



CHAPTER ccxlii.

An Act for incorporating the Halifax High Level and North and South Junction Railway Company and authorising them to make and maintain the Halifax High Level and North and South Junction Railway and for other purposes. A.D. 1884.
[7th August 1884.]

WHEREAS the making and maintaining of the railways by this Act authorised would be of public and local advantage:

And whereas the persons in that behalf in this Act named with others are willing at their own expense to construct the railways if authorised by Parliament so to do and are desirous of being incorporated into a company with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly as by this Act provided:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the west riding of the county of York and are herein-after respectively referred to as the deposited plans sections and books of reference:

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:—

1. This Act may be cited as the Halifax High Level and North and South Junction Railway Act 1884. Short title.

[Ch. ccxlii.] *Halifax High Level and North and South Junction Railway Act, 1884.* [47 & 48 VICT.]

A.D. 1884.
Incorporation of
general Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I (relating to cancellation and surrender of shares) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I (relating to construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially 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 company incorporated by this Act the expressions "the railway" "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised 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 partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. William Irving Holdsworth James Booth Frederick Hungerford Bowman Alfred Ramsden Thomas Smith Scarborough George Clegg James Carter and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Halifax High Level and North and South Junction Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make railways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings approaches junctions works and conveniences connected therewith or incidental thereto 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 The railways herein-before referred to and authorised by this Act are wholly situate in the west riding of the county of York and are : A.D. 1884.

Railway No. 1.—A railway one mile five furlongs nine chains and seventy links in length wholly situate in the parish and borough of Halifax in the west riding of the county of York commencing in the township of Halifax by a junction with the Railway No. 2 authorised by the Hull Barnsley and West Riding Junction Railway and Dock (New Works) Act 1882 at the termination of that authorised railway at or near the south side of George Street Halifax at a point about fifteen yards east of the entrance door to the Union Bank in that street and terminating in the township of Ovenden in a field called or known by the name of Upper Tinkler Royd and at or near the south-east side of Wood Lane and at a point sixty yards or thereabouts from and to the north-east of the junction of Wood Lane with Doctor Hill.

Railway No. 2.—A railway one mile two furlongs and one chain in length wholly situate in the said township of Ovenden and parish of Halifax commencing by a junction with the said Railway No. 1 at the termination thereof as above described and terminating in a field called or known as the Watkinson Hall Park and at or near a point two hundred and sixty-four yards or thereabouts from and to the north-east of the north-eastern angle of the Moor Side schools the property of the Ovenden School Board and three hundred and seventy-four yards or thereabouts measured in a north-easterly direction from the junction of Moor Lane with the road leading from Ovenden Cross to Illingworth.

Railway No. 3.—A railway four furlongs three chains and fifty links in length wholly situate in the said township of Ovenden and parish of Halifax commencing by a junction with the Railway No. 2 by this Act authorised at the termination thereof as above described and terminating by a junction with the Halifax Thornton and Keighley Line of the Great Northern Railway Company at a point fifteen yards or thereabouts from and to the south of the bridge carrying the road leading from Holmfield Mills to Holdsworth over that line and two hundred and fifteen yards or thereabouts from and to the north of the north end of the Holmfield passenger station buildings.

Railway No. 4.—A railway one mile four furlongs seven chains and ninety links in length wholly situate in the said parish and borough of Halifax commencing in the township of Ovenden by a junction with the Railway No. 2 by this Act authorised

[Ch. ccxlii.] *Halifax High Level and North and South Junction Railway Act, 1884.* [47 & 48 VICT.]

A.D. 1884.

at the commencement thereof as above described and terminating in the township of Halifax in a field called or known as the Four Days Work (and in that portion thereof which is now used as a nursery garden) and at a point forty yards or thereabouts measured in a westerly direction from a point in the centre of Queen's Road which is one hundred yards or thereabouts from the junction of Queen's Road with King Cross Road.

Railway No. 5.—A railway two furlongs two chains and twenty links in length wholly situate in the said parish of Halifax commencing in the said township of Ovenden by a junction with the Railway No. 2 by this Act authorised at the termination thereof as above described and terminating in the said township of Ovenden at or near the southern boundary of the station ground of the Holmfield goods station and at a point fifteen yards or thereabouts east of the east end of the row of cottages known as Spindlepoint.

Capital and number and amount of shares.

6. The capital of the Company shall be three hundred and twenty thousand pounds in thirty-two thousand shares of ten pounds each.

Shares not to be issued until one-fifth part thereof shall have been paid up.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

8. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

9. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

10. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such

share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

A.D. 1884.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say):—First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on half shares.

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Dividends on preferred shares to be paid out of the profits of the year only.

13. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Half shares, to be registered and certificates issued.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated on certificates.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of

Forfeiture of preferred half shares.

A.D. 1884. — calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred half shares not to be cancelled or surrendered.

Half shares to be half shares in capital.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

17. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Power to borrow.

18. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one hundred and six thousand six hundred and sixty-six pounds that is to say in respect of each one hundred and sixty thousand pounds of the capital the Company may borrow not exceeding fifty-three thousand three hundred and thirty-three pounds but no part of either of such sums shall be borrowed until the whole capital in respect of which the borrowing power is exercised is 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 the whole of such capital has been issued and accepted and that one half thereof 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 persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or 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 shall be sufficient evidence thereof.

19. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

A.D. 1884.
For appointment of a receiver.

20. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the date of the securities or of the Acts of Parliament or resolutions by which such stock and mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages.

Power to create debenture stock.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

Application of moneys.

22. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

First and subsequent meetings.

23. The number of directors shall be seven but the Company may from time to time reduce and again increase the number provided that the number be never more than seven nor less than three.

Number of directors.

24. The qualification of a director shall be the possession in his own right of not less than forty shares.

Qualification of directors.

25. The quorum of a meeting of directors shall be four until the number of directors is reduced to three and then the quorum shall be two.

Quorum of directors.

26. William Irving Holdsworth James Booth Frederick Hungerford Bowman Alfred Ramsden Thomas Smith Scarborough George Clegg and James Carter shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not

First directors—election of directors.

[Ch. ccxlii.] *Halifax High Level and North and South Junction Railway Act, 1884.* [47 & 48 VICT.]

A.D. 1884. — continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

27. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed one acre.

Period for compulsory purchase of lands.

28. 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 three years from the passing of this Act.

Power to take easements &c. by agreement.

29. 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 not being an easement of water required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners &c. may be required to sell part of premises.

30. And whereas in the construction of the railway and other works by this Act authorised it may happen that portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without any material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands and buildings described in the schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portions thereof the Company paying for the portions required

by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise. A.D. 1884.

31. The Company may in constructing the works by this Act authorised deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may with the consent of the Board of Trade deviate vertically from the levels of those works as shown on the deposited sections to any extent beyond the limits allowed by the Railways Clauses Consolidation Act 1845 not exceeding three feet upwards and three feet downwards. Deviation.

32. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the railway it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):— Company empowered or may be required to underpin or otherwise strengthen houses near railway.

(1.) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened.

(2.) Each such notice if given by the Company shall be left on the premises to be underpinned or strengthened and if given by the owners and lessees thereof shall be sent to the principal office of the Company.

(3.) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade.

(4.) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building.

[Ch. ccxlii.] *Halifax High Level and North and South Junction Railway Act, 1884.* [47 & 48 VICT.]

A.D. 1884.

- (5.) The cost of the reference shall be in the discretion of the referee.
- (6.) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment.
- (7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made within six months from the discovery thereof.
- (8.) Nothing in this enactment contained nor any dealing with the said property in pursuance of this enactment shall relieve the Company from the liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act.
- (9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845.
- (10.) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

Inclination
of roads.

33. 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) :—

| | No. on deposited Plan. | Parish. | Description of Road. | Intended Inclination. |
|---------------|------------------------|---------|----------------------|---|
| Railway No. 1 | 466 | Halifax | Public | 1 in 8·4 on one side and 1 in 9 on the other |
| Railway No. 2 | 562 | Halifax | Public | 1 in 6·75 on one side and 1 in 8 on the other |
| Railway No. 3 | 805 | Halifax | Public | 1 in 16 on one side and 1 in 31 on the other |
| Railway No. 3 | 865 | Halifax | Public | 1 in 18·8 |

34. 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 they have so made known their intention.

A.D. 1884.

Notice to be given of taking of houses of labouring classes.

35. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers the Company shall (unless the Company and such persons otherwise agree) procure sufficient accommodation elsewhere for such persons. Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice. The Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring class dwellings and may let or otherwise dispose of such lands and dwellings.

Company to procure accommodation for persons of the labouring classes to be displaced.

36. For the protection of the mayor aldermen and burgesses of the borough of Halifax (herein-after in this section called "the corporation") the following provisions shall have effect (that is to say)—

Provisions for the protection of the Corporation of Halifax.

1. The Company shall construct the bridges for carrying the railway over the road within the borough next hereafter mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively that is to say:—

| Name of Street. | Height. | Span. |
|---------------------------------|---------|---------|
| Brackenbed Lane (New Bridge) | 16 feet | 30 feet |
| Public footpath (Kitten Clough) | 12 feet | 10 feet |
| Public footpath (Doctor Hill) | 12 feet | 10 feet |
| Public footpath (Mount Pellon) | 12 feet | 10 feet |

and the footbridges at Doctor Hill and Clay Pits shall not be less than six feet wide. The distance between the parapet walls of the bridges where the railway passes under any public road or street within the borough shall be the full width of the street or road at its crossing and in no case less width than thirty feet. The parapet walls to be built in a line with the frontage of each side of the street or road.

[Ch. ccxlii.] *Halifax High Level and North and South Junction Railway Act, 1884.* [47 & 48 VICT.]

A.D. 1884.

2. The Company shall before interfering with the surface of any street or road within the borough or with any gas pipe water pipe sewer or drain in any street or road give seven days notice in writing of their intention so to do to the corporation.
3. The Company shall pay to the corporation compensation for all damage occasioned to the streets of the borough during the progress of the works authorised by the Act whether such damage arise owing to the traffic occasioned by the construction of such works or by reason of the breaking up of and interference with such streets.
4. The Company shall effectually screen off the parts of each street which shall be stopped up or interfered with to the reasonable satisfaction of the borough surveyor by means of a hoarding of such height and character as the corporation may reasonably approve.
5. In connexion with the construction of the tunnel between George Street and Green Lane the Company shall at their own expense if required by the Board of Trade on the requisition of the corporation construct a shaft or opening for the better ventilation of such tunnel and the escape of smoke and steam therefrom.
6. If any interruption whatsoever in the supply of water or gas by the corporation shall be in any way occasioned by the Company or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall pay and make compensation to the corporation for all expenses loss or damage sustained by the corporation loss of water or gas or interference with the corporation in the performance of their obligations as to water or gas and indemnify them against all damages penalties and costs which may arise directly from any such interruption of supply.
7. Before the Company stop or divert any road or street within the borough (with the exception of Saint James Road Central Street and Black Swan Passage) the Company shall provide in lieu thereof to the reasonable satisfaction of the corporation another road or street of equal convenience with the road or street so to be stopped up or diverted.
8. During the construction of the railway under Saint James Road and the closing of the traffic thereon the Company shall provide suitable crossings for foot horse and carriage traffic from the following main streets namely Gibbet Lane

Pellon Lane North Parade Commercial Road and Crib Lane
from west to east.

A.D. 1884

9. Where the railway crosses over any street or road within the borough by means of a bridge or viaduct the Company shall if so required by the corporation provide and maintain such lamps under the arch of the bridge as may be necessary to efficiently light the same.
10. All bridges by which the railway shall be carried over any road or street within the borough shall be constructed so as to be as water-tight as possible and the walls thereof shall be whitewashed by the Company at least twice a year.
11. Wherever it may be necessary to interrupt or interfere with any existing sewer or drain of the corporation the Company shall before interrupting or interfering with such existing sewer or drain construct to the reasonable satisfaction of the corporation another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be interrupted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be interrupted or interfered with to the reasonable satisfaction of the corporation.
12. If by reason of the execution of any of the works by this Act authorised within the borough the corporation shall necessarily incur any cost in altering any existing sewer drain gas pipe or water pipe the Company shall repay to the corporation such additional cost.
13. If by reason of the execution of any of the works by this Act authorised within the borough any increased length of sewers drains gas pipes or water pipes and apparatus shall become necessary the expense of constructing and laying such additional length to be certified by the borough surveyor shall be repaid by the Company to the corporation.
14. The Company shall from time to time and at all times during the construction and after the completion of the works allow the corporation and their officers and servants access to any sewer drain gas pipe water pipe and apparatus vested in the corporation for the purpose of repairing the same or connecting any new drain gas or water pipe with existing sewers drains gas or water pipes and apparatus.
15. Where by reason of the execution of any of the powers of this Act the surface of any street or portion of a street has been broken up or interfered with such street or portion of a street

A.D. 1884.

or the street substituted therefor under the powers of this Act as the case may be and so much of the surface of any other street adjoining such street as it shall be rendered necessary to alter by reason of such breaking up or interference shall be restored and relaid by the corporation at the expense of the Company with new setts flagging and edging of such quality and dimensions as the borough engineer may reasonably approve and shall thereafter (with the exception of Saint James Road Central Street and Black Swan Passage) be maintained and kept in efficient repair for twelve months to the reasonable satisfaction of the borough engineer by or at the expense of the Company but as far as regards Saint James Road Central Street and Black Swan Passage the same shall be maintained and kept in repair as aforesaid for the period of three years but all old setts flagging edging and other road materials taken up from streets which have been broken up or interfered with as aforesaid shall belong to the Company and may be taken by them accordingly.

16. The spring of water in Birks Hall Wood not to be interfered with so as to interrupt the flow of water into the present waterhouse and the work to be constructed to the satisfaction of the corporation and in such a way as to afford free access at all times to the waterhouse and to the whole length of the pipe leading therefrom to Halifax.
17. If any difference at any time hereafter arise between the corporation and the Company with respect to anything to be done or not to be done or any moneys to be paid by the Company to the corporation under this section such difference shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845.

For the protection of the Great Northern Railway Company.

37. The powers of this Act with respect to the purchase and acquisition of lands belonging to the Great Northern Railway Company otherwise than by agreement for the purposes of Railway No. 3 by this Act authorised and the junction thereof with the railway of the Great Northern Railway Company and with respect to the making and maintaining of Railway No. 3 shall unless with the previous consent of the Great Northern Railway Company (herein-after called the Great Northern Company) in writing under their common seal be exercised only subject to and in accordance with the following provisions:—

Limiting interference with land &c.

1. The Company shall not without in every case the previous consent of the Great Northern Company in writing under their common seal take use enter upon or interfere with the

Great Northern Railway or any land railway siding or other work connected therewith except only so far as shall be necessary for the purpose of making and maintaining the said railway as the same is according to this Act to be constructed.

A.D. 1884.

2. With reference to any land of the Great Northern Company which the Company is by this Act authorised to take use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Great Northern Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same.

3. The junction of Railway No. 3 with the Great Northern Railway near Holmfield shall be effected at such point and in such manner and according to such mode of construction as shall be reasonably approved of by Mr. Richard Johnson or other the engineer for the time being of the Great Northern Company before the commencement of the work.

4. The said Railway No. 3 by this Act authorised where the same will be made upon or across or will otherwise interfere with the Great Northern Railway or with any railway siding or other work belonging to or worked by the Great Northern Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be submitted to and previously approved by the said Richard Johnson or other the engineer for the time being of the Great Northern Company who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided.

Plans &c. of works to be approved.

5. The Company shall not in any manner in the execution of any of their works remove or disturb any of the rails of the Great Northern Railway sidings or other works or obstruct or interfere with the free uninterrupted and safe use of the said Great Northern Railway or any traffic thereon except only so far as shall be necessary for the purpose of forming the junction between the said Railway No. 3 and the Great Northern Railway.

Traffic not to be obstructed.

6. The Company shall bear and on demand pay to the Great Northern Company the expense of the employment by that Company during the execution of any work affecting the Great

Company to pay costs of inspection during progress of works.

A.D. 1884.

Northern Railway sidings or other work of the Great Northern Company of a sufficient number of inspectors watchmen and signalmen to be appointed by that Company for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employ of the Company or of their contractors with reference thereto or otherwise.

Compensation for injury.

7. If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors or otherwise any railway siding or other work of the Great Northern Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Great Northern Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction and if any interruption or delay shall be occasioned to the traffic of or upon any such railway siding or other work of the Great Northern Company by reason of any of the matters or causes aforesaid the Company shall pay to the Great Northern Company all costs and expenses to which that Company may be thereby put as well as full compensation for all loss and inconvenience sustained by them by reason of any such interruption or delay such costs expenses and compensation to be recoverable with full costs by the Great Northern Company from the Company in any court of competent jurisdiction.

8. If the Great Northern Company shall at any time hereafter be desirous for the purpose of forming branches or sidings of constructing bridges under or over the said Railway No. 3 the Company shall afford to the Great Northern Company all reasonable and proper facilities for the construction of such bridges according to plans to be agreed on between the respective engineers for the time being of the two companies or in case of difference to be determined by arbitration as herein-after provided.

Arbitration.

9. If any difference shall arise between the Company and the Great Northern Company or their respective engineers as to the true intent and meaning of this section or the mode

of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration. A.D. 1884.

38. For the protection of Messrs. John Crossley and Sons (Limited) and of the Ovenden Worsted Company (Limited) respectively and each and every of their successors in title (all of whom are in this section referred to as the owners) the following provisions shall have effect (that is to say) :—

For the protection of Messrs. John Crossley & Sons (Limited) and the Ovenden Worsted Company (Limited).

(a.) The Company shall not except so far as may be necessary for the purpose of draining the railway divert any surface or underground water which may be met with or intercepted by the construction of the railway and works between the point marked three furlongs on the deposited plans of Railway No. 1 and the termination of that railway near to Wood Lane in the township of Halifax and shall drain the water into the brook as near to the point of present inlets as possible.

(b.) The Company shall not except by agreement with the owners enter upon take or use any more of the properties belonging or reputed to belong to the owners and numbered respectively on the deposited plans 313 351 and 352 in the parish of Halifax than shall be absolutely necessary for the construction of the railway only and not for station purposes.

(c.) In the event of the Company requiring to take or bridge over any portion of the reservoir belonging or reputed to belong to the owners and numbered 583 on the deposited plans so as to diminish permanently the storage capacity of such reservoir the Company shall before they take possession of the said portion alter and extend the said reservoir on lands belonging to the owners so that the said reservoir shall be of the same superficial area depth and capacity as the present reservoirs and the work done shall be completed to the reasonable satisfaction of the engineer of the said owners and in case of dispute referred to arbitration and any land taken from the owners shall be paid for by the Company as provided by the Lands Clauses Consolidation Act 1845.

(d.) The Company shall during the alteration and repair (if any) of the said reservoir or of their railway and works there from time to time use all proper and reasonable means to prevent any damage to leakage or loss of water therefrom.

In case of damage leakage or loss of water arising from any such alteration or repair the Company shall make compensation

A.D. 1884.

for all damage sustained therefrom to the tenant or owners subject to arbitration in case of disagreement.

(e.) If any part of the said reservoir is altered bridged over or interfered with by the Company in the construction of the railway the Company shall maintain and keep in proper repair for two years after the completion of the works affecting such reservoir such part of the said reservoir as may have been so altered or interfered with.

(f.) The Company shall not except so far as may be necessary for draining the railway divert any surface or underground water which may be met with or intercepted by the construction of the railway through the Watkinson Hall Park Estate belonging or reputed to belong to the said Ovenden Worsted Company (Limited) but such water shall be turned into the Ovenden Brook above Shay Lane Mill or into Todds' Goit subject to the approval of the Messrs. Todds.

For the protection of the Birks Hall Estate.

39. The Company shall not enter upon take or use any lands or property belonging or reputed to belong to Herbert Edward Rhodes at Birks Hall Halifax after the expiration of two years and six months from the passing of this Act otherwise than by agreement and if the Company shall within the said period of two years and six months enter upon take or use any of such lands or property they shall take the whole of the lands buildings and property comprised within the red boundary line shown on the plan signed in duplicate by Horace Melville Smith on behalf of the Company and by George Edward Emmet on behalf of the said Herbert Edward Rhodes and a copy of which is held by each of them the Company and the said Herbert Edward Rhodes and pay compensation for the same under the provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 with respect to the purchase and taking of lands otherwise than by agreement and in that event the said Herbert Edward Rhodes shall sell the whole of the said lands buildings and property to the Company accordingly and nothing in this Act shall authorise the Company or their contractors except with the consent of the said Herbert Edward Rhodes to commence or execute any works whatsoever temporary or permanent upon any of the said lands buildings and property of the said Herbert Edward Rhodes until the Company shall have paid to the said Herbert Edward Rhodes or secured to his satisfaction the compensation money so agreed upon or settled as aforesaid.

For the protection of the Hull Barns-

40. The powers of this Act with respect to the purchase and acquisition of lands belonging to the Hull Barnsley and West Riding

Junction Railway and Dock Company (herein-after called the Hull Company) otherwise than by agreement for the purposes of Railway No. 1 by this Act authorised and the junction thereof with the railway (herein-after called the Hull Railway) of the Hull Company and with respect to the making and maintaining of Railway No. 1 shall unless with the previous consent of the Hull Company in writing under their common seal be exercised only subject to and in accordance with the following provisions :—

A.D. 1884.

ley and West
Riding
Junction
Railway and
Dock Com-
pany.

1. The Company shall not without in every case the previous consent of the Hull Company in writing under their common seal take use enter upon or interfere with the Hull Railway or any land railway siding or other work connected therewith except only so far as shall be necessary for the purpose of making and maintaining the said railway as the same is according to this Act to be constructed.

Limiting
interference
with land
&c.

2. With reference to any land of the Hull Company which the Company is by this Act authorised to take use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Hull Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same.

3. The junction of Railway No. 1 with the Hull Railway at Halifax shall be effected at such point and in such manner and according to such mode of construction as shall be reasonably approved of by William Shelford or other the engineer for the time being of the Hull Company before the commencement of the work.

4. The said Railway No. 1 by this Act authorised where the same will be made upon or across or will otherwise interfere with the Hull Railway or with any railway siding or other work belonging to or worked by the Hull Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be submitted to and previously approved by the said William Shelford or other the engineer for the time being of the Hull Company who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided.

Plans &c. of
works to be
approved.

[Ch. ccxlii.] *Halifax High Level and North and South Junction Railway Act, 1884.* [47 & 48 VICT.]

A.D. 1884.

Traffic not to be obstructed.

Company to pay costs of inspection during progress of works.

Compensation for injury.

5. The Company shall not in any manner in the execution of any of their works remove or disturb any of the rails of the Hull Railway sidings stations or other works or obstruct or interfere with the free uninterrupted and safe use of the said Hull Railway or any traffic thereon except only so far as shall be necessary for the purpose of forming the junction between the said Railway No. 1 and the Hull Railway.
6. The Company shall bear and on demand pay to the Hull Company the expense of the employment by that Company during the execution of any work affecting the Hull Railway sidings station or other work of the Hull Company of a sufficient number of inspectors watchmen and signalmen to be appointed by that Company for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employ of the Company or of their contractors with reference thereto or otherwise.
7. If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any Act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors or otherwise any railway siding station or other work of the Hull Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Hull Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction and if any interruption or delay shall be occasioned to the traffic of or upon such railway siding station or other work of the Hull Company by reason of any of the matters or causes aforesaid the Company shall pay to the Hull Company all costs and expenses to which that Company may be thereby put as well as full compensation for all loss and inconvenience sustained by them by reason of any such interruption or delay such costs expenses and compensation to be recoverable with full costs by the Hull Company from the Company in any court of competent jurisdiction.
8. If the Hull Company shall at any time hereafter be desirous for the purpose of forming branches or sidings of constructing

bridges under or over the said Railway No. 1 the Company shall afford to the Hull Company all reasonable and proper facilities for the construction of such bridges according to plans to be agreed on between the respective engineers for the time being of the two companies or in case of difference to be determined by arbitration as herein-after provided.

A.D. 1884.

9. If any difference shall arise between the Company and the Hull Company or their respective engineers as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Arbitration.

41. For the protection of the trustees and executors of Matthew Todd late of Shay Lane Mill Ovenden in the parish of Halifax in the county of York the following provisions shall have effect:—

For protection of trustees and executors of Matthew Todd.

1. The Company shall within a period of two and a half years from the passing of this Act take the whole of the lands to the west or north-west of the green line shown upon a tracing signed respectively by Beswick Myers the engineer of the Company and by Richard Horsfall on behalf of the said trustees and in case of any difference as to its value shall proceed to have its value ascertained and pay for the same as if it were taken under the compulsory powers of the Lands Clauses Consolidation Act 1845 such lands shall be taken subject to the condition that no cess-pools shall at any time be made therein.
2. The Company shall not for the purposes of the said Railways No. 3 or No. 5 or either of them or for any other purpose take any of the lands to the east or south-east of the green line shown upon the tracing respectively signed as aforesaid.
3. The Company shall in the execution of the said railways construct all necessary works to the satisfaction of Richard Horsfall or other the engineer for the time being of the trustees on behalf of the said trustees or in case of difference to the satisfaction of an engineer to be appointed by the President for the time being of the Institution of Civil Engineers for the protection of all existing springs drains and passages of water from and to and through the land lying to the west and north-west of the green line to be purchased as aforesaid and will convey the said water by one or more proper pipes and channels across or under the said

A.D. 1884.

railways so that the use at the Shay Lane Mill and Shay Lane Mill property of the said water shall be in no way interfered with And will repair and keep in good condition at all times the pipes or channels through which the said water is conveyed through the land to be purchased from the Watkinson Hall or other estates into the Shay Lane estate and will permit the trustees at all reasonable times to enter any portion of the land to the west or north-west of the green line in which such pipes shall be laid for the purpose of examining the said pipes.

4. In the case of any neglect or omission of the Company after receiving twenty-four hours notice from the trustees to execute any necessary repairs it shall be lawful for the trustees to enter upon the said lands and to execute such necessary repairs at the cost of the Company but so nevertheless as not to cause any injury to the railway or any interruption to the traffic thereon.
5. The Company shall in the execution of the said railways construct all necessary works to the satisfaction of Richard Horsfall or other the engineer for the time being of the trustees on behalf of the said trustees or in case of difference to the satisfaction of an engineer to be appointed by the President for the time being of the Institution of Civil Engineers for the protection of the subterranean channel or goit by which water from the Ovenden Brook near Holmfield Mills is conveyed into the Shay Lane Mill estate reservoir so that the said water shall continue to feed the said reservoir unaffected either in quantity or quality by the works of the Company.
6. The Company shall pay to the trustees compensation for all damage occasioned to them or their trust property from whatever cause during the progress of the works authorised by the Act.
7. All water met with in making the cuttings for the railways Nos. 3 and 5 through the land to the west or north-west of the green line shown upon the tracing respectively signed as aforesaid shall be collected and conveyed by a suitable pipe or culvert to the goit leading from the Ovenden Brook to the Shay Lane Mill estate reservoir in such manner as shall be approved by Richard Horsfall or other the engineer for the time being of the trustees on behalf of the said trustees or in case of difference to the satisfaction of an engineer to be appointed by the President for the time being of the Institution of Civil Engineers.

A.D. 1884.

Deposit money not to be repaid except so far as railway opened.

42. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of fourteen thousand eight hundred and fifty-one pounds nine shillings and eightpence consolidated three pounds per centum annuities being equal in value to five per centum upon the amount of the estimate in respect of the railway has been transferred into the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is in this Act referred to as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not 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 which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

43. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company

A.D. 1884. by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

44. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls.

45. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say):—

In respect of passengers conveyed on the railways:—

Class 1. For every person conveyed in a first-class carriage per mile twopence;

Class 2. For every person conveyed in a second-class carriage per mile one penny halfpenny;

Class 3. For every person conveyed in a third-class carriage per mile one penny.

In respect of animals conveyed on the railways:—

Class 4. For every horse mule ass or other beast of draught or burden conveyed in or upon any carriage per mile twopence:

Class 5. For every ox cow bull or neat cattle conveyed in or upon any carriage per mile one penny halfpenny; A.D. 1884.

Class 6. For every calf pig sheep or lamb or other small animal conveyed in or upon any carriage per mile one halfpenny;

In respect of goods conveyed on the railways:—

Class 7. For all coals coke culm slack cannel cinders lime limestone sand clay (except fire clay) chalk dung compost and all sorts of common manure and all undressed materials for the repair of highways clay ironstone and iron ore per ton per mile one penny;

Class 8. For all pig iron bar iron and all other similar descriptions of iron and iron castings not manufactured into utensils or other articles of merchandise undressed stones for building pitching and paving bricks tiles common slates fire clay charcoal bats copper tin lead and other ores guano and artificial manures per ton per mile one penny halfpenny;

Class 9. For all sugar grain corn flour potatoes hides (dried and salted) dye-woods timber staves and deals metals (except iron) tinned plates nails anvils vices hoop iron sheet iron and chains per ton per mile twopence;

Class 10. For lace furs silk drapery millinery china glass cotton wool manufactured goods drugs and all other wares merchandise fish articles matters or things per ton per mile threepence;

In respect of carriages conveyed on the railways:—

Class 11. For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform belonging to the Company if having more than two wheels per mile fourpence and if having only two wheels per mile threepence and for every additional quarter of a ton up to four tons which any such carriage weighs one penny per mile in addition if such carriage have more than two wheels and three farthings per mile in addition if the same have only two wheels.

46. For carriages supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand and take for or in respect of goods articles matters or things persons or animals comprised in either of the classes herein-before specified any tolls not exceeding the tolls next herein-after mentioned in

Tolls for
carriages
&c.

[Ch. ccxlii.] *Halifax High Level and North and South Junction Railway Act, 1884.* [47 & 48 VICT.]

A.D. 1884. connexion with the class in which such goods articles matters or things persons or animals are respectively comprised (to wit) :—

- For Class 1 for each person per mile one penny ;
- For Class 2 for each person per mile three farthings ;
- For Class 3 for each person per mile one halfpenny ;
- For Class 4 for each animal per mile one penny ;
- For Class 5 for each animal per mile one penny ;
- For Class 6 for each animal per mile one halfpenny ;
- For Class 7 per ton per mile one penny ;
- For Class 8 per ton per mile one halfpenny ;
- For Class 9 per ton per mile three farthings ;
- For Class 10 per ton per mile one penny ;
- For Class 11 for each carriage per mile twopence ;

Tolls for propelling power.

47. The tolls which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

48. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :—

Short distances.

For all passengers animals or goods conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles ;

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile ;

Fractional parts of a ton.

For the fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton ;

General weight.

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight ;

Weight of stone and timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so on in proportion for any smaller quantity.

49. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :—

A.D. 1884.

Tolls for small parcels and articles of great weight.

For the carriage of small parcels on the railways :—

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven but not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ;

For any parcel exceeding fifty-six pounds and not exceeding one hundredweight one shilling and sixpence and for every additional one hundredweight up to five hundredweight ninepence.

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railways :—

For the carriage of any single thing the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand and take any sum not exceeding sixpence per ton per mile ;

For the carriage of any single thing the weight of which including the carriage exceeds eight tons the Company may demand and take any sum they think fit.

50. The maximum rate of charge to be made by the Company for the conveyance of passengers including the tolls for the use of the railways and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say) :—

Maximum rates for passengers.

For every passenger conveyed in a first-class carriage the sum of threepence per mile ;

For every passenger conveyed in a second-class carriage the sum of twopence per mile ;

For every passenger conveyed in a third-class carriage the sum of one penny per mile.

A.D. 1884.

Maximum rates for animals and goods.

51. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say) :—

Class 4. For each animal fourpence per mile ;

Class 5. For each animal twopence per mile ;

Class 6. For every calf or pig one penny per mile and for every other small animal three farthings per mile ;

Class 7. One penny halfpenny per ton per mile ;

Class 8. Twopence per ton per mile ;

Class 9. Threepence per ton per mile ;

Class 10. Fourpence per ton per mile ;

Class 11. For every carriage if having more than two wheels and not weighing more than one ton and a half fivepence and one penny farthing for every additional quarter of a ton and if having only two wheels fourpence per mile and one penny for every additional quarter of a ton.

Tolls for separate waggons.

52. Provided also that when a separate waggon or truck shall be retained by one person for the conveyance only of cattle or sheep belonging to him or under his charge the aggregate of the tolls to be paid for such waggon or truck capable of containing six oxen or twenty-five sheep and not containing more than that number shall not exceed ninepence per mile.

Passengers luggage.

53. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Defining terminal station.

54. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

55. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the express and ordinary trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

A.D. 1884.

Foregoing charges not to apply to special trains.

56. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance on the railways of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Company may take increased charges by agreement.

57. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Classification table to be open for inspection and copies to be sold.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Terminal charges if any to be specified on application.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

Penalty.

58. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such

Interest not to be paid on calls paid up.

[Ch. ccxlii.] *Halifax High Level and North and South Junction Railway Act, 1884.* [47 & 48 VICT.]

A.D. 1884. 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.

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

59. The Company shall not out of any money by this Act authorised 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

60. Nothing in this Act contained shall exempt the Company or the railway 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 authorised by this Act.

Costs of Act.

61. All the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

LANDS AND BUILDINGS OF WHICH PORTIONS ONLY MAY BE REQUIRED.

| Parish. | Nos. on deposited Plans. |
|---------|--------------------------------------|
| Halifax | { 579 580 581 582 583 584 587 588 |