CHAPTER cxxv.

An Act for conferring further powers on the Lancashire and Yorkshire Railway Company with relation to their Undertaking. [19th July 1875.]

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WHEREAS it is expedient that the Lancashire and Yorkshire Railway Company (who are herein-after referred to as "the Company") should be authorised—

To divert the Extension Shawforth Branch to Bacup;

To make a short line of railway in Oldham;

To extend the Brighouse Branch Railway;

To widen the Lancashire and Yorkshire Railway into Liverpool;

To divert certain roads and footpaths; and

To purchase additional lands for the purposes of their undertaking, and that the other powers herein-after contained should be conferred upon the Company:

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

(1.) The railway (A) between Chatburn and Hellifield authorised by "The Lancashire and Yorkshire Railway (New Works and Additional Powers) Act, 1871," the time for the completion of which expires on the 1st day of August 1876: 34 & 35 Vict. c. clxx. ss. 5, 16.

(2.) The Blackburn and Padiham Branch Railway, the time for the completion of which expires on the 1st day of August 1875: 29 & 30 Vict. c. xli. 36 & 37 Vict. c. clxxix. s. 18.

(3.) The railway authorised by "The Lancashire and Yorkshire Railway (North Lancashire Loop Line and Capital) Act, 1867," the time for the completion of which expires on the 1st day of August 1875: 30 & 31 Vict. c. cxxxvi. 37 & 38 Vict. c. cii. s. 10.

(4.) The Clayton West Branch Railway, the time for the completion of which expires on the 1st day of August 1875: 29 & 30 Vict. c. lxxi. 36 & 37 Vict. c. clxxix. s. 17.

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And whereas it is expedient to extend the time for the purchase of lands for the "Extension Shawforth Branch to Bacup," and to revive the powers for the purchase of lands for the purposes of the said Chatburn to Hellifield Railway:

And whereas it is expedient that the time limited for the sale by the Company of superfluous lands acquired and held by them should be extended:

And whereas it is expedient that the Company should be enabled to raise capital for the purposes of this Act, and also to raise additional capital for the improvement and enlargement of their railways, stations, and works, and the construction of new stations and sidings, and for the providing of additional rolling stock, and other the general purposes of their undertaking:

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

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

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

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

Short title.

1. This Act may be cited as "The Lancashire and Yorkshire Railway Act, 1875."

Provisions of certain general Acts incorporated.

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

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

"The Railways Clauses Consolidation Act, 1845;"

Parts 1 and 2 of "The Railways Clauses Act, 1863," relating respectively to the construction of a railway, and to extension of time; and

Parts 2 and 3 of "The Companies Clauses Act, 1863," relating respectively to additional capital and to debenture stock.

Extending certain provisions of 8 & 9 Vict. c. 16.

3. Subject to the provisions of this Act, all the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock; and

The provision to be made for affording access to the special Act by all parties interested;

shall be applicable to the capital and moneys hereby authorised to be raised by shares, or stock, or mortgage, and to the proprietors thereof.

Interpretation of terms.

4. 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 Lancashire and Yorkshire Railway Company, and for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or 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 common simple contract debt, and not a debt or demand created by statute.

Power to make railways, &c.

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 and works herein-

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after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes.

The railways and works herein-before referred to and authorised by this Act are—

Shawforth Branch deviation.

Deviation of authorised Extension Shawforth Branch to Bacup:

A deviation five furlongs and 4·50 chains in length, wholly in the township of Spotland and parish of Rochdale in Lancashire, of the railway authorised by "The Lancashire and Yorkshire Railway (New Works and Additional Powers) Act, 1872," and therein described as "Extension Shawforth Branch to Bacup," such deviation commencing at or near the first mile and sixth furlong marked upon the plans of the said extension railway deposited with the clerk of the peace for Lancashire in respect of the said Act, and terminating at or near the second mile and third furlong marked on the said plans, and the Company may abandon so much of the said authorised extension railway in the township of Spotland aforesaid as will become unnecessary by reason of such deviation.

Line at Oldham.

Short line at Werneth, Oldham, and additional lands there:

A railway 8·85 chains in length, wholly situate in the township of Oldham in the parish of Prestwich-cum-Oldham in the county of Lancaster, commencing by a junction with the siding constructed on the east side of the Company's existing goods station at Werneth, in the borough of Oldham, about ninety-three yards south of Lyon Street in the said borough, and terminating at a point about ninety yards on the northerly side of Lyon Street;

And the Company may purchase by compulsion or agreement certain lands shown on the deposited plans wholly situate in the said township, bounded by Lyon Street, Featherstall Road, Whitehead Lane, and Winterbottom Street, and may extinguish all rights of way (if any) over any part of those lands, if and when the same lands are so purchased.

Brighouse Branch.

Extension of Brighouse Branch Railway:

A railway seven furlongs eight and a half chains in length, in extension of the Brighouse Branch Railway authorised by "The Lancashire and Yorkshire Railway (West Riding Branches, &c.) Act, 1866," the said extension to

commence in the township of Hartishead-cum-Clifton, otherwise Clifton, in the parish of Dewsbury by a junction with the said authorised Brighouse Branch Railway about one hundred and ninety-eight yards north of the termination thereof, and terminating in the township of Rastrick in the parish of Halifax by a junction with the Lancashire and Yorkshire Railway at a point five hundred and twenty yards or thereabouts, measured in an easterly direction, from the bridge carrying the Lancashire and Yorkshire Railway over the road leading to Lower Woodhouse. The said extension railway will be wholly situate in the west riding of Yorkshire.

For the protection of the Rochdale and Burnley turnpike road.

6. The Company shall carry the road numbered 16 on the deposited plan in the township of Spotland over the deviated line of the authorised Extension Shawforth Branch to Bacup, in such manner as that the existing line, level, and width of such road shall be maintained at the point of crossing.

As to works in the borough of Oldham.

7. In constructing within the borough of Oldham the works in the said borough by this Act authorised, the following provisions shall apply, and the Company shall conform thereto, unless otherwise agreed between the Corporation and the Company, and the expression "the Corporation" in this section shall mean "the Mayor, Aldermen, and Burgesses of the borough of Oldham:"

(1.) The provisions of "The Railways Clauses Consolidation Act, 1845," contained, in the sections 18 to 23 inclusive, shall apply to the water mains and pipes of the Corporation, and whenever in those sections the words "company" or "society" are used, the same shall, for all the purposes of this Act, be held to extend to and include the Corporation:

(2.) Whenever, in execution of the powers in this Act contained, it shall be necessary to alter or interfere with or disturb any of the sewers or drains, or any of the gas, water, or other mains, or pipes, or apparatus belonging to the Corporation, such alteration in the position or otherwise of any such sewer, drain, or gas, water, or other main, pipe, or apparatus, which may be required for the purpose of any works by this Act authorised, shall be carried out by and under the direction of the Corporation, but at the expense in all respects of the Company:

(3.) The cost of procuring and laying down any new sewers, drains, mains, pipes, or other apparatus, in substitution for those which may be rendered useless by such alteration,

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shall be repaid to the Corporation by the Company on demand:

(4.) The cost of any water and gas mains, pipes, or apparatus belonging to the Corporation which may be rendered useless by the works authorised by this Act shall be paid to the Corporation by the Company on demand, and such water and gas mains, pipes, or apparatus shall then become the property of the Company:

(5.) The Corporation shall not be liable for, and shall be indemnified by the Company against all damage and injury which may be caused to the line and works of the Company and the traffic thereon, and the persons and property being conveyed on or using such railway, by the breaking, bursting, or leaking of or escape from any sewer, drain, or water main or pipe belonging to or under the control of the Corporation, unless such damage or injury shall have arisen as the consequence of any wilful act of the officers or servants of the Corporation:

(6.) If the Company shall acquire the lands at Lower Moor, Oldham, under the provisions of this Act, they shall not lay down any additional rails on the level of the footpath herein-after described until they shall have constructed for the use of the public over and across their Oldham, Rochdale, and Royton Branch Railway, at or near the Lower Moor goods station and sidings of the Company, and over and across any additional lands and works they may purchase or execute under the authority of this Act, a footbridge, with the necessary approaches, for the purpose of carrying over the railway and works aforesaid the public footpath leading from Higher Moor to Hopkin Fold, and the Company shall, when such bridge is constructed, for ever thereafter maintain the same; the clear width of such bridge and approaches to be not less than six feet, and the steps of the approaches to be of stone, and not to have a greater rise than seven inches each. Such bridge shall be constructed of iron, and shall have a roadway covered with asphalte or other hard smooth-faced material, and the sides thereof shall be not less than four feet six inches in height. The plan of the said footbridge and approaches shall, prior to the construction thereof, be subject to the reasonable approval of the surveyor of the Corporation. During the construction, and until the completion of the said footbridge, the Company shall make

and maintain reasonable provision for the passage on the level of the public on foot across their land and works. The Company shall also at their own cost keep the said footbridge lighted with gas in the night time in such manner as the Corporation may reasonably require:

(7.) In the execution of the works by this Act authorised, the Company shall not reduce the present width of Lyon Street, Essex Street, and Featherstall Road within the borough of Oldham, or alter the gradient thereof, without the sanction and approval of the Corporation:

(8.) The Company shall pay to the Corporation the value of any land belonging to them forming the site of any public street, court, way, or passage to be absorbed, stopped up, or appropriated by the Company under this Act, such value to be ascertained in case of dispute under "The Lands Clauses Consolidation Act, 1845:"

(9.) In constructing their extension of the Hollinwood Branch Railway to Oldham, the Company shall make and for ever thereafter maintain a bridge under the said extension railway and over the new road shown on the deposited plan as to the stopping up of the footpath at Oldham, to the intent that the said new road may form a communication from Suther's Street to Cow Hill in the township of Chadderton, and such bridge shall be of the full width of the said road:

(10.) If the surveyor of the Corporation and the engineer of the Company shall differ as to the reasonableness of the requirements of the Corporation, or concerning any plan or the execution of any of the works provided for by this enactment, then every such difference shall be settled by an engineer to be appointed by the Corporation and the Company, or if they cannot agree then by an engineer to be appointed as umpire under the provisions of "The Railways Clauses Consolidation Act, 1845."

As to construction of bridge for carrying extension of Brighouse Branch Railway over the River Calder.

8. The following provisions shall, unless otherwise agreed between the Company and the undertakers of the navigation of the Rivers Aire and Calder (herein-after called the undertakers), apply to the bridge for carrying the extension of Brighouse Branch Railway by this Act authorised over the River Calder in the townships of Hartishead-cum-Clifton and Rastrick:

(1.) The bridge shall be an iron girder bridge, with stone or brick abutments, and shall span the river and the towing-path on the south side thereof by one span of not less than one

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hundred feet, measured on the square, with a clear headway throughout of not less than twenty-two feet between the underside of the girders and the surface of the towing-path at the point of crossing, the surface of such towing-path to be taken as forty-five feet six inches above the level of the datum line shown on the deposited sections of the extension of the Brighouse Branch Railway. The Company shall construct a substantial towing-path wall on the south side of the river underneath and for a distance of thirty feet on each side of the bridge, and the top of such wall shall throughout be on a level with the highest part of the towing-path adjacent thereto, and the Company shall fill into the same level and properly macadamise the space behind and co-extensive with such wall. The bridge and towing-path wall, and all works connected therewith, and all temporary works during the construction thereof, shall respectively be built and constructed under the inspection and to the reasonable satisfaction of the engineer for the time being of the undertakers, and according to plans, sections, and specifications to be approved by such engineer and the engineer of the Company, or (if they disagree) by an umpire to be appointed by them or by the Board of Trade on the application of either party:

(2.) During the construction and any subsequent repair of the bridge, or of any works connected therewith, the Company shall leave open and uninterrupted a navigable waterway thereunder of a width of not less than forty feet, with a clear headway throughout of not less than fifteen feet above the surface of the said towing-path, taken as aforesaid, and shall remove any shoals in the bed of the river caused by or during the construction or repair of the bridge, and shall, if need be, construct on the south side of and immediately adjoining such navigable waterway a temporary towing-path not less than nine feet in width and not lower in any part than the existing towing-path there; and the towing-path so to be constructed shall at all times during the construction and repair of the said bridge, remain open for traffic without any obstruction between same and the said waterway, and such waterway whilst contracted shall be at all times provided with proper dolphins up stream and down stream, and shall be properly lighted with red lights every night from sunset to sunrise.

And immediately after the completion of the said bridge the Company shall remove everything which may interfere with the free waterway thereunder, and also take from and out of the bed of the river all obstructions caused by or during or placed therein for the execution of the works of the Company:

(3.) In case, by reason of the execution of any of the works of the Company, or of any defect therein, any vessel navigating the river shall be impeded, or if the navigable waterway or towing-path herein-before required to be preserved during the progress of such works shall at any time be contracted to a less width or height than as herein-before prescribed, then and in every such case the Company shall pay to the undertakers a penalty of ten pounds for every hour during which any such impediment or contraction shall continue; and if such impediment or contraction shall continue beyond seventy-two consecutive hours, or shall have been occasioned by any wilful act on the part of any person employed by the Company, then and in every such case the Company shall pay to the undertakers the sum of twenty pounds for every hour during which such impediment or contraction shall continue; and the undertakers may sue for and recover such penalties together with full costs of suit in any court of competent jurisdiction; provided that nothing herein contained shall extend to prevent the undertakers from recovering against the Company any special damage that may be sustained by the undertakers by reason of any act or default of the Company in respect of which such penalties are imposed, beyond the amount of such penalty or penalties, and the undertakers are hereby authorised to sue for and recover such special damage accordingly:

(4.) Except for the purposes and in manner herein-before provided, the Company shall not (without the consent of the undertakers under the hand of their clerk first obtained for the purpose) in any manner, either permanently or temporarily, divert or interfere with the River Calder, or the towing-path or banks thereof, or intercept any water now flowing into or supplying the said river, or any of the canals or works of or held on lease by the undertakers, save only so far as may be necessary for constructing the works hereby authorised; and whenever, in the execution of any of these works, the Company

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divert or interrupt or interfere with the passage of any such water, they shall forthwith restore such water to its original course, or execute culverts and other works proper and sufficient for securing the full flow of such water into the said river, canals, or works respectively at the same level as that at which it previously entered the same:

(5.) The Company shall at all times after the completion of the bridge and towing-path wall hereby required to be constructed by them maintain the same, and the approaches, side slopes, banks, and fences of the railway, and all culverts under and by the side of the railway, in good and sufficient repair and condition; and if the Company shall fail so to do, the undertakers, or the Company of Proprietors of the Calder and Hebble Navigation, may put the same into good and efficient repair and condition, and recover the cost incurred by them in so doing from the Company, with full costs of suit, in any court of competent jurisdiction.

Saving rights of proprietors of Aire and Calder Navigation.

9. Save as herein-before expressly mentioned, nothing in this Act contained shall extend or be construed or deemed to extend to extinguish, abridge, interrupt, prejudice, or affect any of the rights, powers, privileges, or authorities vested in or exercised by the undertakers or the Company of Proprietors of the Calder and Hebble Navigation.

Railways to form part of Lancashire and Yorkshire Railway.

10. Subject to the provisions of this Act, the railways and the works connected therewith executed under the authority of this Act, shall, for the purposes of toll and all other purposes whatsoever, be part of the Lancashire and Yorkshire Railway and of the undertaking of the Company.

Period for completion of railways.

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

Extension of time for purchase of lands.

12. The powers of the Company for the compulsory purchase of lands for the purposes herein-after mentioned shall not be exercised after the expiration of the periods herein-after specified; namely,

For the purposes of the "Extension Shawforth Branch to Bacup" until the first day of August one thousand eight hundred and seventy-seven:

For the purposes of the Chatburn and Hellifield Railway the powers of the Company shall be revived, and shall be extended until the first day of August one thousand eight hundred and seventy-six.

Extension of time for completion of certain railways.

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

The Chatburn and Hellifield Railway until the first day of August one thousand eight hundred and seventy-seven:

The Blackburn and Padiham Branch Railway until the first day of August one thousand eight hundred and seventy-six:

The railway authorised by "The Lancashire and Yorkshire Railway (North Lancashire Loop Line and Capital) Act, 1867," until the first day of August one thousand eight hundred and seventy-six:

The Clayton West Branch Railway until the first day of August one thousand eight hundred and seventy-seven.

Penalty unless railways are opened within the time limited.

14. If the Company fail to complete the railways which they are herein-before authorised to construct or complete within the periods respectively limited by this Act for those purposes, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the periods so limited, until the railway in respect of which such default has been made is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railway; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened, or to be opened, in the name and with the privity of Her Majesty's Paymaster General on behalf of the Court of Chancery in England in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate, to be obtained from the Board of Trade, that the Company was or were prevented from completing or opening such line by unforeseen accident or circumstances beyond their

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control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

15. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may 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 shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall 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 Court of Chancery in England 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 court, 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.

Compensation for damage to land by entry, &c. for purposes of railway abandoned.

16. The abandonment by the Company of the portion of the authorised Extension Shawforth Branch to Bacup which is by this Act authorised to be abandoned shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil or setting out of the line of the said portion of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company for the purpose of such portion of railway to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the

exercise as regards such land of any of the powers contained in "The Railways Clauses Consolidation Act, 1845," or "The Lancashire and Yorkshire Railway (New Works and Additional Powers) Act, 1872."

Compensation to be made in respect of portion of railway abandoned.

17. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the said railway so authorised to be abandoned, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Additional works of the Company.

18. 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 works herein-after described, and may for the purposes thereof make such alterations in the levels of the streets, roads, and footpaths affected thereby as are shown upon the deposited plans and sections, and may stop up and appropriate the sites of such streets, roads, and footpaths as are included within the limits of the lands shown on the said plans as intended to be taken compulsorily under the powers of this Act, and in addition to any other lands which they are by this Act authorised to acquire, may enter upon and take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes.

Widening line into Liverpool.

Widening line into Liverpool.

19. The Company may widen and improve the Lancashire and Yorkshire Railway between the Liverpool, Crosby, and Southport line of the Company at the Sandhills Station in the township of Kirkdale in the parish of Walton-on-the-Hill, and the Lancashire and Yorkshire Railway at the southerly side of Lightbody Street in the township, parish, and borough of Liverpool.

For the protection of

20. In constructing within the borough of Liverpool the works in the said borough by this Act authorised, the following provisions

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the Corporation of Liverpool.

shall apply, and the Company shall conform thereto unless otherwise agreed between them and the mayor, aldermen, and burgesses of the borough of Liverpool, and the expression "the Corporation" in this section shall mean "the mayor, aldermen, and burgesses of the borough of Liverpool:"

(1.) The widened portion of the said railway authorised to be constructed by this Act, where the same crosses Holme Street, Errington Street, Luton Street, Townsend Street, Boundary Street, Athol Street, Denbigh Street, and Lightbody Street, shall consist of flat girder bridges, each of one clear span without intermediate support, of the full widths of the said streets respectively immediately adjoining and beyond the western boundary of the Company's property, and at such heights respectively as shall give at least the same headway in each case as exists from the roadway of the street to the crown of the arch of the present viaduct, and the parapets of such bridges respectively on the west side thereof shall be not less than the same heights above the surface of the rails as the parapets of the existing viaducts proposed to be widened under the powers of this Act:

(2.) The Company shall dedicate to the public so much of their land under the said widened portion of the said railway as is necessary to provide streets of the widths aforesaid respectively between the present railway and the said boundary of their property:

(3.) The Company shall provide and maintain in Holme Street, Errington Street, Luton Street, Townsend Street, Boundary Street, Athol Street, Denbigh Street, and Lightbody Street, in or near such widened bridges crossing the same streets, so many gaslights as shall effectually light the portions of the said streets crossed by the said widened bridges, and keep the same lighted with gas in the night and during such portions of the day as the Corporation shall from time to time require:

(4.) Every such bridge shall, as far as practicable, be made and maintained at all times water-tight and free from droppings of water upon the roadways or footways below, and shall in all other respects be kept in complete repair:

(5.) The provisions of "The Railways Clauses Consolidation Act, 1845," contained in the sections 18 to 23 inclusive, shall apply to the water mains and pipes of the Corporation; and whenever in those sections the words "company" or

"society" are used, the same shall, for all the purposes of this Act, be held to extend to and include the Corporation :

(6.) Wherever the water mains or pipes of the Corporation shall be severed or interfered with by the works authorised by this Act, and whenever it is necessary, for maintaining the supply of water, to lay additional water mains or pipes, such additional water mains or pipes shall, previous to the severance or interference, be laid by the Corporation at the expense of the Company :

(7.) If, by reason of the execution of any of the powers of this Act, any increased length of water mains or pipes shall become necessary, the same shall be laid down by the Corporation at the expense of the Company, upon such plan and in such manner as shall be approved of by the Corporation :

(8.) The Company shall not, without the consent of the Corporation signified in writing under the hand of the town clerk, construct in any of the said streets any works or perform any operations which may interfere with the traffic along such streets respectively :

(9.) Where the surface of any of the said streets has been interfered with or disturbed by the Company in constructing the works or performing the operations by this Act authorised, with the consent aforesaid, the Company shall well and sufficiently, and to the satisfaction of the Corporation, restore the surface so interfered with or disturbed, and shall maintain in efficient repair the said surface for twelve months to the like satisfaction :

(10.) If, by reason of the execution of any of the powers of this Act, the Corporation shall at any time necessarily incur any cost in altering any existing sewer or drain, the Company shall repay to the Corporation such additional cost, and the same may be recovered in default of payment in any court of competent jurisdiction :

(11.) Whenever it may be necessary to interrupt or interfere with any existing sewer or drain, the Company shall, before interrupting or interfering with such existing sewer or drain, construct, according to a plan to be approved of by the Corporation, another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be interrupted or interfered with, and such sewer or substituted sewer or drain shall be connected by and at the

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expense of the Company with any existing sewer or drain which may be interrupted or interfered with, and in such manner as shall be approved by the Corporation.

Diversion of streets and acquisition of lands at Halifax station.

Company may make new streets in Halifax.

21. The Company may construct two new roads or streets in the borough and parish of Halifax, the one commencing in the easterly end of Navigation Road, at the point where the Hebble Brook is carried under the said last-mentioned road, partly in the township of Halifax and partly in the township of Southowram, and from thence continued in a northerly direction partly over the said brook and terminating at or near the south end of Berry Lane, and the other of such new roads will be wholly situate in the township and parish of Halifax aforesaid, commencing at the northerly end of Wesley Street, at its junction with Lilly Lane, and terminating at the easterly end of Lilly Lane near Bath House; and the Company, when they have constructed the said new roads, may stop up and extinguish all rights of way in and over so much of Navigation Road aforesaid as lies between Church Street and the entrance to the Albion Mills, and so much of Lilly Lane as lies east of the point where Wesley Street forms a junction with Lilly Lane and Bath House, and the said new roads when formed shall be maintained and repaired by the street authority of Halifax.

Power to take lands in Halifax compulsorily or by agreement.

22. The Company may purchase compulsorily or by agreement the lands, houses, and buildings in the townships of Halifax and Southowram shown on the deposited plans, part whereof lie contiguous to and north-eastward of the Halifax station of the Company and abut on the north on Navigation Road, part whereof lie to the south-westward of the said station, and also lands, parts whereof are known as Ashworth Buildings and Bath Parade, lying to the east of the railway of the Company; provided that nothing contained herein or in the deposited plans and books of reference shall enable the Company to enter upon, take, or use, otherwise than by agreement, any greater part of the lands numbered 170 in the township and parish of Halifax than is coloured pink on a plan signed by the Earl of Lucan, the Chairman of the Committee of the House of Lords, to whom this Act, when passing through Parliament, was referred, the said plan being a copy of that sheet of the deposited plans which describes the "lands and property proposed to be acquired" in Halifax.

Providing for purchase

23. If the Company shall take and use any part of the burial ground of the South Parade Wesleyan Chapel, numbered 170 on the

deposited plans of the lands and property proposed to be acquired in the township and parish of Halifax, they shall, with the consent in writing of the trustees for the time being of the said chapel, be bound to purchase and take the whole of the said burial ground, together with the chapel, school, dwelling-houses, and premises connected therewith, situate in South Parade, Halifax, and the following stipulations shall apply to such purchase:

of Wesleyan chapel at Halifax.

(1.) The purchase money may be agreed upon between the Company and the trustees, and failing agreement shall be settled under the provisions of "The Lands Clauses Consolidation Act, 1845:"

(2.) The purchase money shall be employed with all due despatch in the payment of the costs, charges, and expenses incurred by and occasioned to the trustees in opposing this Act, and in the purchase of the necessary site, and in the erection of a new chapel, school-house, and such other buildings as the trustees may think desirable, and in the formation of approaches and conveniences connected therewith:

(3.) The new chapel and premises shall be vested in and belong to the same parties as are entitled to the existing chapel, school-house, dwelling-houses, and premises, and shall be held on the same trusts and for the same purposes as the existing property:

(4.) When the Company shall have acquired the said property, all existing rights, easements, and privileges in and over the said burial ground, chapel, school-house, and premises shall be extinguished.

Company may enter into agreements with Great Northern Railway Company.

24. The Company and the Great Northern Railway Company may enter into agreements with respect to the use and appropriation of the said lands in Halifax, the payments to be made by the Company and the Great Northern Company in respect thereof, or with reference to any matters incidental thereto, or as to the management, re-arrangement, use, or ownership of the present or any future stations, lines of railway, warehouses, works, approaches, and conveniences of the Company at Halifax, and the payments or other consideration to be made for the same.

Alteration of Faggy Lane, Wigan.

As to footpath at Wigan.

25. The following provisions shall apply to the footpath called Faggy Lane in the township, parish, and borough of Wigan in Lancashire:

(1.) Notwithstanding anything shown on the deposited plans and sections, the Company may divert the said footpath

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by means of a bridge in continuation of the existing bridge carrying the said lane over the Lancashire and Yorkshire Railway, such diversion being in the direction shown on a plan annexed to an agreement made on the 2nd day of June 1875, between the mayor, aldermen, and burgesses of the borough of Wigan (herein-after called "the Corporation") of the first part, the Company of the second part, and the London and North-western Railway Company of the third part, a copy of which agreement forms the second schedule to this Act. And the said agreement is hereby confirmed and made binding on the parties thereto, as fully and effectually as though the provisions thereof were specifically enacted in this Act: Provided that nothing contained in this Act, or in the said agreement, shall enable the Company to enter upon, take, or use otherwise than by agreement any lands for the purposes of the said diversion:

(2.) When the said diversion shall have been completed so much of the said footpath as lies between the northern commencement of the said diversions and the junction of Faggy Lane with Ironmonger Lane, (the said two points being distinguished by the letters A. and C. upon the said plan,) shall be closed, and all rights of way in and over the same shall be extinguished:

(3.) The Company may form in and upon the land under the said intended bridge so many sidings and communications as they may deem fit, between the sidings, lands, and property of the Company, on each side of the said bridge:

(4.) They may make all such alterations in any roadway or passage communicating with Faggy Lane, as may be involved in diverting that lane:

(5.) When the said diversion of Faggy Lane shall have been completed, the maintenance of the surface thereof shall be transferred to the street authority of the borough of Wigan:

(6.) The corporation of Wigan and the Company may enter into and fulfil contracts with respect to any of the foregoing matters, or any matters consequent thereon or incidental thereto.

Power to deviate in construction of new roads.

26. The Company in constructing the new roads and alteration of roads and streets herein-before authorised may deviate to the extent of the limits of deviation marked on the deposited plans, and may deviate from the levels shown on the deposited sections to any

extent not exceeding five feet, but not so as to increase the rate of inclination as shown on the deposited sections of any new road or street.

Power to purchase additional lands.

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

Lands at Lower Moor, Oldham:

Certain lands wholly situate in the township of Oldham in the parish of Prestwich-cum-Oldham in Lancashire, abutting upon the Oldham, Rochdale, and Royton line of the Company, at or near the Lower Moor goods station and sidings of the Company.

Lands at Bury:

Certain lands wholly situate in the township and parish of Bury in Lancashire, and lying on both sides of the railway of the Company, from Heywood to Bury, and at the easterly end of the Company's low-level goods station yard and sidings at Bury.

Lands at Bradford:

Certain lands situate in the township, parish, and borough of Bradford in the west riding of Yorkshire, bounded on the south by Croft Street, on the east by Bridge Street, and on the west by the railway of the Company, and the provisions contained in the 28th section of "The Lancashire and Yorkshire Railway (New Works and Additional Powers) Act, 1873," relating to a portion of the said lands, are, so far as they are inconsistent with the acquisition of the said lands, hereby repealed.

Lands at Sowerby Bridge:

Certain lands at Sowerby Bridge wholly situate in the townships of Norland and Sowerby, in the parish of Halifax in the west riding of Yorkshire, lying on the southerly side of the coal shoots of the Company, at or near to the Sowerby Bridge station of the Company.

Lands at Mirfield:

Certain lands at Mirfield wholly situate in the township of Mirfield in the parish of Mirfield, in the west riding of Yorkshire, bounded on the westerly end by Bull Lane, and on the northerly side by the line of railway, sidings, and property of the Company.

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Lands at Thornhill Lees :

Certain lands at Thornhill Lees wholly situate in the township of Dewsbury in the parish of Dewsbury in the west riding of Yorkshire, lying on the easterly side of Forge Lane, and on the southerly side of the Company's line of railway, sidings, and property at or near to the Thornhill Lees Station of the Company.

Lands at Heckmondwike :

Certain lands in the township of Heckmondwike and parish of Birstal, in the west riding of Yorkshire, lying on both sides of the Cleckheaton Branch of the Lancashire and Yorkshire Railway, and at or near the Heckmondwike station thereof, and bounded by the west side of Cator Lane on the east and by the east side of Railway Street, otherwise Smithies Lane, at Heckmondwike on the west.

Lands at Liversedge Station :

Certain lands in the township of Liversedge in the parish of Birstal in the west riding of Yorkshire near the Liversedge station of the Lancashire and Yorkshire Railway, part of which lands lie on the westerly side and part on the easterly side of the Cleckheaton Branch of the said railway.

Stopping up footpath at Oldham :

The Company may stop up so much of the footpath in the township of Oldham in the parish of Prestwich-cum-Oldham in Lancashire as lies between the junction of the said footpath with Pearson Street and a point of the said footpath fifty-four yards or thereabouts west of the north-westerly corner of the reservoir abutting upon the said footpath, and belonging to Messrs. Platt Brothers and Company, Limited, and the Company may appropriate the soil of the portion of footpath so closed.

Stopping up footpath at Burnden, near Bolton-le-Moors :

They may stop up so much of the footpath in the township of Great Bolton in the parish of Bolton-le-Moors in the county of Lancaster as lies between the westerly end of Well Lane Bridge, otherwise Stott Hillock Bridge, and certain dwelling-houses known as Stott Hillock, and the Company may appropriate the soil of the portion of footpath so closed.

Provision with respect to burial grounds.

28. If it shall be necessary for the purposes of this Act to remove any remains from any burial-ground which may be acquired or part of which may be acquired by the Company under the

powers of this Act, the Company shall take such precautions for the public health and decency and for the security of the men employed as Her Majesty's Secretary of State for the Home Department may direct: Provided that any such remains as shall be removed from the burial ground numbered (as aforesaid) 170 in the township and parish of Halifax may be re-interred in the Halifax Borough Cemetery, or in some other convenient cemetery in the neighbourhood of Halifax, and any such re-interment shall be at the expense of the Company: And the provisions of the 27th section of the said Act of 1873 (36 and 37 Vict. cap. 179) with respect to the removal of remains in the burial ground of the Society of Friends in Bridge Street in the borough of Bradford, are hereby repealed so far as they provide for the re-interment of such remains in the same burial ground, and any such remains may be re-interred either in the Undercliffe Cemetery in Bradford, or in some other convenient cemetery in the neighbourhood of Bradford.

Notice to be given of taking houses of labouring classes.

29. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more, occupied either wholly or partly 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.

For protection of Post Office telegraphs.

30. For the protection of telegraph poles, wires, or telegraph apparatus, belonging to Her Majesty's Postmaster General, be it enacted as follows:

(1.) If in the execution of the works by this Act authorised it shall be necessary to alter or remove or interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, the Company shall give to the Postmaster General one calendar month's previous notice in writing of such necessity, specifying all requisite and proper particulars relating thereto, and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Company, give the Company notice of his intention so to do, he may execute at the cost of the Company; and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles,

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wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due dispatch in the execution thereof, and not interfering with or obstructing the use of the railway; and if at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or at the option of the Postmaster General along substituted wires, to be provided by the Company at their own expense, to the satisfaction in all respects of the Postmaster General:

(2.) Subject to the provisions herein-after contained, the Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company by any work or thing executed or done by them under the powers of this Act, interfering with any telegraph post, wire, apparatus, or work of the Postmaster General, and causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues, and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

(3.) Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General or of the Company under or by virtue of "The Telegraph Act, 1868."

Powers for compulsory purchases limited.

31. The powers for the compulsory purchase of land for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Land for extraordinary purposes.

32. The quantity of land to be taken by the Company under the powers of this Act by agreement in connexion with their undertaking for the extraordinary purposes mentioned in "The

Railways Clauses Consolidation Act, 1845," shall not exceed two acres.

Owner may be required to sell parts only of certain lands and buildings.

33. And whereas in the construction of the railways and works hereby authorised, portions only of the lands, buildings, or manufactories shown on the deposited plans may be sufficient for the purposes of the same, and 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," unless the jury or the arbitrators, or their umpire, to whom the question of disputed compensation shall be submitted, shall determine that such portions cannot be severed from the remainder of such properties without material detriment thereto, the owners of and persons interested in the lands, buildings, or manufactories described in the schedule to this Act, and whereof parts only are required for the purposes of this Act, may 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 or other parties interested therein by severance or otherwise.

Power to take easements, &c. by agreement.

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

Power to sell or demise superfluous lands.

35. The powers contained in the 32nd section of "The Lancashire and Yorkshire Railway (New Works and Additional Powers) Act, 1872," with respect to the sale or demise of superfluous lands, are hereby extended to all lands which the Company may have acquired since the passing of the said Act, or may hereafter acquire: Provided that the provisions of the "Lands Clauses Consolidation Act, 1845," with respect to the sale of superfluous lands, shall apply to the reversion of any such demised lands, or to any rent arising thereout.

Extension of time for sale of superfluous lands.

36. The period limited for the sale of all superfluous lands belonging to the Company is hereby extended for ten years from the

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twenty-fifth day of June one thousand eight hundred and seventy-eight, and it shall be lawful for the Company to hold the said lands for such additional period, and the Company shall within the said period absolutely sell and dispose of all the lands which have been acquired by them for any of their undertakings, or for any of the purposes of the Company, and which are not required for any of the undertakings or purposes of the Company.

Power to raise additional capital.

37. The Company from time to time may for the purposes of this Act, and for the general purposes of their undertaking, raise by the creation and issue of shares or stock such sums of money as they shall think necessary, not exceeding five hundred thousand pounds, exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament, and the Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock, as they may think fit.

Shares or stock not to be issued until one fifth part paid up.

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

Qualifications of new shares or stock.

39. Except as by or under the powers of this Act otherwise provided, the new shares or stock issued under the powers of this Act shall, in proportion to the aggregate amount thereof from time to time held by the same person at the same time, entitle the respective holders thereof to the same dividends and profits, and confer on them the like qualifications and the like right of voting, as the like amount of existing ordinary shares or stock of the Company.

Power to raise capital under any other Act of this session and this Act by new shares or stock of one class.

40. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act and any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, by which the Company may be authorised to raise capital by new shares or stock, the Company, if they think fit, may raise by the creation and issue of new shares or stock of one and the same class, all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow on mortgage.

41. The Company may from time to time borrow on mortgage additional sums not exceeding in the whole one hundred and sixty-six thousand six hundred and sixty-six pounds in respect of the

additional capital of five hundred thousand pounds by this Act authorised to be raised: Provided that in respect of every one hundred thousand pounds of such additional capital issued and accepted, and one half whereof shall have been paid up, the Company may borrow a sum or sums not exceeding in the whole thirty-three thousand pounds, but no part of any of the before-mentioned sums of thirty-three thousand pounds shall be borrowed until shares for so much of the said portion of the additional capital as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that shares for the whole of such portion of additional capital have been issued and accepted, and that one half of such portion has been paid up, and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also if the said capital is raised by shares that such persons or corporations, or 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 certificate shall be sufficient evidence thereof.

Former mortgages and bonds to have priority.

42. The mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the time of the passing of this Act, shall during the continuance of such mortgages and bonds, but subject to the provisions of the Acts under which such mortgages and bonds were respectively granted, have priority over any mortgages granted by virtue of this Act, and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Power to apply corporate funds to purposes of Act.

43. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have power to raise by virtue of any Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

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Debenture stock.

44. 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 at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

45. All moneys raised by the Company under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act and for the general purposes of the Company.

Receipt clause in case of persons not sui juris.

46. If any money is payable to a holder of shares or stock in the Company, being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Shareholders of an incorporated joint stock company not disqualified from being directors.

47. And whereas by the 210th section of the Act 6 and 7 Will. IV. chapter 111, whereby the Company was incorporated, it is among other things enacted, that no person concerned or interested in any contract with the Company shall be capable of being chosen a director of the Company, and that no person being a director shall be concerned or interested in any such contract, and no exception is made with respect to contracts entered into with joint stock companies in which such persons may be shareholders: Be it enacted, that no person being a shareholder or member of any incorporated joint stock company shall be disqualified or prevented from being elected a director, or acting as a director, by reason of any contract entered into between such joint stock company and the Company, but no such director being a shareholder or member of such joint stock company shall vote on any question as to any contract with such joint stock company.

Interest on calls not to be paid out of capital.

48. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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."

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

49. 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.

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

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

Expenses of Act.

51. 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.

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SCHEDULE I.

Describing Lands, Buildings, and Manufactories of which Portions only may be required.

Township or Parish.	Numbers on deposited Plans.
Deviation of authorised Extension Shawforth Branch to Bacup.	
Spotland Township - - - - -	1, 2, 10, 11, 13, 14, 15, 18, and 146.
Short Line at Werneth, Oldham, and additional Lands there.	
Oldham Township - - - - - -	10.
Extension of Brighouse Branch Railway.	
Rastrick Township - - - - -	8, 11.
Diversion of Streets and Acquisition of Lands at Halifax Station.	
Halifax Township - - - - - -	186.
Halifax and Southowram Townships - -	198.

SCHEDULE II.

An Agreement made the second day of June 1875 between the Mayor, Aldermen, and Burgesses of the Borough of Wigan (herein-after called "the Corporation") of the first part, the Lancashire and Yorkshire Railway Company (herein-after called "the Lancashire and Yorkshire Company") of the second part, and the London and North-western Railway Company (herein-after called "the North-western Company") of the third part.

Whereas the Lancashire and Yorkshire Company have a Bill now pending in Parliament, whereby they seek power to raise the levels of so much of a footpath called Faggy Lane in the township, parish, and borough of Wigan, in the county of Lancaster, as lies between a point about eighty yards measured along Faggy Lane from its junction with King Street and the entrance to the North Union Railway station, and also to the point on the said foothpath about

sixty-one yards from where the same passes under the North Union Railway: And whereas the Corporation and the North-western Company have severally petitioned against the said Bill, and the several parties have agreed to enter into these presents for the purpose of avoiding further opposition to the passing of the said Bill, and for the securing of the objects herein-after mentioned which are admitted to be mutually advantageous to them: Now these presents witness, that for the considerations herein-after appearing the said parties do mutually covenant and agree with each other, and their successors and assigns, as follows:

1. The Corporation consent to the diversion of Faggy Lane in the direction shown on the plan hereunto annexed by the Lancashire and Yorkshire Company by means of a girder bridge, and that Faggy Lane shall be stopped up between the points A. and C. on the plan, and the Lancashire and Yorkshire Company shall acquire, without charge, for their own purposes so much of the existing footpath as lies between the points marked A. and B. on the same plan and coloured red thereon.

2. The North-western Company to have access to the intended diverted footpath, and shall acquire, without charge, for their purposes so much of the existing footpath as is situate between the points B. and C. on the plan and coloured blue thereon.

3. The North-western Company shall give up all rights to and consent to the stopping up of their present access to the existing footpath at the point X. on the plan, and the diverted footpath shall terminate at their premises.

4. The Corporation of Wigan shall acquire, without charge, from the Lancashire and Yorkshire Company all their estate and interest in the land coloured green on the plan, with the severances also coloured green on the same plan, such part thereof as is shown thereon for that purpose being for a new street not exceeding twelve yards wide leading from Wallgate to Dorning Street, and in the position shown on the said plan.

5. The North-western Company shall pay to the Corporation the sum of six hundred pounds, and the Lancashire and Yorkshire Company shall pay to the Corporation the sum of four hundred pounds as the contribution of the Companies towards enabling the Corporation to acquire, partly for the purposes of the said new street, the property marked Martinscroft, and edged pink on the said plan: Provided always, that if the purchase money of the said property shall not amount to one thousand pounds, the difference between that sum and the purchase money actually paid shall be repaid by the Corporation to the Lancashire and Yorkshire Company.

6. The Lancashire and Yorkshire Company shall acquire, without charge, from the North-western Company all their estate and interest in the two plots of land shown on the plan and coloured yellow thereon.

7. The North-western Company shall acquire, without charge, from the Lancashire and Yorkshire Company all their estate and interest in the plot of land shown on the said plan and coloured brown thereon.

8. The Lancashire and Yorkshire Company may make such amendments in the said Bill, either in the House of Commons or the House of Lords, as will enable them to carry out such parts of this agreement as require parliamentary sanction; or, failing to do this in the present session, shall be at liberty to acquire the necessary powers in any future session, and in the meantime the

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Lancashire and Yorkshire Company shall be at liberty to carry out the necessary works for raising the levels of Faggy Lane and for diverting same in accordance with this agreement.

9. The parties hereto undertake to execute all necessary deeds and documents and to do and consent to all necessary acts and proceedings for the purpose of carrying the provisions of this agreement into effect.

In witness whereof the Corporation and the said two Companies have hereunto respectively set their common seals.

James Burrows,
Mayor.

Seal of the Corporation of Wigan.

Wm. S. Lawn,
Secretary to the Lancashire and Yorkshire Railway Company.

Seal of the Lancashire and Yorkshire Railway Company.

S. Reay,
Secretary.

Seal of the London and North-western Railway Company.

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