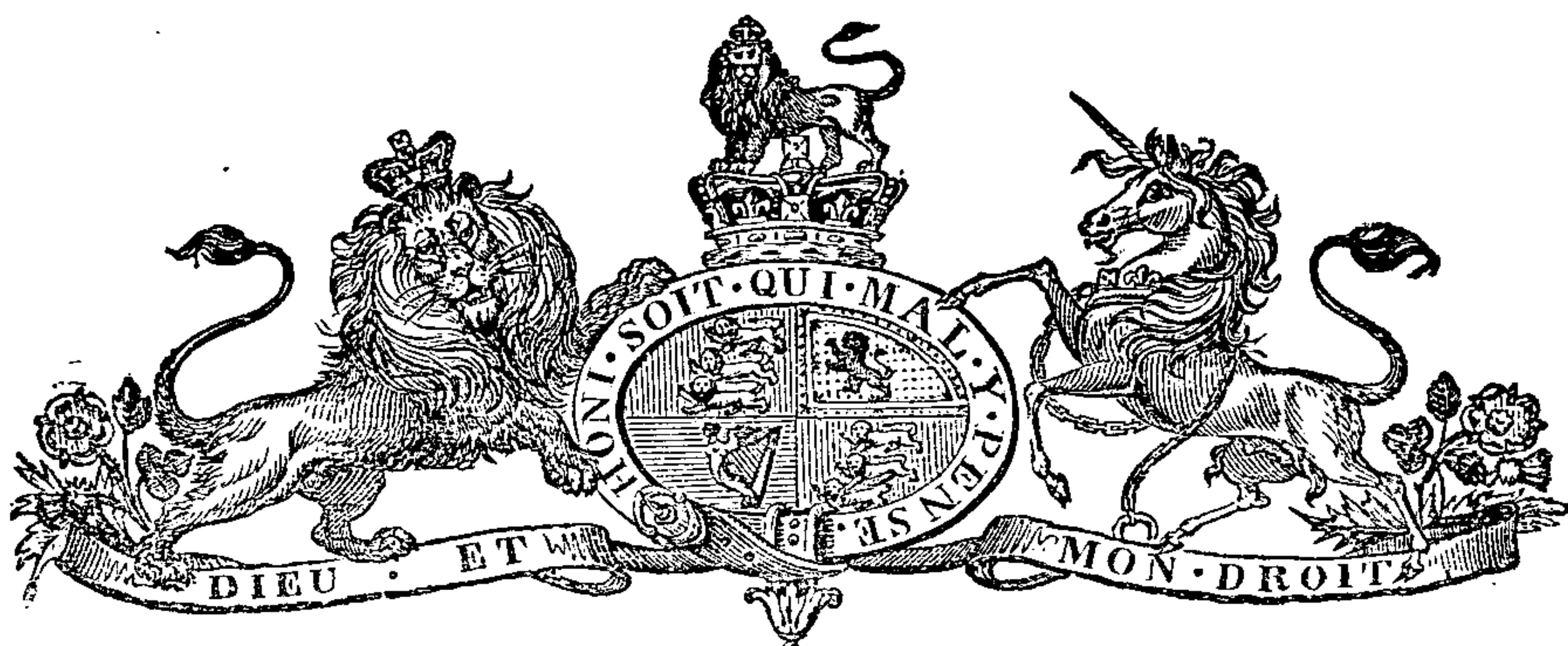




ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clxv.

An Act for enabling the *Leeds, Bradford, and Halifax Junction* Railway Company to construct new Works and acquire additional Lands in the West Riding of the County of *York*; and for other Purposes. [14th *July* 1864.]

WHEREAS it is expedient that the *Leeds, Bradford, and Halifax Junction* Railway Company, in this Act called “the Company,” should be empowered to construct a Railway in the Parish of *Bradford* in the West Riding of the County of *York*, to connect their *Bradford* Branch with the *Lancashire and Yorkshire* Railway: And whereas it is expedient that the Company should be empowered to construct a new Road or Communication wholly in the Parish of *Birstal* in the said West Riding, between the public Highway called *Birstal Lane* and the Sidings and Accommodations of the Company on the South Side of their *Batley* Branch: And whereas it is also expedient that the Company be empowered to

[*Local.*]

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purchase

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purchase for the Purposes of their Undertaking the Lands following ;
(that is to say,)

Certain Lands and Houses in the Township of *Bowling* in the said Parish of *Bradford*, situate on the West Side of and adjoining the *Lancashire and Yorkshire* Railway, and extending from the South Side of *Mill Lane*, and of a Mill and other Property belonging to Messieurs *Ripley*, to the North Side of *Ripley Street*, and extending Westward from the *Lancashire and Yorkshire* Railway to the Dyeworks and other Premises of Mr. *Kirk*, Messieurs *Ripley* and Son, and others :

And whereas Plans and Sections showing the respective Lines and Levels of the Railway and new Road by this Act authorized, and the Lands authorized to be acquired by the Company under this Act, and Books of Reference to such Plans, have been deposited with the Clerk of the Peace for the West Riding of the County of *York* : And whereas the Company have acquired for the Purposes of their Undertaking certain Lands in the Township of *Bowling* in the Parish of *Bradford* in the West Riding of the County of *York* bounded by the Railway of the Company, *Althorpe Street*, Lands belonging to Mr. *John Cole* and Mr. *Thomas Sykes*, Lands the Residue of the *Uppon House* Estate, Lands belonging to the *Bowling* Iron Company, a Tramway belonging to the same Company, Lands belonging to Mr. *George Poole*, and Lands and Premises belonging to Messieurs *W. and I. Ingham*, and the Company have laid down and constructed on the Lands so acquired by them Sidings and other Works and Conveniences in connexion with and for the Purposes of their Undertaking : And whereas Claims have been made of Rights of Way and other Easements in and over Parts of the said Lands, which, if established, render the said Lands inapplicable to the Purposes for which the Company acquired the same, and to which they have appropriated them, and it is expedient that the Company should be empowered to hold the said Lands freed and discharged from all Rights of Way and other Easements in and over the same, subject nevertheless to the Payment, as by this Act provided, of Compensation to all Parties who may be damaged by the Extinguishment thereof : And whereas it is expedient that the Company should be empowered to raise further Capital for the Purposes of this Act, and for other Purposes relating to their Undertaking : And whereas the several Purposes aforesaid 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 ; (that is to say,)

1. This

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1. This Act may be cited for all Purposes as “The *Leeds, Bradford, and Halifax Junction Railway Act, 1864.*” Short Title.

2. “The Lands Clauses Consolidation Act, 1845,” “The Lands Clauses Consolidation Acts Amendment Act, 1860,” “The Railways Clauses Consolidation Act, 1845,” Part I. (relating to the Construction of a Railway) of “The Railways Clauses Act, 1863,” and Part II. (relating to Additional Capital) of “The Companies Clauses Act, 1863,” so far as the Provisions of the same respectively are applicable to the Purposes of and are not altered or varied by this Act, are incorporated with and form Part of this Act. 8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

3. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context. Same Meanings to Words in incorporated Acts as in this Act.

4. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time enter upon, take, and use, and appropriate all or any of the Lands defined on the Plans and described in the Books of Reference deposited as aforesaid. Power to take Lands.

5. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time make and maintain, in the Line and according to the Levels shown on the deposited Plans and Sections relating thereto, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use, the Railway following, with all proper Stations, Works, and Conveniences connected therewith; (that is to say,) Power to make Railway according to deposited Plans.

A Railway situate wholly in the Parish of *Bradford* in the West Riding of the County of *York*, to commence by a Junction with the *Bradford Branch* of the Company's Railway, (being the Railway secondly described in and authorized by “The *Leeds, Bradford, and Halifax Junction Railway Act, 1853,*”) and to terminate by a Junction with the *Lancashire and Yorkshire Railway* :

And the said Railway and the Works connected therewith shall, with respect to Tolls, Rates, and Charges, and for all other Purposes whatsoever, be Part of the Undertaking of the Company.

6. In carrying the proposed Railway under the following Roads or Streets, namely, the *Wakefield Turnpike Road*, *Bowling Back Lane*, and *Hall Lane* respectively in the Borough of *Bradford*, no Part of the Masonry of the Arches or Tunnel thereof shall be constructed or formed For Protection of certain Roads in the Borough of Bradford.

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formed nearer to the present Surface of those Roads or Streets than Four Feet.

For Protection of certain Sewers and Drains in the Borough of Bradford.

7. The Company shall at their own Expense execute proper and sufficient Works for carrying and maintaining the Sewers or Drains under *Wakefield Road* and *Hall Lane* aforesaid across the Tunnel or Archway of the Railway at their present Levels, and shall also execute similar Works for carrying and maintaining the Sewer or Drain intended to be made in the *Bowling Back Lane* across the Tunnel of the said Railway: Provided nevertheless, that the Company shall not be required in so doing to place such Sewers or Drains at a greater Depth than Eleven Feet, measured from the Surface of such Streets or Roads to the Invert of the Sewer; and the Council of the said Borough, acting as Local Board of Health therein, shall have the Benefit of all and singular the Provisions of the Sections numbered from Eighteen to Twenty-two, both inclusive, of "The Railways Clauses Consolidation Act, 1845," in the same Manner as if they had been named therein, along with the Commissioners, Trustees, Companies, Societies, or Persons therein mentioned or referred to; and the Works in connexion with the said Sewers or Drains shall also be executed in such Manner and subject to such Conditions and Incidents as if Sewers and Drains had been named in such Sections along with the Watercourses, Water Pipes, Gas Pipes, Main Pipes, Syphons, Plugs, and other Works therein mentioned or referred to.

Communications for connecting Streets or conducting Pipes, &c. over Railway may be made by Council of Borough of Bradford.

8. It shall be lawful for the said Council so acting as Local Board at any Time and from Time to Time to make such Communications either by Bridges over or Arches under the Railway as may in their Judgment be necessary for connecting Streets already or to be hereafter formed in the Borough of *Bradford*, or for carrying or conducting over or under the Railway, Mains, Pipes, Sewers, or Drains vested in or under the Management of the said Council: Provided that all such Works shall be constructed under the Superintendence of the Engineer for the Time being of the Company, and according to Plans and Specifications to be submitted to and approved of by such Engineer, or (in case of Disagreement between the said Engineer and the Surveyor of the said Borough as to such Works,) to be approved of by the Board of Trade; and all such Works shall be maintained and kept in repair by the said Council: Provided also, that the said Council shall pay to the Company Compensation for all actual Damage or Injury to be sustained by them by reason or in consequence of the Execution of such Works or any of them.

9. If

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9. If in the Execution of any of the Powers of this Act the Company shall interrupt the Supply of any Water or Gas within the Borough of *Bradford*, they shall forfeit Twenty Pounds for every Day that such Supply shall be so interrupted, and such Penalty shall be appropriated to the Benefit of the Poor of the Township of *Bowling* in such Manner as the Overseers of the Poor of that Township shall direct. Penalty on Company obstructing Supply of Water or Gas.
10. In constructing the Railway under *Hall Lane* in the said Township of *Bowling* the Company shall and they are hereby required to carry and continue the said Lane over the said Railway by means of a Bridge of such Dimensions as shall leave the Roadway of such Lane Thirty-six Feet in clear Width within the Parapets thereof. Regulating Construction of Railway under Hall Lane.
11. If the Company in the Execution of their Works shall construct a Bridge or Arch over *Mill Lane* in the Borough of *Bradford*, then they shall make the Roadway under such Bridge or Arch of the clear Width of Thirty-six Feet. For Protection of Mill Lane.
12. The Company may make in the Line and according to the Levels defined on the deposited Plans and Sections relating thereto, and on the Lands shown on those Plans and described in the Books of Reference thereto, a new Road or Communication wholly in the Parish of *Birstal* in the West Riding of the County of *York*, between the public Highway called *Birstal Lane* and the Sidings and Accommodations of the Company on the South Side of their *Batley Branch*. Power to make new Road in the Parish of Birstal.
13. In constructing the new Road by this Act authorized, the Company may deviate laterally from the Line thereof shown on the deposited Plans to any Extent not exceeding the Limits of such Deviation as defined on the said Plans, and may deviate from the Levels thereof, as shown on the deposited Sections, to any Extent not exceeding Five Feet. Power to deviate in Construction of new Street.
14. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may by Agreement purchase any Quantity of Land not exceeding Two Acres for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845." Lands for extraordinary Purposes.
15. 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 Two Years from the passing of this Act. Powers for compulsory Purchases limited.

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Period for
Completion
of Works.

16. The Railway and new Road by this Act authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for the Construction thereof, or otherwise in relation thereto, shall cease to be exercised, except as to so much of those respective Works as shall then be completed.

Penalty if
Railway not
completed
and opened
within Time
limited.

17. If the Railway by this Act authorized is not completed and opened for public Traffic within the Period by this Act prescribed, the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until such Railway shall be completed and opened for public Traffic: Provided always, that no such Penalty shall accrue or be payable for or in respect of any Time during which the Company may be prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control, of which Prevention, and the Time for which it may have endured, the Certificate of the Board of Trade shall be sufficient Evidence; and that Board, on the Production of such Proof as they shall deem sufficient, shall grant such Certificates accordingly: Provided always, that the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Tolls.

18. The Company are hereby authorized and empowered to demand, receive, and take, for and in respect of Passengers, Goods, Merchandise, Animals, and other Articles, Matters, and Things conveyed on the Railway by this Act authorized, the like Tolls, Rates, and other Charges, with the like Powers, as the Company are authorized and empowered to demand, receive, and take in and by "*The Leeds, Bradford, and Halifax Junction Railway Act, 1852,*" and as if the Railway and Works hereby authorized had been authorized by that Act.

Extinguish-
ment of
Rights of
Way.

19. Upon the passing of this Act all Rights of Way and other Easements (if any) to which any Person other than the Company and Persons claiming under them is entitled in, over, or upon the Lands in the Township of *Bowling* herein-before described shall be and the same are hereby absolutely extinguished, and the Company may continue to hold the said Lands freed and discharged therefrom: Provided that this Act shall not in any way confirm or give Validity to the Title of the Company in or to the said Lands, or otherwise affect their Right, Title, Estate, or Interest therein or thereunto, save only as regards the Extinguishment of such Rights of Way and other Easements.

20. The

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20. The Company shall and they are hereby required to pay Compensation to all Persons having any Right of Way or other Easement in, over, or upon the said Lands or any of them, for any Loss, Damage, or Injury which they or any of them may sustain by reason of the Extinguishment of such Rights of Way or other Easements, the Amount of Compensation, in case of Difference, to be settled and ascertained and disposed of in the Manner provided by "The Lands Clauses Consolidation Act, 1845," and the said Act is incorporated with this Act for such Purpose.

Compensation to be paid for Extinguishment of Rights.

21. The Company may from Time to Time raise by the Creation of Shares, in addition to the Capital which they are at present authorized to raise, such Sums of Money as they shall think fit, not exceeding in the whole Eighty thousand Pounds, and may create and issue such Shares, either wholly or partially as ordinary or wholly or partially as preferential Shares, as they may think fit: Provided always, that no Share shall be issued by the Company, or shall vest in the Person accepting the same, until not less than *Twenty per Centum* on the nominal Amount thereof shall have been paid up thereon.

Power to raise additional Capital by new Shares.

22. Except as is by this Act otherwise provided, the Share Capital created by the Company under this Act and the Shares therein, 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 Company, and those Shares were Shares in that ordinary Capital.

New Shares to be subject to same Incidents as ordinary Shares, except as otherwise provided.

23. Every Person who becomes entitled to a Share created by the Company under this Act shall in respect of the same be a Shareholder in the 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.

Dividends on new Shares created by the Company.

24. The new Shares shall confer on the Holders thereof Rights of voting and Qualifications in proportion to the whole Amount for the Time being paid up thereon respectively, and for the Purposes of voting and Qualification any integral Sum of Twenty-five Pounds of Capital paid up on the new Shares held by the same Person at the same Time shall be deemed One Share: Provided that no Person shall be entitled to vote in respect of any less Amount than **Twenty-five**

Votes and Qualifications in respect of new Shares.

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five Pounds paid up, nor (unless the Company at the Time of the Creation of such Shares otherwise resolve) in respect of any Share created under this Act to which a Preference Dividend shall be assigned.

Power to
borrow on
Mortgage.

25. After Shares for the whole of the Sum by this Act authorized to be raised by Shares shall have been issued and taken up, and One Half of such Sum shall have been paid up, and the Company shall 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 all the Capital which the Company are by this Act authorized to raise by the Creation of new Shares are issued, and that not less than *Twenty per Centum* has been paid on account of each separate Share, and that they are *bonâ fide* held by Persons or their Assigns, and for which such Persons or their Assigns are legally liable, the Directors of the Company may borrow on Mortgage, and if subsequently paid off may again reborrow such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Sixteen thousand six hundred Pounds, in addition to the Sums which they are already authorized to borrow, or which they may be authorized to borrow by any other Act or Acts of Parliament, and for securing the Repayment of the Sum so borrowed, with Interest, may mortgage the Undertaking belonging to them.

Former
Mortgages
to have
Priority.

26. All Mortgages or Bonds granted or to be granted under the Authority of any Act already passed relating to the Company shall during the Continuance thereof have Priority over any Mortgages to be granted by virtue of this Act.

Application
of Monies.

27. All and every Part of the Money to be raised under this Act, whether by Shares or by borrowing or by the Creation of Stock, shall be applied to the Purposes contemplated by this Act, and to no other Purpose.

Power to
apply Corpo-
rate Funds
to Purposes
of this Act.

28. The Company from Time to Time may apply to the Purposes of this Act any of the Monies which they now have in their Hands, or which they have Power to raise by Shares or Mortgage by virtue of any Acts relating to the Company, and which may not be required for the Purposes to which they are by any such Acts made specially applicable.

Saving
Rights of
West York-

29. Notwithstanding the Construction of the Railway by this Act authorized, the Company shall at all Times provide at their now existing

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existing Station at *Bradford* such Offices, Sidings, Works, and Conveniences as may from Time to Time be necessary for the Accommodation of any Traffic for which the *West Yorkshire* Railway Company from Time to Time are entitled to use the said Station; and the *West Yorkshire* Railway Company may use for such Traffic the said Offices, Sidings, Works, and Conveniences on the same Terms as they are now or may hereafter be entitled to use the said Station; and any Difference which may arise between the Two Companies with respect to the Sufficiency of such Accommodation shall be settled by an Arbitrator to be appointed by the Board of Trade on the Application of either Company.

shire Railway
Company.

30. Nothing contained in this Act shall prejudice or affect any Agreement now existing between the *West Yorkshire* Railway Company and the Company, or the *Great Northern* Railway Company, or the *Lancashire and Yorkshire* Railway Company.

Nothing to
affect Agree-
ments of
Companies
herein
named.

31. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares or by borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not
to be paid on
Calls paid up.

32. The Company shall not, out of any Money by this Act or any other Act authorized to be raised by the Company, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any other Railway or execute any other Work or Undertaking.

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

33. Nothing in this Act contained shall exempt the Railways of the Company from the Provisions of any General Act relating to Railways, or to 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, in respect of the Railways authorized by this or any other Act relating to the Company.

Railways not
exempt from
Provisions
of present
and future
General
Acts.

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Expenses of
Act.

34. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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