CHAPTER cxlv.

An Act for conferring further powers on the Lancashire and Yorkshire Railway Company with relation to their own undertaking and undertakings in which they are jointly interested and for other purposes. [14th July 1884.] A.D. 1884.

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

General purposes of Act.

To make and maintain the railways and works herein-after described;

To abolish certain level crossings of their railways and otherwise to deal with certain roads and footpaths connected with their undertaking;

To purchase and acquire additional lands for the purposes of their undertaking;

Additional capital.

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;

To contribute towards the funds of any provident society established by persons employed by the Company;

And whereas it is also expedient that the Company and the London and North-western Railway Company as joint proprietors of the Lancashire Union Railway should be authorised to acquire additional lands in the township of Livesey:

And whereas among the said railways to be made by the Company is one at Wakefield and it is expedient that provision should be made to enable the Company and the Great Northern Railway Company to enter into and fulfil agreements for and in relation to the construction maintenance ownership and user of the said intended railway at Wakefield:

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And whereas it is expedient that the further powers herein-after contained should be conferred upon the Company with respect to the sale or other disposal of lands acquired by them which are not or eventually may not be required for the purposes of their undertakings:

And whereas it is expedient to make further and better provision for the prevention of trespass upon the railways lands stations works and property belonging to or leased or worked by the Company or the Company and any other company as in this Act contained:

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 separately and the Company and the London and North-western Railway Company jointly 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 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 attained 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 1884.

Incorporation of general Acts.

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 as amended by the Lands Clauses (Umpire) Act 1883;

The Railways Clauses Consolidation Act 1845; and

Part I. of the Railways Clauses Act 1863 relating to the construction of a railway.

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Extending certain provisions of the Companies Clauses Consolidation Acts.

3. Subject to the provisions of this Act 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;

The making of dividends;

The giving of notices;

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

Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock;

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.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

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 hereinafter 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 and may stop up such streets roads and footpaths as are shown on the deposited plans of the said railways as intended to be stopped up (that is to say) :—

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Railways.

West-houghton.

(1.) A railway (1 mile 2 furlongs and 4 chains in length) wholly situate in the township of Westhoughton in the parish of Dean in the county of Lancaster commencing by a junction with the Hindley and Blackrod Branch of the Lancashire and Yorkshire Railway about four hundred and sixty yards measured along the said last-mentioned railway in a northerly direction from the bridge carrying the occupation road over the said railway near Harrison's Fold and terminating at a point marked one mile two furlongs and four chains upon the plans relating to the Company's Hindley to Pendleton Railway deposited with the clerk of the peace for Lancashire in the month of November 1882 for the purposes of the Lancashire and Yorkshire Railway Act 1883.

Bolton.

(2.) A railway (1 furlong 2·54 chains in length) wholly situate in the township of Great Bolton in the parish of Bolton-le-Moors in the county of Lancaster commencing by a junction with the Bolton and Preston section of the North Union Railway at a point about two hundred and seventy-five yards measured in a westerly direction along the same railway from the centre of the bridge carrying Trinity Street over the said railway and terminating by a junction with the Bolton and Blackburn line of the Lancashire and Yorkshire Railway at a point about two hundred and fifty yards measured in a northerly direction along the last-mentioned railway from the centre of Trinity Street bridge aforesaid.

Wakefield.

Connecting Railway at Wakefield.—A railway (3 furlongs and 7·9 chains in length) wholly situate in the parish of Wakefield in the west riding of the county of York commencing in the township of Stanley-cum-Wrenthorpe by a junction with the main line of the Lancashire and Yorkshire Railway at a point about eight hundred and seventy yards measured in a north-easterly direction along the said railway from the junction therewith of the Wakefield Pontefract and Goole Railway of the Company and terminating by a junction with that railway in the township of Wakefield at a point about six hundred and twenty yards measured in a south-easterly direction along the said railway from its junction with the said main line. Provided that the Company shall not stop up nor discontinue the foot-path distinguished by the colour brown on a plan signed in duplicate by William Hunt on behalf of the Company and by Richard Porter on behalf of the mayor aldermen and burgesses of the borough of Wakefield unless and until they shall have constructed the footpath distinguished by the colour red on the said plan nor shall they notwithstanding anything shown

on the deposited plans stop up or discontinue the occupation road or footpath distinguished on the said plan by the colour yellow.

Railways to form part of the Lancashire and Yorkshire Railway.

6. 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.

7. If the railways herein-before authorised by this Act are not completed within five 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.

Penalty unless railways are opened within the time limited.

8. If the Company fail to complete the railways which they are herein-before authorised to construct within the period limited by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in the completion of which default is made is completed and opened for the public conveyance of passengers 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 Chancery Division of the High Court of Justice in the bank and to the credit specified 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 prevented from completing or opening such line by unforeseen accident or circumstances beyond their control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

9. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "London

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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 railways 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 Chancery Division of the High Court of Justice 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 said division thinks fit to order on the application of the solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

For the protection of the Westhoughton Local Board.

10. The following provisions for the protection and benefit of the local board for the district of Westhoughton in the county of Lancaster (in this section referred to as "the local board" and their district as "the district") shall with reference to the connecting line at Westhoughton authorised to be made in the district have effect (that is to say):

(1.) The word "street" when used in this section shall include any street road or highway and the footways thereof respectively;

(2.) The Company shall not break up any street or interfere with any sewer drain or watercourse or any water-main pipe or apparatus of the local board until they have given to the clerk to the local board seven clear days' notice in writing of their intention to commence such works and such notice shall be accompanied by plans sections and all necessary particulars showing the manner in which the street sewer drain watercourse main water-pipe or apparatus will be interfered with;

(3.) The width between the parapets of the bridge carrying Wigan Road over the railway shall not be less than forty-two feet measured at right angles across the road and no alteration of the level or course or direction of the said road shall be made without the consent of the local board and the said bridge shall be constructed and completed to the reasonable satisfaction of the local board;

(4.) The said bridge shall have proper provision made for carrying the sewers drains and water-mains of the local board and in such manner as to admit of easy access thereto for the purpose of examination alteration renewal or repair and as regards water-mains for protecting the same from frost;

(5.) The Company shall construct and maintain on each side of the said bridge and for the full length thereof a substantial parapet or close screen not less (except with the consent of the local board) than six feet in height above the level of the footway on such bridge and shall construct a fence or close screen of the same height in continuation of the parapets to the extent of the land belonging to and retained by them on each side;

(6.) The parapets and screens of the said bridge shall be constructed in such manner as the local board shall reasonably approve and shall not be used for the posting of bills or other advertising purposes;

(7.) All public footpaths crossed by the railway shall be carried over the railway by proper bridges in the line or direction as near as may be of the existing footpaths but where any such footpaths shall form part of any occupation road the bridges for carrying such occupation roads and public footpaths over the railway shall be constructed of a width corresponding with the width of the occupation roads and public footpaths so crossed by the railway;

(8.) Whenever it may be necessary in the execution of the works authorised by this Act or otherwise in relation thereto 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 reasonably approved of by the local board another sewer or drain in lieu thereof and of equal capacity with the sewer or drain which may be interrupted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be interrupted or interfered with and in such manner as shall reasonably be approved by the local board;

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(9.) The provisions of the Railways Clauses Consolidation Act 1845 contained in the sections 18 to 23 inclusive shall subject to the provisions of this Act extend and appply to the water-mains pipes and apparatus of the local board 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 local board;

(10.) Whenever the water-mains pipes or apparatus of the local board shall be severed or interfered with in the execution of any of the powers of this Act and wherever it is necessary for maintaining the supply of water to lay additional mains or pipes such additional mains or pipes shall previous to the severance or interference be laid by the local board at the expense of the Company;

(11.) If by reason of the construction of the works any increased lengths of sewers drains water-mains or pipes or any additional apparatus shall become necessary the same shall be constructed by the local board at the expense of the Company;

(12.) If by reason of the construction of the works the local board shall at any time necessarily incur any increased costs in altering any existing or constructing any new sewer drain water-main pipe or apparatus the Company shall from time to time repay to the local board such additional cost;

(13.) The Company shall afford all reasonable facilities to the local board for laying any sewers drains water-mains pipes and apparatus under or over the railway and for the necessary repair or inspection of the same but all such works shall be done under the superintendence and to the reasonable satisfaction of and according to such plans and sections and at such times only as shall be reasonably approved by the engineer of the Company and shall also be so done as not to interrupt the traffic passing on the railway but the Company shall not be entitled to any way-leave or rent in respect of any such sewer drain water-main pipe or apparatus so laid as aforesaid;

(14.) The Company and the local board may from time to time enter into and carry into effect agreements respecting any of the works referred to in this section and the mode of executing the same;

(15.) If any difference arise between the Company and the local board in relation to anything to be done or not to be done or any moneys to be paid under this section such difference shall be determined by an arbitrator to be agreed on between the parties or in default of agreement to be appointed on the appli-

cation of either of the parties by the President for the time being of the Institution of Civil Engineers.

For protection of the Leigh and Hindley joint water committee.

11. The following provisions for the protection of the water joint committee of the Leigh and Hindley Local Boards (in this section referred to as the "water joint committee") shall unless otherwise agreed upon between the water joint committee and the Company be carried into effect that is to say:

(1.) The several provisions contained in the section of this Act the marginal note whereof is "For the protection of the West-houghton Local Board" so far as they respectively relate to the water-mains pipes and apparatus of that local board shall apply mutatis mutandis to such of the water-mains pipes and apparatus of the water joint committee as are placed within or under Wigan Road Kearsley Lane otherwise Leigh Road and the turnpike road from Wigan to Bolton and which may be interfered with or disturbed in the construction and maintenance of the Hindley to Pendleton Railway authorised by the Lancashire and Yorkshire Railway Act 1883 and the connecting line at Westhoughton by this Act authorised as fully and effectually as if those several provisions had been inserted in that Act and also in this Act.

Power to Company and Great Northern Railway Company to agree as to construction &c. of connecting railway at Wakefield.

12. The Company and the Great Northern Railway Company may enter into and fulfil any contracts and agreements with respect to the construction maintenance and user by those two companies jointly (in equal proportions or otherwise) of the said connecting railway at Wakefield and upon the execution of any such contracts or agreements the Great Northern Railway Company may exercise such of the powers by this Act conferred on the Company with reference to the construction maintenance and user of the said railway as are necessary for fulfilling the purposes of such contracts or agreements and that railway shall thereupon vest in the said two companies on the terms of such contracts and agreements jointly and they may severally and jointly use the same and every part thereof accordingly as if the same formed part of their respective undertakings.

Further works by the Company.

13. 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 exercise the powers herein-after mentioned and may for the purposes aforesaid 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 such streets roads and footpaths as are shown on the deposited plans of those works as

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intended to be stopped up 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 making compensation in accordance with the Lands Clauses Consolidation Act 1845 to all parties injuriously affected by the exercise of the powers contained in this section:

The Company may execute the following works and exercise the following powers in the following places in the county of Lancaster that is to say:—

New road at Formby.

(*a.*) At Formby in the township of Formby in the parish of Walton-on-the-Hill they may make a new road commencing in and out of Kirklake Road otherwise New Church Road at a point about one hundred and seventy-seven yards westward of the centre of the level crossing of their Liverpool Crosby and Southport Railway at the Formby Station passing over the said railway and terminating in Duke Street at a point about one hundred and ninety-two yards eastward of the centre of such crossing; and

(*b.*) So soon as such new road shall be completed and open to the public they may abolish the crossing of the said Liverpool Crosby and Southport Railway on the level by Duke Street or Kirklake Road aforesaid and also by the public footpath leading from Rosemary Lane to the sea and may stop up and extinguish all rights of way over the said railway and property by means of the said road and footpath and may appropriate for the purposes of the Company (so far as the same does not already belong to them) the site and soil thereof if and so far as they are the owners of the adjoining land on both sides.

(*c.*) They may purchase and take by compulsion or agreement the lands following that is to say:—

(1.) Certain lands lying on the westerly side of the said Liverpool Crosby and Southport Railway and bounded on the south by Kirklake Road otherwise New Church Road aforesaid and on the north by Wicks Lane;

Provided always that notwithstanding anything contained in this Act and the deposited plans to the contrary the Company shall take no part of the said lands numbered 26, 27, 28, 29, 30, 31 and 32 on the said deposited plans;

(2.) Certain other lands lying on the easterly side of the said railway and bounded on the south by Duke Street aforesaid and on the east by Queen's Road otherwise Four Acre Lane and may stop up all rights of way over and may appropriate for their own purposes (so far as the same do not already

belong to them) the site and soil of so much of the said footpath as is situate on the northern side of the said lands;

New road at Hightown.

At Hightown in the parish of Sefton—

(*a.*) They may make a new road wholly situate in the township of Little Crosby commencing in and out of the road leading from the Hightown Station of the Company to the sea at a point in the said road about two hundred and twenty yards measured in a westerly direction along that road from the centre of the existing line of that road crossing over the Company's said Liverpool Crosby and Southport Railway and terminating in Alt Road otherwise Sandy Lane at a point about one hundred and seventy yards measured in a north-easterly direction along such last-mentioned road from its junction with Acre Lane; and

So soon as the said new road is completed and open to the public and the Company have constructed on the south side of the said existing road where the same is crossed on the level by the said Liverpool Crosby and Southport Railway the footbridge shown on the deposited plans they may abolish the said level crossing and may stop up and extinguish all rights of way over the said railway and property along that road and may appropriate for their own purposes (so far as the same do not already belong to them) the site and soil of the said level crossing;

(*b.*) They may purchase and take by compulsion or agreement the lands following that is to say:—

(1.) Certain lands situate partly in the said township of Little Crosby and partly in the township of Ince Blundell both in the said parish of Sefton lying on the easterly side of the said Liverpool Crosby and Southport Railway a portion of which lands abuts on the booking offices at the Hightown Station;

(2.) Certain lands situate in the said township of Little Crosby and on the easterly side of the said railway belonging or reputed to belong to Nicholas Blundell and in the occupation of Mrs. North;

(3.) Certain lands situate partly in the said township of Little Crosby and partly in the said township of Ince Blundell lying on the westerly side of the said Liverpool Crosby and Southport Railway and situate near to the Company's passenger station at Hightown and belonging or reputed to belong partly to the Right Honourable the Earl of Sefton and partly to the said Nicholas Blundell.

Bolton.

At Bolton-le-Moors in the township of Great Bolton in the Parish of Bolton-le-Moors—

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(*a.*) They may for the purpose of siding accommodation construct and maintain an additional arch or opening under Lever Street and Back Buckthorpe Street such additional arch or opening to be constructed on the easterly side and alongside of the existing arch carrying Lever Street over the railway of the Company and to commence on the northerly side of Lever Street and to terminate on the southern side of Back Buckthorpe Street about twelve yards south-east of its junction with Lever Street.

(*b.*) They may purchase and take by compulsion or agreement the lands following (that is to say):—

(1.) Certain lands between Lever Street and Orlando Street and adjoining the railway of the Company on the north easterly side thereof part of which lands are used as a postal telegraph store yard;

(2.) Certain lands lying between and abutting on Bridgman Street and the Manchester Road;

(3.) Certain lands abutting upon the Company's Trinity Street passenger station sidings and premises on the westerly side thereof and between the same and Newport Street.

Blackburn. At Blackburn in the township of Blackburn in the parish of Blackburn—

(*a.*) Subject as herein-after mentioned they may widen on the easterly side the bridge now carrying their Bolton and Blackburn Railway over the road or way leading and adjacent to the Columbia Mill buildings and premises. Provided always that as part of the work of widening the said bridge the Company shall leave a clear width of thirty-six feet for a roadway under the whole width of the said bridge as widened and shall make form pave flag and channel the roadway under the said bridge with proper footpaths on either side thereof to the satisfaction in all things of the mayor aldermen and burgesses of the borough of Blackburn aforesaid;

(*b.*) They may purchase and take compulsorily or by agreement the following lands (that is to say):—

(1.) Certain lands abutting on the south-east side of their Blackburn and Preston Railway and a portion of which lands is occupied by the embankment of that railway and is bounded on the north-westerly side thereof by the lands and property of the Company and which said lands belong or are reputed to belong to Messrs. John Greenwood and Sons;

(2.) Certain other lands abutting on the easterly side of their said Bolton and Blackburn Railway and extending from the bridge carrying that railway over the Leeds and Liverpool Canal to the Columbia Mill aforesaid.

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At Ashton-under-Lyne in the township of Ashton-under-Lyne in the parish of Ashton-under-Lyne—

Ashton-under-Lyne.

(*a.*) They may divert a portion of Turner Lane such diversion commencing in and out of the said lane at a point about one hundred and ten yards measured in a northerly direction along the same from the centre of the level crossing by Turner Lane of the Company's Ashton Branch Railway and passing underneath the said railway and terminating in Wellington Road at a point therein about ten yards south-east of the junction therewith of Turner Lane and by reason or in consequence of such work they may alter the levels of so much of their said Ashton Branch Railway as extends from a point three hundred and thirty yards west of the centre of the said level crossing to a point two hundred and twenty yards east of the centre of that crossing; and

(*b.*) So soon as the said diversion is completed and open to the public they may abolish the said crossing on the level of the Company's Ashton Branch Railway by Turner Lane and by Yorkshire Street and may stop up and extinguish all rights of way over the said railway along or by means of the said lane and street and (so far as the same do not already belong to them) they may appropriate for their own purposes the site and soil of the said crossings respectively if and so far as they are the owners of the adjoining lands on both sides. Provided that the Company shall before diverting any portion of Turner Lane in the township of Ashton-under-Lyne construct a good and substantial circular brick culvert set in mortar of at least 3 feet 6 inches in diameter and with suitable manhols under the Ashton Branch Railway for the purpose of enabling the Ashton Gas Company to convey their mains and pipes at convenient levels through such culvert under the said branch railway and as near as may be in the same line and at the same level at might have been adopted before the diversion of Turner Lane. And the Ashton Gas Company shall hereafter have the exclusive use of such culvert for their mains and pipes. Provided always that the Ashton Gas Company shall repay to the Company one half of the reasonable expense incurred by them in constructing such culvert and all future repairs thereto shall be at the joint expense of the Company and the Ashton Gas Company.

In the township of Kearsley in the parish of Dean—

Kearsley.

(*a.*) They may divert the road leading from Clifton House to Ringley such diversion commencing in and out of the said road at a point about one hundred and sixty-five yards measured in a south-easterly direction along the said road from the south-

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east face of the bridge carrying the Manchester and Bolton Railway of the Company over the road from Kearsley Brow to Kearsley Green and terminating at a point in the said first-mentioned road about forty yards south-east of the said face of the said bridge and they may stop up and extinguish all rights of way over and may appropriate for their own purposes the site and soil of so much of the said road as shall become unnecessary by reason of such diversion as aforesaid.

Salford. In the township of Salford in the parish of Manchester—

They may construct and maintain additional arches or openings under Broad Street or Windsor Bridge such additional arches or openings to be constructed on both sides of their Manchester and Bolton Railway and to commence on the north side of Broad Street or Windsor Bridge and to terminate on the south side of that street;

They may make and maintain wholly in the township of Salford in the parish of Manchester a diversion of their Manchester Bolton and Bury Canal and construct in connexion with such diversion all needful locks lock-gates towing-paths works and conveniences such diversion to commence in and out of the said canal about one hundred and ten yards northward of the bridge carrying Broad Street or the Crescent over the said canal and to terminate in the said canal about four hundred and thirty-five yards southward of the same bridge and when the said diversion is completed the Company may stop up and abandon the use of so much of the said canal as shall be rendered unnecessary by the construction of the said diversion and the Company are hereby relieved and discharged from any obligation or liability in respect thereof or of the works connected therewith and they may appropriate to their own use the site and soil of the portion of the said canal so to be stopped up and abandoned and the wharves quays locks lock-gates towing-paths or works connected therewith. Provided that the new portion of canal so to be constructed shall for all purposes and in all Acts grants contracts agreements and instruments directly or indirectly relating to the said canal be substituted for the portion so abandoned.

Rawtenstall. At Rawtenstall in the township of Lower Booths in the parish of Whalley—

They may stop up and extinguish all rights of way in and over so much of the road and public footpath as now crosses on the level their railway at Rawtenstall Station and may appropriate for their own purposes (so far as the same do not already belong to them) the site and soil of so much of the said

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road and footpath as now intersects the railway and property of the Company. Provided that they previously form make and pave a new road of the same width as the present road alongside their proposed extended platform from the existing road to the turnpike road in substitution for so much of the present road as shall be stopped up.

Cheetham (Manchester).

In the township of Cheetham in the parish of Manchester—

They may stop up and extinguish all rights of ways (if any) in and over the railway lands and property of the Company by means of the footpath at the easterly end of Bank Street and which said footpath was formerly carried over the said railway by a bridge and sub-section 6 of section 23 of the Lancashire and Yorkshire Railway (New Works and Additional Powers) Act 1872 providing for the construction and maintenance by the Company of a bridge and approaches for carrying Bank Street across the railway of the Company is hereby repealed and the Company and the mayor aldermen and citizens of the city of Manchester (herein-after called "the corporation") may enter into and fulfil contracts and agreements for and in relation to the construction by the Company on their own lands of a footpath in substitution for the footpath so to be stopped up as aforesaid in continuation of Bank Street aforesaid to and into Coliyhurst Road in the line level and direction to be agreed upon between the Company and the corporation and also with respect to the construction by the corporation or by the Company and the corporation upon the lands of the Company and in the line level and direction aforesaid of any road or way in substitution either wholly or in part of the footpath lastly herein-before mentioned and as to the future maintenance of such footpath road or way.

The Company may in the west riding of the county of York execute the following works and exercise the following powers (that is to say):—

Mirfield.

In the township of Mirfield in the parish of Mirfield—

(*a.*) They may divert a portion of Dark Lane such diversion commencing in and out of the said lane about one hundred and sixty yards westward of the level crossing of their Cleckheaton Branch Railway and passing underneath that railway and terminating in the North Road about one hundred and ninety-seven yards eastward of the said level crossing and they may by reason or in consequence of such diversion alter the levels of so much of their said Cleckheaton Branch Railway as extends from a point about two hundred and twenty yards south of the centre of the said level crossing to a point about

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two hundred and seventy yards north of the centre of such level crossing; and

(*b.*) So soon as the said diversion is completed and open to the public they may abolish the crossing of the said branch railway on the level by Dark Lane aforesaid and may stop up and extinguish all rights of way over the railway and property along the said lane and (so far as the same do not already belong to them) may appropriate for their own purposes the site and soil of the said lane so far as they are the owners of the adjoining land on both sides;

(*c.*) They may purchase and take compulsorily or by agreement certain lands abutting upon and lying on the westerly side of the said Cleckheaton Branch Railway and extending for a distance of about two hundred and fifty yards northward from Dark Lane.

Liversedge. At Liversedge in the township of Liversedge in the parish of Birstal—

(*a.*) They may divert a portion of Hightown Lane such diversion commencing in and out of the said lane at a point about one hundred and thirty yards measured in an easterly direction from the centre of the level crossing by Hightown Lane of the Company's Cleckheaton Branch Railway and passing over the said railway and terminating in Hightown Lane aforesaid at a point about two hundred yards measured in a westerly direction along that lane from the centre of the said level crossing; and

(*b.*) So soon as the said diversion is completed and open to the public they may abolish the crossing on the level of the said branch railway by Hightown Lane and may stop up and extinguish all rights of way over the said railway along or by means of the said lane and may appropriate for their own purposes the site and soil thereof if and so far as they are the owners of the adjoining land on both sides.

Halifax. At Halifax in the township of Halifax in the parish of Halifax—

They may abandon the formation of the road authorised by section 14 of the Lancashire and Yorkshire Railway Act 1878 and therein described as commencing at the western end of Navigation Road and terminating at or near the eastern end of Lilly Lane and near Bath House and the Company and the mayor aldermen and burgesses of the borough of Halifax may enter into and fulfil contracts and agreements for and in relation to or consequent upon the abandonment of the said road. Provided that the Company shall make full compensation to Joseph Lightowler and Jonathan Sheard or to their respective successors in title and his or their tenants for all damage (if

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any) which may be caused to them or either of them or to their respective premises known as the Lilly Lane Dye Works and the Bath Parade Tavern by reason of the abandonment of the said road. Provided also that notwithstanding anything in this Act or in the Act of 1878 the Company shall complete and open for foot passengers as soon as reasonably possible the footbridge mentioned in sub-section 1 of section 14 of the said Act of 1878.

For protection of the Corporation of Salford.

14. For the protection of the mayor aldermen and burgesses of the borough of Salford (in this section called the "corporation") the following provisions with respect to the powers by this Act conferred upon the Company within the borough of Salford shall have effect (that is to say):—

(1.) In this section the expression "street" includes any highway public bridge road lane footway square court alley or passage whether a thoroughfare or not;

(2.) In consideration of the Company being authorised to widen their lines at Windsor Bridge the Company agree to alter Albion Street and to construct it in the position shown upon a plan agreed to and signed by the respective engineers of the corporation and Company with an uniform gradient from the end of Tontine Street to the existing surface of the main road to Pendleton at the point marked A on the plan;

(3.) Any properties which may be affected in any respect by the above alteration of Albion Street shall be dealt with by the Company and the corporation shall be indemnified by the Company from any claim that may arise thereunder either on the part of the owners or occupiers or of the general public;

(4.) In building the new bridges over the canal and the railway the line of roadway shall be rectified conformably with the red line shown upon the said plan and the parapets of the bridges shall be of an ornamental character not less than 4 feet 9 inches in height from the footpath and shall not be used for the posting of bills or for other advertising purposes by means of posters or placards;

(5.) In constructing the bridges over the canal and railway the existing levels of the paving shall be lowered to the level shown in red upon the section forwarded to the chief engineer of the Company on the 14th November 1883;

(6.) The new sewer shown upon the said plan at the junction of Albion Street with the main road shall be constructed at the cost of the Company;

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(7.) If during the work of widening the bridges which carry the roadway over the said railway and canal at Windsor Bridge it shall be necessary or expedient temporarily to remove or interfere with the tramways of the corporation which pass over the said bridges or any part thereof the Company shall to the satisfaction of the corporation or their engineer for the time being construct and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or interfered with so that at all times during the progress of such works the tramcars may pass and repass without any interruption over the said bridges and the Company shall during the progress of and until the completion of such works provide such lighting and watching as may be necessary to prevent accidents to all persons and vehicles passing over the said bridges and on the completion of such works the corporation may at the expense of the Company restore the said tramways and the road over the said bridges and approaches to as good a state and condition as they were in before the commencement of such works and the Company shall recoup and indemnify the corporation against all sums costs and expenses which they may be put to in such restoration and the corporation may recover from the Company all such sums costs and expenses as in this subsection mentioned together with full costs and charges by all and the same means as any simple contract debt;

(8.) The provisions of sections 18 to 23 (both inclusive) of the Railways Clauses Consolidation Act 1845 shall extend and apply to the gas and water mains pipes apparatus and tramways of the corporation and to the corporation in respect thereof as though the corporation were a gas water company or society;

(9.) If by reason of the exercise by the Company of any power granted them under this Act any additional gas or water mains pipes sewers or drains or any increased lengths or capacity thereof respectively be rendered necessary the same shall be respectively provided laid and constructed by the corporation at the cost of the Company;

(10.) If by reason of the exercise by the Company of any powers granted them under this Act the corporation shall at any time incur any additional cost in repairing or altering any gas or water main pipe or apparatus or any sewer or drain such additional cost shall be repaid by the Company to the corporation;

(11.) Before the Company interfere with any existing sewer or drain they shall to the reasonable satisfaction of the corpora-

tion and at the cost of the Company and in accordance with plans and sections to be previously submitted and reasonably approved of by the corporation construct a sufficient substituted sewer or drain and connect the same with the sewer or drain so interfered with;

(12.) If the Company construct any pier or abutment over any sewer of the corporation the Company shall if so required by the corporation construct and maintain a good and sufficient relieving arch thereover so as to afford access thereto for the purpose of repairs;

(13.) Nothing in this Act shall interfere with the rights or powers of the corporation in relation to the making of new sewers and drains;

(14.) The Company shall when required by the corporation enclose with walls or suitable fencing all lands belonging to the Company not used in the construction of the said works in order to fence off the same respectively from the streets adjoining;

(15.) Before the Company obstruct any street or road in the exercise of their powers under this Act they shall to the reasonable satisfaction of the corporation provide and thenceforward until such obstruction be removed maintain proper accommodation for the traffic along such street and access to houses and property therein and they shall cause such obstruction to be properly fenced and lighted;

(16.) Where any house or building is severed by the Company from other property the Company shall to the reasonable satisfaction of the corporation build up and secure the severed end of such house or building;

(17.) All new streets and diversions of streets shall be formed sewered drained channelled kerbed paved flagged and completed and all streets the surface of which shall be disturbed by the Company shall be restored to the reasonable satisfaction of the corporation;

(18.) All works to be executed by the Company under this section shall be so executed at the cost in all respects of the Company;

(19.) The Company shall from time to time pay to the corporation all sanitary and municipal rates leviable by or payable to the corporation upon the respective assessments of any lands or property shown upon the deposited plans or a proportion of such rates respectively from the time when such lands or property respectively are acquired by the Company until the Company's works are completed and assessed to such municipal

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rates and the amount of such rates payable by the Company shall be computed according to the assessments of such lands or property in force at the time of such acquisition notwithstanding that the buildings thereon or forming part thereof may have been taken down. Provided always that the Company shall not be charged with or be liable to the payment of any such rates upon any buildings or property which or part of which is required for the making of a new street or the widening or improving of any existing street as provided by this Act;

(20.) The Company and the corporation may enter into and carry into effect agreements for and with respect to the variation and mode of execution of any works to be done by the Company for the protection of the corporation and for the execution by the corporation of any such works and the acquisition of land therefor;

(21.) If any difference arise between the Company and the corporation touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall be borne as he shall direct.

For the protection of the Corporation of Manchester.

15. The following provisions for the benefit and protection of the corporation of the city of Manchester (in this section called "the corporation") shall unless otherwise agreed to be binding upon the Company and full effect shall be given thereto:

(1.) Whereas the construction of additional arches or openings underneath the road in the township of Salford in the parish of Manchester known as Broad Street or Windsor Bridge and the diversion of the Company's Manchester Bolton and Bury Canal in the said township authorised by section 13 of this Act will necessarily cross through and under the said road in each case by means of a bridge supporting such road over the said additional arches or openings and diversion and it is necessary that special provision should be made for protecting the water mains and pipes and other apparatus of the corporation lying under the said road Therefore be it enacted that the construction of the said bridges shall not be commenced until the said mains pipes and apparatus shall have been effectually supported in their present positions and the said bridges shall be so built and the works of the said Company shall in all respects be so

carried on completed and maintained by the said Company as to secure the perfect stability of the said mains pipes and apparatus in their present positions and at their present levels and so as not either during the progress of the works or at any time thereafter to prevent or interfere with the free and uninterrupted flow and passage of water through the same respectively or with the repair thereof by the corporation;

(2.) The said bridges shall be so constructed and at all times hereafter maintained by the said Company so as to enable the corporation from time to time to replace repair renew and lay down the said mains and pipes and such additional mains or pipes not exceeding in diameter the diameter of the existing mains across or over the said bridge as may be necessary for the purposes of the corporation but so nevertheless that any main or pipe carried across or over the said bridge shall not have the underside thereof at a lower level than the underside of the lowest of the existing mains or pipes;

(3.) Whenever in execution of the powers of this Act it shall be necessary to alter or interfere with or disturb any of the water or other mains or pipes or apparatus belonging to the corporation such alteration interference or disturbance shall be carried out by and under the direction of the corporation but at the expense in all respects of the Company;

(4.) 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 canal and works of the Company and the traffic thereon and the persons and property being conveyed on or using such railway or canal by the breaking bursting or leaking of or escape from any of the said mains or pipes over or upon or immediately in connexion with the said railway or bridge and consequent upon the construction thereof unless such damage or injury shall have arisen as the consequence of any wilful act or negligence of the officers or servants of the corporation;

(5.) The costs of all works and matters which are under this section to be executed done or provided by the corporation at the costs of the Company and all other costs and expenses by this section made payable by the Company to the corporation shall be paid on demand and shall be recoverable in any court of competent jurisdiction;

(6.) In the event of any difference arising between the city surveyor or engineer of the corporation on the one hand and the Company on the other hand in respect of any plan or the execution of any works provided for by this section the same

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shall be settled by an engineer to be appointed by the Board of Trade on the application of either party.

For the protection of the Corporation of Ashton-under-Lyne.

16. Notwithstanding anything in this Act contained or shown on the deposited plans and sections the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Ashton-under-Lyne (in this section referred to as "the corporation") shall unless otherwise agreed between the corporation and the Company apply and have effect (that is to say):—

1. In making the diversion of Turner Lane by this Act authorised the Company shall make the same of gradients not steeper on either side of the Company's Ashton Branch Railway than 1 foot in 20 feet and with a roadway of not less than 48 feet in width including footpaths on both sides of not less than 10 feet in width. And shall construct the bridge carrying the railway over the said diversion so as to cross the said roadway and footpaths by a single span with a clear headway above the roadway in all places of not less than 16 feet and above the footpaths of not less than 10 feet and the Company shall flag pave metal sewer and channel respectively the said roadway and footpaths under the direction and to the satisfaction of the surveyor of the corporation and shall if required by the corporation light the roadway under the said railway in the daytime in such manner as shall be reasonably required by the corporation. The corporation shall simultaneously with the Company executing the works above mentioned and at their own cost alter the levels of Wellington Road by depressing the same 2 feet 9 inches at the point where the said diversion of Turner Lane will terminate by a junction with Wellington Road;
2. The Company shall at all times during the making of the said diversion of Turner Lane maintain and keep available for vehicles and foot passengers the present Turner Lane level crossing and shall not stop up or abolish the said level crossing until the diversion and all the works connected therewith shall be completed to the satisfaction of the corporation;
3. The Company shall forthwith after stopping up and abolishing the said level crossing lower on each side of and up to the said railway on the south side thereof from Wellington Road and on the north side thereof from Warre Street the portions of the present Turner Lane which will remain to the west of the said diversion so as to make the same of such level as shall be reasonably approved by the corporation and of a level

corresponding with the levels of West Street and Warre Street and shall pave flag metal sewer and channel to the satisfaction of the surveyor of the corporation such portions of road when lowered and the same shall at all times remain dedicated to public use as highways;

4. If by reason of the execution of any works by this Act authorised the Company interfere with any sewers or drains of the corporation under the said level crossing the Company shall provide under the said diverted road in accordance with plans previously submitted to and approved by the corporation and under the supervision and to the reasonable satisfaction of their surveyor such substituted sewers and drains as may be necessary for preserving and continuing as efficiently as at present the drainage of the district. Provided always that the Company shall not alter or interfere with the present sewers and drains under the said level crossing as aforesaid until the said new sewers and drains shall be completed and ready for use. And the Company shall at all times relieve and indemnify the corporation against any claims demands costs damages or liabilities brought against or incurred by them by reason of any interruption or interference to the drainage of the district or any houses or premises therein in consequence of the works or operations of the Company. Provided also that if the corporation give notice in writing to the Company before they commence the works that the corporation desire themselves to execute all or any of the above-mentioned works in connection with the said sewers and drains the corporation shall be at liberty to execute the same or such of them as they may desire at the expense of the Company and the Company shall repay to the corporation on demand all costs and expenses incurred by them in so doing;

5. Notwithstanding the provisions of clause 4 and notwithstanding the stopping-up and abolishing of the said Turner Lane level crossing the corporation may at all times maintain across the site thereof on the west side of the said diversion all such sewers and drains at present laid under such part of the said level crossing as shall not be altered or interfered with in making the said diversion and other alterations by this Act authorised and may from time to time repair alter take up and relay the same and lay down and from time to time repair alter take up and relay any additional sewers or drains under such site in the same and as free a manner as if the said level crossing had not been stopped up and abolished

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and without any payment to the Company and for these purposes the corporation and their servants and workmen may enter upon and interfere with the said railway and works of the Company. Provided always that all works and operations of the corporation under this subsection shall be executed and done under the supervision of the Company's engineer;

6. The Company shall when executing the said alterations and works in Turner Lane increase the height of the existing subway for foot passengers by 2 feet and shall so construct any continuation or extension of the said subway that the same may have as far as practicable the same headway as the existing subway will have when áltered as aforesaid. Provided that the Company in giving the additional headways shall not be required to raise the level of their rails more than 2 feet above their present level. The Company shall line any subway which may at any time be in existence under the said railway at Turner Lane aforesaid for the use of the public and the approaches to such subway with glazed and enamelled bricks of approved colour and if required by the corporation light every such subway by day in such manner as shall be reasonably approved by the corporation;

7. The Company shall to the satisfaction of the corporation construct on the west side of the said diverted road a substantial retaining wall and (except where immediately under their railway) a substantial parapet wall or fence 6 feet high at the least and for ever thereafter maintain the same in good and substantial repair and condition. Provided always that the said retaining wall shall be erected on the east side of the line of the present main trunk sewer now passing underneath the said level crossing and so that no part of such retaining wall shall be erected immediately upon or above the said main trunk sewer;

8. The Company shall when making the said diversion of Turner Lane leave open and unbuilt upon a space not less than 48 feet on the square measured on the proposed Alexandra Road and which said opening shall be on the eastern side of the said diversion immediately to the north of the said railway in order to enable Alexandra Road aforesaid to join the said diversion at or near the said railway;

9. Any flags paving stones setts or other materials excavated or removed by the Company in constructing the proposed diversion of Turner Lane or any works connected therewith and not required by them in forming the new road and footpaths

shall remain the property of the corporation and be handed over to them by the Company;

10. The Company shall before stopping up and abolishing the crossing on the level of the Ashton Branch Railway by Yorkshire Street construct and for ever hereafter maintain (except as herein-after mentioned) in accordance with plans previously submitted to and reasonably approved by the corporation and to the reasonable satisfaction of their surveyor a subway beneath the said railway in the line of the said level crossing including the necessary headlights and not less than 8 feet in height by 8 feet in width with the requisite approaches thereto without steps (such approaches to be made at an inclination not steeper than 1 inch in 12 inches) and shall line such subway and approaches with glazed or enamelled bricks of approved colour and the corporation shall contribute the sum of two hundred and fifty pounds towards the cost of construction of the said subway and the said subway shall at all times be available for and dedicated to public use by foot passengers and nothing in this Act shall authorise the Company to stop up or discontinue as a public highway any portion of Yorkshire Street except so much thereof as is co-extensive with the length of the subway between the bottom of the incline forming the approaches thereto. Provided always that the corporation shall at all times after the said subway shall have been completed in form and manner as aforesaid keep and maintain the surface or footway thereof and of the approaches thereto in good repair and condition and shall also properly and sufficiently cleanse and light with artificial light the said subway at their own cost;

11. Notwithstanding the stopping up and abolishing of the Yorkshire Street level crossing the corporation may at all times maintain across the site thereof all sewers and drains at present laid under such level crossing and from time to time repair alter take up and relay the same and lay down and maintain and from time to time repair alter take up and relay any additional sewers or drains under such site in the same and as full a manner as if the said level crossing had not been stopped up and abolished and without any payment to the Company and for these purposes the corporation and their servants and workmen may enter upon and interfere with the said railway and works of the Company. Provided always that all works and operations of the corporation under this

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subsection shall be executed and done under the supervision of the Company's engineer;

12. If any difference arise between the corporation or their surveyor and the Company or their engineer as to any plans or the mode of executing any works such difference shall be referred to an engineer to be agreed upon or in case of difference as to such engineer then to an engineer to be appointed by the Board of Trade on the application of either party and the decision of such engineer shall be binding on both parties.

Power to deviate in construction of roads.

17. The Company in constructing the new roads and alteration of roads footpaths and streets herein-before authorised may deviate from the centre lines shown on the deposited plans to the extent of the limits of deviation marked on such plans respectively but so nevertheless that no part of such deviation be constructed beyond the said limits 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 footpath or street.

Inclination of road.

18. In altering for the purpose of the diversion of Hightown Lane in the said township of Liversedge authorised by this Act the road next herein-after mentioned the Company may make the same of any inclination not steeper than the inclination herein-after mentioned (that is to say):—

No. on Deposited Plans.	Parish.	Description of Road.	Intended Inclination.
1	Birstal - -	Public carriage road -	1 in 11·68 on the eastern side.

As to repair &c. of new and substituted roads &c.

19. Every new or substituted road or footpath constructed by the Company under the powers of this Act shall vest in and be repaired and maintained by the same body or persons as are now liable to repair and maintain the existing road or footpath for which it is substituted. Provided that the structure of every bridge shall be repaired and maintained by the Company. The Company and any such body or person may enter into and fulfil agreements for and in relation to such construction and for or in relation to the repair and maintenance of all or any of such new substituted or existing roads or footpaths.

As to vesting of site and soil of por-

20. Subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the

railway the site and soil of the portions of roads and footpaths stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if and so far as the Company are or under the powers of this Act become the owners of the lands on both sides thereof be wholly and absolutely vested in them and they may appropriate the same to the purposes of their undertaking.

tions of roads &c. stopped up.

21. In relation to the new road at Formby authorised by this Act (in the section referred to as the "new road") and for the protection of the highway board for the district of Southport (in this section referred to as "the board") the following provisions shall apply:

For the protection of the highway board for the district of Southport.

1. The Company shall upon the lands which they are by this Act authorised to enter upon and take construct the new road in the line and situation shown on the plan signed by William Hunt the engineer of the Company and John Orritt the surveyor of the board between the points marked "A" and "B" on the said plan and will construct a continuation of such road up to the point "C." Provided that the board shall provide at their own cost the land necessary for that purpose between the points "B" and "C" and the whole of such road shall be constructed to the reasonable satisfaction of the board and the Company shall for all time after the construction of the new road maintain the structure of the bridge and parapets thereof carrying the said new road over the railway;
2. The new road and the bridge carrying the same over the Company's railway shall be of the full width including the footpath of 36 feet throughout the whole length thereof and the Company shall construct on each side of the new road a sufficient fence not less than 4 feet 6 inches in height and on each side of the bridge carrying the new road over the Company's railway substantial parapets not less than 5 feet in height;
3. The gradient of the new road from the centre of the bridge carrying the new road over the Company's railway between the said points marked "A" and "B" shall be uniform and not steeper than 1 in 30;
4. The Company shall construct on each side of the new road a footpath 6 feet in width and shall drain metal kerb channel and pave the same to the reasonable satisfaction of the board;
5. The Company shall construct on each side of their railway a suitable flight of steps 8 feet wide so as to afford access from Kirklake Road and Upper Duke Street to the new road

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the position and formation of such steps to be subject to the reasonable approval of the board;

6. The Company shall for the purpose of supporting the embankment of the new road on the side of the existing road construct a stone wall not less than 4 feet in height from the level of the present road commencing from each side of the bridge abutments and extending along the whole length of the said embankment;

7. The board shall be at liberty to construct a footpath 6 feet wide along one side of Wicks Lane from Fisherman's Lane on the east side of the railway to the point where the present public footpath joins Wicks Lane on the west side of the railway such footpath to be kerbed with 4-inch Haslingden kerbs protected by a channel stone and the Company shall pay to the board the costs and expenses of constructing the said footpath and works hereby authorised and of keeping the same in repair for a period of two years from the completion of the same. From and after the expiration of that period the same shall be repaired by and at the expense of the board;

8. The Company and the board may enter into and carry into effect agreements for any variations in the works to be done under this section or in the mode of executing the same;

9. If any difference arises between the Company and the board in relation to this section such difference shall from time to time be determined in the manner (unless otherwise agreed) provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

As to works at Formby affecting the Southport Waterworks Company.

22. In constructing and maintaining at Formby the new road authorised by this Act affecting the mains pipes or other works of the Southport Waterworks Company (herein-after called the "water company") the Company shall unless otherwise agreed in writing between the Company and the water company observe and comply with the following conditions namely:—

(1.) All works matters or things which the Company under the provisions of this Act or any Act incorporated therewith may be empowered or required to do or execute with reference to any mains pipes hydrants plugs or other works of the water company shall be done and executed by and at the cost of the Company but to the reasonable satisfaction of the engineer for the time being of the water company and such works matters or other things shall not be commenced except in case of

emergency until after seven days previous notice thereof in writing shall have been given to the water company;

(2.) It shall be lawful for the water company and the engineer workmen and others in their employ at all reasonable times to enter upon the said new road and to do all such works as may be required for repairing maintaining altering removing or replacing any mains or pipes of the water company now laid or which may hereafter be laid under or over the same provided always that in so doing the water company or their engineer or workmen shall not interrupt or interfere with the traffic passing on or over the railway of the Company and provided also that the water company shall make good and reimburse to the Company all damages (if any) occasioned by the exercise of such powers;

(3.) In making the bridge for carrying the said new road over the railway of the Company the Company shall in addition to providing for and paying the cost of any mains pipes or works substituted for any existing mains pipes or works of the water company interfered with by the said new road make provision for enabling the water company to lay down and maintain a main or pipe of not less than fifteen inches diameter or any greater number of mains or pipes parallel with and by the side of each other not requiring in the aggregate more space for their accommodation than a main or pipe of fifteen inches diameter and the water company shall have full power and authority from time to time to lay down and maintain all such mains or pipes over such bridge and to repair enlarge alter or renew the same. Provided that if the relative levels of the rails of the railway and of the surface of the road over such bridge should not admit of sufficient depth being left to enable such mains or pipes to be so laid then the Company shall make such convenient provision alongside or within the parapets of the bridge as will enable such mains or pipes to be laid alongside or within the same so and in such manner as the same shall be at all times accessible to the water company for any of the purposes of this section and that the water company shall be able to protect their pipes as far as possible by means of a sufficient covering from being frozen;

(4.) It shall be lawful for the water company and the engineers workmen and others in their employment at all reasonable times during and after the construction of the said new road to enter on the railway and the lands of the Company connected therewith and to do all such works in and upon the railway and lands as may be necessary for inspecting repairing duplicat-

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ing maintaining altering enlarging removing or replacing any mains or pipes belonging to the water company under or over the railway and lands respectively. Provided always that all such works shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Company and that in executing such works the water company or their engineers workmen or others in their employ shall not interrupt the traffic passing on the railway. And provided also that the water company shall make good to and reimburse the Company all damage if any occasioned by the exercise of such powers;

(5.) All works constructed under this Act shall be constructed and maintained so that the use of the mains and pipes of the water company and their supply of water shall not be unduly impeded or interfered with;

(6.) If by reason of the construction or maintenance of the works by this Act authorised any of the mains pipes hydrants plugs or other works of the water company shall be damaged or injured or their supply of water impeded the Company shall make good and reimburse to the water company all damages if any occasioned by the exercise of the powers of this Act;

(7.) If the Company and the water company differ concerning the execution of any works to be carried out under the provisions of this Act every such difference shall be settled by an engineer to be appointed by the engineers of the parties in difference or if they cannot agree on such appointment then by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party.

For the protection of the Corporation of Liverpool.

23. The following provisions for the protection of the mayor aldermen and citizens of the city of Liverpool herein-after called "the corporation" shall be observed and have effect (that is to say):—

(1.) The works necessary to carry the proposed new road at Hightown over the Company's Liverpool Crosby and Southport Railway shall be constructed so as properly to provide to the satisfaction of the water engineer of the corporation for carrying any water mains and pipes which the corporation may at any time hereafter require to lay within or along the said new road and so as to admit of ready access thereto. Provided always that such mains or pipes shall not exceed twelve inches in diameter;

(2.) Whenever the mains or pipes of the corporation shall be severed or interfered with by the construction of the said new

road and whenever it is necessary for maintaining the supply of water to lay additional mains or water pipes such additional mains or water pipes shall be laid by the corporation at the expense of the Company;

(3.) If by reason of the execution of the powers of this Act relating to the said new road any increased length of mains or water pipes shall become necessary the same shall be laid down by the corporation at the expense of the Company according to such plan and in such manner as shall be reasonably approved by the corporation.

For the protection of the Corporation of Bolton.

24. In the construction within the borough of Bolton of the railway and works in Bolton by this Act authorised the following provisions shall have effect unless otherwise agreed between the mayor aldermen and burgesses of the borough of Bolton (herein-after called "the corporation") and the Company (that is to say):—

(1.) The Company shall not stop up nor shall they unless with the previous consent of the corporation under their common seal interfere other than temporarily with Back Dawes Street Dawes Street Markland Street Soho Street and Back Soho Street (except as herein-after mentioned) or any or either of those streets;

(2.) The Company shall construct the new road shown on the deposited plans as "new road" connecting Newport Street and Soho Street of a clear width throughout of not less than six yards and shall form sewer drain pave and complete the same to the reasonable satisfaction of the corporation;

(3.) So soon as the said new road shall have been so completed the Company may stop up and appropriate the site of so much of Back Soho Street as is within the limits of deviation shown upon the deposited plans and lies southward of the south side of the said new road;

(4.) The Company shall not permanently stop up or alter the lines or levels of Lever Street Back Buckthorpe Street Lever Court or Newport Street nor shall they interfere with those streets or the tramways in Newport Street unless and until they shall to the reasonable satisfaction of the corporation have provided a good and sufficient substituted street for the accommodation of the traffic and have laid upon Newport Street temporary tramways sufficient for the effectual working of the traffic of the said tramways and they shall to the like satisfaction maintain the said substituted street and tramways until Newport Street is again entirely open for public traffic;

(5.) The whole of the works in and affecting Lever Street and Newport Street shall be completed within nine months after

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the same shall have been commenced and the tramways shall be relaid in Newport Street and the surface of both of those streets shall be made good by the Company within the same time. And if the Company fail to comply with any or either of the provisions of this sub-section they shall pay to the corporation by way of liquidated damages the sum of five pounds for every day such failure shall continue;

(6.) The Company shall construct and maintain on either side of the bridge carrying Newport Street over the railway a sufficient close fence of not less than seven feet in height above the level of the footways;

(7.) The Company shall not stop up any part of Back Newport Street other than between the points marked "a" and "b" on the deposited plan relating to the connecting line at Bolton-le-Moors by this Act authorised and if they stop up part only of that street between the said points "a" and "b" then unless they acquire and remove the buildings in the remaining part thereof they shall to the reasonable satisfaction of the corporation construct sewer drain pave and complete a new street leading therefrom to Newport Street of the same width as the present street connecting Back Newport Street at its southerly end with Newport Street at such level and in such line as the corporation shall reasonably require;

(8.) The Company shall not interfere other than temporarily with Back Johnson Street or with any part of Johnson Street lying north of the south side of Back Johnson Street or with the new street agreed between the Company and the corporation to be constructed in lieu of Shakespeare Court Bradshawgate;

(9.) The Company shall to the reasonable satisfaction of the corporation restore and make good the surface of all streets and all tramways therein which shall have been disturbed by the Company either in the construction of their works or by any subsequent failure thereof and which are not in accordance with the provisions of this Act to be stopped up and appropriated by them;

(10.) Whenever in the execution of the powers of this Act it shall be necessary to alter interfere with or disturb any existing or make any new sewers or drains such alterations interference or disturbance shall be executed and such new sewers and drains shall be made by the Company but under the superintendence of the corporation;

(11.) The provisions of sections 18 to 23 both inclusive of the Railways Clauses Consolidation Act 1845 shall for the purposes

of this Act extend and apply to the alterations of gas and water pipes of the corporation and whenever in those sections the expression "society" or "company" is used in relation to a gas or water company that expression shall for the purposes of this section be deemed to include the corporation. Provided that all pipes to be laid over the bridge carrying Newport Street over the railway and to be laid over the additional arch or opening by this Act authorised to be constructed under Lever Street and Back Buckthorpe Street shall as far as practicable be so laid as to protect them from the influence of frost to the reasonable satisfaction of the corporation;

(12.) The Company shall repay to the corporation the amount of capital expended by them in the providing and laying of mains and service pipes for the supply of gas and water in those streets or parts of streets which the Company shall stop up and appropriate under the powers of this Act such mains and pipes so dispensed with to be the property of the Company;

(13.) The corporation and the Company may from time to time enter into and fulfil contracts and agreements for the execution by the corporation of any works by this section prescribed and for any variation in the said works or in the mode of executing the same;

(14.) All work to be done by the Company under the powers of this section or otherwise affecting the streets of the borough or the property of the corporation therein shall be done at the cost in all respects of the Company and under the superintendence and to the reasonable satisfaction of the corporation;

(15.) If any difference arise between the corporation and the Company with respect to anything to be done or not to be done by the Company or the corporation such difference shall be settled by an engineer to be appointed as an umpire by the corporation and the Company or if they cannot agree on such engineer within fourteen days after such difference shall have arisen then by an engineer to be appointed as an umpire by the Board of Trade on the application in writing of either of them and subject as aforesaid the provisions of the Railways Clauses Consolidation Act 1845 as to the settlement of disputes by arbitration shall extend and apply to every such settlement.

For the protection of the Ashton-under-Lyne Stalybridge and Dukin-

25. For the protection of the Ashton-under-Lyne Stalybridge and Dunkinfield (District) Waterworks Joint Committee (in this section called "the joint committee") and of the mains works and property vested in them by the Ashton-under-Lyne Stalybridge and

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Dukinfield (District) Waterworks Joint Committee.

Dukinfield (District) Waterworks Acts 1870 and 1875 the following provisions shall apply and have effect:

(1.) Whenever by reason of the exercise of any powers conferred on the Company by this Act any of the water mains or pipes of the joint committee shall be severed or interfered with all such water mains and pipes as shall be necessary for maintaining the supply of water shall previous to the severance or interference be laid by the joint committee at the expense of the Company;

(2.) 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 joint committee at the expense of the Company upon such plan and in such manner as shall be reasonably approved in writing by or on behalf of the joint committee;

(3.) Whenever by the appropriation or destruction of property under this Act within the district supplied by the joint committee any water mains or pipes laid for the supply of such property (except pipes inside such property) shall be rendered unnecessary the Company shall pay to the joint committee the cost of providing and laying an equivalent length of water mains or pipes and the cost of the works required for the discontinuance of any water mains or pipes so rendered unnecessary (as such cost shall be reasonably estimated by the engineer for the time being of the joint committee) and the water mains and pipes so rendered unnecessary shall be the property of the Company;

(4.) If by reason of the execution of any of the powers of this Act the joint committee shall at any time necessarily incur any cost in altering any existing main or pipe the Company shall repay to the joint committee such cost and the same and any other sums of money by this section made payable to the joint committee by the Company may be recovered in default of payment in any court of competent jurisdiction;

(5.) The provisions of the Railways Clauses Consolidation Act 1845 contained in the sections 18 to 23 inclusive shall subject to the provisions of this section apply to the water mains and pipes of the joint committee 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 joint committee.

Power to purchase additional lands.

26. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to

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acquire may enter upon and take compulsorily and may hold for the improvement and enlargement of their railways stations and works and for the construction of new stations buildings and sidings and other the purposes of the undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference. And they may hold such of the said lands as have already been purchased by them:

Hindley.

Certain lands in the township of Hindley in the parish of Wigan in Lancashire bounded on the south by the Company's Liverpool and Bury Railway and abutting upon and partly occupying the site of the public footpath leading from Ladies Lane to the Deep Pit Colliery of the Wigan Coal and Iron Company Limited. Provided that the Company shall keep open and maintain so much of the public footpath as now intersects any part of the said lands;

Certain other lands in the same township and parish lying on the southerly side of the Company's said Liverpool and Bury Railway and part of which lands is occupied by the colliery lines and sidings in connexion with the Ladies Lane Colliery;

Aintree.

Certain lands at Aintree in the township of Netherton in the parish of Sefton in Lancashire a portion of which lands is situate at the side and formerly formed part of the highway known as Park Lane and abutting upon the Company's Aintree Station on their Liverpool Ormskirk and Preston Line and the Company may stop up and extinguish all rights of way in and over the said lands and in connexion with the acquisition of such lands the Company may pay to the district fund of the Sefton Highway Board under the Highways Act 1864 any sum of money which may have been or may hereafter be agreed upon in that behalf between the Company and that board;

Liverpool.

Certain lands in Liverpool in the township of Liverpool in the parish of Liverpool in Lancashire formerly occupied by Messrs. Raby and Abson as a brewery and bounded on the south-west by Ray Street and on the north-east by Maidens Green;

Rochdale.

Certain lands at Rochdale in the township of Castleton in the parish of Rochdale in Lancashire belonging or reputed to belong to the trustees of the late Duke of Bridgwater and used by them as a coal yard in connexion with their sidings near to Milkstone Road;

Mytholmroyd.

Certain lands at Mytholmroyd in the township of Sowerby in the parish of Halifax in the west riding of the county of York abutting upon and lying to the northwards of the Company's main line of railway and goods station;

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Hipperholme.

Certain lands at Hipperholme in the township of Hipperholme-cum-Brighouse in the said parish of Halifax and west riding of the county of York lying on the south-westerly side of the Company's railway from Halifax to Bradford and in part adjacent to the waiting rooms and platform at the Hipperholme Station and belonging or reputed to belong to Evan Charles Sutherland Walker;

Certain other lands in the same township and parish bounded on the northerly side by Tanhouse Hill Lane and on the southerly side by the said railway and lands of the Company;

Heckmondwike.

Certain lands at Heckmondwike in the township of Heckmondwike in the parish of Birstal abutting on the Cleckheaton Branch Railway on both sides thereof and extending for a distance of about two hundred and fifty yards westward of Railway Street otherwise Smithies Lane.

Joint power to purchase additional lands for Lancashire Union Railway.

27. The Company and the London and North-western Railway Company as proprietors of the Lancashire Union Railway may in the township of Livesey in the parish of Blackburn in Lancashire enter upon and take compulsorily and may hold for the purposes of their joint undertaking certain lands shown on the deposited plans and described in the deposited books of reference and situate near the Feniscowles Station bounded on the west by the railway and property of the said two companies and on the east in part by the public road leading from Witton to Feniscowles.

Power to take easements &c. by agreement.

28. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rent-charges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

Period for compulsory purchase of lands.

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

Lands for extraordinary purposes.

30. 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 one acre.

Notice to be given of taking houses of labouring classes.

31. The Company shall eight weeks at least 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.

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

32. Before taking in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons. Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase by agreement such further lands as may be necessary for such purpose and may on such lands erect labouring-class dwellings and may let or otherwise dispose of such lands and dwellings and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

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 or otherwise in exercise of the powers of this Act it may happen that portions only of the lands 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 persons interested in the lands 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

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

Company empowered to underpin or otherwise strengthen houses near railway.

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

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

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

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

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

(5.) The cost of the reference shall be in the discretion of the referee;

(6.) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment;

(7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the

Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made within six months from the discovery thereof;

(8.) Nothing in this enactment contained nor any dealing with the said property in pursuance of this enactment shall relieve the Company from the liability to compensation under the 68th section of the Lands Clauses Consolidation Act 1845 or under any other Act;

(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845;

(10.) Nothing in this section shall repeal or affect the application of the 92nd section of the Lands Clauses Consolidation Act 1845.

Extending time for sale of certain superfluous lands of Company.

35. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods within which the Company may sell and dispose of any superfluous lands in the parishes enumerated in the Second Schedule to this Act or connected with the railways respectively described in the said schedule are hereby extended for the periods following that is to say as regards such of the lands as are situate near to or are adjoining any railway or station of the Company for the period of five years from the twenty-fifth day of June one thousand eight hundred and eighty-eight and as regards the other of the said lands for the period of two years from the last-mentioned date.

For better prevention of trespass on Company's premises.

36. And whereas accidents frequently arise by persons trespassing on the railways stations works lands and property belonging to or leased or worked by the Company or the Company and some other company and many persons so trespassing have been killed and others have been severely injured and it is necessary that more effectual remedies should be provided for the prevention of trespass on those railways and the stations works lands and property connected therewith Be it therefore enacted that any person who shall trespass upon any of such railways stations works lands or property in such manner as to expose himself to danger or risk of

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danger shall without having received any personal or other warning than herein-after mentioned forfeit and pay by way of penalty any sum not exceeding forty shillings for every such offence and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matters referred to justices shall apply to this enactment. Provided that no person shall be subject to any penalty under this enactment unless it shall be proved to the satisfaction of the justices before whom complaint is laid that by notices painted on boards or printed on paper and pasted on boards or enamelled on metal or otherwise as the Company or (as the case may be) the companies may think fit clearly exhibited public warning has been given to persons not to trespass upon the railways stations works lands or property in respect of which trespass is complained of and that one or more of such notices has been affixed at the station on that railway and at the public road level crossing (if any) nearest to the spot where such trespass is alleged to have been committed and such warning shall be renewed as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed. Provided also that no person lawfully crossing any such railway at any level crossing thereof shall be liable to any such penalty as aforesaid. And provided lastly that this enactment shall not interfere with but shall be subject to any future general enactment on the subject of trespassing on railways.

Company may contribute towards funds of Provident Society.

37. The Company may from time to time with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose contribute or subscribe to the funds of the Lancashire and Yorkshire Railway Provident Society any sum or sums of money they think fit not exceeding in the whole one thousand pounds.

Additional Capital. Power to raise additional capital.

38. 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 two hundred and fifty-five 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 partly as ordinary or wholly or partly as preferential shares or stock as they may think fit.

Shares not to be issued until one-fifth part

39. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person

accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

thereof shall have been paid up.

40. 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.

Qualifications of new shares or stock.

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

42. The Company may in respect of the additional capital of two hundred and fifty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole eighty-five thousand pounds but no part thereof shall be borrowed until shares for so much 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 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and 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 so far as the said capital is raised by shares that such persons or corporations or their

Power to borrow on mortgage.

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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 to have priority.

43. 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.

44. 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.

Debenture stock.

45. 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.

46. 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 being in each case purposes to which capital is properly applicable.

Receipt in case of persons not sui juris.

47. 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.

Interest not to be paid on calls paid up.

48. 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.

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.

Provision as to general Railway Acts.

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

Costs 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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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

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

Parish.	Numbers on deposited Plans.
Additional Arch or Opening under Lever Street and Lands at Bolton-le-Moors.	
(Lands between Lever Street and Orlando Street.)	
Bolton-le-Moors - - -	10.
Additional Arch or Opening under Street at Windsor Bridge and Diversion of Canal in Salford.	
Manchester - - - -	50.
Lands at Mytholmroyd.	
Halifax - - - -	2.

THE SECOND SCHEDULE.

Superfluous Lands of the Company.

Parishes.	County.
Manchester Prestwich-cum-Oldham Ashton-under-Lyne Middleton Whalley Rochdale Walton-on-the-Hill Aughton Ormskirk Rufford Croston Leyland Penwortham Blackburn Bolton-le-Moors Sefton North Meols Liverpool Wigan Dean Bury Eccles	Lancaster.
Halifax Dewsbury Wakefield Bradford Pontefract Snaith Almondbury Kirkburton Penistone Silkstone Crofton Kellington	West Riding of Yorkshire.

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RAILWAYS.

Manchester and Leeds.
Ardwick Branch.
Ashton Branch.
Hollinwood Branch and Extension.
Oldham, Rochdale, and Royton.
Shawforth Branch and Extension.
Burnley Branch.
West Riding Union.
Wakefield, Pontefract, and Goole.
Huddersfield and Sheffield and Holmfirth Branch.
Liverpool, Ormskirk, and Preston.
Blackburn and Preston.
Meltham Branch.
Blackburn, Accrington, and Colne.
Bolton to Blackburn and Chatburn.
Liverpool, Crosby, and Southport.
Liverpool and Bury.
Manchester and Bolton.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1884.