



CHAPTER cxciv.

An Act to grant further powers to the Great Northern Railway Company with relation to their Undertaking.

A.D. 1876.

[24th July 1876.]

WHEREAS it is expedient that the Great Northern Railway Company (who are herein-after referred to as "the Company") should be enabled :

To divert certain roads and footpaths :

To construct new roads or footpaths, and to purchase additional lands for the purposes of their undertaking :

And whereas it is expedient that the Company should have further time for the construction and completion of the following railways ; (that is to say,)

(1.) The Railway (No. 7), from Stanningley to Pudsey, and the Railway (No. 8), connecting the said railway with the Company's main line at Bramley, authorised by "The Great Northern Railway Act, 1871," the time for the completion of which expires on the 24th of July 1876 :

34 & 35 Vict.
c. clxii.

(2.) The railways authorised by "The Bradford and Thornton Railways Act, 1871," subject to the deviation thereof authorised by "The Great Northern Railway (Deviations) Act, 1874," the time for the completion of which expires on the 24th day of July 1876 :

34 & 35 Vict.
c. clxix.37 & 38 Vict.
c. xc.

And whereas it is expedient to extend the time for the compulsory purchase of lands, and for the construction and completion of the following railways ; (that is to say,)

The railways and works at Dewsbury authorised by "The Great Northern Railway Act, 1871," and "The Great Northern Railway (Various Powers) Act, 1872," and herein-after referred to as "Dewsbury Line and Extension" :

34 & 35 Vict.
c. clxii.35 & 36 Vict.
c. cxxviii.

The railways referred to as ("Railway No. 1") and ("Railway No. 2") and authorised by "The Great Northern (Halifax, Thornton, and Keighley Railways) Act, 1873" :

36 & 37 Vict.
c. ccxx.

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A.D. 1876. And whereas it is expedient that the other provisions herein-after contained should be made :

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and the lands in or through which the same are intended to be made, and plans of the lands which the Company are by this Act empowered to acquire and appropriate, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, have been deposited with the clerk of the peace for the west riding of the county of York; and those plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference respectively :

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

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

Short title. 1. This Act may be cited as "The Great Northern Railway Act, 1876."

Provisions of certain general Acts incorporated. 2. The following Acts and parts of Acts are, excepting where the same are expressly varied by this Act, incorporated with and form part of this Act; namely,

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869";

"The Railways Clauses Consolidation Act, 1845"; and

Part. II. of "The Railways Clauses Act, 1863," relating to extension of time.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Great Northern Railway Company; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly 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.

Extension of time for purchase of lands. 4. The powers of the Company for the compulsory purchase of lands for the purposes herein-after mentioned are hereby extended;

but the said powers shall not be exercised after the expiration of the periods herein-after specified; namely, A.D. 1876.

For the purposes of "The Dewsbury Line and Extension" until the first day of August 1878;

For the purposes of the railways referred to respectively as Railway No. 1 and Railway No. 2, authorised by "The Great Northern, Halifax, Thornton, and Keighley Railways Act, 1873," until the first day of August 1878:

Provided that the extension of time for the purchase of land for the purposes of the Dewsbury Line and Extension shall not enable the Company to enter upon, purchase, or take, otherwise than by agreement, any lands belonging to the trustees of the will of the late John Savile Lumley Savile, Earl of Scarborough, except the lands which they are authorised to purchase under an agreement bearing date the tenth day of March 1875, and made between the said trustees of the one part and the Company of the other part, and excepting also the reversionary interest of the trustees in certain other pieces of land intersecting or adjoining the land referred to in the said agreement, which last-mentioned lands have been demised by the said trustees on building leases for long terms of years, and nothing in this Act contained shall invalidate the said agreement or vary the rights of the parties thereto.

5. The respective periods limited for the construction and completion of the following railways are hereby extended as follows; (that is to say,) Extension of time for completion of certain railways.

The railway from Stanningley to Pudsey, authorised by and referred to as Railway No. 7 in "The Great Northern Railway Act, 1871," and also the railway referred to in the same Act as Railway No. 8, until the first day of August 1878:

The railways authorised by "The Bradford and Thornton Railways Act, 1871," subject to the deviation authorised by "The Great Northern Railway (Deviations) Act, 1874," until the twenty-fourth day of July 1879:

For the Dewsbury Line and Extension until the twenty-fourth day of July 1879.

6. Subject to the provisions of this Act, the Company may stop up and may extinguish all rights of way in and over the public ways and footpaths herein-after mentioned, and may in the cases herein-after described make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the roads or footpaths herein-after described, and may enter upon, take, and use Power to divert and construct new roads or footpaths.

A.D. 1876. such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes :

They may stop up and extinguish all rights of way over so much of Pasture Lane, in the township of Horton, in the parish of Bradford, as lies between a point about one chain and a half southward of the junction of that lane with Lidget Lane, and the eastern fence of the field numbered 389 in the same parish on the plans deposited in respect of "The Bradford and Thornton Railways Act, 1871," and the soil of the said portion of Pasture Lane shall vest in the owners of the land on each side thereof, and the diversion of Pasture Lane which the Company have already constructed between the said field and Lidget Lane is hereby authorised: Provided that the Company shall make and complete, to the reasonable satisfaction of the mayor, aldermen, and burgesses of the borough of Bradford, hereinafter called "the corporation," and thenceforth dedicate to the public, a roadway not less than twelve feet in width, and shall also make, construct, and maintain to the like satisfaction a bridge and carriageway over the railway, as shown on the plan signed in duplicate by Mr. John Fraser, the engineer for the Company, and Mr. John Allison, the engineer for the corporation, dated the fifth day of July one thousand eight hundred and seventy-six, for the purpose of affording means of communication between Paradise and Pasture Lane. That portion of Pasture Lane which lies between the northern point of junction of the said roadway with the said lane and Lidget Lane, as shown on the said plan and thereon coloured pink, shall not be stopped up or otherwise interfered with by the Company, but shall at all times remain a public highway. The Company shall also make and complete to the like satisfaction as aforesaid a footpath not less than six feet in width, and opening out at the ends thereof along the southern side of the railway from the said footpath to Pasture Lane as the same is to be diverted, as shown on the said plan and thereon coloured pink; the said footpath shall be made according to a section to be agreed upon by the said John Fraser and John Allison, or, failing agreement, as shall be approved of by the President for the time being of the Institute of Civil Engineers, and the said referee shall determine by whom and in what proportions the costs of such reference shall be paid :

They may stop up and extinguish all rights of way over so much of a public footpath in the said township of Horton communi-

cating between Pasture Lane aforesaid and Hollingwood Lane as lies between the farmhouse and buildings called "Paradise" and the point of junction of the said footpath with Pasture Lane, and may appropriate the soil of such part of the said footpath, and shall substitute therefor a new footpath along the southern side of the said Bradford and Thornton Railway through the field numbered 381 in the said parish on the before-mentioned plans, and terminating in the proposed diversion of Pasture Lane: Provided that the existing footpath shall not be closed until the new or substituted path is opened for use:

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They may stop up in the township and parish of Halifax a footpath commencing at the north-western end of Mulcture Road, and extending along the south side of the North Bridge railway station to the point where the said footpath passes under North Bridge, and they may appropriate the soil and site thereof:

The said public ways or footpaths are all in the west riding of the county of York, and the same when formed shall be maintained and repaired by the parties now liable to maintain and repair the existing public ways and footpaths.

7. The Company in constructing the new roads and alteration of roads and streets herein-before authorised may deviate to the extent of the limits of deviation marked on the deposited plans, and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet, but not so as to increase the rate of inclination as shown on the deposited sections of any new road or street.

Power to deviate in construction of roads or footpaths.

8. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may enter upon and take for the purposes of their undertaking the lands herein-after described, which are delineated upon the deposited plans and described in the deposited book of reference; (that is to say,)

Power to purchase additional lands.

Certain land at or near Quarry Gap, in the township of Pudsey and parish of Calverley, in the west riding of the county of York, bounded on the east by land belonging or reputed to belong to James Taylor Ingham, on the west by the Leeds and Halifax turnpike road, on the north by the Bradford, Eccleshill, and Idle Railway, and on the south by Arkwright Street; provided that a similar right of way shall be enjoyed by the public along Arkwright Street as is now enjoyed by them over so much of the bridleway and path as now crosses the said land, and that the Company shall, with the consent of the

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owners and occupiers of the land to be used for the purposes thereof, construct a bridle road and footpath of not less than six feet in width (with a fence wall on the north side four feet six inches high above the footroad, topped in lime), commencing in the existing bridle road or footpath at a point marked G upon a plan, signed in duplicate by the chairman of the Pudsey Local Board on behalf of the said board, and by Mr. John Fraser on behalf of the Company, and terminating at a point marked F upon the plan so signed as aforesaid, at which point the said new bridle road or footpath will join the east end of Arkwright Street; and when the said new bridle road or footpath, with the wall on the north side thereof is completed, all rights of way in or over the existing bridle road or footpath between the points marked D and G upon the plan so signed as aforesaid shall be extinguished, and the said new road or footpath when so made shall be thenceforth maintained and repaired by the parties now liable to maintain and repair the existing footpath:

Certain land at New Leeds, in the township of Bradford and parish of Bradford, in the said west riding, bounded by Mount Street and by railways and land belonging or reputed to belong to the Company: Provided that the Company shall not, unless with the previous consent of the corporation, to be signified in writing under the hand of their town clerk, construct any works or do any act which may in any way interfere with the completion of Birksland Street, or with Cudworth Street or Hammerton Street, nor shall the Company make any erection over the same streets, or either of them, unless according to plans and elevations which shall have been previously agreed upon between the corporation and the Company: Provided also, that any difference which may arise between the Company and the corporation as to the method of effecting any such erection shall be referred to some engineer to be appointed by the President for the time being of the Institute of Civil Engineers, and the said referee shall determine by whom and in what proportions the costs of such reference shall be paid:

The Company shall not interfere with any of the gas or water mains or pipes or sewerage works of the corporation, except in accordance with a plan to be mutually agreed upon between the Company and the corporation, or, failing agreement, as shall be determined by some person appointed in the manner and with the powers above specified in reference to works affecting streets; and if the Company shall wilfully do any act in con-

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travention of this provision, whereby the gas or water mains or the sewerage works of the corporation shall be interfered with, they shall for every such offence be liable to a penalty not exceeding twenty pounds, and a like penalty for every day during which such offence shall continue.

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9. 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.

10. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and rent-charges, as far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, or privileges as aforesaid.

Power to take easements, &c. by agreement.

11. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have power to raise 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.

Power to apply corporate funds to purposes of Act.

12. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels.

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

13. 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.

THE UNIVERSITY OF CHICAGO

PH.D. THESIS

BY

JOHN H. ...

IN

THE DEPARTMENT OF ...

CHICAGO, ILLINOIS

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