



**CHAP. lxxviii.**

An Act to extend the time for the purchase of lands for and for the construction of certain branch railways authorized by the Lancashire and Yorkshire Railway (West Riding Branches, &c.) Act, 1866 ; to authorize the abandonment of a junction railway authorized by that Act ; to confer further powers on the Lancashire and Yorkshire Railway and the London and North-western Railway Companies with respect to certain undertakings vested in them jointly ; and for other purposes. [12th July 1869.]

A.D. 1869.

**W**HEREAS by the Lancashire and Yorkshire Railway (West Riding Branches, &c.) Act, 1866, (in this Act called "the company's Act of 1866,") the Lancashire and Yorkshire Railway Company (in this Act called "the company") were authorized to construct three railways, namely, the Brighouse branch, the Clayton West branch, and a short junction line between the main line and the Barnsley branch of the company's undertaking, and were authorized to raise for those and other purposes of that Act the sum of two hundred and five thousand pounds by shares and sixty-eight thousand pounds by borrowing :

29 & 30 Vict.  
c. lxxi.

And whereas it is expedient that the respective periods by that Act limited for the purchase of lands for the purposes of the Brighouse branch and the Clayton West branch, and for the completion of those railways, should be extended :

And whereas it is expedient that the company should be authorized to abandon the construction of the junction line :

And whereas the undertaking of the North Union Railway Company (herein-after called "the North Union Company") is now vested, under the authority of Parliament, in the London and North-western Railway Company (herein-after called "the North-western Company") and the company in the following proportions ; (that is to say,) the North-western Company are entitled to sixty ninety-fourth

[Ch. lxxviii.] *The Lancashire and Yorkshire* [32 & 33 VICT.]  
*Railway (Extension of Time, &c.) Act, 1869.*

A.D. 1869. parts thereof and the company to thirty-four ninety-fourth parts thereof:

And whereas the undertaking of the Preston and Wyre Railway Harbour and Dock Company (herein-after called "the Preston and Wyre Company") is now vested, under the authority of Parliament, in the North-western Company and the company in the proportions following; (that is to say,) the North-western Company are entitled to one third part thereof and the company to two third parts thereof:

And whereas the undertaking of the Fleetwood, Preston, and West Riding Junction Railway Company (herein-after called "the Fleetwood Company") is now vested, under the authority of Parliament, in the two companies jointly and in equal proportions:

And whereas it is expedient that the North-western Company and the company, as the owners of the before-mentioned undertakings, should be empowered to create and issue debenture stock in lieu of borrowing the monies which, under the provisions of any of the Acts relating to the said undertakings, or any of them, the said companies are authorized to borrow, or in exchange for or instead of the renewal of the mortgages or bonds secured upon or granted in respect of the said undertakings, or any or either of them:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. In citing this Act for any purpose whatsoever it shall be sufficient to use the expression "The Lancashire and Yorkshire Railway (Extension of Time, &c.) Act, 1869."

26 & 27 Vict.  
cc. 92. and  
118. incor-  
porated.

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

Part II. (relating to extension of time) of the Railways Clauses Act, 1863:

Part III. (relating to debenture stock) of the Companies Clauses Act, 1863:

and in construing, in connexion with this Act, Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the words "the company" in that Act shall be held to mean and include the two companies; the word "meeting" shall mean a meeting of each of the two companies; and the word "undertaking" shall mean the



respective undertakings of the North Union Company, the Preston and Wyre Company, and the Fleetwood Company, now vested in the two companies, unless there be something in the subject or the context repugnant to such construction. A.D. 1869.

**3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Interpretation of terms.

The expression "the company" shall mean the Lancashire and Yorkshire Railway Company;

The expression "the North-western Company" shall mean the London and North-western Railway Company;

The expression "the two companies" shall mean the London and North-western Railway Company and the Lancashire and Yorkshire Railway Company;

The expression "the North Union Company" shall mean the North Union Railway Company;

The expression "the Preston and Wyre Company" shall mean the Preston and Wyre Railway Harbour and Dock Company;

The expression "the Fleetwood Company" shall mean the Fleetwood, Preston, and West Riding Junction Railway Company; 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 common simple contract debt, and not a debt or demand created by statute.

**4.** The powers for the compulsory purchase of lands granted by the company's Act of 1866 for the purposes of the Brighouse branch and the Clayton West branch railways by that Act authorized are hereby extended to the eleventh day of June one thousand eight hundred and seventy-one, and on the expiration of that period such powers shall cease. Extension of time for the purchase of lands.

**5.** The time granted by the company's Act of 1866 for the construction and completion of the Brighouse branch and the Clayton West branch railways by that Act authorized is hereby extended to the eleventh day of June one thousand eight hundred and seventy-three; and section twenty-one of the Act of 1866 is hereby repealed. Extension of time for completion of railways.



[Ch. lxxviii.] *The Lancashire and Yorkshire* [32 & 33 VICT.]  
*Railway (Extension of Time, &c.) Act, 1869.*

A.D. 1869.

Imposing  
penalty  
unless lines  
be opened.

6. If the company fail within the period limited by this Act to complete the railways the time for completing which is by this Act extended, the company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost thereof; and the said penalty may be applied for by any landowner or any other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act seventeen and eighteen Victoria, chapter thirty-one, known as the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in the said third section of the Act seventeen and eighteen Victoria, chapter thirty-one, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which the company was prevented from completing or opening the railways respectively by unforeseen accident or circumstances beyond their control, of which prevention, and of the time for which it may have endured, the certificate of the Board of Trade shall be sufficient evidence, and that board, upon production of such proof as they shall deem sufficient, shall grant such certificates accordingly; provided that want of sufficient funds shall not be held to be a circumstance beyond the control of the company.

Providing  
for applica-  
tion of  
penalty in  
compensa-  
tion to par-  
ties injured.

7. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railways respectively 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 the company's Act of 1866, and extended 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 sum or sums of money so recovered by way of penalty as aforesaid shall have been



found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the company.

A.D. 1869.

8. If the railways the time for completing which is by this Act extended shall not be completed within the period limited by this Act, then on the expiration of such period the powers by this Act granted to the company for making and completing the said railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

On expiration of time limited for completion of railways, powers to cease.

9. The company may and shall abandon and relinquish the construction of the railway thirdly described in and authorized by their Act of 1866, being a short junction line in the township of Horbury, in the parish of Wakefield, between the main line and the Barnsley branch of the company's undertaking.

Company to abandon junction line.

10. The abandonment by the company under the authority of this Act of the junction line shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of the Lands Clauses Consolidation Act, 1845, 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 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 in accordance with the provisions in that behalf of the Railways Clauses Consolidation Act, 1845, 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 last-mentioned Act or the company's Act of 1866.

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

11. Where before the passing of this Act any contract may have been entered into or notice given by the company for the purchasing of any land for the purposes of or in relation to the junction line, 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, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of railway abandoned.



[Ch. lxxviii.] *The Lancashire and Yorkshire* [32 & 33 VICT.]  
*Railway (Extension of Time, &c.) Act, 1869.*

A.D. 1869.

Reducing  
capital of  
company  
under Act  
of 1866.

**12.** And whereas it is expedient that the capital of the company should be reduced in consequence of the abandonment of the construction of the junction line: Therefore the capital of the company under their Act of 1866 shall be one hundred and ninety-six thousand pounds instead of two hundred and five thousand pounds as by that Act provided; and the powers of borrowing given to the company by that Act shall be reduced from sixty-eight thousand pounds to sixty-five thousand pounds, and shall be exerciseable as soon as shares for the said sum of one hundred and ninety-six thousand pounds have been issued and taken up, and one half thereof has been paid up, and proof thereof has been given in manner required by the said Act.

Power to  
two com-  
panies to  
create debenture stock  
in respect  
of North  
Union, Pres-  
ton and  
Wyre, and  
Fleetwood  
companies.

**13.** The two companies may from time to time create and issue debenture stock in lieu of borrowing any monies which, under the provisions of any of the Acts relating to the North Union Company, the Preston and Wyre Company, and the Fleetwood Company respectively, the two companies are authorized to borrow, or in exchange for or instead of the renewal of any mortgage or bond granted by the North Union Company, the Preston and Wyre Company, or the Fleetwood Company, or by the two companies as the owners of the undertakings of those companies respectively.

Deposits for  
future Bills  
not to be  
paid out of  
capital.

**14.** The company and the North-western Company respectively shall not, out of any money by any Act relating to them respectively authorized 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 authorizing those companies, or either of them, to construct any other railway or to execute any other work or undertaking.

Railways  
not exempt  
from pro-  
visions  
of present  
and future  
general  
Acts.

**15.** Nothing herein contained shall be deemed or construed to exempt the railways of the company or the North-western Company 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, authorized by any Act relating to the said companies or either of them.

Expenses of  
Act.

**16.** 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.