CHAPTER xxxviii.

An Act to empower the Leeds, Castleford, and Pontefract Junction Railway Company to make additional Railways and to abandon portions of their authorised Railways; and for other purposes. [30th June 1874.]

A.D. 1874.

WHEREAS the Leeds, Castleford, and Pontefract Junction Railway Company (in this Act called "the Company") were by the Leeds, Castleford, and Pontefract Junction Railway Act, 1873, (in this Act called the Act of 1873,) incorporated with power to construct the several railways in that Act mentioned and described: 36 & 37 Vict. c. clxxvi.

And whereas it is expedient that the Company should be empowered to construct the railways by this Act authorised in substitution for portions of the railways authorised by the Act of 1873, and to abandon the said portions of their authorised railways:

And whereas it is expedient that the Company should be empowered to run over and use with their engines and carriages, officers and servants, the portion in this Act described of the railway of the North-eastern Railway Company:

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:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and

A.D. 1874.

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, 1874.

Provisions of certain general Acts incorporated.

2. The following Acts and parts of Acts are, except where expressly varied by this Act, incorporated with and form part of this Act; (that is to say,)

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

The Railways Clauses Consolidation Act, 1845; and

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

Interpretation.

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 railway" means the railways by this Act authorised; and for the purposes of this Act, 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.

Power to make railways according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain in the lines 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 will be wholly situate in the west riding of the county of York, and are—

1. A railway on the deposited plans referred to as railway No. 2 (4 furlongs 8·50 chains in length), commencing in the parish of Castleford by a junction with the railway No. 1, described in and authorised by the Act of 1873, and terminating in the same parish by a junction with the York and North Midland line of the North-eastern Railway:
2. A railway on the deposited plans referred to as railway No. 4 (1 furlong 4·50 chains in length), commencing in the parish of Castleford by a junction with the railway No. 4 described

in and authorised by the Act of 1873, and terminating in the same parish by a junction with the York and North Midland line of the North-eastern Railway.

Railways to be part of Company's undertaking.

5. The railways shall for all purposes whatever, including the demanding and recovering of tolls, rates, and charges, be part of the Company's undertaking: Provided always, that the Company shall not demand any higher tolls, rates, or charges in respect of the use of the railway than those authorised by the Act of 1873.

Power to apply corporate funds to purposes of Act.

6. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have power to raise by shares, debenture stock, or mortgage by virtue of the Act of 1873, and which may not be required for the purposes to which they are by that Act made specially applicable.

Powers for compulsory purchases limited.

7. The powers by this Act conferred upon the Company for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Restricting Company from taking certain lands.

8. Nothing in this Act contained shall authorise the Company to enter upon, take, or use any of the lands numbered on the deposited plans 248 and 249 in the parish of Castleford, and 23 and 24 in the parish of Ferry Frystone, without the previous consent in writing of the trustees for the undertakers of the Navigation of the Rivers Aire and Calder.

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

9. 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 and maintaining the railways) 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.

Providing for repayment of deposit money.

10. 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 three thousand one hundred and eighty-four pounds sixteen shillings and sixpence consolidated three pounds per centum annuities, representing the sum of two thousand nine hundred and thirty-eight pounds sterling, the last-mentioned sum being five per centum upon the amount by which

A.D. 1874.

the estimate of the railways originally proposed to be authorised by this Act exceeded the estimate of the railways and portions of railway originally proposed to be abandoned, was transferred into the Court of Chancery in England in respect of the application to Parliament for this Act: And whereas the estimate of the substituted railways by this Act authorised does not exceed the estimate of the railways and portions of railways by this Act authorised to be abandoned, and for which the same are to be substituted: Therefore, sections 40 and 41 of the Act of 1873 shall be read as if the railways therein referred to had been the railways authorised by the said Act and this Act, other than the railways and portions of railways by this Act authorised to be abandoned, and the said Court of Chancery may and shall, on the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of Her present Majesty, or the survivor of them, or the executors or administrators of such survivor, order that the said sum of three thousand one hundred and eighty-four pounds sixteen shillings and sixpence consolidated three pounds per centum annuities shall be transferred and paid to the persons or person so applying, or to such other persons or person as they or he may appoint in that behalf.

Period for completion of railway.

11. If the railway is not completed within four 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.

Company to abandon portions of authorised railways.

12. The Company shall abandon the construction of the undermentioned portions of the railways which they were by the Act of 1873 authorised to construct; (that is to say,)

So much of railway No. 1 of the Act of 1873 as will lie between the authorised termination thereof and the junction therewith of the railway firstly by this Act authorised:

Railways Nos. 2 and 3 of the Act of 1873:

So much of the railway No. 4 of the Act of 1873 as will lie between the authorised commencement thereof and the junction therewith of the railway secondly by this Act authorised.

Provided always, that notwithstanding such abandonment the Company may purchase, acquire, retain, and hold and apply to other purposes of their undertaking the lands and buildings numbered on the deposited plans and books of reference referred to in the Act of 1873, 108 to 124, both inclusive, and 129 and 130, all in the parish of Castleford.

Compensation for damage to land by entry, &c. for purposes of railways abandoned.

13. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the Act of 1873.

Compensation to be made in respect of portions of railways abandoned.

14. Where, before the passing of this Act, any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to use portion of North-eastern Railway.

15. The Company may pass over and use with their engines and carriages, clerks, officers, and servants, and for traffic of every description, the portion herein-after described of the railway of the North-eastern Railway Company or any part or parts thereof, together with the stations, watering places, water, booking offices, warehouses, wharves, sidings, approaches, works, and conveniences connected therewith; (that is to say,)

So much of that Company's York and North Midland line as lies between the respective junctions therewith of the railways by this Act authorised, including the stations of that Company at Castleford.

Terms and conditions of exercise of

16. The terms, conditions, and regulations to which the Company shall be subject in respect of the use of the said portion of railway,

A.D. 1874.

the last-mentioned power.

and the rent, tolls, or other consideration to be paid by the Company for the same, if not agreed on between the Company and the North-eastern Railway Company, shall from time to time be determined by an arbitrator to be appointed for that purpose by the Board of Trade upon the application of either party.

The decision of any such arbitrator shall be binding and conclusive on the two Companies, and the costs and expenses of the arbitrator shall be defrayed as he shall direct.

Tolls on traffic conveyed partly on Company's railway and partly on North-eastern Railway.

17. During the exercise by the Company of the powers by this Act conferred upon them of using the before-mentioned portions of railway, that portion of railway and the railways of the Company 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 one railway and partly on the other railway 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 one railway and partly on the other railway.

Byelaws to be observed by the Company in using North-eastern Railway.

18. The Company in using or traversing the before-mentioned portion of railway in accordance with the provisions herein-before contained shall at all times observe the regulations and byelaws for the time being in force on the portion of railway so used or traversed, so far as those byelaws are applicable to the Company.

Providing for costs of Board of Trade in arbitration.

19. All costs, charges, and expenses paid or incurred by the Board of Trade in connexion with any arbitration or with respect to the appointment of an arbitrator under the provisions of this Act, shall be paid to the Board of Trade by the parties to any arbitration or either of them, as the Board may in their discretion determine, and the amount of such costs, charges, and expenses shall be a debt due from such parties or either of them, as the Board may determine, to the Crown, and shall be recoverable accordingly; provided that the Board shall not be bound to appoint any such arbitrator until sufficient security to their satisfaction be found by the said parties or either of them for the payment of any such costs, charges, and expenses which the Board may award against the said parties or either of them.

Power to Company and North-eastern Railway Company to enter into agreements.

20. The Company and the North-eastern Railway Company may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended by the Regulation of Railways Act, 1873, from time to time make and enter into and carry into effect agreements with respect to the user by the Company of the said portion of railway.

Saving rights of the Duchy of Lancaster.

21. 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 the Queen's most Excellent 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.

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

22. Nothing herein contained shall exempt the Company or 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 to be taken by the Company.

Expenses of Act.

23. 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. 1874.