



## CHAPTER ccxix.

An Act for incorporating the South Leeds Junction Railway Company and for other purposes. A.D. 1893.

[24th August 1893.]

**W**HEREAS the construction of the railway herein-after described in the parish of Rothwell in the West Riding of the county of York would be of public and local advantage :

And whereas the several persons herein-after named with others are willing at their own expense to carry the undertaking into execution on being incorporated into a company for the purpose :

And whereas it is expedient that the company so to be incorporated (herein-after referred to as "the Company") and any company or persons for the time being working or using the railway of the Company be empowered to run over and use the parts herein-after mentioned of the railway of the East and West Yorkshire Union Railways Company (herein-after called "the East and West Company") :

And whereas an agreement a copy of which is set forth in the Second Schedule to this Act and which is herein-after referred to as "the scheduled agreement" has been entered into for the working of the railway of the Company by the East and West Company and it is expedient that the scheduled agreement be confirmed and made binding upon the Company and the East and West Company respectively :

And whereas it is expedient that the Company and the other companies herein-after in that behalf mentioned be empowered to enter into and carry into effect agreements as herein-after provided :

And whereas plans and sections showing the lines and levels of the railway authorised by this Act and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands 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 :

[Ch. ccxix.]      *South Leeds Junction Railway*      [56 & 57 VICT.]  
Act, 1893.

A.D. 1893.      —      And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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

Short title.      1. This Act may be cited as the South Leeds Junction Railway Act 1893.

Incorporation of Acts.      2. The Companies Clauses Consolidation Act 1845 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 Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) 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" and "the undertaking" mean respectively the railway 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. Alf Cooke Charles Coghlan Alexander Stanley Elmore 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 South Leeds 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.

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 railway herein-after described with all proper stations junctions sidings bridges viaducts rails tunnels roads buildings yards approaches works and conveniences connected therewith 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 that purpose The railway herein-before referred to and authorised by this Act will be wholly situate in the West Riding of the county of York and is—

A.D. 1893.  
 Power to  
 make  
 railway.

A railway on the deposited plans and sections called Railway (No. 1) two miles and one chain or thereabouts in length wholly in the parish of Rothwell commencing by a junction with the East and West Yorkshire Union Railway and terminating at or near the south side of the Midland Railway four and a half chains or thereabouts south-easterly from the bridge carrying the Midland Railway over the Leeds and Pontefract road.

6. In constructing the railway by this Act authorised the Company shall carry the same over the tramway from Messrs. Charlesworth's colliery shown on the deposited plans and sections between the point marked one mile six furlongs and the point marked one mile seven furlongs from the commencement of the said railway by a bridge or arch having a clear span and headway of not less than the span and headway of the bridge by which the public road leading from Leeds to Pontefract is carried over that tramway and the Company shall not acquire or in any way interfere with such tramway or impede or prevent the use of such tramway at all times hereafter as freely and uninterruptedly as if this Act had not been passed.

As to  
 crossing of  
 tramway  
 from Messrs.  
 Charles-  
 worth's  
 colliery.

7. In order to provide for the conveyance of coal and other minerals merchandise and things to and from the Aire and Calder Navigation the Company shall in constructing the railway by this Act authorised or at any time thereafter when required by the undertakers of the navigation of the rivers of Aire and Calder in the West Riding of the county of York (herein-after called "the undertakers") and at the Company's expense construct and thereafter maintain a bridge or arch under the said railway at such place between a point five chains east of the point marked one mile and the point marked one mile one furlong from the commencement of the said railway as the undertakers shall fix Such bridge or arch to be of a clear span of not less than twenty-one feet in width with a clear headway above the level of the adjoining ground of not less than twelve feet in every part and the Company

Company to  
 provide arch  
 under Rail-  
 way No. 1  
 for traffic  
 to and from  
 the Aire  
 and Calder  
 Navigation.

A.D. 1893. shall without payment allow the free and uninterrupted user of such bridge or arch by the undertakers and any person authorised by them to use the same and shall permit the undertakers and such other persons to lay down and use railways or tramways through such bridge or arch and to remove and relay the same when they think fit.

Company not to divert water flowing into the Aire and Calder Navigation.

8. The Company shall not in constructing or maintaining the railway by this Act authorised or any of the works thereof divert intercept or diminish any waters now flowing into the Aire and Calder Navigation or which would flow into that navigation if the said railway were not constructed.

Capital.

9. The capital of the Company shall be sixty thousand pounds in six thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

10. 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.

11. One fifth of the amount of a share shall be the greatest amount of a call and three 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.

12. If any money is payable to a shareholder or mortgagee or debenture stockholder 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.

13. 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 of the amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

14. 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.

A.D. 1893.

**15.** 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.

**16.** 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 shall 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.

**17.** 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.

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

Forfeiture of preferred shares.

A.D. 1893.

Preferred  
shares not  
to be can-  
celled or  
surrendered.

Half shares  
to be half  
shares in  
capital.

Power to  
borrow.

For appoint-  
ment of a  
receiver.

Debenture  
stock.

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

**20.** 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.

**21.** The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty thousand pounds but no part of that sum shall be borrowed until the whole capital of sixty thousand pounds by this Act authorised 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 the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were 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.

**22.** 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 two thousand pounds in the whole.

**23.** 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 regard to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. A.D. 1893.

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

**25.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

**26.** The number of directors shall be six but the Company may from time to time reduce and again increase the number of directors but so that the number shall be never less than three nor more than six. Number of directors.

**27.** The qualification of a director shall be the possession in his own right of not less than twenty-five shares. Qualification of directors.

**28.** The quorum of a meeting of directors shall be three. Quorum.

**29.** Alf Cooke Charles Coghlan Alexander Stanley Elmore and three other duly qualified persons to be nominated by them or the majority of them and consenting to such nomination 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 nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue 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 herein-before contained for altering 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. First directors.

**30.** 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 five acres but nothing in this Act shall exempt the Company from any indictment Lands for extraordinary purposes.

A.D. 1893. — action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands. **31.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Inclination of road. **32.** In altering for the purposes of this Act the road numbered on the deposited plans 13 in the parish of Rothwell the Company may make the same of any inclination not steeper than one foot in sixteen feet.

Power to take easements &c. by agreement. **33.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts 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 over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges 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 may be required to sell parts only of certain lands and buildings. **34.** And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories 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 material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of 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 portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Restrictions on displacing persons of labouring class. **35.**—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an



urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

A.D. 1893.

- (A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and
- (B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by

A.D. 1893. the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation

to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

A.D. 1893.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

**36.** 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 stock certificates to bearer representing two thousand nine hundred pounds two and three quarters per cent. consolidated stock being at the price at which the same was purchased equal to five per centum upon the amount of the estimate in respect of the railway have been deposited with the Paymaster-General for and on behalf of the

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

A.D. 1893. Supreme Court in respect of the application to Parliament for this Act which stock certificates are and the sum of consolidated stock represented thereby is referred to in this Act 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 the completion of the railway open the railway for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section 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 High Court shall on the application of the depositors 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.

**37.** 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 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 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 High Court 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 if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors. Provided that until the deposit fund has been re-transferred 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.

A.D. 1893.

**38.** 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 except as to so much thereof as is then completed.

Period for completion of works.

**39.** The Company may demand and take in respect of the use of the railway such reasonable tolls as they think fit.

Tolls.

**40.** The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including charges for the use of the railway 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 conveyance of 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.

**41.** 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.

Passengers luggage.

**42.** 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 ordinary and express trains appointed from time to time by the Company for the conveyance of passengers upon the railway.

Foregoing charges not to apply to special trains.

A.D. 1893.  
Charges for  
small parcels.

**43.** With respect to small parcels not exceeding five hundred pounds in weight conveyed on the railway by passenger train notwithstanding anything in this Act the Company may demand and take any charges not exceeding the following (that is to say):—

For any parcel not exceeding seven pounds in weight three-pence ;

For any parcel exceeding seven pounds 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 in weight such sum as the Company think fit :

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.

Tolls for  
merchandise.

**44.** The classification of merchandise traffic and the schedule of maximum rates and charges applicable thereto (including perishable merchandise by passenger train) and the regulations and provisions contained in the schedule to the Great Northern Railway Company (Rates and Charges) Order 1891 (which Order is scheduled to and confirmed by the Great Northern Railway Company (Rates and Charges) Order Confirmation Act 1891) shall be applicable and apply to the Company as if it were one of the railway companies named in the appendix to the schedule of the said Order.

Power to  
use portion  
of East and  
West York-  
shire Union  
Railways.

**45.** The Company and any company or persons for the time being working or using the railway or any part thereof either by agreement or otherwise may run over and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description Railways No. 1c 1d and 1e authorised by the East and West Yorkshire Union Railways Act 1886 and so much of Railway No. 1 authorised by the East and West Yorkshire Union Railways Act 1883 as is not by the East and West Yorkshire Union Railways Act 1886 required to be abandoned and all roads platforms points signals water water-engines engine sheds standing-room for engines booking and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said railways and portion of railway And as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the

said railways and portion of railway as are now authorised to be taken upon and in respect of such railways and portion of railway. A.D. 1893.

**46.** The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or any such other company or persons as aforesaid for and in respect of the use of such railways and portion of railway works and conveniences shall be such as are from time to time agreed upon between them and the East and West Company or failing such agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any or either of the companies or persons interested and the cost of the arbitration shall be in his discretion and the decisions of such arbitrator shall be final and binding on all parties. Terms of such user.

**47.** The Company on the one hand and the East and West Company and the Midland Railway Company (herein-after called the "two companies") or either of those companies on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into carry into effect and rescind agreements with respect to the following purposes or any of them (that is to say):— Power to enter into traffic arrangements.

The working use management and maintenance by the two companies or either of them of the railway and works of the Company or any part or parts thereof respectively;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies or any or either of them;

The supply and maintenance under any agreement for the railway of the Company being worked and used by the two companies or either of them of engines stock and plant necessary for the purposes of any such agreement;

The fixing collection payment appropriation apportionment and distribution of the tolls rates income and profits arising from the respective railways and works of the contracting companies or any or either of them or any part thereof;

The employment of officers and servants; and

The appointment of joint committees for the purposes of any such agreements.

**48.** Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railway and works Saving for Postmaster-General.

A.D. 1893. — comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company or any part thereof is worked by the Midland Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Confirming  
scheduled  
agreement.

49. The scheduled agreement is hereby confirmed and made binding on the Company and the East and West Company respectively and shall be carried into effect accordingly as if the same were under their respective common seals. Provided that at the expiration of ten years from the passing of this Act such agreement may be unconditionally determined by the Company.

Tolls on  
traffic con-  
veyed partly  
on the rail-  
way and  
partly on  
other  
railways.

50. During the continuance of the scheduled agreement or of any working agreement to be entered into under the provisions of this Act and during the exercise of any running powers by this Act conferred the railways of the Company and of any company with whom such agreement shall have been entered into or over whose railways such running powers are exercised (as the case may be) shall for the purposes of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passenger traffic conveyed partly on the railways of the Company and partly on the railways of any other company for a less distance than three miles rates and charges may only be charged as for three miles and for every mile or fraction of a mile beyond three miles rates and charges as for one mile only and no other short distance charge shall be made for the conveyance of passengers partly on the railways of the Company and partly on the railways of any other company.

Power to  
pay interest  
out of  
capital  
during  
construction.

51. Notwithstanding anything in this Act or any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(A.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that



two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :

(B.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :

(C.) The aggregate amount to be so paid for interest shall not exceed six thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :

(D.) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :

(E.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth 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 on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

**52.** 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 to 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.

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

**53.** Nothing in this Act contained shall exempt the Company or any other company named in this Act or the railway of any company 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

Provision as  
to general  
Railway  
Acts.

[Ch. ccxix.]      *South Leeds Junction Railway*      [56 & 57 VICT.]  
Act, 1893.

A.D. 1893.      or alteration under the authority of Parliament of the maximum  
rates of fares and charges or of the rates for small parcels.

Costs of  
Act.

**54.** 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.

The SCHEDULES referred to in the foregoing Act.

A.D. 1893.

**FIRST SCHEDULE.**

DESCRIBING HOUSES OR OTHER BUILDINGS OR MANUFACTORIES PARTS ONLY  
OF WHICH MAY BE TAKEN.

Parish.	No. on deposited Plans.
Rothwell	4, 12A, 34.

**SECOND SCHEDULE.**

HEADS OF AGREEMENT between the East and West Yorkshire Union  
Railways Company and the South Leeds Junction Railway  
Company.

1. The South Leeds Company to construct and complete their authorised railway from Rothwell to Stourton.
2. The East and West Yorkshire Union Company to work and maintain the same.
3. The East and West Yorkshire Company to fix the rates and receive the same.
4. The East and West Yorkshire Company to pay to the South Leeds Company in respect of traffic passing over the South Leeds line the following fixed tolls namely:—

**GOODS AND MINERALS.**

On merchandise comprised in Class A four pence per ton ;  
On merchandise comprised in Classes B and C six pence per ton ;  
On merchandise comprised in other classes nine pence per ton :

**PASSENGERS PARCELS &C.**

On all other traffic fifty per cent. of the gross receipts therefrom.

5. The South Leeds Company to pay to the East and West Yorkshire Company the sum of one hundred pounds for the easement of the junction at Rothwell.

[Ch. ccxix.]      *South Leeds Junction Railway*      [56 & 57 VICT.]  
*Act, 1893.*

A.D. 1893.

6. The South Leeds Company during the construction of the works to hand over to the East and West Yorkshire Company free of charge any surplus material from their cuttings which the latter company may give notice they require for their Ardsley branches or otherwise.

7. The East and West Yorkshire Company to send over the railway or pay for as if sent a proportion equivalent to  $33\frac{1}{3}$  per cent. of their traffic.

8. In the event of either the South Leeds Company or the East and West Yorkshire Company requiring a formal agreement to be entered into carrying out these heads of agreement the same shall be prepared at the joint expense of the two companies and in case of any difference arising in any part of the said agreement such difference shall be settled by an arbitrator to be appointed by the Board of Trade.

Dated the first day of July one thousand eight hundred and ninety-three.

For East and West Yorkshire Union  
Railways Company,  
SEB. W. MEYER,  
*Secretary.*

BEN. DAY,  
For the Promoters of the South Leeds  
Junction Railway Co.

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