ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Cap. clxvii.

An Act to empower the *Bradford, Wakefield, and Leeds* Railway Company to construct a Railway to *Ossett* in the West Riding of the County of *York*, and for other Purposes.

[23d *July* 1860.]

WHEREAS the *Bradford, Wakefield, and Leeds* Railway Company (in this Act called "the Company") were incorporated by "The *Bradford, Wakefield, and Leeds* Railway Act, 1854," 17 & 18 Vict. c. clx.
for constructing the Railway and Works in the said Act mentioned, and for other Purposes: And whereas by "The *Bradford, Wakefield, and Leeds* Railway Act, 1859," 22 & 23 Vict. c. lxxi.
the Company were empowered to raise additional Capital for the general Purposes of their Undertaking: And whereas it is expedient that the Company should be empowered to construct the Railway herein-after mentioned: And whereas it is also expedient that the Company should be empowered, either alone or in conjunction with the Surveyors of Highways of *Ossett-cum-Gawthorpe* to make a Road from or near the Terminus of the said intended Railway in the Township of *Ossett-cum-Gawthorpe* into the Town or Village of *Ossett*, and to widen and enlarge a Portion of a certain Road called or known by the

the Name of *Intake Lane*, and to extend the said Road in the Town or Village of *Ossett* aforesaid, and that the Surveyors of Highways should be empowered to contribute Money towards the Construction and Alteration of, and in whole or in part to maintain the said Roads when made or altered: And whereas it is also expedient that the Company should be empowered to raise additional Capital for carrying the Purposes aforesaid into effect: And whereas it is also expedient that the Company on the one Part and the *Great Northern* Railway Company on the other Part should be empowered to enter into Agreements with respect to the Working and Use, and Management and Maintenance of the said intended Railway, and the Regulation and Management of the Traffic thereon, or otherwise in relation thereto: And whereas Plans and Sections showing the Line and Levels of the proposed Railway, and the Lands in or through which the same is to be made, and also showing the Lines and Levels of the new Road, and the Widening and Extension of *Intake Lane* by this Act authorized, and the Lands in or through which the same may be made, with a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which under this Act may be taken by the Company, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*: And whereas the Purposes of this Act 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:

Short Title.

I. This Act may be cited for any Purpose as "The *Bradford, Wakefield, and Leeds* Railway Act, 1860."

8 & 9 Vict. cc. 18. & 20. incorporated.

II. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall respectively be incorporated with and form Part of this Act.

Same Meanings to Words in this Act as in incorporated Acts.

III. The several Words and Expressions to which in the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to take Lands.

IV. Subject to the Provisions of this Act, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans, and described in the deposited Books of Reference.

Powers by this Act for compulsory Purchases limited.

V. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

VI. The

Lands for extraordinary Purposes.

VI. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may, by Agreement, purchase any Quantity of Land not exceeding Two Acres, adjoining or near to their Railway and Works, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845."

Power to construct Railways according to deposited Plans.

VII. Subject to the Provisions of this Act, the Company may make, in the Line and according to the Levels shown on the deposited Plans and Sections, and in and upon the Lands delineated on the said Plans and described in the said Book of Reference, the Railway following, with all necessary Stations, Works, and Conveniences connected therewith; (that is to say,)

A Railway commencing from and out of and by a Junction with the Main Line of the *Bradford, Wakefield, and Leeds* Railway in the Township of *Stanley-cum-Wrenthorpe* in the Parish of *Wakefield*, and terminating on the East Side of and near to *Intake Lane* in the Township of *Ossett* otherwise *Ossett-cum-Gawthorpe* and Parish of *Dewsbury*, all in the West Riding of the County of *York*;

and the said Railway shall for all Purposes whatsoever be Part of the Undertaking of the Company.

Power to make new Road and widen and extend Intake Lane, &c.

VIII. Subject to the Provisions of this Act, the Company may also (if they think fit) either alone or in conjunction with the Surveyors of the Highways of *Ossett-cum-Gawthorpe*, or with other Persons interested in the Construction, Improvement, and Maintenance of the Roads hereinafter mentioned, and upon such Terms and Conditions with reference to the Construction and Improvement of the said Roads, and the Payment or Contribution by such Surveyors of Highways and other Persons aforesaid of or towards the Cost of such Construction and Improvement, and with reference to the future Repair and Maintenance of such Roads, as may mutually be agreed upon, make and execute, in the Lines and according to the Levels shown on the deposited Plans and Sections, and in and upon the Lands delineated on the said Plans and described in the said Books of Reference, the several Works following, or any of them; (that is to say,)

They may make a Road, commencing at or near the Terminus in the Township of *Ossett-cum-Gawthorpe* of the said intended Railway, and terminating in the Town or Village of *Ossett* near to the Independent Chapel there:

They may widen and enlarge so much of a certain Road, called or known as *Intake Lane*, as is situate between the Terminus of the said intended Railway and a certain Lane in *Ossett* aforesaid, called or known by the Name of *Back Lane*:

They may extend the said Road called *Intake Lane* across *Back Lane* to a Point in the public Street of that Part of *Ossett* called *Little Town End*, about One hundred and seventy Yards East of *Trinity* Church.

IX. In

Power to deviate from Lines and Levels.

IX. In the Execution of the Works connected with the Formation of the said new Road, and the Widening and Extension of *Intake Lane*, it shall be lawful to deviate laterally from the Lines of the proposed Works, as defined on the deposited Plans, to the Extent of the lateral Deviations shown thereon, and also to deviate vertically from the Levels of the proposed Works, as shown on the deposited Sections, to any Extent not exceeding Five Feet.

Agreements with Surveyors of Highways, &c. as to Contribution to and future Repair of Roads.

X. The Company and the Surveyors of Highways for the Township of *Ossett-cum-Gawthorpe*, or other Persons interested in the Construction, Improvement, and Maintenance of the Roads by this Act authorized to be made, improved, and extended, may from Time to Time make, enter into, and carry into effect Contracts and Agreements with reference to the Construction, Improvement, and Extension of the said Roads, or any of them, or any Part thereof, and the Payment or Contribution by such Surveyors of Highways, or other Persons aforesaid, of or towards the Cost of constructing, improving, and extending the said Roads, and with reference to the future Maintenance and Repair thereof; and the said Surveyors of Highways may lawfully pay the Sum or Sums which they may so have contracted or agreed to pay or contribute for the Purposes aforesaid out of the Highway Rates for the said Township of *Ossett-cum-Gawthorpe*; and in case Provision shall be made by any such Contract or Agreement for the future Repair and Maintenance of the said Roads, or any of them, or any Part thereof, by the said Township, the same shall be repaired and maintained accordingly in the same Manner as other Highways within the said Township: Provided always, that the Contributions to be made by the said Surveyors of Highways towards the Construction, Improvement, and Extension of the said Roads shall not exceed in the whole One Half the Cost of such Construction, Improvement, and Extension, and in no Case shall exceed Three hundred Pounds; and no such Contribution shall be made except with the Consent of the Inhabitants of the said Township in Vestry assembled, with due Notice that the Question of such Contribution will be submitted to the Consideration of such Meeting.

Powers of Company for compulsory Purchases limited.

XI. 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 Eighteen Months from the passing of this Act.

Period for Completion of Works.

XII. The Railway and Works by this Act authorized shall be completed within Two Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railway not completed within

XIII. If the Railway by this Act authorized be not completed within Two Years from the passing of this Act, the Payment by the Company of

of any Dividend on their ordinary Capital shall, after the Expiration of such Two Years, be suspended until such Railway is completed and opened for public Traffic.

Period limited certain Dividends suspended.

XIV. The Company are hereby authorized and empowered to demand, receive, and take, for and in respect of Passengers, Animals, Goods, Merchandise, and other Articles, Matters, and Things conveyed on the Railway hereby authorized, the like Tolls, Rates, and other Charges, with the like Powers, as the Company are authorized and empowered to demand, receive, and take in and by the first-recited Act, as if the Railway and Works hereby authorized had been authorized by that Act.

Tolls.

XV. The Company from Time to Time may apply for or towards all or any of the Purposes of this Act any Sums of Money which they have already raised or may hereafter raise under the Provisions of any Act or Acts from Time to Time in force with respect to the Company, and not required for the Purposes to which they are by such Act or Acts respectively made specially applicable.

Power to apply Corporate Funds to Purposes of Act.

XVI. And whereas the estimated Expense of the Works by this Act authorized is Thirty-three thousand Pounds: Therefore the Company may from Time to Time raise for such Purpose, by the Creation of new Shares, any Sum not exceeding in the whole Thirty-three thousand Pounds, the whole of which Sum shall be applied to that Purpose, and to no other.

Power to raise additional Capital for new Works.

XVII. The Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any Meeting of the Company specially convened for the Purpose, may create and issue such new Shares, either of one Class and with like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts, and respectively redeemable or irredeemable, and respectively with any fixed, fluctuating, contingent, preferential, perpetual, terminable, or other Dividend, not exceeding in any Case the Rate of Four Pounds *per Centum per Annum*, as the Company from Time to Time think fit, and the Company may issue such new Shares from Time to Time to such Persons and on such Terms and Conditions as the Company think fit: Provided always, that all the Shares of the same Class shall be of the like Amount, and all Shares of the same Class shall confer like Privileges and bear like Dividend.

Shares so created may be Preference Shares.

XVIII. The new Shares created under the Powers of this Act shall be entitled to the preferential or other Dividend, if any, which may have been assigned to them by the Company as aforesaid out of the Profits of each Year, in priority to the ordinary Shares in the Company; but if in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of such preferential or other Dividend for that Year, no Part of the Deficiency shall be made good

Dividends on new Shares not to be guaranteed.

good out of the Profits of any subsequent Year, or out of any other Funds of the Company; and the Terms and Conditions to which any Preference Shares created under this Act are subjected by the Provisions of this Act shall be clearly stated on the Certificate of every such Preference Share.

Except as otherwise provided, new Shares to be subject to same Incidents as ordinary Shares.

XIX. Except as is by this Act otherwise provided, the new Share Capital created by this Act, and the Shares therein, and the Holders of those Shares respectively, shall be subject and entitled to the same Powers, Provisions, Forfeitures, Liabilities, Rights, Privileges, and Incidents whatsoever in all respects as if that new Capital were Part of the now existing ordinary Share Capital, and those Shares were Shares in that ordinary Capital.

Dividends on new Shares.

XX. Every Person who becomes entitled to a new Share created under this Act shall in respect of the same be a Shareholder in the Company, and shall be entitled to a Dividend, either preferential or ordinary, as the Case may be, with the other Holders of Shares of the same Class or Description, proportioned to the whole Amount from Time to Time called and paid on such new Shares.

Votes and *Qualifications* in respect of *new* Shares.

XXI. The Holders of the new Shares shall have Rights of voting and Qualifications in respect thereof, upon the Principle that each Sum of Twenty Pounds paid up in respect of the new Shares held by any such Holder shall be deemed equivalent to One original Share in the Capital of the Company; provided that no Person shall be entitled to vote in respect of any less Amount than Twenty Pounds paid up, nor in respect of any Share created under this Act to which a Preference Dividend may be assigned.

Calls.

XXII. The greatest Amount of a Call on the new Shares shall be Twenty-five *per Centum* on the Amount of a Share, and the Interval between Two successive Calls shall be Three Months at least.

Power to borrow on Mortgage.

XXIII. And whereas by "The *Bradford, Wakefield, and Leeds* Railway Act, 1854," the Company were authorized to raise a Capital of One hundred and eighty thousand Pounds in Shares, and to borrow on Mortgage or Bond Sixty thousand Pounds, which Sum they borrowed accordingly: And whereas by "The *Bradford, Wakefield, and Leeds* Railway Act, 1859," the Company were authorized to raise an additional Capital in Shares of Forty thousand Pounds, but no borrowing Powers were by that Act conferred upon them: Therefore, after the whole of the Sums by "The *Bradford, Wakefield, and Leeds* Railway Act, 1859," and this Act respectively authorized to be raised by Shares, shall have been subscribed for, and One Half thereof shall have been paid up, and the Company shall have proved to the Justice who is to certify under the Fortieth

Section

Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all the Capital which the Company are by "The *Bradford, Wakefield, and Leeds* Railway Act, 1859," and this Act respectively authorized to raise by the Creation of new Shares has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, the Directors of the Company may borrow on Mortgage, and if subsequently paid off may again reborrow, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole, inclusive of the Sum of Sixty thousand Pounds already borrowed by them as aforesaid, One Third of the authorized Capital of the Company in Shares, and for securing the Repayment of the Sum so to be borrowed, with Interest, may mortgage the Undertaking belonging to them, and also, if they think fit, the whole or any of the future Calls on the Shareholders of the Company.

Former Mortgages to have Priority.

XXIV. All Mortgages or Bonds granted under the Authority of the first-recited Act prior to the passing of this Act shall, during the Continuance thereof, have Priority over any Mortgages to be created by virtue of this Act.

Application of Monies.

XXV. All and every Part of the Money to be raised under this Act, whether by Shares or Mortgage, shall be applied to the Purposes of the Company's existing Acts and this Act, and to no other Purpose.

Power for Company and Great Northern Railway Company to enter into Working Arrangements.

XXVI. The Company on the one Part and the *Great Northern* Railway Company on the other Part may from Time to Time make and enter into, and carry into effect, any Contracts and Agreements with respect to the following Purposes, or any of them; (that is to say,)

The Use and Working by the *Great Northern* Railway Company of the Railway by this Act authorized, or any Part thereof, and of the Works and Conveniences connected therewith:

The Passage over the said Railway or any Part thereof of the Engines and Carriages of the *Great Northern* Railway Company:

The Conveyance by the *Great Northern* Railway Company of all or any Part of the Traffic passing over the said Railway or any Part thereof:

The Supply of Engines, Carriages, and Rolling Stock by the *Great Northern* Railway Company for or in respect of the said Railway:

The Accommodation, Conveyance, Forwarding, Interchange, Regulation, and Management of the Traffic on, to, and from the said Railway or any Part thereof:

The Division between the said Companies of the Tolls and Fares arising from the Traffic upon the said Railway or any Part thereof:

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The Tolls, Rates, Duties, and Charges, or other Consideration to be charged in respect of such Traffic or to be paid in respect of such User, and the fixing and apportioning of such Tolls, Rates, Duties, and Charges, or other Consideration, or any of them:

The Maintenance and Repair of the said Railway or any Part thereof:

The Costs and Expenses of such Working, Management, Maintenance, and Repair.

Duration of Agreement.

Agreement to be approved by Board of Trade.

Not to affect Persons not Parties thereto.

XXVII. Any such Contract or Agreement shall be and continue for such a Term or Period as shall be mutually agreed upon between the said Companies, but no such Contract or Agreement shall have any Operation until the same shall have been approved by the Board of Trade; and no such Contract or Agreement shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the Companies Parties thereto shall for the Time being be respectively authorized or entitled to demand and receive from any Person or from any other Company; but all other Persons and Companies shall, notwithstanding any such Contract or Agreement, be entitled to the Use and Benefit of the Railway or Part thereof to which the Contract or Agreement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Contract or Agreement had been entered into: Provided always, that the said Board shall not approve such Contract or Agreement without being satisfied that the same has been duly assented to by the Shareholders of the Companies Parties thereto in Special Meeting assembled for that Purpose, as by this Act required: Provided also, that it shall be lawful for the Board of Trade, if they think fit on the Expiration of every Ten Years from the Commencement of any such Contract or Agreement, or on the Expiration of every Ten Years from the Period when any Revision thereof shall be made by them, to cause the same to be revised; and the Board of Trade shall have Power to declare that if any Modification required by that Board be not agreed to by the Companies, then at the Expiration of Twelve Calendar Months after Notice given to the Companies of such Modification being required the said Contract or Agreement shall determine.

Agreements, &c. may be renewed with the Approval of the Board of Trade.

Public Notice to be given of Intention to renew, &c.

XXVIII. At the Expiration of the said Contract or Agreement the said Companies, with the Consent in Special Meeting of the Shareholders of such Companies respectively as by this Act required, and subject to the Approval of the Board of Trade, may from Time to Time enter into a further Contract or Agreement: Provided that before such Companies shall enter into any such further Contract or Agreement as aforesaid they shall give Notice of their Intention to enter into such Contract or Agreement, by Advertisements, in a Form to be approved by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper

paper published or circulating in the West Riding of the County of *York*, and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Contract or Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and every such Contract or Agreement when approved by the Board of Trade, but not before, shall be valid at Law and in Equity.

Public Notice to be given of Revision.

XXIX. The Company, previous to the Expiration of each such decennial Period, shall give such public Notice as the Board of Trade may prescribe, that the Board has such Power, and is about to enter on such Revision, and will entertain Complaints with a view to the Removal of any Evil resulting to the Public from any such Arrangement.

Working, &c. Arrangements not to take effect unless approved by Three Fifths of the Shareholders.

XXX. None of the Powers and Provisions of this Act with reference to the Matters in respect of which the Company and the *Great Northern* Railway Company are by this Act authorized to make Contracts and Agreements shall have any Operation or Effect unless and until the Contracts or Agreements, or any Revision or Modification thereof, intended to be made for such Purposes respectively shall have been submitted to and approved by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of the Companies Parties to such Contract or Agreement specially convened for that Purpose.

Meeting how to be convened.

XXXI. Such Meeting shall be called by Advertisement inserted once at least in Two successive Weeks in some Newspaper of the County in which the principal Office of the respective Companies is situated, the last of which Advertisements shall be published not less than Seven Days before such Meeting, and also by Circular addressed to each Shareholder entitled to vote at Meetings of the respective Companies, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to the giving of Notices.

Interest not to be paid on Calls paid up.

XXXII. The Company shall not, out of any Money by this or any other Act authorized to be raised by Shares, or by the Exercise of any Power of 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 Interest on Money paid in anticipation of Calls in conformity with "The Companies Clauses Consolidation Act, 1845."

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

XXXIII. The Company shall not, out of any Money by this or any other Act authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any Application to

to Parliament for the Purpose of obtaining an Act authorizing the Company to make any other Railway or execute any other Work or Undertaking.

Railways not exempt from Provisions of present and future General Acts.

XXXIV. This Act or anything therein shall not exempt the Railways by this or the said recited Acts authorized from the Provisions of any General Act relating to Railways, or to the better or 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 Tolls for small Parcels, and the maximum Rates of Fares and Charges by the said recited Acts or this Act authorized.

Expenses of Act.

XXXV. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

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