



ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. clxxviii.

An Act to enable the *Halifax and Ovenden Junction* Railway Company to vary the Line of their Railway; to increase their Capital; and for other Purposes. [12th August 1867.]

WHEREAS by an Act passed in the Year One thousand eight hundred and sixty-four the *Halifax and Ovenden Junction* Railway Company (who are herein-after called the Company) were incorporated for the making of a Railway from the Passenger Station at *Halifax*, used jointly by the *Lancashire and Yorkshire* and the *Great Northern* Railway Companies, to *Netherton Mill* in the Township of *Northowram* in the Parish of *Halifax*; and by the said Act (Section 6.) the Company were authorized to raise a Capital of Ninety thousand Pounds, and to borrow on Mortgage of their Undertaking Thirty thousand Pounds, upon the Conditions mentioned in the said Act (Section 9.), and the *Lancashire and Yorkshire* Railway Company and the *Great Northern* Railway Company were respectively authorized (Section 52.) to contribute each Thirty thousand Pounds towards the Capital authorised by the Act, and to become Shareholders in the Company accordingly, and were also each authorized (Clause 16.) to appoint until the opening of the Railway Five Directors out of the Fifteen

27 & 28 Vict.
c. cxliii.

[Local.]

32 E

Directors,

The Halifax and Ovenden Railway Act, 1867.

Directors, of whom the Board was until that Period to consist, and after the opening of the Railway they were each authorized (Section 17.) to appoint Three Directors, the total Number of Directors being thenceforth reduced to Nine: And whereas the Tenth Section of the said Act authorizes the Company to create and issue Debenture Stock, but the Limitation of the Rate of Interest on such Stock to Four *per Centum per Annum* renders it impossible for the Company to avail themselves of the said Power, and it is expedient that the said Rate of Interest should be increased: And whereas the Capital which the Company are authorized to raise is insufficient for the Purposes of the Undertaking, and it is expedient that the said Capital should be increased: And whereas the Company have proceeded in the Execution of their Railway, but it has been found that certain Portions thereof may with Advantage be varied, and that certain Roads in or near *Halifax* may be advantageously diverted, and it is expedient that the Time granted by the said Act for the compulsory taking of Lands and for the Completion of Works (Section 30.) should be extended, and it is also expedient that the said Act of 1864 be in other respects varied: And whereas Plans and Sections showing the Lines and Levels of the proposed Deviations and other Works authorized by this Act, and also a Book 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 any of the Purposes aforesaid, have been deposited with the Clerk of the Peace for the West Riding of *Yorkshire*, 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, as follows; (that is to say.)

1. This Act may be cited for all Purposes as "*The Halifax and Ovenden Railway Act, 1867.*"

2. "*The Lands Clauses Consolidation Act, 1845.*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860.*" "*The Railways Clauses Consolidation Act, 1845.*" and Parts I. and II. of "*The Railways Clauses Act, 1863.*" (relating respectively to Construction of a Railway and to Extension of Time,) and 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

Short Title.

8 & 9 Vict.
cc. 16. 18.
and 20.,
23 & 24 Vict.
c. 106. and,
26 & 27 Vict.
cc. 92. &
118. incor-
porated.

The Halifax and Ovenden Railway Act, 1867.

With respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls ;
 With respect to the Forfeiture of Shares for Nonpayment of Calls ;
 With respect to the Remedies of the Creditors of the Company against Shareholders ;
 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 ; and
 With respect to the Provisions to be made for affording Access to the Special Act by all Parties interested ;
 and also Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to the Cancellation and Surrender of Shares, to additional Capital, and to Debenture Stock, are (except when expressly varied by this Act) incorporated with and form Part of this Act.

3. In this Act the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have the same respective Meanings, unless there be in the Subject or Context something repugnant to such Construction; the Words "the Company" mean the *Halifax and Ovenden Junction* Railway Company; the Words "the Deviations" mean the Deviations and the Works connected therewith by this Act authorized to be constructed; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or other like Expression in this Act or any Act 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.

Same Meanings to Words, &c. in incorporated Acts as in this Act.
 Interpretation of Terms.

4. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make and maintain the following Works in the Line and according to the Levels shown on the deposited Plans and Sections, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for those Purposes:

Power to execute Works according to deposited Plans.

They shall abandon so much of the Railway authorized by "The *Halifax and Ovenden Junction* Railway Act, 1864," as lies between the authorized Commencement of that Railway in the Township and Parish of *Halifax* and a Field numbered on the Plans deposited with respect to the said Act 4 in the Township of *Northowram* in the said Parish, and they may construct a new or substituted Line between the same Points:

They

The Halifax and Ovenden Railway Act, 1867.

They may substitute a Tunnel for open Cutting, commencing in the Field numbered on the said Plans 31. and terminating in the Field numbered 38. in the Township of *Ovenden*:

They may construct a new Road or Approach to the Railway in the Township and Parish of *Halifax*, to commence on the South in *Bridge Street*, to run parallel and at a Distance of about Twenty Yards to the Eastward of *North Gate* and *North Bridge*, and to terminate in the proposed *North Bridge Station* of the Company, and for that Purpose, if need be, they may alter the Level of *Bridge Street*:

They may stop up the public Road called *Sandy Bank* in the Township of *Northowram*, numbered 59. on the said Plans, and may leave or construct in the Stead thereof a public Footway, commencing in the Property numbered 63. on the said Plans, and terminating in the public Highway known as *Stoney Battery* numbered 65. on the said Plans:

They may divert the Road known as *Stoney Battery* from or near to the Point where the same joins *Old Lane* to a Point nearly opposite to the House known as the *Mount*:

They may divert the *Keighley and Halifax Turnpike Road* numbered on the said Plans 1. in the Township of *Ovenden*, such Diversion commencing in or near the Property numbered on the said Plans 11. and terminating in the Property numbered 29. in the said Township:

They may divert *Stoney Lane* in the Township of *Ovenden* and *Northowram* numbered on the said Plans 110. in the Township of *Ovenden*, such Diversion commencing at or near the Field numbered on the said Plans 155. in the Township of *Northowram*, and terminating near to a House numbered 136. on the said Plans in the Township of *Ovenden*:

All the said Lands and proposed Works are in the West Riding of *Yorkshire*.

Power to deviate in Construction of Roads.

5. It shall be lawful for the Company in constructing the said Roads to deviate laterally from the Centre Line shown on the deposited Plans to the Extent shown upon the said Plans, and to deviate vertically from the Levels shown upon the deposited Sections to any Extent not exceeding Three Feet.

Compensation for Damage to Land by Entry, &c. for Purposes of abandoned Works.

6. The Abandonment by the Company under the Authority of this Act of any Portion of the Railway or Works authorized by the recited Act of 1864 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,

The Halifax and Ovenden Railway Act, 1867.

Levels, or probing or boring to ascertain the Nature of the Soil, or setting out of the Line of Railway, and shall not prejudice or affect the Right of the Owner or Occupier of any Land which may have been temporarily occupied by the Company to receive Compensation, 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 *Halifax and Ovenden Junction Railway Act, 1864.*"

7. 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 any Portions of the Railway or Works authorized to be abandoned by this Act, and which shall not be required for the Purposes of any of the Works by this Act authorized, 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 Portion of Railway abandoned.

8. When the new Roads hereby authorized to be constructed are completed, and dedicated to the Public, they shall respectively be thenceforth maintained by and under the Control of the several Persons or Bodies to whom the Duty belongs of maintaining the Streets or Roads in the District where the said new Roads are situate.

As to Maintenance of Roads.

9. In altering for the Purposes of this Act the Roads next herein-after mentioned the Company may make the same of any Inclinations not steeper than the Inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

Inclination of Roads.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
233	Township and Parish of Halifax.	Public Carriage Road, called Bridge Street.	1 in 9·32
65	Township of Northowram, Parish of Halifax.	Public Road, called Stoney Battery.	1 in 3·70
1	Township of Ovenden, Parish of Halifax.	Keighley and Halifax Turnpike Road.	1 in 15·06
110	Township of Ovenden, Parish of Halifax.	Public Carriage Road, called Stoney Lane.	1 in 15·76

[Local.]

32 F

10. In

The Halifax and Ovensen Railway Act, 1867.

For Protec-
tion of Street
and Works
in the
Borough of
Halifax.

10. In constructing within the Borough of *Halifax* the Works in the said Borough by this Act and "The *Halifax and Ovensen Junction Railway Act, 1864*," authorized, the Company shall conform to and observe and fulfil the following Conditions, Provisions, Regulations, and Restrictions; (that is to say,)

1st. When and so soon as the new Street from *Bridge Street* to the Station of the Company shall be completed, the same shall be dedicated to the Public within the Township of *Halifax*, The Company may stop up and appropriate to the Purposes of their Undertaking the said Street or Road called *Sandy Bank*, as shown by the deposited Plans, save and except so much thereof as will be required for the widening of the *North Bridge* by the Corporation to Sixty Feet in Width between the Parapets:

2nd. The Provisions of "The *Railways Clauses Consolidation Act, 1845*," contained in Sections 18. to 23. inclusive, shall apply to the Water and Gas Mains and Pipes of the Corporation; and whenever in those Sections the Words "Company" or "Society" are used, the same shall for all the Purposes of this Act be held to extend to and include the Corporation, except that the Works so required to be done shall be done and executed by and at the Expense of the Company, but under the Direction and to the reasonable Satisfaction of the Engineer for the Time being of the Corporation, or in case of Disagreement between the Engineer of the Corporation and the Engineer of the Company then as a Justice shall direct; and such Works, Matters, and Things shall not be commenced until after Fourteen Days previous Notice thereof in Writing shall have been given to the Corporation:

3rd. Whenever it may be necessary to interrupt or interfere with any Sewer or Drain, the Company shall, before interrupting or interfering with such Sewer or Drain, construct according to a Plan to be approved of by the Corporation another Sewer or Drain in lieu of and of equal Capacity with the Sewer or Drain so interfered with, and such Sewer or substituted Sewer or Drain shall be connected by and at the Expense of the Company with the existing Sewer or Drain which may be interrupted or interfered with, and in such Manner as shall be approved by the Corporation:

4th. If by reason of the Execution of any of the Powers of this Act in the Construction of the Works by this Act authorized any increased Length of Sewer or Drains shall become necessary, the same shall be constructed, by and at the Expense of the Company, upon such Plan and in such Manner as shall be approved by the Corporation:

5th. If by reason of the Execution of any of the Powers of this Act in the Construction of the Works by this Act authorized the

The Halifax and Ovenden Railway Act, 1867.

the Corporation shall necessarily incur any Cost in altering any existing Sewer or Drain, the Company shall repay to the Corporation such additional Cost, and the same may be recovered by the Corporation, in default of Payment by the Company, in any Court of competent Jurisdiction :

6th. The Surface of all Streets interfered with by the Company shall be well and sufficiently repaired and restored to their former Condition, and to the reasonable Satisfaction of the Corporation, and shall thereafter be maintained in efficient Repair by the Company for Six Months :

7th. For the Purpose of widening and reconstructing the *North Bridge* the Corporation may acquire from the Company, without Payment by the Corporation, the Lands required for the Reconstruction of the said Bridge Sixty Feet wide in and over the Lands of the Company as shown upon a Plan thereof signed by *John Fraser*, the Engineer of the Company, and *John Richardson*, the Engineer of the Corporation, the Bridge to be reconstructed by the Corporation within Two Years after the passing of this Act, with Three Arches, to be made over the Lands of the Company, for the Passage of the Railway, and Railway Sidings thereunder ; and the Company on the Completion of the Bridge to pay to the Corporation the Sum of Nine hundred Pounds towards the Cost of the said Bridge :

8th. The Corporation shall have the Right of Pre-emption of and may purchase and retain such Lands as may not be required by the Company from the Lands already agreed to be purchased by them from the Corporation, under the Powers of the said Act of 1864, as Part of the Corporation Gasworks, at a Price to be agreed upon, and in default of Agreement at a Price to be determined by Arbitration under "The Lands Clauses Consolidation Act, 1845 ;" and the Provisions of that Act with respect to the Sale of superfluous Lands shall apply, and the Company shall sell to the Corporation at a Price *per* Yard to be agreed upon, and in default of Agreement to be ascertained in the Manner aforesaid, the Lands adjoining the Gasworks of the Corporation severed from the Estate of *Mr. Amos Gann*, and not required by the Company for the Railway, or for the Purpose of fulfilling any Agreement with the said *Amos Gann* as to the Purchase of other Lands from him for the Purposes of this Act :

9th. The Materials of all Streets, Roads, and other Places, and of the Works connected therewith, and the Gas and Water Mains and Pipes of the Corporation, which may be discontinued, stopped up, appropriated, or removed by the Company, shall be the Property of and belong to the Corporation ; but all Materials of Streets and Roads diverted by the Company may be used
and

The Halifax and Ovensden Railway Act, 1867.

and appropriated by the Company for the Purposes of such Diversion :

10th. The Company shall appropriate Land for the Diversion of *Lee Bank* for any Width required over and above Thirty Feet and not exceeding Forty Feet, such Diversion to commence at the North End of the Building marked 7 g on the deposited Plans, the Corporation to bear the additional Cost of constructing the Roadway over and above Thirty Feet in Width and not exceeding Forty Feet.

As to certain
other Roads,
&c.

II. The following Provisions shall be observed by the Company with respect to the Roads at *Halifax* :

Notwithstanding anything contained in the Twenty-seventh Section of the said Act of 1864 (C.), the Road referred to in the said Paragraph C. shall not be added to and form Part of the public Road in the Township of *Northowram* called *Old Lane* :

Nothing contained in the said Act of 1864 shall interfere with the Use of *Old Lane* as a public Highway, or with the Rights of any Persons or Body therein, which Rights shall remain the same as if the said Act had not been passed :

The new or upper Road formed and made and thereafter to be maintained as provided in the said Act of 1864, subject as aforesaid, shall have a good and easy Approach and Access at both Ends from *Old Lane*, and shall be altogether a private Road for the Use of *Henry Ackroyd* Esquire's Estate, with all the Privileges and Incidentals appertaining to and enjoyed by the Proprietor of a private Road, the Company however to reserve all Rights therein for their own Purposes only, but not the Power to grant Rights over or on the said Road to other Parties :

The Company shall place a substantial Stone Wall, with solid Stone Copings, along the whole of the Boundary towards *Old Lane* on the Top of the Retaining Wall, such Wall to be Three Feet high at least above the Level of the new Road, and to have substantial Iron Railings at least Four Feet high, with pointed Tops placed thereon :

The Company shall place and fix strong double Iron Gates at Points A and B on the Plan referred to in Clause A, Section 27. of the Act of 1864, so as to enclose and fence off the new Road between the said Points A and B :

The Company to be at the sole Expense of erecting and maintaining the said Fences, Railings, and Gates until adopted by the Corporation of *Halifax*.

12. It

The Halifax and Ovensden Railway Act, 1867.

12. It shall be lawful for the Company to apply towards the Construction of the Works authorized by this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes for which the same were authorized to be raised; and the Company may for the same Purposes, and also for the general Purposes of their Undertaking, from Time to Time raise, in addition to the Sums of Money which they are already authorized to raise, any further Sums not exceeding in the whole Ninety thousand Pounds by the Creation of new Shares or Stock in their Undertaking, which Shares or Stock shall form Part of the general Capital of the Company.

Company may apply their Funds towards Purposes of Act, and may raise additional Capital.

13. The Company shall not issue any Share or Stock created under the Authority of this Act, nor shall any Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid in respect thereof.

Shares or Stock not to issue until One Fifth paid up.

14. The Proprietors of any Shares to be issued under the Authority of this Act shall 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.

As to Votes of Proprietors of such Shares.

15. The Company may from Time to Time, under the Powers of this Act, borrow any additional Sum of Money not exceeding Thirty thousand Pounds by Mortgage of their Undertaking, 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 subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company 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 such additional Capital have been subscribed for, issued, and accepted, and that One Half of such additional Capital 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 that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, 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.

Power to borrow on Mortgage.

The Halifax and Ovensden Railway Act, 1867.

Existing
Mortgages
to have
Priority.

16. Provided always, That all Mortgages granted by the Company in pursuance of the Powers contained in the said Act of 1864, 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 virtue of this Act.

Debenture
Stock.

17. It shall be lawful for the Company to issue Debenture Stock.

Monies
borrowed on
Mortgage
to have
Priority.

18. All Monies borrowed on Mortgage under this Act or the Act of 1864, from the Time when the same shall be advanced, and the Interest for the Time being due thereon, shall (subject to the Priority hereby given to existing Mortgages and Bonds) have Priority against the Company and all the Property of the Company over all other Claims on account of any Debts incurred or Engagements entered into by them: Provided always, that such Priority shall not prejudice or affect any Claim, Right, or Remedy against the Company or their Property in respect of any Rentcharge to be granted by them in pursuance of the Provisions of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect any Claim or Lien in respect of any Land taken, used, or occupied by the Company for the Purposes of the Railway, or injuriously affected by the Construction thereof, or by the Exercise of any of the Powers by this Act conferred on the Company.

Application
of Sums
raised under
this Act.

19. All and every Part of the Sums of Money which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes of the Railways and Works authorized by this Act and by the said Act of 1864.

Powers for
compulsory
Purchases
limited.

20. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act and of the said Act of 1864 shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
Completion
of Works.

21. If the Works hereby authorized shall not be completed within Four Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for executing the said Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Extension
of Time for
Construction
of Railway.

22. The Time granted in the 30th Section of the said Act of 1864 for the Construction of the Railway thereby authorized shall be

The Halifax and Ovenden Railway Act, 1867.

be extended until the First Day of *July* One thousand eight hundred and seventy-one.

23. The Company may demand and take in respect of the Deviations the same Tolls and Charges as they are authorized to receive for and in respect of their original Undertaking as if they were Part of such Undertaking, and the Railways shall in all respects be deemed Part of the *Halifax and Ovenden Junction* Railway as if authorized by the Act of 1864.

Deviations, as to Tolls, &c. to form Part of original Railway.

24. The Company shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses; and the Company shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner herein-before required.

Notice to be given of taking Houses of Labouring Classes.

25. 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 Three thousand two hundred Pounds, being Eight *per Centum* on Ninety thousand Pounds, the Amount of the Estimate of the Expense of the Works by this Act authorized in excess of the Expense of the Works to be abandoned, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said Act of the Ninth Year of Her present Majesty, the said Sum of Three thousand two hundred Pounds 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 such Act, or of the Survivors or Survivor of them, unless the Company shall previously to the Expiration of the Period limited by this Act for the Completion of the Railways either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up such a Sum as together with the said Sum so deposited amounts to One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in

Deposit Money not to be repaid until Line opened, or Half the Capital paid up and expended, except on Execution of Bond, &c.

The Halifax and Ovenden Railway Act, 1867.

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 the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the Sum so 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 Three thousand two hundred Pounds shall have been executed by the Company, with One or more Surety or Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor or Assistant Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for the Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Three thousand two hundred Pounds 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 such a Sum as together with the said Sum of Three thousand two hundred Pounds so deposited amounts to One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the Solicitor or Assistant Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid or transferred 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 or Assistant 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.

The Halifax and Ovenden Railway Act, 1867.

26. Notwithstanding anything contained in the Tenth Section of the said Act of 1864, or in Part III. of "The Companies Clauses Act, 1863," relating to Debenture Stock, it shall be lawful for the Company to attach to the Debenture Stock which by virtue of the said Section or of this Act they are authorized to raise such fixed and perpetual preferential Interest, not exceeding the Rate of Five *per Centum per Annum*, as the Company think fit.

As to Issue of Debenture Stock.

27. The Company or any Person in the Execution of this Act shall not in any Manner, either permanently or temporarily, enter upon, take, or use any of the Lands or Property of the *Lancashire and Yorkshire* Railway Company, or in any Manner alter, vary, or interfere with their Railway or any of the Works appertaining thereto, save only so far as may be necessary for the Purpose of forming Junctions therewith respectively as shown on the deposited Plans and Sections, or as may be otherwise mutually agreed upon between the Two Companies; and in constructing the Railway hereby authorized no Deviation of the Central Line shown on the deposited Plans shall be made, except with the Consent in Writing of the *Lancashire and Yorkshire* Railway Company under their Common Seal first had and obtained.

Lands of the Lancashire and Yorkshire Company not to be taken, nor their Railway interfered with, except for the Purpose of forming Junctions therewith.

28. Nothing in this Act contained shall impair or prejudicially affect any Rights, Powers, or Privileges secured to the *Lancashire and Yorkshire* and *Great Northern* Railway Companies respectively by the said Act of 1864.

Saving Rights of contributing Companies.

29. The *Lancashire and Yorkshire* Railway Company and the *Great Northern* Railway Company (who are herein-after referred to as "the Two Companies") may, with the Authority of Three Fourths of the Votes of their Shareholders present in person or by proxy at General Meetings of the said Companies respectively specially convened for the Purpose, from Time to Time each subscribe any Sum which they think fit towards the additional Capital hereby authorized, not exceeding in the whole for each Company Thirty thousand Pounds; and each of the Two Companies may, with the like Authority, contribute and apply in Payment of their said Subscriptions any Monies which they are already respectively authorized to raise, and which may not be required by them for the Purposes of their Undertakings, and also any Monies which they are by this Act authorized to raise; and the Two Companies shall, in respect of the Sums to be subscribed and the corresponding Shares in the Company to be held by them, have all the Powers, Rights, and Privileges (except in regard to voting at General Meetings which shall be regulated by the Provisions contained in the Fifty-fifth Section of the Act of 1864), and be subject to all the Obligations and Liabilities, of

Power to Lancashire and Yorkshire and the Great Northern Railways Companies to subscribe, and to apply Funds for that Purpose.

[Local.]

32 H

Proprietors

The Halifax and Ovenden Railway Act, 1867.

Proprietors of Shares in the Company: Provided always, that the Two Companies shall not sell, dispose of, or transfer any of the Shares in the Company for which they may subscribe.

Power to Two Companies to raise Money by the Creation of Shares or Stock.

30. Each of the Two Companies may from Time to Time raise for the Purposes of their respective Subscriptions hereby authorized any Sums of Money, not exceeding in the whole the Amount which each Company may as aforesaid agree to subscribe, by the Creation and Issue of new Ordinary Shares or Stock and new Preference Shares or Stock in their respective Capitals; or, at the Option of the Company, by any of those Modes; and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters, (that is to say,)

- 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; and
- The Consolidation of the Shares into Stock;

and Parts I. and II. (relating respectively to the Cancellation and Surrender of Shares and to additional Capital) of "The Companies Clauses Act, 1863," shall extend and apply to the Two Companies and to the additional Capital which they are by this Act authorized to raise; and in all Matters not provided for in the Portions of Acts so incorporated the Provisions of the Acts relating to the Two Companies respectively shall apply to the Capital hereby authorized to be raised by them, and to the Rights and Liabilities of the Holders of Shares in the said Capital.

Shares of Companies not to issue until One Fifth paid up.

31. Neither of the Two Companies shall issue any Share or Stock under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share or Stock shall have been paid in respect thereof.

Application of Monies raised by the Companies.

32. All Monies which the Two Companies may raise under the Powers of this Act shall be applied for the Purposes of the before-mentioned Contribution only.

Interest not to be paid on Calls paid up.

33. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, 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 this Act shall not prevent

The Halifax and Ovenden Railway Act, 1867.

prevent the Company 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."

34. The Company shall not, out of any Money by this Act 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 the Company to construct any other Railway, or to execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of Capital raised under this Act.

35. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the recited Act authorized to be made 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.

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

36. 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.

Expenses of Act.

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THE UNITED STATES OF AMERICA

DEPARTMENT OF THE ARMY

OFFICE OF THE ADJUTANT GENERAL

WASHINGTON, D. C.

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