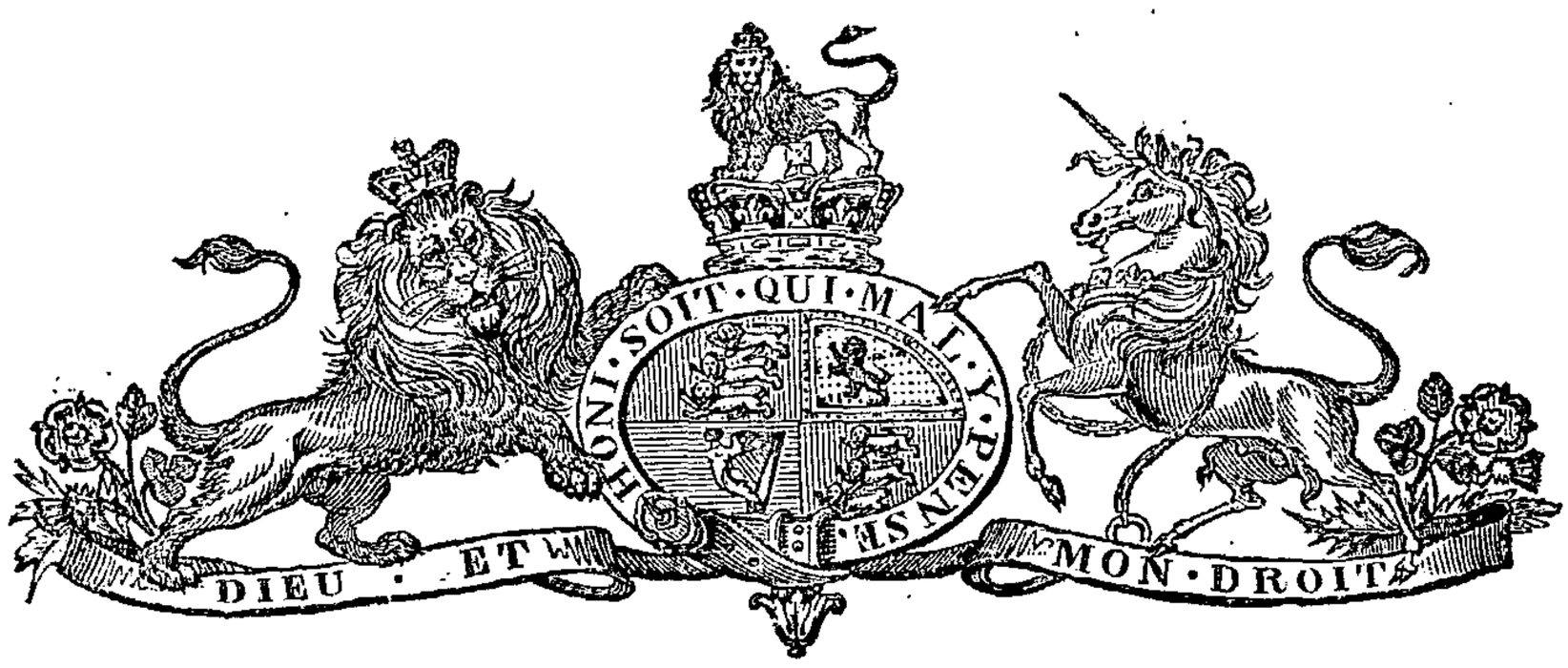

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VICTORIÆ REGINÆ.

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and *River Dun* Company are authorized and undertake at their own Expense to maintain, stock, work, and use the *West Riding and Grimsby* Railway, and to pay the Interest on the Mortgage Debt of the Company, and also to guarantee to the Company a minimum Dividend of Four and a Half *per Centum*, with certain contingent Advantages, upon the Share Capital of the Company created by the said Act: And whereas it is expedient that certain Companies hereinafter named should be authorized to enter into Agreements with the Company with respect to the Use by them of the said Station and Works: And whereas Plans and Sections of the Railway and new Street in *Wakefield*, and also a Plan of the Land to be taken in *Wakefield* under the Powers of this Act for the Purposes of the Station, with a Book of Reference to the Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands so intended to be taken or through which the proposed Works are intended to be made, have been deposited with the Clerk of the Peace for the West Riding of *Yorkshire*: And whereas the Purposes aforesaid cannot be accomplished 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:

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

Power to make Works according to deposited Plans.

2. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to exercise the following Powers; namely,

To purchase and take for the Purposes of a Station the Lands, Houses, and other Property in the Parish of *Wakefield* shown on the said deposited Plans, and bounded on the South by *Back Lane*, on the West by *Love Lane* and a Reservoir and Footpath, on the North by *Balne Lane*, and on the East by *Balne Lane*, *Burton Street*, and *Cliff Lane*:

To construct short Lines of Railway in the same Parish commencing by Junctions with the *West Yorkshire* Railway on the North Side of *Ings Road* running parallel with and on both Sides of the *West Yorkshire* Railway, and terminating in the said proposed Station at or near the North Side of *Balne Lane*:

To make a Road or Street in *Wakefield* from *Westgate* to *Back Lane* beside and nearly contiguous to the *West Yorkshire* Railway:

And to stop up *Parliament Street* in *Wakefield* and appropriate the Site thereof:

Such Railway and Street being in the Line and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels described on the said Sections, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes: Provided that notwithstanding anything contained in this Act, or in the Plans and Sections and Book of Reference deposited with relation thereto, it shall not be lawful for the Company to construct so much of the Line of Railway as is shown on the said Plans as intended to be made between the West Side of the *Wakefield and Denby Dale* Turnpike Road at *Wakefield* and the North End of the Viaduct of the *West Yorkshire* Railway at *Ings Road*, nor shall the Company enter upon, take, or use any Lands for the Purpose of the said Portion of Railway between the *Wakefield and Denby Dale* Turnpike Road and *Ings Road*: Provided also, that the Company shall upon the Conditions herein-after prescribed have in perpetuity the Use of such of the Lands of the *West Yorkshire* Railway Company as may be necessary for constructing the said parallel Lines of Railway.

As to crossing of Roads, &c. in Township of Wakefield.

3. And with respect to the crossing of Roads or of Streets in the Township of *Wakefield*, be it enacted as follows:

"Westgate."

1. The Railway shall be carried over *Westgate* either by One Bridge or Viaduct only, which shall not exceed Forty-six Feet in Width, or by Two Bridges or Viaducts, which shall not together exceed Forty-six Feet in Width, and it shall not be lawful for the Company to make any other Bridge or Viaduct over or across *Westgate* aforesaid or any Part thereof, or in making any of the Works authorized by this Act to lessen the Width of *Westgate*, as the same now extends from Building to Building:

2. Where the Railway shall be carried over *Westgate* the Company shall and they are hereby required, at their own Expense, to make and at all Times for ever thereafter maintain and keep in perfect Repair a good and substantial Flat Bridge or Viaduct of One Span, with all proper Works and Conveniences, and the Span of such Bridge or Viaduct shall be similar to the Span of the existing Bridge of the *West Yorkshire* Railway over the same Street, and the Faces of the Abutments shall be in a Line therewith, and no other Part of the under Side of the Soffit of the Bridge or Viaduct to be made as aforesaid shall be less than Seventeen Feet above the present Surface Level of the Crown of the said Road or Street where the same shall be crossed by the Railway:

3. If

As to the lowering of Westgate.

3. If at any Time within Twelve Months after the Completion of the said Bridge or Viaduct over *Westgate* it shall be thought expedient by the Local Board of Health for the District of the Borough of *Wakefield* that the Surface or Level of the same Street shall be lowered to the Extent of not more than One Foot for the Purpose of giving increased Headway to such Street, and the said Local Board shall give One Month's Notice in Writing to the Company so to lower such Street, the said Company shall with all convenient Speed after the Receipt of such Notice, and at their own Expense, lower the Surface or Level of the same Street, both underneath and on each Side of the said Bridge or Viaduct, so that when the Alteration shall be completed the Ascent on the Easterly Side of the said Bridge or Viaduct towards the Summit of the said Street, so far as the Alterations therein shall extend, shall not exceed One in Twenty, and so that the Inclination of the said Street from the said Bridge or Viaduct Westwardly shall not, so far as the Alterations therein shall extend, be less than One in Forty: Provided that in lieu of making the Alteration on the Easterly Side of the said Bridge or Viaduct at an Inclination of One in Twenty, the Company may at their Option make such Alteration by One uniform Rate of Inclination for a Distance of Ninety Yards on the Easterly Side of the said Bridge or Viaduct: Provided also, that if the Company in constructing the said Bridge or Viaduct shall make the under Side of the Girder thereof of a greater Height in the lowest Part than Seventeen Feet above the present Surface Level of the Crown of the said Street, the Extent in Depth to which they shall be required to lower the Surface or Level of the said Street shall be diminished in the Proportion in which the Height in the lowest Part of the under Side of the Girder of the Bridge or Viaduct from the Surface of the said Street shall exceed Seventeen Feet; and the Company shall at their own Expense make all new Walls, Fences, Drains, and Works, and alter all existing ones, and r-elay and re-form the said Street, and perform all other Matters and Things that may be rendered necessary by the Alterations of the said Surface or Level of such Street as aforesaid; and such Alterations shall be so made and constructed to the reasonable Satisfaction of the said Local Board, or of their Surveyor or other Person authorized by the said Board to act on their Behalf in the Premises; and the Company shall from Time to Time, for the Period of Twelve Months next after the Completion of such Alterations, repair and maintain such Street when the same shall have been so altered:

As to crossing of Back Lane.

4. The Railway shall be carried over *Back Lane* by a flat Girder Bridge of One Span of at least the clear Width of Twenty-five Feet,

Feet, and with a clear Height thereunder of not less than Fifteen Feet from the under Side of the Girders, which Girders shall be on the same Level and Line as the existing Bridge of the *West Yorkshire* Railway over *Back Lane*; and the said Road or Street shall be lowered by and at the Expense of the Company Two Feet, in conformity with the Section deposited as aforesaid with relation to this Act, and such lowering shall extend Eastward from the Centre of the Line of the Railway by a uniform Gradient of One in Sixteen for Two hundred and ninety Feet in Length, and shall extend Westward from the Centre of the Line of the Railway by a uniform Gradient of One in Forty for Two hundred and ten Feet in Length; and the Company shall at their own Expense make all new Walls, Fences, Drains, and Works, and alter all existing ones, and re-lay and re-form the said Road or Street, and perform all other Matters or Things that may be rendered necessary by the Alterations of the said Surface or Level of such Road as last aforesaid; and such Alterations shall be so made and constructed to the reasonable Satisfaction of the said Local Board, or of their Surveyor or other Person authorized by the said Board to act on their Behalf in the Premises; and the Company shall from Time to Time, for the Period of Twelve Months next after the Completion of such Alterations, repair and maintain the said Road where the same shall have been so altered as aforesaid:

Bridges, &c. to correspond with those of West Yorkshire Railway.

5. Where any Bridge or Viaduct for carrying the Railway over any Road or Street in the Borough of *Wakefield* shall be contiguous or near to any Bridge or Viaduct carrying the Line of the *West Yorkshire* Railway over the same Road or Street, the Abutments, Girders, Springing, and Soffit of the Arch or Span of the Bridge or Viaduct made by the Company shall be in a direct Line with the Face of the Abutments, Girders, Springing, and Soffit of the Arch or Span of the Bridge or Viaduct of the *West Yorkshire* Railway:

As to Bridges over Streets.

6. Wherever the Railway shall be carried over any Road or Street within the Borough of *Wakefield* by means of any Girder Bridge, Arch, or Viaduct, the Company shall at their own Expense make every such Girder Bridge, Arch, or Viaduct Water-tight; and shall, before the opening or Use of the Railway for public Traffic, construct, erect, and for ever afterwards maintain and keep in good Repair such Screens for the whole Width of such Roads or Streets respectively, and also to, at, and upon both Sides of each such Girder Bridge, Arch, or Viaduct, for such a Distance on each Side of the said Roads or Streets respectively as shall in case of Dispute be deemed sufficient by the Engineer for the Time being of the Company

and the Surveyor for the Time being of the said Local Board, or any other Person appointed by and on behalf of the said Local Board, or by an Umpire to be named by the said Two Referees:

Providing for new Streets in Wakefield.

7. If, in pursuance of the Powers of this Act, the Company shall stop up or cover all or any Part of *Parliament Street* in the Township of *Wakefield*, or otherwise interfere with the same Street so as to make it less convenient for the Use of the Public, they shall form, nearly contiguous to and on the South-west Side of the *West Yorkshire* Railway, a new Street between *Westgate* and *Back Lane* aforesaid, not less than Thirty-six Feet wide, with a uniform Gradient from *Westgate* to *Love Lane*; and shall before the opening or Use for public Traffic of the Railway hereby authorized to be made, well and sufficiently sewer, level, pave, flag, curb, and channel the said new Street to the reasonable Satisfaction of the said Local Board, and shall, when the said new Street is so completed to the Satisfaction of the Board, deliver over the same Street to the Local Board for the Use of the Public.

For Protection of Chapel in Westgate, and Burial Ground belonging thereto.

4. Notwithstanding anything in this Act contained, it shall not be lawful for the Company to take or otherwise to interfere with any Part of the Road Approach from *Westgate* to the Unitarian Chapel in *Westgate* aforesaid, or to take or interfere with the Drinking Fountain adjoining to the said Road Approach, which said Road Approach and Drinking Fountain are numbered 165. and 168. respectively on the said deposited Plans. In constructing the Works in the Burial Ground belonging to the said Chapel, the Company shall arch or bridge over so much of the said Burial Ground as lies on the North Side of *Back Lane*, and extending from *Back Lane* in a Northerly Direction for the Space of One hundred Feet; and the Columns or Supports for such Arches or Bridge shall not exceed Three in Number, and shall be so placed as not to interfere with the Vaults in the said Burial Ground in which there shall have been any Interments; and the Company shall be at liberty to construct their Works in the Remainder of the said Burial Ground within the Limits of Deviation, either by means of Embankment, with retaining Walls, Arches, or a Bridge or Bridges; and it shall not be lawful for the Company, for temporary Purposes or otherwise, to use or interfere with any Part of the said Burial Ground beyond the Limits of Deviation marked on the said deposited Plans.

For Protection of the West Riding House of

5. And whereas the said Railway is intended to pass near the West Riding House of Correction at *Wakefield*, and it is necessary to provide against Interference with the Discipline therein: Be it therefore enacted, That between the Northern Boundary of the Property numbered

numbered on the deposited Plan 219., in the Parish of *Wakefield*, and the Spot where *Balne Lane* is crossed by the *West Yorkshire* Railway, it shall not be lawful for the Company, without the previous Consent of the Justices of the West Riding of *Yorkshire*, testified in Writing under the Hand of the Clerk of the Peace for the same Riding, to enter upon, take, or use more than Forty Feet of Land on the West Side of and parallel to the *West Yorkshire* Railway; nor, without such Consent as aforesaid, shall the Company be at liberty to erect or place on the said Portion of Land so to be entered upon or taken by them any Coal Drops, Depôts, or Buildings, nor to use the said Portion of Land for any Purpose whatever, excepting for the Construction and Use of Sidings thereon, and for a retaining Wall for such Sidings; nor, without such Consent as aforesaid, shall the Company be at liberty to use any Portion of the Land numbered 207. or 219. on the deposited Plan in the said Parish of *Wakefield* except for Sidings or a Passenger Station; nor, without such Consent as aforesaid, shall the Company be at liberty in any such Passenger Station, or in any Building to be erected or used by them on any Property between *Back Lane* and *Westgate* in the Parish of *Wakefield* to be acquired by them by Purchase from the said Justices, to make any Window or Light overlooking the said West Riding House of Correction; and the Company shall, if required by the said Justices, erect and maintain a Screen on the West Side of their Sidings from *Back Lane* to the South Boundary of the Field numbered 227. on the said deposited Plan in the Parish of *Wakefield* in such Way and of such Height as shall be approved by the Surveyor to the said Justices.

Correction at Wakefield.

6. The Company may demand and receive for and in respect of the Railway the same Tolls and Charges as they are now authorized to receive in respect of their existing Undertaking, as if it were Part of such Undertaking, and had been authorized to be constructed under the Powers of the Act herein-before first recited.

Railway, as to Tolls, &c. to form Part of West Riding and Grimsby Railway.

7. The Powers hereby granted to the Company for the compulsory Purchase of Land shall not be exercised after Two Years from the passing of this Act; and the Railway and Works by this Act authorized shall be completed within Four Years from the passing of this Act; and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Powers for compulsory Purchases limited.

Time for Completion of Works.

8. It shall not be lawful for the Company to enter upon, take, or use, or to interfere with the convenient Use of or Access to the

Protecting Station of West Yorkshire Railway.

the Passenger Station of the *West Yorkshire* Railway at *Westgate* until they shall at their own Expense have provided, to the reasonable Satisfaction of the *West Yorkshire* Railway Company, a Passenger Station as convenient and accessible as the existing Station; and if any Difference shall arise between the Two Companies with respect to the Amount of Accommodation for Passengers or Booking Clerks afforded to the *West Yorkshire* Company in the new Station, or with respect to the Access thereto, or with respect to the Rent to be paid for the same, or with respect to the Regulations to be observed by the *West Yorkshire* Railway Company in the Use of the Station, such Difference shall be settled by an Arbitrator to be appointed by the Recorder of *Leeds* on the Application of either Company; and the Companies working or using the *West Yorkshire* Railway shall have in the new or substituted Passenger Station not less Accommodation than they now have in the existing Passenger Station.

As to Contribution by West Yorkshire Railway Company towards Construction of Station.

9. The Company shall consent to the *West Yorkshire* Railway Company becoming Subscribers within Fifteen Months from the passing of this Act (if authorized by Parliament so to do) towards the Construction of the Station hereby authorized, to an Amount not exceeding Twenty-two thousand five hundred Pounds; and shall also, upon the *West Yorkshire* Railway Company becoming Subscribers as aforesaid, consent to the *West Yorkshire* Railway Company having and enjoying in, and in connexion with such Part of the said Station as shall be used as a Passenger Station, such Rights and Privileges as may be agreed upon, or as, failing Agreement, may be settled by Arbitration in the Manner provided by the "Railway Companies Arbitration Act, 1859."

Money deposited in the Court of Chancery to be forfeited to the Crown in a certain Event.

10. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Two thousand four hundred Pounds has been deposited pursuant to the said Act in respect of the Application to Parliament for this Act, being Eight *per Centum* upon the estimated Cost of the Railway hereby authorized: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Money so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred 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 Lords of the Committee of Her Majesty's

Majesty's Privy Council for Trade and Foreign Plantations, that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares for the Purposes of the said Railway, and have expended for the said Purposes 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 public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid and the Interest and Dividends thereof shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer; and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Money so deposited shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Money if the Company shall not within the Time limited for the Completion of the Railway either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares for the Purposes of the said Railway, and have expended for the said Purposes a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money and the Interest or Dividends thereof shall 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; and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Power to use Portion of West Yorkshire Railway.

11. The Company and all Companies and Persons lawfully using their Railway may pass over and use, with their Engines and Carriages and Servants, and for the Purposes of Traffic of all kinds, so much of the *West Yorkshire* Railway as lies between the authorized Junction therewith of the *West Riding and Grimsby* Railway at or near the *Wakefield and Denby Dale* Turnpike Road in *Wakefield* and the Station and Works intended to be constructed under the Powers of this Act, together with the Signals, Signal Posts, and other Machinery, Works, and Conveniences belonging to or connected with the said Portion of Railway, the *West Yorkshire* Railway Company retaining the Control of such Signals, Signal Posts, and Machinery.

Company to pay to West Yorkshire Company such Sums as fixed by Arbitrator.

12. The Company shall pay to the *West Yorkshire* Railway Company such Sums as, in default of Agreement, may be fixed by an Arbitrator, to be appointed by the Board of Trade on the Application of either Company, for the said Use, by themselves and such other Companies and Persons as aforesaid, of the said Portion of the *West Yorkshire* Railway; and also for the perpetual Use by the Company of any Lands of the *West Yorkshire* Railway Company within the existing Fences of the *West Yorkshire* Railway at *Wakefield* (including the *Westgate* Station of the *West Yorkshire* Railway Company and the Frontage thereto), whether such Lands be required for the Construction by the Company of the Works already authorized or for the Construction of the Lines of Railway and Works hereby authorized; and the Company shall also repay to the *West Yorkshire* Railway Company, half-yearly, the Expense which shall have been incurred by the last-named Company during the preceding Six Months in repairing and maintaining that Part of their Main Line of Railway which lies between the *Ings Road* and the Letter B marked on the deposited Plans.

Terms of such Use.

13. The Terms, Conditions, and Regulations to which the Company and the Companies and Persons using their Railway shall be subject in respect of the said Use of the *West Yorkshire* Railway, and the Amounts due from the Company from Time to Time by way of Repayment of the Costs of such Maintenance and Repair as aforesaid, shall, if not agreed upon between them and the *West Yorkshire* Railway Company, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade, and the Decisions of such Arbitrator shall be binding and conclusive on all Parties in difference, and the Costs and Expenses of such Arbitrator shall be defrayed as the Arbitrator shall direct; and either of the said Companies, or such other Companies or Persons as aforesaid, who shall refuse or neglect to perform, observe, and conform to any Decision given or Regulation made by any such Arbitrator in the Premises, shall forfeit and pay to such Person or Company, as the Arbitrator shall determine, any Sum not

not exceeding Fifty Pounds for every such Offence, and Twenty Pounds for every Day during which such Offence shall continue.

Byelaws to be observed.

14. The Company, and such other Companies or Persons as aforesaid, in using or traversing the said Portion of the *West Yorkshire* Railway, in accordance with the Provisions herein-before mentioned, shall at all Times observe the Regulations and Byelaws for the Time being in force on the Undertaking so used, so far as such Byelaws shall be applicable to the Company.

Power to Companies to enter into Contracts as to Use of Station.

15. The Company on the one hand, and the *Midland*, the *West Yorkshire*, and the *Manchester, Sheffield, and Lincolnshire* Railway Companies, and the *South Yorkshire* Railway and *River Dun* Company, or any of those Companies, on the other hand, may enter into Contracts with respect to the Use of the Station and Works hereby authorized to be constructed, either on Payment of fixed Rents for the same or for any Part thereof, or by Charges for Traffic accommodated or Work done for the said Companies within the said Station, or upon any other Terms and Conditions, and the contracting Companies may appoint a joint Committee for the Purposes of the Contracts.

Existing Right to make Contracts reserved.

16. Nothing in this Act contained shall lessen or invalidate the Right to make Contracts which the Company may derive from the first-recited Act, or from "The Railways Clauses Consolidation Act, 1845," or from the general Law.

Power to Company to apply certain Monies towards Undertaking.

17. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking.

Power to raise additional Capital by new Shares.

18. The Company may from Time to Time, for the Purposes of this Act, raise (in addition to the Sums of Money which they are already authorized to raise) any further Sum not exceeding in the whole Eighty thousand Pounds, by the Creation of new Shares which shall be called "*West Riding and Grimsby* Railway (*Wakefield* Station) Shares."

Limit of Amount and Number of Calls.

19. The Amount of any One Call to be made upon the new Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year: Provided that there shall be paid upon the Issue of every Share, by way of First Call in respect thereof, a Sum equal to One Fifth of the nominal Value of the said Share.

20. The

As to Votes of Proprietors of such Shares.

20. The Proprietors of any new Shares to be issued under the Authority of this Act shall, unless it be otherwise determined at the Time of the Creation thereof, be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if the same had been original Shares of the Company.

Power to borrow on Mortgage.

21. The Company may from Time to Time under the Powers of this Act borrow any additional Sum of Money not exceeding Twenty-six thousand six hundred Pounds, either by Mortgage of their whole Undertaking, or of the Station and Works authorized by this Act; but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such additional Capital has been subscribed for and taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, and that not less than Twenty *per Centum* has been paid up on each Share, of which Proof having been given, the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing Mortgages to have Priority.

22. Provided always, That if the said Money be raised by Mortgage of the whole Undertaking of the Company, all Mortgages granted by the Company 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 created by virtue of this Act.

Application of Sums raised under the Act.

23. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes by this Act authorized.

Capital may be kept separate.

24. The Company may, by the Vote of the General Meeting creating such new Shares, determine that there shall be kept a separate Account of such Monies, and of the Expenditure thereof, apart from the general Accounts of the Company; and also that the Receipts from and the Expenses of the Station, Railway, and Works authorized by this Act, shall be kept separate from the general Receipts and Expenses of the Company; and that the net Profits or Revenue arising from the said Station, Railway, and Works shall be paid by way of Dividend, either exclusively or according to a defined Proportion, upon the Capital Money which shall have been raised under the Powers of this Act, after Payment out of the said Profits and Revenue

of

of Interest upon any Money borrowed under the said Powers; and that the Proprietors of the new Shares shall not participate in the general Profits of the Undertaking of the Company, or shall only participate therein to a certain Extent.

Parts of 8 & 9 Vict. c. 16. incorporated.

25. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

With respect to the Distribution of the Capital of the Company into Shares:

With respect to the Transfer or Transmission of Shares:

With respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls:

With respect to the Forfeiture of Shares on Nonpayment of Calls:

With respect to the borrowing of Money by the Company on Mortgage or Bond:

With respect to the Conversion of the borrowed Money into Capital:

With respect to the Consolidation of Shares into Stock:

With respect to the Remedies of the Creditors of the Company against Shareholders; and with respect to affording Access to the Special Act:

And also Parts I. and II. of "The Companies Clauses Act, 1863,"

With respect to Cancellation and Surrender of Shares; and

With respect to additional Capital;

Shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed under the Powers of this Act.

Interest not to be paid on Calls paid up.

26. It shall not be lawful for the Company, out of any Money by this Act or by any other Act relating to them authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying 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 in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

27. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to

Parliament for the Purposes of obtaining an Act authorizing the said Company to construct any other Railway, or to execute any other Work or Undertaking.

Company, &c. not exempt from Provisions of present and future General Acts.

28. Nothing herein contained shall be deemed or construed to exempt the Company or their Undertaking 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Short Title. Expenses of Act.

29. This Act may be cited as "The *West Riding and Grimsby* Railway Act, 1864;" and 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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