CHAPTER ccxx.

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An Act to authorise the construction by the Great Northern Railway Company of railways in the West Riding of Yorkshire for connecting Keighley with Bradford and Halifax. [5th August 1873.]

WHEREAS the construction of the railways herein-after mentioned, in the west riding of Yorkshire, to connect Keighley with the Bradford and Thornton Railways of the Great Northern Railway Company and with the Halifax and Ovenden Railway of the Great Northern and Lancashire and Yorkshire Railway Companies would be attended with local and public advantage, and the Great Northern Railway Company together with the persons herein-after named and others are willing at their own expense to construct the said railways:

And whereas it is expedient that the provisions herein-after contained should be made with respect to the persons herein-after named, and other persons who shall take shares in the undertakings hereby authorised:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and the lands in or through which the same are to be made and maintained, 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 or under the powers of this Act were duly deposited with the clerk of the peace for the west riding of the County of York, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Great Northern (Halifax, Thornton, and Keighley Railways) Act, 1873."

Provisions of general Acts herein named incorporated.

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

"The Railways Clauses Consolidation Act, 1845;"

Part I. of "The Railways Clauses Act, 1863," (relating to "construction of a railway");

The clauses and provisions of "The Companies Clauses Consolidation Act, 1845:"

With respect to the distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of shares into stock, and

The giving of notices;

The provision to be made for affording access to the special Act by all parties interested;

And also Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock;

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 Great Northern Railway Company, the expressions "the railways" and "the undertaking" mean respectively the railways and the 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 expres-

sion is used were a simple contract debt, and not a debt or demand created by statute.

Power to make railways according to deposited plans.

4. 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, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are,—

Railway No. 1. A railway seven miles three furlongs five chains fifty links in length, commencing by a junction with the railway No. 1 authorised by "The Bradford and Thornton Railways Act, 1871," in the township of Thornton in the parish of Bradford, and terminating in the parish and township of Keighley on the south-east of the Keighley and Bradford turnpike road near Low Mill House.

Railway No. 2. A railway one furlong and six chains in length wholly situate in the township and parish of Keighley, commencing by a junction with railway No. 1, and terminating by a junction with the Keighley and Worth Valley Railway, about three hundred and seventy yards north-east of the bridge carrying that railway over Park Lane.

Railway No. 3. A railway two miles two furlongs and six chains in length, commencing by a double junction with the authorised line of the Bradford and Thornton Railway in the township of Clayton and parish of Bradford, and terminating by a junction with the Halifax and Ovenden Junction Railway at or near the termination of the said railway as now in course of construction in a field numbered 186 in the township of Ovenden in the parish of Halifax, on the plans deposited with respect to "The Halifax and Ovenden Junction Railway Act, 1864."

All the said railways and works will be in the west riding of Yorkshire.

For protection of Bradford Waterworks.

5. For the protection of the reservoirs and waterworks of the corporation of Bradford be it enacted, as follows:

(1.) Notwithstanding anything contained in the deposited plans and books of reference, the Company shall, to the satisfaction of the corporation and not otherwise, construct so much of the railway No. 1 as lies between a point

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marked on the deposited plans and sections one mile three furlongs, and a point marked thereon three miles two furlongs and five chains, within the limits of deviation shown on a plan deposited in the month of May one thousand eight hundred and seventy-three at the office of the clerk of the peace for the west riding of Yorkshire, and bearing the title of "Halifax, Thornton, and Keighley Railways Proposed Deviation," and the Company may, subject to the provisions of this Act and of the Acts incorporated herewith, enter upon, take, and use so much of the lands shown on the last-mentioned plan, and described in the book of reference deposited therewith, as shall be necessary for such deviation:

(2.) The line of railway between the points aforesaid shall be fixed, and the works of the Company shall be laid out and constructed to the satisfaction of the Bradford corporation:

(3.) Any difference which may arise between the corporation and the Company concerning the line or course or construction of the railway between the points aforesaid, shall be referred to the arbitration of Mr. John Frederic Bateman, civil engineer, or him failing of an engineer to be appointed by the Local Government Board, whose decision shall be final and binding both on the Company and the corporation:

(4.) Nothing herein contained shall authorise the Company prejudicially to interfere with the waterworks of the corporation or to interrupt their supply of water, and the Company shall compensate the corporation for any loss or damage which they may sustain by reason of any act or default of the Company, or of the contractors, agents, or workmen of the Company, or by reason of the execution of the works:

(5.) The Company shall pay to the corporation the costs of and incident to their petition against this Act, and also the costs necessarily incurred by them relating to the matters herein-before provided for.

Lands for extraordinary purposes.

6. 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 ten acres.

Powers for compulsory purchases limited.

7. 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.

Notice to be given of taking houses of labouring classes.

8. 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 they have so made known their intention.

Penalty imposed unless the lines are opened within the time limited.

9. If the Company fail within the period limited by this Act to complete the railways, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of "The Railway and Canal Traffic Act, 1854"; and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General on behalf of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

10. Every sum of money so recovered by way of penalty 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 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

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manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid, shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for completion of works.

11. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period 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 is then completed.

Railways as to tolls, &c., to form part of original railway.

12. The Company may demand and take in respect of the railways the same tolls and charges as they are authorised to receive for and in respect of the Great Northern Railway as if they were part of such undertaking, and the said railways shall in all respects be deemed parts of the Great Northern Railway.

Company may apply their funds towards purposes of Act, and may raise additional capital.

13. It shall be lawful for the Company to apply towards the construction of the railways any of the moneys which they are already authorised to raise, and which may not be required by them for the purposes for which the same were authorised to be raised, and the Company may for the same purposes from time to time, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise, in addition to the sums of money which they are already authorised to raise, any additional sum or sums, not exceeding in the whole four hundred and eighty thousand pounds, by the issue at their option of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those methods respectively, which shares or stock shall form part of the general capital of the Company.

Shares not to issue until one fifth paid up.

14. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person

accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid in respect thereof.

As to votes of proprietors of such shares.

15. Subject to the provisions herein-after contained, the proprietors of any shares or stock to be issued under the authority of this Act, shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Power to borrow on mortgage.

16. The Company may from time to time borrow on mortgage in respect of the capital hereby authorised, any additional sums, not exceeding in the whole one hundred and sixty thousand pounds, but no part thereof shall be borrowed until the whole capital of four hundred and eighty thousand pounds is 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 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 persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or 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.

Existing mortgages to have priority.

17. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over any mortgages granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

18. The Company may create and issue debenture stock subject to the provisions of Part III. of "The Companies Clauses Act, 1863."

Application of moneys.

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

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Provision as to subscribers.

20. Whereas the persons herein-after named have subscribed towards the undertaking authorised by this Act, and it has been agreed between them and the Company that they and other persons who shall in like manner subscribe to the undertaking, shall have and enjoy the powers and privileges herein-after specified; be it therefore enacted, as follows:

(1.) The persons so named or any five of them selected by themselves shall, together with five directors of the Company, form a committee to aid in and advise on the construction of the railway and the purchase of lands and property for the purposes thereof:

(2.) The functions of the said committee shall cease when the said railways are completed or at any earlier time at which the persons herein-after named or the majority of them shall desire to be relieved of their duties, and from and after the completion of the railways or such earlier time as aforesaid, the railway shall become to all intents and purposes with respect to control and management and in all other respects whatsoever part of the Great Northern Railway:

(3.) The Company shall deliver to the persons herein-after mentioned and to all other persons who shall before the 1st January 1874 subscribe towards the undertaking hereby authorised provisional share certificates (otherwise scrip certificates) in respect of such subscriptions, which certificates shall state the conditions upon which the shares represented thereby are held, and shall state also the calls remaining payable thereon; and the shares represented by such certificates (provided all calls due thereon shall have been paid) shall, on the expiration of three years from the passing of this Act, become entitled to dividend, such dividend to be computed in the proportion of four fifths of the dividend payable for the time being on the ordinary stock of the Great Northern Railway Company; and the holders of such shares shall be entitled to such dividend until the conversion of the shares into ordinary stock of the Company as herein-after provided for shall have been carried out, and on the re-opening of the Company's stock registers after the declaration of the dividends in August 1876, such provisional share certificates (provided the calls on the shares represented thereby shall have been fully paid) shall be exchanged for certificates of Great Northern ordinary stock at the rate of 80*l.* for every 100*l.* paid thereon, and after delivery of such

certificates the registered holders thereof shall be proprietors of and in the Great Northern Railway, and shall have all the rights, privileges, and authorities belonging to and enjoyed by the proprietors of ordinary stock in the Company:

(4.) The persons herein-before referred to are Edward Akroyd, John Brigg, Henry Bentley, John Craven, John Clough, John Crossley, Abraham Briggs Foster, Eli Foster, William Irving Holdsworth, Jonathan Knowles, Theophilus Peel, and Prince Smith, the elder.

Confirming agreement with the Lancashire and Yorkshire Railway Company.

21. The agreement entered into on the fifth day of May one thousand eight hundred and seventy-three, between the Company of the one part, and the Lancashire and Yorkshire Railway Company of the other part, is hereby confirmed and made binding on both companies, and the said agreement forms a schedule to this Act.

Interest not to be paid on calls paid up.

22. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall 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.

23. 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.

24. Nothing in this Act contained shall exempt the railways from the provisions of any general Act relating to railways, or 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.

25. 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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SCHEDULE.

AN AGREEMENT, entered into this fifth day of May 1873, between the Great Northern Railway Company of the one part, and the Lancashire and Yorkshire Railway Company of the other part.

WITNESSETH, that in consideration of the latter Company agreeing to withdraw their opposition to "The Halifax, Thornton, and Keighley Railways Bill," now pending in Parliament, it is agreed by and on behalf of the respective Companies:

1. That the Lancashire and Yorkshire Company shall withdraw their opposition to the said bill, and consent to the same passing into law.

2. That the Lancashire and Yorkshire Company may continue to exercise running powers over the Leeds and Bradford Railway, as defined by the agreement between the Lancashire and Yorkshire and Leeds, Bradford, and Halifax Companies of the 21st day of July 1854, in respect of traffic of every description, to such extent as they shall see fit, but shall no longer be bound to convey any portion of their traffic over the said railway, and the obligation contained in the second clause of the said last-mentioned agreement, to carry over the Leeds and Bradford Railway the traffic whether of passengers or goods to and from the stations on the Lancashire and Yorkshire Railway specified in the said clause shall altogether cease and determine, and clause 8 of the last-mentioned agreement shall also be abrogated.

3. That the proportion of the gross receipts payable for the use of the Leeds and Bradford Railway shall be increased from 55 per cent. stated in clauses 12 and 13 of the last-mentioned agreement to $66\frac{2}{3}$ per cent.

4. That clause 25 of the said agreement of the 21st July 1854, shall be determined without prejudice to the right of either Company to promote or oppose any arrangement or railway of the description mentioned in the said clause.

5. That clause 26 of the said agreement of the 21st July 1854 shall be put an end to, and the said agreement shall continue in force in perpetuity in all respects except as hereby modified or altered.

6. That the traffic to or from the proposed railways and passing over the Bradford and Thornton Railways, and also over the railway of the Lancashire and Yorkshire Company, from or into their Bradford passenger station shall pay for the use of the Lancashire and Yorkshire Railway the tolls, rates, and charges, as provided for in the 6th section of "The Great Northern Railway (Various Powers) Act, 1872," and the proviso contained in such section with respect to the payments to be made for any necessary enlargement or alteration of that station shall apply to the traffic to and from the said intended railways, and to the Great Northern Company in respect thereof.

7. That any traffic whether of passengers, goods, or minerals, to or from the intended railways passing over the Halifax and Ovenden Junction Railway

belonging to the two companies, and using the existing Halifax station, shall be considered as local traffic of the said joint line so far as the use of the Halifax station is concerned, and shall be charged such sum for terminals at Halifax as may from time to time be agreed upon, or failing agreement be settled by arbitration in accordance with the 5th clause of the agreement dated the 1st day of June 1870, relating to the acquisition by the two companies of the Halifax and Ovenden Junction Railway.

8. The term through traffic, as stated in the said agreement of the 1st of June 1870, shall be limited to traffic beginning or ending on the Halifax and Ovenden line, and shall not include traffic beginning and ending at stations or lines other than the Halifax and Ovenden Railway.

9. Traffic passing over the Halifax and Ovenden line and not beginning and ending thereon shall be called "pass-over" traffic, and the joint fund of the Halifax and Ovenden undertaking shall be credited with a mileage proportion only of the through charge after the deductions usually allowed between companies.

10. That this agreement shall take effect except in respect of Article 1 from the opening for traffic of the intended railways connecting Halifax and Bradford.

In witness whereof the said two Companies have hereunto respectively set their common seals.

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