CHAPTER cxxix.

An Act for enabling the North-eastern and London and North-western Railway Companies to extend and enlarge the Leeds New Railway Station, and to make an approach thereto; and for other purposes. [16th July 1874.] A.D. 1874.

WHEREAS it is expedient that the North-eastern Railway Company (in this Act called "the North-eastern Company") and the London and North-western Railway Company (in this Act called "the North-western Company") should be empowered to extend and enlarge their joint station at Leeds, in the west riding of the county of York, called the Leeds New Railway Station, and to construct the new road or approach to that station herein-after described, and to raise further capital for the purposes of this Act:

And whereas plans and sections showing the lines and levels of the works 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 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, in manner following; (that is to say,)

1. This Act may be cited for all purposes as The Leeds New Railway Station Enlargement Act, 1874. Short title.

A.D. 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;

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

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; namely,

The construction of the Act and of other Acts to be incorporated therewith;

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company;

The powers of the directors and the powers of the Company to be exercised only in general meeting;

The making of dividends;

The giving of notices; and

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

Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863.

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; provided that the expression "the Company" when used in those Acts shall mean the North-eastern Railway Company and the London and North-western Railway Company, and also where necessary either of those Companies separately; the expression "the Companies" when used in this Act means the North-eastern Railway Company and the London and North-western Railway Company; 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 enlarge station and make new road.

4. Subject to the provisions of this Act the Companies may make in the township and parish of Leeds, in the west riding of the county of York, in the lines and according to the levels shown on the deposited plans and sections, the extension and enlargement of station and the new road herein-after described, with all proper sidings, lines, approaches, works, and conveniences connected therewith respectively, and may exercise the powers herein-after mentioned, and may enter upon, purchase, 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 those and other purposes; (that is to say,)

(1.) They may extend and enlarge the Leeds New Railway Station on the south side thereof for about five hundred and sixty-six yards in length, from the east side of a private road leading from the Leeds and Liverpool Canal to Waterloo Ford to a point on the Leeds extension line of the North-eastern Railway about seventy-five yards west of the western abutment of the bridge carrying that line over Briggate, Leeds:

(2.) They may make and maintain a new road or approach to the said station commencing from and out of Boar Lane, Leeds, at a point thereon opposite to Albion Street, and terminating at a point about eight yards north of and in a line with the west abutment of the bridge carrying the Leeds New Station lines of railway over Neville Street:

(3.) They may stop up and discontinue as a road and appropriate to the purposes of the Companies so much of Little Neville Street as is situate between the northern junction thereof with Neville Street and a point about forty-seven yards, measured in a southerly direction, from the south end of the western abutment of the arch carrying the Leeds New Station lines of railway over Little Neville Street, and all rights of way in or over the said portion of street are hereby extinguished:

And the said extension and enlargement of station and the works connected therewith shall, so far as relates to the share or interest of each of the Companies therein for the purposes of tolls and charges, and for all other purposes, become and be part of the undertaking of that Company.

A.D. 1874.

Restrictions as to use of land belonging to the Leeds and Liverpool Canal Company by the Companies.

5. The Companies shall not under the provisions of this Act take or enter upon any land or property of the Company of Proprietors of the Canal Navigation from Leeds to Liverpool (in this Act called the Canal Company), except so much of such land or property as is situated on the north side of a red line marked at its extremities A and B on a plan signed in duplicate by Charles Blacker Vignoles and Thomas Elliot Harrison, of Westminster, civil engineers, one of such plans being in the possession of the Companies and the other in the possession of the Canal Company (which plans are herein-after mentioned as the signed plans). And the Companies shall not enter upon or acquire any easement or right in accordance with the provisions of this Act in any part of such land or property on the north of the said red line, except such part or parts thereof as shall be particularly mentioned and described by a notice in writing under the hands of the secretaries or secretary of the joint committee of the Companies, to be given in accordance with the provisions of section 18 of the Lands Clauses Consolidation Act, 1845, and to be delivered to the law clerk or engineer of the Canal Company within twelve months from the passing of this Act.

Companies to make a bridge for traffic of Leeds and Liverpool Canal Company.

6. Before the Companies, under the powers and according to the provisions of this Act, enter upon or acquire any easement or right in any part of the lands or property of the Canal Company, the Companies shall, at their own expense, for the accommodation of the traffic of the Canal Company, remove the present girder bridge across the River Aire on the south side of the present station, and replace the same across the said river at or near the point marked C on the said plan, and form an approach thereto from Little Neville Street, and in continuation thereof over the lands numbered on the deposited plans 19 and 20, and the level of the said approach and of the roadway over the said bridge shall be the same as that of Little Neville Street at the point of junction of the said approach road therewith, and the Companies shall add proper parapets to the said bridge, and a footway on one side of the width of at least four feet; and in case any difference shall arise between the respective engineers for the time being of the Companies and of the Canal Company with reference to the construction of the said bridge and of the approach thereto, the same shall be settled by an umpire to be appointed by those engineers in the manner provided by the Railways Clauses Consolidation Act, 1845, for the appointment of an umpire between arbitrators appointed under the provisions of that Act with respect to the settlement of disputes by arbitration.

Construction of works over the canal and

7. The extension of station and works by this Act authorised shall be carried over and above the canal basins, warehouses, and

other works and property of the Canal Company by means of arches or girders supported on piers or pillars, so as to leave the said canal basins, warehouses, and other works and property, so far as may be, accessible and open for use at all times, and so as to leave sufficient space to allow the Canal Company to extend their existing dock under such arches or girders with a width of thirty-six feet up to the present boundary of the property of the Companies, and the position of such piers or pillars, and the heights of such arches or girders (not being less than the heights of the existing arches or girders over the adjacent property of the Canal Company), and the lighting of the spaces beneath such arches or girders, and all other details of an engineering character connected therewith or affecting the said portion of the property and works of the Canal Company, shall be agreed upon between the respective engineers for the time being of the Companies and the Canal Company, or failing such agreement, shall be determined by an umpire to be appointed by those engineers in the manner provided by the Railways Clauses Consolidation Act, 1845, for the appointment of an umpire between arbitrators appointed under the provisions of that Act with respect to the settlement of disputes by arbitration; and the Companies shall not purchase or take compulsorily any more of the said portion of the property of the Canal Company than shall be necessary for the sites of the said piers and pillars, with the right to make and from time to time to repair and maintain the said arches or girders over the said canal basins and other works and property of the Canal Company, and to construct, repair, maintain, and use in perpetuity the extension of station and works by this Act authorised upon, over, and above those arches and girders.

property of the Leeds and Liverpool Canal Company.

8. The Companies shall make good all damage that may be occasioned to the works and property of the Canal Company by the construction, renewal, or want of repair of the extension of station and works by this Act authorised to be made over their property; and if for seven days after notice in writing given by the Canal Company the Companies neglect to proceed with due diligence to make good such damage, the Canal Company may, if they think fit, make good the same, and the amount expended by them in so doing shall be paid to them by the Companies: Provided always, that in any case of pressing necessity the Canal Company may proceed to make good such damage and recover payment for the same without giving such notice as aforesaid.

Damages to Leeds and Liverpool Canal to be made good.

9. In case by reason or in the execution of the extension of station and works by this Act authorised, the said canal basin or the towing-path adjacent thereto shall be by any act or omission

Navigation of the Leeds and Liverpool Canal

A.D. 1874.

not to be obstructed.

of the Companies obstructed or be rendered impassable or dangerous for boats, barges, or other vessels navigating or using the same, then the Companies shall pay to the Canal Company as or by way of ascertained damages the sum of fifty pounds for every day during which the said canal basin and towing-path shall be so obstructed or rendered impassable or dangerous, and so in proportion for any less time than one day; and in default of payment of the said sum, on demand being made on the secretaries or secretary of the joint committee of the Companies, any two or more of Her Majesty's justices of the peace for the west riding of the county of York are hereby empowered, on application to them made by the Canal Company, or by any person or persons by them authorised by warrant under their hands and seals, to cause the amount of such sum or sums of money to be levied by distress and sale of any goods and chattels of the Companies, and to be paid to the Canal Company or to their treasurer or clerk for the time being, rendering the overplus (if any) on demand, after deducting the reasonable charges for making such distress and sale, and the costs and expenses of hearing and determining the matter in dispute, to the secretaries or secretary of the joint committee of the Companies for the use of the Companies, otherwise the Canal Company may sue for and recover the same, together with costs of suit, against the Companies in any court of competent jurisdiction.

Railway Companies to be liable for special damage.

10. Nothing in this Act contained shall prevent the Canal Company from recovering against the Companies any special damage that may be sustained by the Canal Company in consequence of the works to be executed by the Companies, or by the Canal Company for the Companies, under the provisions herein-before contained, or by reason of any water, in consequence of those works, oozing or escaping from the canal, or on account of any act, work, neglect, or default of the Companies not herein specifically provided for, and the Canal Company may sue for and recover such damage accordingly.

Compensation money to be paid to the Canal Company to be fixed by arbitration and paid, with interest, on conveyance being executed.

11. The compensation money to be paid by the Companies to the Canal Company for all easements and rights in and over and interference with the aforesaid portions of their property under the provisions of this Act shall be such sum as shall be fixed by the said Charles Blacker Vignoles and Thomas Elliot Harrison, or failing their so doing, then by an umpire to be appointed by them in the manner provided by the Railways Clauses Consolidation Act, 1845, for the appointment of an umpire between arbitrators appointed under the provisions of that Act with respect to the settlement of disputes by arbitration; and the sum so fixed shall be paid by the

Companies to the Canal Company within fifteen calendar months after the passing of this Act, with interest thereon at the rate of four pounds per centum per annum from that date until the actual payment thereof, or from any earlier date at which the Companies shall require and obtain possession of the easements and rights required and allowed by this Act to be taken by them, the Canal Company upon such payment executing to the Companies a conveyance free from all incumbrances of the easements and rights to be acquired by them under this Act: Provided always, that in estimating the compensation money to be paid by the Companies to the Canal Company and in reduction thereof, regard may be had by the arbitrators or umpire to the increased value, if any, of the remaining lands of the Canal Company occasioned by the construction of the said bridge and approach.

Saving rights of Leeds and Liverpool Canal Company.

12. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the rights, privileges, property, powers, or authorities of the Canal Company.

For protection of Corporation of Leeds.

13. The powers of this Act shall be exercised subject to and in accordance with the following provisions for the protection of the Corporation of Leeds:

(1.) The bridge for carrying the extension and enlargement of the station over Neville Street shall not extend south of the existing railway bridge over that street for a greater distance than forty-eight yards, measured from the southern side of that bridge, in a line down the centre of Neville Street.

(2.) For the purpose of affording light and ventilation to Neville Street there shall be left and maintained at some part of the extended bridge, at that part of the street which lies south of the said existing bridge, an open space of not less than ten feet in breadth, measured in the line of the centre of the street, extending for the entire width of the carriageway of Neville Street, and glass shall be inserted in the sides of the two supporting girders for the new station platform where the same will be carried over Neville Street.

(3.) The Corporation may place and maintain on that part of Neville Street which will be covered by the said bridge, and is at present covered over, a sufficient number of gas lamps, and keep the same lighted by day and by night, and the Companies shall pay to the Corporation half yearly

A.D. 1874.

Company; and no shareholder shall vote or be entitled to be present at the meetings of that Company in respect of any number of such new shares or any amount of such new stock which, with any other shares or stock held by him in that Company, shall constitute a less interest in the capital stocks of that Company than fifty pounds in nominal value.

North-eastern new shares or stock to rank pari passu with others if so determined, and the dividends to be a charge against revenue.

21. The North-eastern Company may, by the resolution creating or authorising the creation of any of the new shares or stock by this Act authorised, determine that such new shares or stock shall rank pari passu with any other shares or stock of that Company created subsequently to the passing of that resolution, and also, if so determined, with any other shares or stock which shall have been created and issued subject to such a contingency, and the dividends thereon shall be payable accordingly, and shall be a charge upon and payable out of the net revenue of that Company.

North-eastern new shares or stock may be created subject to redemption.

22. The North-eastern Company may, by the resolution creating or authorising the creation of any of the new shares or stock by this Act authorised, attach thereto a condition that the same may be redeemed on the terms then determined.

For the purpose of such redemption and for the redemption of any other shares or stock of that Company liable to be redeemed, that Company may from time to time create and issue new shares or stock to an amount not exceeding the aggregate amount of the shares or stock proposed to be redeemed.

Provided that that Company may, subject to the provisions of this Act, attach to the new shares or stock to be created for such redemption any rights or privileges which by this Act they may attach to the shares or stock for which such new shares or stock are to be substituted, but so that the dividend payable in respect thereof shall, in case such new shares or stock are made preferential, not exceed four pounds ten shillings per centum per annum.

Except as otherwise provided, new shares created by North-western Company to be subject to same incidents as ordinary shares.

23. The share capital created by the North-western Company under this Act, and the shares therein, and the holders of those shares respectively, except any share capital and shares therein to which a preferential dividend is attached and the holders of those shares respectively, shall be subject and entitled to the same powers, provisions, forfeitures, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing ordinary share capital of the North-western Company and those shares were shares in that ordinary capital.

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Dividends on new shares created by

24. Every person who becomes entitled to a share created by the North-western Company under this Act shall in respect of the

same be a shareholder in that Company, and shall be entitled to a dividend, either preferential or ordinary, as the case may be, with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

North-western Company.

Votes and qualifications in respect of shares created by North-western Company.

25. The holders of the shares created by the North-western Company under this Act shall have rights of voting and qualifications in respect thereof on the principle that each sum of one hundred pounds paid up in respect of the shares held by any such holder shall be deemed equivalent to one original share of one hundred pounds in the capital of that Company as prescribed by their Act of incorporation; provided that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up: Provided also, that (unless otherwise specified in any resolution of that Company) no person shall be entitled to vote in respect of any share created under this Act to which a preferential dividend shall be assigned.

North-western Company may create and issue stock in lieu of shares.

26. The North-western Company may raise by the creation of stock the money which they are by this Act authorised to raise by the creation of shares, or any part thereof, and that Company may create and issue such stock either wholly or partially as ordinary or wholly or partially as preferential stock, as they may think fit; and all the provisions of this Act with respect to the shares by this Act authorised to be created by the North-western Company, and the holders thereof, shall, so far as applicable, apply to the stock created under the authority of this present enactment, and the respective holders thereof, as fully and effectually as if those provisions were re-enacted in respect of that stock and the respective holders thereof.

New shares or stock raised by North-western Company under this Act and any other Act of past or present sessions may be of same class.

27. Subject to the provisions of any Act already passed by which the North-western Company are authorised to raise capital by new shares or stock, and to the provisions of this Act and any other Act passed in the present session of Parliament, whether before or after the passing of this Act, by which that Company may be authorised to raise capital by new shares or stock, that Company may, if they think fit, raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock, but nothing in this Act contained shall empower the North-western Company to issue stock to be paid up by instalments.

A.D. 1874.

Power to borrow on mortgage.

28. Each of the Companies may from time to time borrow on mortgage any sums not exceeding forty-one thousand pounds, in addition to the sums which they are or may be authorised to borrow by any other Act or Acts of Parliament, but no part of such sum shall be borrowed until shares for so much of the capital of one hundred and twenty-five thousand pounds by this Act authorised to be raised by the Company desirous of borrowing as is to be raised by shares are issued and accepted and one half thereof is paid up, and the Company borrowing 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 shares for the whole of the said capital have 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 until stock for one half of so much of such capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also if such capital is raised by shares that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company borrowing, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

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

North-western Company may create debenture stock.

30. The North-western 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 on all debenture stock at any time after the passing of this Act created and issued by the North-western Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by that Company, and

shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

31. All mortgages or bonds granted by either of the Companies in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall, during the continuance of such mortgages, have priority over any mortgages to be granted by that Company 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 either of the Companies.

Application of moneys.

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

Provisions as to joint committee, &c. in Leeds New Station Act, 1865, to apply to this Act.

33. The provisions of the Leeds New Railway Station Act, 1865, contained in sections 40 to 62, both inclusive, of that Act shall extend and apply to this Act, and to the works by this Act authorised, as if those works had formed part of the station and works authorised by that Act.

Interest not to be paid on calls paid up.

34. Neither of the Companies shall, 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 either of the Companies 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.

35. Neither of the Companies shall, 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 Companies or either of them to construct any other railway or to execute any other work or undertaking.

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

36. Nothing in this Act contained shall exempt the Companies or either of them 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

A.D. 1874.

maximum rates of fares and charges, or of the rates for small parcels, authorised by any Act of either of the Companies.

Expenses of Act.

37. 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 Companies in equal proportions.

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