CHAPTER clxxvi.

An Act to incorporate a Company for making the Leeds, Castleford, and Pontefract Junction Railway; and for other purposes. A.D. 1873.

[21st July 1873.]

WHEREAS the making of the railways herein-after described between the Leeds and Selby line of the North-eastern Railway at Garforth and the York and North Midland line of the same railway at Castleford, and between Castleford and the Pontefract and Methley branch of the Lancashire and Yorkshire Railway at Houghton, would be of public and local advantage:

And whereas the several persons herein-after named, with others, are willing at their own expense to make and maintain the said railways:

And whereas it is expedient that the Company by this Act incorporated and the North-eastern Railway Company should be empowered to enter into agreements with respect to the use by the Company of the stations at Garforth and Castleford of the North-eastern Railway Company, and the lines of railway leading into the same:

And whereas it is expedient that the Company on the one hand, and the North-eastern Railway Company and the Lancashire and Yorkshire Railway Company, or either of them, on the other hand, should be empowered to enter into agreements with respect to the matters herein-after mentioned:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also books 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 books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

A.D. 1873.

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.

1. This Act may be cited as the Leeds, Castleford, and Pontefract Junction Railway Act, 1873.

Provisions of Acts herein named incorporated.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway), and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, 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 railway" 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 expression is used were a simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. Sir Charles Hugh Lowther, Baronet, Thomas Davison Bland, James Lowther, John Austin, Thomas Bower, Edgar Breffitt, Thomas Mark Carter, John Henry Garbutt, William Locke, John Warrington, 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 and are hereby united into a Company for the purpose of making and maintaining the railway and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the Leeds, Castleford, and Pontefract Junction Railway 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.

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, 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, seven miles in length, commencing in the township and parish of Garforth, at or near the new station at Garforth on the Leeds and Selby line of the North-eastern Railway, and terminating in the township and parish of Castleford, at or near the new passenger station at Castleford on the York and North Midland line of the same railway:

Railway No. 2, eight chains and thirty links in length, wholly situate in the township and parish of Garforth, commencing by a junction with railway No. 1, and terminating by a junction with the said Leeds and Selby line of the North-eastern Railway:

Railway No. 3, one furlong eight chains and twenty links in length, wholly situate in the township and parish of Castleford, commencing by a junction with railway No. 1, and terminating by a junction with the said York and North Midland line of the North-eastern Railway:

Railway No. 4, six furlongs and four chains in length, wholly situate in the parish of Castleford, commencing at the termination of railway No. 1, and terminating in the township of Houghton by a junction with the Methley and Pontefract branch of the Lancashire and Yorkshire Railway at or near the level crossing of that branch at Cutsykegates.

Capital.

6. The capital of the Company shall be one hundred and twenty thousand pounds in one thousand two 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 such 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 is paid in respect thereof.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at the 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.

A.D. 1873.

Receipt clause in case of persons not sui juris.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole forty thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred and twenty 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.

Arrears may be enforced by appointment of a receiver.

11. 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. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four thousand pounds in the whole.

Debenture stock.

12. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863, but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First ordinary meeting.

14. The first ordinary meeting of the Company shall be held within four months after the passing of this Act.

Number of directors.

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

Qualification of directors.

16. The qualification of a director shall be the possession in his own right of not less than one hundred shares.

Quorum.

17. The quorum of a meeting of directors shall be three.

First directors.

18. Thomas Davison Bland, James Lowther, Thomas Bower, Edgar Breffitt, Thomas Mark Carter, William Locke, and John Warrington 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.

Election of directors.

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 of the Companies Clauses Consolidation Act, 1845, 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.

Lands for extraordinary purposes.

19. 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 twenty acres.

Period for compulsory purchase of lands.

20. 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.

Power to cross a certain road on the level.

21. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may in the construction of railway No. 4 carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the road called Welbeck Street, numbered on the deposited plans 185, in the parish of Castleford: Provided always, that if at any time the North-eastern Railway Company shall carry the said road over their railway by means of a

A.D. 1873.

bridge in lieu of the present level crossing thereof, the Company shall at the same time carry the same road over their railway by means of a bridge of corresponding height and width in lieu of the level crossing hereby authorised.

Height of certain bridges.

22. The Company shall make the bridges for carrying the railway over the roads next herein-after mentioned of any spans not being less than the full widths of such roads respectively, and of any heights not less than the heights herein-after mentioned in connexion with those roads respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height.
	RAILWAY No. 1.		
13	Castleford - -	Public road called Wheldale Lane.	15 feet.
105	Castleford - -	Public road called Redhill Lane.	18 feet.
107	Castleford - -	Turnpike road called Pontefract Road.	18 feet.

Widths of certain roadways.

23. The Company shall make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the full widths of such roads respectively; (that is to say,)

No. on Plan.	Parish.	Description of Roadway.
	RAILWAY No. 1.	
21	Castleford - -	Occupation road called Cemetery Lane.
	RAILWAY No. 4.	
202	Castleford - -	Occupation road called Oxford Street.
226	Castleford - -	Occupation road called Nicholson Street.

Junctions with North-eastern Company's railways to be approved by their engineer.

24. Railways Nos. 2 and 3 shall join the railways of the North-eastern Railway Company at such points, in such manner, and with such connecting lines of approach and other works as shall be required or approved by the engineer of that company, and the several provisions in the Railways Clauses Act, 1863, as to junctions shall extend and apply as well to those connecting lines and works as to the junctions with the North-eastern Railway.

Provision as to bridge under North-eastern Railway.

25. The bridge and the works connected therewith for carrying railway No. 1 under the North-eastern Railway shall be made and constructed in a substantial and workmanlike manner, and to the reasonable satisfaction of and according to plans to be previously approved by the engineer of the North-eastern Railway Company, and so as not to endanger or interfere with the security of their railway or to impede the traffic thereof, and shall for ever afterwards be so maintained and kept in good and proper repair by and at the expense of the Company; and the North-eastern Railway Company may require all such precautions to be taken by the Company in constructing, maintaining, and repairing the said bridge and the works connected therewith as their engineer may deem expedient for protecting their railway from injury and the traffic thereon from interruption; and in case any damage or injury shall be caused to their railway, or interruption or injury to the traffic thereon by reason of the said bridge or the works connected therewith, or during the construction, maintenance, use, or repair thereof respectively, the same shall forthwith be made good by the Company to the North-eastern Railway Company, or that company may make good such damage or injury to their railway and recover the costs and expenses thereof, and also compensation for such interruption or injury to their traffic as aforesaid, from the Company in any court of competent jurisdiction.

North-eastern Railway Company's property not to be purchased compulsorily, and interference therewith restricted.

26. The Company shall not purchase or take compulsorily any land or property of the North-eastern Railway Company, but they may purchase and acquire from that company an easement or right of constructing and maintaining the railways on and through the property of that company, in accordance with the provisions of this Act, nor (save only so far as may be necessary for the purpose of constructing the railways and the said junctions, connecting lines, and works as aforesaid, and maintaining the same) shall the Company or any person in the execution of this Act in any manner, either temporarily or permanently, enter upon, use, or interfere with the railways or property of the North-eastern Railway Company, except with their consent in writing first obtained.

Limitations as to certain lands to be taken for railway No. 1.

27. Nothing in this Act shall extend to authorise the Company in the construction of railway No. 1 to take any part of the lands numbered on the deposited plans of that railway 13, in the parish of Ledsham, other than that which is comprised within the limits of deviation shown on the same plans, without the previous consent in writing of the owner for the time being of those lands.

Provision for escape of flood waters

28. In constructing railway No. 1 through Ledstone Ings, in the parish of Ledsham, and Castleford Ings, in the parish of Castle-

A.D. 1873.

in Ledsham and Castleford.

ford respectively, the Company shall make the openings herein-after described in the embankments shown on the deposited sections of that railway, that is to say, one opening in the embankment upon Ledstone Ings, and one opening in the embankment upon Castleford Ings, and such openings shall respectively have a clear open space of not less than one hundred yards exclusive of any piers or pillars for the support of the railway, and shall be made in such positions as will enable flood waters to escape most freely.

As to construction of bridge over River Aire.

29. The bridge for carrying railway No. 1 over the River Aire, below Bulholme Clough, shall be an iron girder bridge with stone or brick abutments, and shall span the said river and the towing-path on the south side thereof by one span of not less than one hundred and sixty feet measured on the square, with a clear headway throughout of not less than twenty-eight feet between the under side of the girders and the surface level of the water of the river there at times when the surface level of the water of the river at Bulholme Clough Lock is ten feet above the lower sills of the said lock. And the Company shall construct a substantial towing-path wall on the south side of the river underneath and for a distance of thirty feet on each side of the said bridge, and the top of such wall shall throughout be on a level with the highest part of the towing-path adjacent thereto, and the Company shall fill in to the same level, and properly macadamize the space behind and co-extensive with such wall.

The said bridge and towing-path wall, and all works connected therewith, and all temporary works during the construction thereof, shall respectively be built and constructed under the inspection and to the satisfaction of the engineer for the time being of the undertakers of the navigation of the Rivers Aire and Calder (herein-after called "the undertakers"), and according to plans, sections, and specifications to be approved by such engineer and the engineer of the Company, or (if they disagree) by an umpire to be appointed by them, or by the Board of Trade on the application of either party.

Navigation and towing-path not to be interrupted.

30. During the construction and any subsequent repair of the said bridge, or of any works connected therewith, the Company shall, except with the consent of the undertakers, leave open and uninterrupted a navigable waterway thereunder of a width of not less than sixty feet, with eight feet depth of water throughout, and twenty-five feet height above the surface level of the water there as herein-before defined, and shall construct on the south side of and immediately adjoining such navigable waterway a towing-path not less than nine feet in width, and not lower in any part than the existing towing-path there, and the towing-path so to be con-

structed shall at all times during the construction and repair of the said bridge remain open for traffic without any obstruction between the same and the said waterway, and such waterway shall be at all times provided with proper dolphins up stream and down stream, and shall be properly lighted with red lights every night from sunset to sunrise, and immediately after the completion of the said bridge the Company shall remove everything which may interfere with the free waterway thereunder, and also take from and out of the bed of the river all obstructions caused by, or during, or placed therein for the execution of the works of the Company.

Penalty for interrupting navigation.

31. In case by reason of the execution of any of the works of the Company, or of any defect therein, any vessel navigating the said river shall be impeded, or if the navigable waterway or towing-path herein-before required to be preserved during the progress of such works shall at any time be contracted to a less width, depth, or height than that herein-before prescribed, then and in every such case the Company shall pay to the undertakers a penalty of ten pounds for every hour during which any such impediment or contraction shall continue, and if such impediment or contraction shall continue beyond seventy-two consecutive hours, or shall have been occasioned by any wilful act on the part of any person employed by the Company, then and in every such case the Company shall pay to the undertakers the sum of twenty pounds for every hour during which such impediment or contraction shall continue, and the undertakers may sue for and recover such penalties, together with full costs of suit, in any court of competent jurisdiction; provided that nothing herein contained shall extend to prevent the undertakers from recovering against the Company any special damage that may be sustained by them by reason of any act or default of the Company, in respect of which such penalties are imposed, beyond the amount of such penalty or penalties, and they are hereby authorised to sue for and recover such special damage accordingly.

River Aire and tributaries not to be diverted.

32. Except for the purposes and in manner herein-before provided, the Company shall not (without the consent of the undertakers under the hand of their clerk first obtained for the purpose), in any manner, either permanently or temporarily, divert or interfere with the River Aire, or the towing-path or banks thereof, or intercept any water now flowing into or supplying the said river or any of the canals or works of the undertakers, save only so far as may be necessary for constructing the works hereby authorised, and wherever in the execution of any of their works the Company divert, interrupt, or interfere with the passage of any such water, they shall forthwith restore such water to its original course, or execute

A.D. 1873.

culverts and other works proper and sufficient for securing the full flow of such water into the said river, canals, or works respectively, at the same level as that at which it previously entered the same.

Access to navigation not to be interfered with.

33. In order that the works hereby authorised may not occasion any impediment to the conveyance of coal and other things to and from the Aire and Calder navigation, the Company shall, in carrying any railway by this Act authorised over any tramroad, railroad, or other road now made or used for such conveyance to or from any part of the said navigation, construct and maintain a good and substantial bridge or archway of iron, stone, or brick, or of those materials or some of them combined, and if by a single span of not less than twenty feet, or if by two spans of not less than ten feet each, over each such tramroad, railroad, or other road, and with a clear headway above the level thereof of not less than nine feet.

Company to maintain bridges, &c. in good repair.

34. The Company shall, at all times after the completion of the several bridges and archways and towing-path wall hereby required to be constructed by them, maintain the same, and the approaches, side slopes, banks, and fences of the said railways, and all culverts under and by the side of the said railways respectively, in good and efficient repair and condition, and if the Company shall fail so to do the undertakers may put the same into good and efficient repair and condition, and recover the cost incurred by them in so doing from the Company, with full costs of suit, in any court of competent jurisdiction.

Saving rights of the Aire and Calder navigation.

35. Save as herein-before expressly mentioned, nothing in this Act contained shall extend or be construed or deemed to extend to extinguish, abridge, interrupt, prejudice, or affect any of the rights, powers, privileges, or authorities vested in or exercised by the undertakers of the navigation of the rivers Aire and Calder.

Company to make bridge or arches in certain estates for accommodation of mines.

36. In order the better to secure means of communication with the Aire and Calder navigation from works which may hereafter be established for getting minerals or for other purposes, and in addition to the accommodation works to which any person may be entitled under the Lands Clauses Consolidation Act, 1845, the Company shall, whenever the owner of any such minerals in the lands of Sir Charles Hugh Lowther, Thomas Davison Bland, and the Reverend Charles Wheler respectively, or any person claiming under him, shall dig, make, or sink, or be about to dig, make, or sink any mine, pit, or winning, or shall commence or be about to commence working any such minerals, or whenever the owner of any such lands shall commence the erection thereon of any works requiring such communication, forthwith from time to time, at their own

expense, when requested so to do by such owner or person, make such communication upon the lands of such owner and of the Company either on the level of the railway or by means of bridges over or archways under the same, as may be necessary for the proper accommodation of such works, and for carrying away the minerals therefrom, and if any difference shall at any time arise with respect to the mode of constructing or the situation or maintenance of any such communication, or the time within which the same shall be made, the same shall be from time to time determined at the expense of the Company by an engineer to be appointed by the Board of Trade upon the application of either party, and the decision of such engineer shall be final and conclusive upon all parties interested: Provided nevertheless, that the Company shall not be required to construct more than one such communication in the lands of each of them the said Sir Charles Hugh Lowther, Thomas Davison Bland, and Charles Wheler respectively: Provided also, that if the owner for the time being of any such lands or works, or of any other lands or similar works, or any person claiming under him, shall require any further means of communication than those herein-before provided, the Company shall at the expense of such owner or person at any time make on the lands of such owner and the lands of the Company such further works as he shall think necessary, and as shall be agreed to by the Company, or in case of difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party.

Authorising construction of siding by owner of Ledstone estate.

37. The Company shall allow the Reverend Charles Wheler, or the owner for the time being of the Ledstone estate, to make and at his own expense to maintain a siding from his said estate to the said railway No. 1, at some point to be agreed on by the engineer of the Company, provided that such siding shall be constructed under the direction of such engineer.

Junction with the Lancashire and Yorkshire Railway.

38. Nothing contained in this Act, nor in the deposited plans and sections, shall authorise the Company to enter upon, take, use, or interfere with the railway, lands, or works of the Lancashire and Yorkshire Railway Company in the township of Houghton, in the west riding of the county of York, excepting for the purpose of making the junction by this Act authorised between the railway No. 4 herein-before described and the Lancashire and Yorkshire Railway, further or otherwise than is provided for by the Railways Clauses Act, 1863, relating to junctions.

Notice to be given of taking

39. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or

A.D. 1873.

houses of labouring classes.

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.

40. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of six thousand six hundred pounds three pounds per centum consolidated bank annuities, being equal in value to five per cent. upon the sum of one hundred and twenty thousand pounds, the amount of the estimate in respect of the railway, has been transferred to the account of the Paymaster-General for the time being on behalf of 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 Act, the said sum so transferred as aforesaid in respect of the application for this Act shall not be paid 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 railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade 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 railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade 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 above-mentioned Act to the contrary notwithstanding.

Application of deposit.

41. The said sum transferred 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 railway 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 to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid 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 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: Provided that until the said sum has been repaid to the depositors or has 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.

Period for completion of works.

42. If the railway is 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 railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls for passengers.

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

In respect of passengers conveyed upon the railway:

For every person conveyed in any carriage, twopence per mile; and if conveyed in a carriage belonging to the Company, an additional sum of not exceeding one penny per mile.

In respect of animals conveyed upon the railway:

Class 1. For every horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon

A.D. 1873.

a carriage belonging to the Company, an additional sum of not exceeding one penny per mile:

Class 2. For every ox, cow, bull, or head of neat cattle, twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of not exceeding one penny per mile:

Class 3. For every calf, sheep, pig, lamb, or other small animal, one penny per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of not exceeding one halfpenny per mile.

Tolls for goods.

44. In respect of goods conveyed upon the railway:

Class 4. For all dung, compost, and all sorts of manure (other than guano and artificial manure), and all undressed materials for the repair of highways, and for all coals, culm, cinders, cannel, ironstone, iron ore, limestone, chalk, sand, slag, and clay (except fire-clay), per ton per mile one penny farthing; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of not exceeding one halfpenny:

Class 5. For all coke, charcoal, pitwood, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, slates, salt, fire-clay, and stone, per ton per mile one penny three farthings; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of not exceeding one halfpenny:

Class 6. For all sugar, grain, corn, flour, guano and other artificial manures, hides, dyewoods, earthenware, timber, staves, deals, lead ore, pig lead, and other 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 not exceeding 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 not exceeding 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 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.

45. The tolls which the Company may demand for the use of engines for propelling carriages on the railway 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.

46. The following provisions and regulations shall be applicable 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 three miles the Company may demand tolls and charges as for three miles:

For a fraction of a mile beyond three 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 number 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, 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.

47. And with respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act the Company may demand and take tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway:

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

A.D. 1873.

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:

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:

And for any parcel exceeding two hundred and fifty 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 in 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 on the railway:

For the carriage of 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 may think fit, not exceeding sixpence per ton per mile:

For the carriage of 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 eight tons, the Company may demand such sum as they think fit.

Maximum rates for passengers.

48. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, 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, threepence per mile:

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

For every passenger conveyed in a third-class carriage, one penny halfpenny per mile.

Maximum rates for animals and goods.

49. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway and waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable sum 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 three farthings per ton per mile:

For everything in Class 5, twopence farthing 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 or conveyed on a truck or platform, per mile sixpence; and if weighing more than one ton, one penny halfpenny for every quarter of a ton or fraction of a quarter of a ton which such carriage may weigh above one ton.

Passengers luggage.

50. Every passenger travelling upon the railway 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.

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

Restrictions as to charges not to apply to special trains.

52. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway (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 railway.

A.D. 1873.

Company may take increased charges by agreement.

53. 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 services 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 enter into agreements for use of stations and lines of railway at Garforth and Castleford.

54. The Company and the North-eastern Railway Company may from time to time, subject to the provisions of Part III. of the Railways Clauses Act, 1863, enter into agreements for and with respect to the Company working into and using the stations at Garforth and Castleford respectively of the North-eastern Railway Company, and the line of railway leading into and the sidings, works, and conveniences connected with those stations respectively.

Power to enter into working agreements with North-eastern and Lancashire and Yorkshire Railway Companies.

55. The Company on the one hand and the North-eastern Railway Company and the Lancashire and Yorkshire Railway Company, or either of them, on the other hand, may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The maintenance and management by the contracting Companies or Company of the railway, and of the works connected therewith:

The use or working by the contracting Companies or Company of the railway, and the conveyance of traffic thereon:

The supply of rolling or working stock and of officers and servants by the contracting Companies or Company for the conduct or conveyance of the traffic on the railway:

The payments to be made and the conditions to be performed in reference to such maintenance, management, working, and use:

The interchange, transmission, forwarding, and delivery of traffic coming from or destined for the railway or respective railways of the contracting Companies or Company:

The fixing and collecting of the tolls, rates, and charges to be demanded, taken, and recovered in respect of such traffic, and the division and apportionment of the receipts arising from such traffic.

Tolls on traffic conveyed partly on the railway and partly on the railways of

56. During the continuance of any agreement to be entered into under the provisions of this Act, for the working of the railway by the North-eastern Railway Company and the Lancashire and Yorkshire Railway Company, or either of them, or for the use by the Company of the railway of the North-eastern Railway Company,

other Railway Companies.

the railways of the Company and of the North-eastern Railway Company or the Lancashire and Yorkshire Railway Company, as the case may be, shall for the purposes of short-distance 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 and partly on the railway of the North-eastern Railway Company or the Lancashire and Yorkshire Railway Company, as the case may be, for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three 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 three 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 and partly on the railway of the North-eastern Railway Company or the Lancashire and Yorkshire Railway Company, as the case may be.

Saving rights of the Duchy of Lancaster.

57. Nothing contained in this Act shall extend or operate to authorise the Company to take, use, enter upon, or in any manner interfere with any land, soil, water, or hereditaments, or any manorial rights, or any other rights of whatsoever description belonging to Her said Majesty in right of her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give), or take away, prejudice, or diminish any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by Her Majesty, her heirs or successors, in right of her said duchy.

Interest not to be paid on calls paid up.

58. 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.

59. 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.

A.D. 1873.

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

60. Nothing in this Act contained shall exempt the railway 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.

61. 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.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1873.