twopence halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny:

Class 7. For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny:

For every carriage, of whatever description, (not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton,) conveyed on a truck or platform belonging to the Company, sixpence per mile; and a like sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

29. The toll which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

30. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railway for a less distance than six miles the Company may demand tolls and charges as for six miles:

For a fraction of a mile beyond six miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone,

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forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

31. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railways or any part thereof as follows:

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence:

And for any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight, one shilling and fourpence:

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight, one shilling and eightpence:

For any parcel exceeding two hundred and fifty pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight as follows:

For any one boiler, cylinder, or single piece of machinery or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding sixpence per ton per mile:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum rates for passengers.

32. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways, including the

tolls for the use of the railways, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:

For every passenger conveyed in a second-class carriage, the sum of twopence per mile:

For every passenger conveyed in a third-class carriage, the sum of one penny farthing per mile.

Maximum rates for animals and goods.

33. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railways, including the tolls for the use of the railways, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company,) shall not exceed the following sums; (that is to say,)

For every animal in class 1, fourpence per mile:

For every animal in class 2, threepence per mile:

For every animal in class 3, one penny halfpenny per mile:

For everything in class 4, one penny halfpenny per ton per mile:

For everything in class 5, twopence halfpenny per ton per mile:

For everything in class 6, threepence per ton per mile:

For everything in class 7, fourpence per ton per mile:

And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried on a truck or platform, per mile sixpence, and for every quarter of a ton beyond one ton one halfpenny.

Passengers luggage.

34. Every passenger travelling upon the railways may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

35. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

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Restrictions as to charges not to apply to special trains.

36. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways.

Company may take increased charges, by agreement.

37. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description, by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to use other undertakings.

38. The Company, and all companies and persons lawfully working or using their railways, may run over, work, and use, with their clerks, officers, and servants, and their engines and carriages, and for the purposes of their traffic, the railway and portion of railway following; (that is to say,)

So much of the Great Northern Railway as lies between the junction therewith of Railway No. 1 and the junction of that portion of the Great Northern Railway with the Lancashire and Yorkshire Railway;

So much of the Great Northern Railway as lies between the junction therewith of Railway No. 1 and the Great Northern station at Laister Dyke;

And also the use of the Great Northern Railway goods and mineral station at Bradford, and so much of the Great Northern Railway as is necessary to afford access to the said station, such use nevertheless being confined to goods and minerals alone;

together with all stations, booking offices, warehouses, watering places, sidings, works, and conveniences connected with the said portions of railway respectively.

Terms of such use.

39. The terms, conditions, and regulations to which the Company and such other companies and persons as aforesaid shall be subject in respect of the said use, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between them and the companies owning or working the said respective railways, be from time to time determined by an arbitrator, to be appointed by the Board of Trade, on the application of either party; and the decisions of any such arbitrator shall be binding and conclusive on all the parties in difference, and the costs and expenses of such arbitrator shall be defrayed as the arbitrator shall direct; and any

of the said companies or such other persons or companies as aforesaid who shall refuse or neglect to perform, observe, and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to such person or company as the arbitrator shall determine any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence continue.

Byelaws to be observed.

40. In using or traversing the said railways and stations, and in using the works, buildings, and conveniences thereof respectively, in accordance with the provisions herein-before mentioned, the regulations and byelaws for the time being in force on the undertaking so used, so far as such byelaws are applicable, shall at all times be observed.

Great Northern Railway Company to afford facilities to traffic of the railways hereby authorised.

41. The Great Northern Railway Company shall from time to time afford all reasonable and proper facilities, by through booking and invoices and otherwise, for the transmission of, and shall transmit on their railway, or any part thereof, any traffic which, having passed over the railways or any part of the railways hereby authorised, is from time to time tendered for transmission on the Great Northern Railway; and the same company shall afford similar facilities to all traffic which is from time to time tendered to them for transmission on their railway or any part thereof, for the purpose of being afterwards conveyed on the railways or any part of the railways hereby authorised.

Terms upon which facilities to be afforded.

42. All such facilities for the transmission of traffic shall be afforded subject to such rules and regulations, and on payment of such tolls, fares, rates, and charges, as may be agreed on, or as, failing agreement, shall be settled by arbitration, in the manner provided by "The Railways Clauses Consolidation Act, 1845," for the settlement of disputes by arbitration.

As to agreement with Great Northern Railway Company.

43. The Company on the one hand, and the Great Northern Railway Company on the other hand, may enter into contracts and agreements with respect to the following matters or any of them; namely,

The running over, maintenance, working, and use and management of the undertaking of the Company, and the stations, works, and conveniences connected therewith:

The supply and employment by the Great Northern Railway Company of rolling or working stock, machinery, officers, and servants, for any of the purposes of any such contract or agreement:

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The interchange, accommodation, conveyance, and delivery of the traffic coming from or destined for the respective undertakings of the contracting companies:

The levying, fixing, collection, division, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising from such traffic:

The sums or consideration to be paid by either of the contracting companies to the other of them on account of the matters to which the contract or agreement relates:

The determination of any questions or differences between such contracting companies by arbitration:

The appointment of a joint committee, with all necessary powers, to regulate their proceedings.

Tolls on traffic conveyed partly on the railway and partly on the railway of the other contracting company.

44. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway of the Company, the railways of the Company and of the other contracting company shall for the purposes of tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railway of the other contracting company for a less distance than six miles, tolls and charges may only be charged as for six miles; and in respect of passengers, for every mile or fraction of a mile beyond six miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond six miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway of the Company and partly on the railway of the other contracting company.

Interest not to be paid on calls paid up.

45. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bills not to be paid out of capital.

46. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the

Company to construct any other railway or to execute any other work or undertaking.

Railways not exempt from provisions of present and future general Acts.

47. Nothing herein contained shall be deemed or construed to exempt the railways by this Act authorised to be made from the provisions 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

48. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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