CHAPTER cxlviii.

An Act for conferring further powers on the Lancashire and Yorkshire Railway Company with relation to their own undertaking and upon that Company and the London and North Western Railway Company with relation to the Preston and Wyre Railway and for other purposes. [31st July 1894.] A.D. 1894.

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 railway and works herein-after described;

To widen and improve certain portions of their railways;

To deviate a portion of their Accrington to Colne Extension Railway;

To abolish a level crossing of their railway and otherwise to deal with certain roads and footpaths connected with their undertaking;

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

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:

And whereas it is expedient that the time prescribed for the sale of lands acquired by the Company under the powers of various Acts and not as yet applied to the purposes for which they were acquired should be extended:

53 & 54 Vict. c. clvii.

And whereas it is expedient that the period limited by the Lancashire and Yorkshire Railway Act 1890 for the completion of the branch railway in Salford (Railway No. 1) thereby authorised should be extended:

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And whereas it is expedient that the Company should be enabled to abandon the construction of the branch railway in Salford (Railway No. 2) by the same Act authorised:

And whereas it is expedient that provision should be made for converting the existing four per cent. debenture stock of the Company into three per cent. debenture stock:

And whereas the undertaking of the Preston and Wyre Railway Harbour and Dock Company is vested in the Company and the London and North Western Railway Company (in this Act called "the Two Companies") in the proportion of two-third parts thereof in the Company and one-third part thereof in the London and North Western Railway Company (in this Act called "the North Western Company") and the said undertaking is managed by a committee appointed by the Two Companies and called and in this Act referred to as "the committee of management" and it is expedient that the Two Companies should be empowered to divert a footpath at Blackpool and to purchase and acquire additional lands for the purposes of the said undertaking herein-after referred to as "the Preston and Wyre undertaking":

And whereas the Preston and Wyre undertaking comprises inter alia the harbour at Fleetwood formerly known as Wyre Harbour:

And whereas by an Act passed in the second and third years of the reign of Her present Majesty intituled "An Act to amend the "several Acts relating to the Preston and Wyre Railway and "Harbour Company and the Preston and Wyre Dock Company and "to consolidate the said Companies" (herein-after referred to as "the Act of 1839") the limits of the said harbour were defined:

2 & 3 Vict. c. liv.

And whereas it is expedient that the said limits should be altered as herein-after provided:

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

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

And whereas plans and sections showing the lines and levels of the railway widenings deviations 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 are authorised to be acquired under the powers of this Act and books 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 widenings deviations 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:

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 1894.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Parts I. and II. relating respectively to the construction of a railway and to extension of time of the Railways Clauses Act 1863 are except where the same are expressly varied by this Act incorporated with and form part of this Act.

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; and
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

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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 railway &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 new railway and the deviations of railway and the widenings (including in that expression the alteration and the improvement of and the laying down of additional lines of rails) of railways in this section 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 and divert such streets roads and footpaths as are shown on the deposited plans of the said new railway diversions and widenings as intended to be stopped up or diverted respectively Provided that notwithstanding anything shown on the deposited plans the Company shall not under the powers of this Act stop up any portion of Orlando Street in the borough of Bolton.

CONNECTING RAILWAY AT WAKEFIELD.

A railway 4 furlongs 8·7 chains in length wholly 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 Company at a point eight hundred and seventy yards or thereabouts measured therealong in a north-easterly direction from the junction therewith of the Wakefield Pontefract and Goole Branch Railway of the Company and terminating in the township of Wakefield by a junction with the said branch railway at the north side of the bridge carrying that railway over the River Calder.

WIDENINGS AT BOLTON AND WIGAN.

The widening and improving of the following railways of the Company in the county of Lancaster:—

In the township of Great Bolton and parish of Bolton-le-Moors:

Widening No. 1:

The Bolton and Preston Railway commencing on the north-east side of the bridge carrying Newport Street over that

railway and terminating on the south-east side of Trinity Street near the junction of Station Street therewith;

Widening No. 2:

The Bolton and Blackburn Railway commencing at the south-west end of the bridge carrying Bradshawgate over that railway and terminating on the south-east side of Trinity Street near the entrance from that street to the up platform of the Bolton Passenger Station;

Widening No. 3:

The Manchester and Bolton Railway on both sides commencing on the south-east side of the bridge carrying Trinity Street over the before-mentioned railways and terminating on the south-east side of the bridge carrying Orlando Street over that railway:

In the township and parish of Wigan:

Widening No. 4:

The Manchester and Southport Railway commencing at a point about ninety-seven yards north-west of the bridge carrying that railway over the colliery railway belonging or reputed to belong to Messieurs Lamb and Moore and terminating by a junction with the said railway at a point about one hundred and eighty yards measured along the same in an easterly direction from the bridge carrying that railway over Prescott Street.

DEVIATIONS OF ACCRINGTON TO COLNE EXTENSION RAILWAY AT ROSE GROVE BURNLEY.

In the township of Habergham Eaves in the parish of Whalley in the county of Lancaster:

(*a.*) A deviation of the down main line of the Accrington to Colne Extension Railway of the Company commencing at a point on the said railway one hundred and thirty-three yards or thereabouts measured along that railway in an easterly direction from the junction therewith of the North Lancashire loop line of the Company and terminating at a point on the said Accrington to Colne Railway one hundred and ninety yards or thereabouts measured along that railway in a westerly direction from the point of junction therewith of the Burnley branch of the Company;

(*b.*) A deviation of the up main line of the said Accrington to Colne Extension Railway commencing and terminating at the same points as above described for the commencement and termination of the deviation of the down main line.

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As to lands already acquired for connecting railway at Wakefield.

6. The Company may in connexion with and for the purposes of the new railway retain hold and use all or any of the lands and property and exercise all the rights which they have acquired under the provisions of the Lancashire and Yorkshire Railway Act 1884 for the purpose of constructing the connecting railway at Wakefield by that Act authorised.

Inclination of road.

7. In altering for the purposes of this Act the public road numbered on the deposited plans 5 in the parish of Whalley the Company may make the same of any inclination not steeper than one in eighteen.

Height and span of bridge.

8. The Company may make the arch of the bridge for carrying the railway or widening over the public road numbered on the deposited plans 14 in the parish of Wigan of any height not less than ten feet and of any span not less than fifteen feet nine inches.

New railway deviations and widenings to form part of the Lancashire and Yorkshire Railway.

9. Subject to the provisions of this Act the new railway deviations and widenings of railways herein-before described shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the Lancashire and Yorkshire Railway.

Period for completion of new railway.

10. If the new railway herein-before authorised by this Act is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the said railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Penalty unless railway opened within the time limited.

11. If the Company fail to complete the new railway 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 new railway 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 new railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act 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 of the Paymaster General for and on behalf of the Supreme Court 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 were prevented from completing or opening such new railway 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.

12. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the new railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of such new railway and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has 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 if a receiver has been appointed or the Company is insolvent or if the new railway or any part thereof has been abandoned be paid to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Company not liable to repair surface of road gradient of which is not increased.

13. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the new railway or deviations or widenings by a bridge or bridges unless the level of such road or public highway is permanently altered so as to increase the gradient of any part thereof Provided that this section shall not apply to any bridge in the borough of Bolton the surface of the road over which is now repairable by the Company.

For the protection of the Great Northern Railway Company.

14. The Great Northern Railway Company shall have and be entitled to the same powers rights and privileges in respect of the said new railway as they now have or are or were entitled to under the provisions of section 12 of the Lancashire and Yorkshire

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Railway Act 1884 in connexion with the connecting railway at Wakefield thereby authorised.

For the protection of the corporation of Wakefield.

15. For the protection of the mayor aldermen and citizens of the city of Wakefield (in this section called "the corporation") the following provisions shall have effect unless otherwise agreed in writing between the Company and the corporation (that is to say):—

(1.) The bridges to carry the connecting railway at Wakefield over the roads numbered 9 and 12 on the deposited plans in the township and parish of Wakefield shall be constructed in a straight line with and so as to have throughout not less than the same headway and width as the bridges carrying the Wakefield Pontefract and Goole Branch of the Company over the same roads and shall be as far as reasonably practicable drop dry:

(2.) In constructing any works on lands within the city of Wakefield the Company shall make and maintain proper culverts for carrying away water from any watercourse or ditch that may be interfered with by any works so constructed to the reasonable satisfaction of the city surveyor of the city of Wakefield:

(3.) Provided that the Company shall not stop up nor discontinue the road and footpath distinguished by the colour red on a plan signed in duplicate by William Hunt on behalf of the Company and by Richard Porter on behalf of the corporation 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:

(4.) If any difference should arise between the Company and the corporation under this section such difference shall be determined by an engineer to be appointed unless otherwise agreed by the President of the Institution of Civil Engineers on the application of either the Company or the corporation and the costs of such determination shall be borne as he shall direct.

For the protection of the burial ground and school premises in connexion with Holy Trinity Church Bolton.

16.—(1.) The Company shall not for the purposes of this Act take or be required to take any greater portion of the burial ground of Holy Trinity Church or of the yard or outbuildings of the day and Sunday schools in connexion with that church in the parish of Bolton-le-Moors and numbered respectively 196 and 197 on the deposited plans relating to "Widenings at Bolton" than that coloured and barred red respectively on a plan signed in duplicate by the Reverend Tom Taylor-Evans the vicar of the said church

and William Hunt the engineer of the Company and the Company shall to the reasonable satisfaction of the said vicar erect a wall with an iron railing thereon where required so as effectually to fence off the portion of the burial ground and school yard taken by the Company from the portion thereof respectively not so taken.

Provision with respect to the removal of bodies in the burial ground of Holy Trinity Church Bolton.

(2.) If the Company shall enter upon and take for the purposes or under the powers of this Act the said portion of the burial ground in connexion with the said church and shall remove any remains now buried therein they shall remove the same under the superintendence and to the satisfaction of the medical officer of health of the borough of Bolton The remains removed shall be re-interred at the expense of the Company in such parts of the same burial ground as are available for the purpose and such remains as cannot be so re-interred shall be enclosed for removal in shells well pitched and re-interred in some convenient public cemetery in the borough of Bolton-le-Moors or the neighbourhood thereof:

Provided that the heirs executors administrators or relatives of any person whose remains are interred or deposited in or under the said church or churchyard may if they so prefer and under such superintendence as aforesaid remove the remains of such person to any consecrated burial ground wherein burials may legally take place and the cost of such removal (not exceeding in each case the sum of ten pounds) shall be defrayed by the Company.

For the protection of the London and North Western Railway Company.

17. The Company in constructing the widening No. 4 in the township and parish of Wigan by this Act authorised shall construct the same only in accordance with and subject to the provisions of section 22 of the Lancashire and Yorkshire Railway Act 1893 and notwithstanding anything contained in this Act or shown upon the deposited plans the Company shall not for the purposes of the said widening acquire any of the lands of the North Western Company without having first obtained the consent of that company under their common seal.

For the protection of the Corporation of Wigan.

18. With respect to the works to be executed in the borough of Wigan the following provisions shall unless otherwise agreed upon between the Company and the mayor aldermen and burgesses of the borough of Wigan (in this section referred to as "the corporation") have effect and be binding upon the Company and on the corporation (that is to say):—

(1.) The Company shall remove the existing bridge carrying their railway over Prescott Street and shall re-construct the same and carry their railway as widened under the powers of this Act over that street by a flat girder bridge having a single span of not less than thirty-six feet measured on the square

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and a headway of not less than ten feet from the surface of the existing road measured on the north side of the existing bridge the foundations of the abutments being so constructed as to allow the corporation to lower the level of the said street in order to give a headway of not less than twelve feet throughout the whole bridge The corporation shall upon the completion of the said bridge pay to the Company the sum of five hundred pounds:

(2.) The Company shall not widen the railway westward of the point marked "O" in the deposited plans:

(3.) For the purpose of affording light under the bridges carrying the widened railway over Prescott Street the Company shall make and maintain an opening or openings in such bridges containing in the whole not less than a total superficial area of one hundred and fifty feet and shall properly glaze and keep clear such opening or openings:

(4.) The Company shall line the vertical walls under the existing bridge at Prescott Street so altered as aforesaid and the vertical walls of the bridge carrying the widening of the railway over that street with white glazed bricks or tiles and shall maintain the same uncovered and in good condition:

(5.) The bridge of the Company for carrying the widened railway over Prescott Street shall be constructed and maintained so as to prevent as far as practicable the dripping of water:

(6.) The railway on the said bridges and for a distance of fifteen yards on each side thereof shall be properly screened by means of close parapets of wood brick or iron of not less than nine feet in height above the surface of the rails and the sides of such screens facing the streets shall not be used for advertising purposes:

(7.) Whenever in the execution of the powers of this Act it shall be necessary to alter or interfere with or disturb any existing or make any new sewers or drains such alterations interference or disturbance shall be carried out and such new sewers and drains shall be constructed by and at the cost in all respects of the Company but under the superintendence and to the reasonable satisfaction of the corporation:

(8.) The Company shall reconstruct and maintain the culvert carrying Barley Brook under their railway and shall construct and maintain the culvert for carrying the said brook under the authorised widening of such level size and dimensions and in such manner as to effectually carry off the waters of that brook both in ordinary and flood times:

(9.) The Company shall not break up any street or interfere with any sewer drain culvert or watercourse or any gas or water main pipe or apparatus of the corporation until they shall have given to the town clerk three clear days' notice in writing of their intention to commence the intended works proposed to be executed by the Company so far as they affect the streets sewers drains culverts watercourses gas and water mains proposed to be interfered with:

(10.) Where the surface of any street has been interfered with or disturbed by the Company in constructing the works or exercising the powers by this Act authorised the Company shall well and sufficiently and to the satisfaction of the corporation restore the surface of the street so interfered with or disturbed and shall keep the same in efficient repair for one year from such restoration:

(11.) The Company shall from time to time pay to the corporation all 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 such lands or property respectively shall be acquired by the Company until the Company's works are completed and assessed to such 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:

(12.) Any difference which may arise between the corporation and the Company as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be settled by an arbitrator 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 such arbitrator shall direct.

For the protection of William James Lamb.

19. For the protection of William James Lamb his sequels in estate and assigns (in this section called "the owner") the following provisions shall have effect unless otherwise agreed in writing between the owner and the Company (that is to say):—

(1.) The said widening of the Manchester and Southport Railway so far as the same is coterminous with the property of the owner shall be made on the south side of the existing lines of that railway And nothing in this Act contained shall empower the Company to take the land on the north of the existing line

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of the said railway the property of the owner and which land is numbered 7 and 10 on the deposited plans:

(2.) The Company shall at their own cost in all things construct the bridge for carrying the said widening over the colliery railway of the owner:

(3.) The Company shall at their own cost in all things make such structural alterations in and additions to the bridge carrying the existing tramways of the owner over the said Manchester and Southport Railway as shall be necessary to enable the Company to construct their said widening:

(4.) If at any time the Company desire to alter the level of the rails over the bridge carrying their said railway over Prescott Street they may so far as may be necessary for that purpose and at their own cost in all things alter the levels of the colliery sidings of the owner provided such alteration do not extend in a north-westerly direction further than a point twenty yards south-east of the weighing machine of the owner and be not such as would interfere with the convenient working of the traffic to from and on the said sidings:

(5.) All works to be executed by the Company under the powers of this Act so far as they affect the railway sidings and property of the owner shall be executed to the reasonable satisfaction of the owner and so as to interfere as little as possible with the conduct of his traffic:

(6.) If any difference arise between the owner and the Company touching this section such difference shall be determined by an engineer to be appointed (unless otherwise agreed) by the President of the Institution of Civil Engineers and the costs of such determination shall be borne as he shall direct.

Extension of time for completion of Railway No. 1 authorised by the Lancashire and Yorkshire Railway Act 1890.

20.—(1.) The time limited by the Lancashire and Yorkshire Railway Act 1890 for the completion of Railway No. 1 by that Act authorised is hereby extended until the fourth day of August one thousand eight hundred and ninety-seven and section 7 of that Act shall be read and construed accordingly.

(2.) The provisions of the foregoing sections of this Act the marginal notes whereof are respectively "Penalty unless railway opened within the time limited" and "Application of penalty" shall extend and apply mutatis mutandis to and in relation to the completion of the said Railway No. 1 and the opening of the same for public traffic.

(3.) Nothing in this section shall prejudice vary or affect the rights remedies and interests of the trustees for the time being under

the will of the Most Noble Francis late Duke of Bridgewater under or by virtue of an agreement entered into with the Company dated the sixteenth day of July one thousand eight hundred and ninety.

Further works by the Company.

21. 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 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 Acts to all persons 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 and the following provisions shall have effect (that is to say):—

In the county of Lancaster:

(Burnley.) At Burnley in the township of Habergham Eaves in the parish of Whalley:

They may increase the span of or make additional arches on the north and south sides of the bridge carrying Rose Grove Lane over their Accrington to Colne Extension Railway and they may in connexion with the said work pull down and reconstruct the whole or any portion or portions of the said bridge:

(Nelson.) At Nelson in the township of Great Marsden and Little Marsden in the parish of Whalley:

They may make a new footpath commencing in and out of Lomeshaye Lane extending over the site of the road in front of certain dwelling houses known as Hope Terrace and terminating in and by a junction with the footpath leading from Lomeshaye Lane to Rigby Street at a point sixty-two yards or thereabouts measured along the last-mentioned footpath from its junction with Lomeshaye Lane;

So soon as the said new footpath shall have been completed and opened to the public the Company may stop up and extinguish all rights of way over and appropriate to their

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own purposes the site and soil of the existing footpath between Lomeshaye Lane and the termination of the intended new footpath so far as the same is bounded on both sides by property of the Company.

In the west riding of the county of York:

(Horbury.) At Horbury in the township of Horbury in the parish of Wakefield:

They may stop up and extinguish all rights of way (if any) in and over the footpath running parallel with and to the westward of the carriage road which crosses the Company's main line of railway at Horbury Station between the following points (that is to say) Between a point at the foot of the incline opposite the Station Hotel on the south side of the line and a point at the foot of the steps down the western slope of the said carriage road on the north side of the line.

In the county of Lancaster and the West Riding:

(Todmorden.) At Todmorden:

They may make a new footpath commencing in the township of Todmorden and Walsden in the parish of Rochdale in the county of Lancaster by a junction with the Burnley Road otherwise North Street at a point about twenty yards south-east of the south side of the viaduct carrying the main line of the Company over that road measured along a line at right angles to that viaduct and terminating in the township of Langfield in the parish of Halifax in the West Riding of the county of York at the northern end of Hazlewood Street;

The said new footpath shall be made and completed in the line and direction and in the manner shown upon a plan and section signed by William Hunt on behalf of the Company and Dan Sutcliffe on behalf of the Todmorden Local Board as the highway authority for the Todmorden Urban Sanitary District and it shall be throughout not less than six feet wide and shall be carried over the River Calder and the head goit of Stansfield Mill respectively shown on the said plan by substantial bridges and shall be constructed and fenced to the reasonable satisfaction of the local board and in case of difference to the satisfaction of two justices;

So much of section 14 of the Lancashire and Yorkshire Railway Act 1888 as relates to the "Diversion of public

footpath at Todmorden" is hereby repealed and so soon as the said new footpath is completed and open to the public the Company may stop up the existing footpath leading from Todmorden Road to the level crossing known as Hall Royd level crossing.

Power to deviate in construction of works.

22. The Company in constructing the several works authorised by the preceding section of this Act the marginal note whereof is "Further works by the Company" 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 extend to a greater distance than the said limits and may deviate from the levels shown on the deposited sections to any extent not exceeding three feet but not so as to increase the gradient of any work as shown on the said sections.

For the protection of the corporation of Burnley.

23. For the protection of the mayor aldermen and burgesses of the borough of Burnley (in this section referred to as "the corporation") the following provisions shall have effect:—

(1.) In carrying into effect the provisions of this Act authorising the Company to increase the span of or make additional arches on the north and south sides of the bridge carrying Rose Grove Lane over their Accrington to Colne Extension Railway and in connexion with the said work to pull down and reconstruct the whole or any portion of the said bridge the Company shall at their own expense:—

(*a.*) Widen the road over the said bridge and the road called Rose Grove Lane between the points marked F and H on the deposited plans to an uniform width of thirty-six feet throughout and shall properly sewer drain level flag kerb channel and macadamise the roadway of the said road and bridge in all respects fit for public traffic to the reasonable satisfaction of the corporation;

(*b.*) Make and construct on each side of the said bridge a parapet to the satisfaction of the corporation not less than six feet in height from the surface level of the road;

(*c.*) Construct the said road over the railway and between the said points F and H of an uniform gradient throughout of 1 in 18:

(2.) Prior to commencing any works in connexion with the said bridge and road the Company shall construct and complete fit for public traffic a proper and sufficient temporary bridge and road to the reasonable satisfaction of the corporation and shall

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until completion of the said bridge and road maintain such temporary bridge and road in a state fit for public traffic:

(3.) In exercising the powers of this Act relating to lands at Rose Grove in the township of Habergham Eaves in the parish of Whalley the Company shall not stop up or divert except with the consent of the corporation the existing road or public footpath under the railway leading from Accrington Road to Gannow Lane:

(4.) If in exercising the powers of this Act relating to lands at Rose Grove aforesaid the Company shall require to widen their railway over the said existing road and public footpath they shall at their own expense construct the arch of any bridge they may require to form for the purpose of carrying the widened portion of their said railway over the said road and public footpath so as to leave under such widened portion a clear width of thirty-nine feet measured on the square across the said road and public footpath and shall carry the foundations of such widened portion sufficiently deep to allow of a roadway being constructed under the existing and widened bridge the surface of which shall be not less than fifteen feet below the underside of the existing bridge and shall if and when required by the corporation in writing under the hand of the town clerk at the joint expense in equal moieties of the Company and the corporation alter and enlarge the existing bridge carrying the said railway over the said road and public footpath so as to leave under the said existing bridge a like clear width with a like headway and so as to remove the existing angle therein:

(5.) The provisions of sub-sections (3) and (4) of section 28 (For the protection of the corporation of Burnley) of the Act of 1890 shall extend and apply mutatis mutandis to and in relation to the works by this Act authorised:

(6.) If and whenever the corporation shall determine and shall acquire power either by agreement with the owners for the time being of the soil of the said road and public footpath or otherwise or if the said owners for the time being shall determine to construct upon the site thereof or in substitution therefor or for any part thereof a public road and thoroughfare between Accrington Road and Gannow Lane aforesaid the Company shall on being required by the corporation so to do by notice in writing under the hand of the town clerk grant and convey to the corporation free of charge a strip of land

on the west side of the said road and public footpath and on the north and south side of the railway (out of such of the lands at Rose Grove aforesaid shown on the deposited plans as intended to be acquired as shall be acquired by the Company under the powers of this Act) sufficient to enable the corporation to extend the width of the said road and public footpath to thirty-nine feet so as to provide for such public road and thoroughfare an uniform width of thirty-nine feet throughout:

(7.) The corporation shall after completion by the Company of the works provided for in sub-section (1) of this section maintain and keep the roadway of Rose Grove Lane between the before-mentioned points marked F and H in proper and sufficient repair but nothing herein contained shall prejudice or affect the right of the corporation to recover from the Company any sums of money due to the corporation or recoverable by them from the Company in respect of repair of roadways within the borough repairable by the Company in the past:

(8.) The powers by this Act granted to the Company to acquire enter upon and take certain lands at Burnley situate in the township of Burnley in the parish of Whalley lying on the west side of and adjoining the said Accrington to Colne Extension Railway shall not nor shall anything in this Act contained in any way interfere with or prejudicially affect the rights of the corporation under an agreement made the third day of July one thousand eight hundred and eighty-nine between the Company of the first part the corporation of the second part and Thomas Townley Townley-Parker of the third part:

(9.) The corporation shall within eighteen months from the passing of this Act construct and complete a sewer under the said existing road and footpath leading from Accrington Road to Gannow Lane or in such other line as may be agreed on between the Company and the corporation or as in case of difference shall be settled by arbitration Provided nevertheless that nothing herein contained shall confer upon the corporation in upon or over any lands belonging to or in the occupation of Sir John Hardy Thursby and John Ormerod Scarlett Thursby trading in copartnership under the style or firm of "The Executors of John Hargreaves" their lessees or tenants any greater rights or powers statutory or otherwise than were vested in or exerciseable by the corporation at the passing of this Act:

(10.) If any difference arises between the Company and the corporation touching anything to be done or not to be done under

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this section such difference shall be settled by an engineer to be agreed on between the parties or in case of disagreement to be appointed on the application of either party by the Board of Trade and the costs of the arbitration and award shall be in the discretion of the said engineer.

For the protection of Sir John Hardy Thursby Baronet and John Ormerod Scarlett Thursby.

24. For the protection of Sir John Hardy Thursby of Ormerod House near Burnley in the county of Lancaster Baronet and John Ormerod Scarlett Thursby of Bank Hall Burnley (trading in co-partnership under the style or firm of "The executors of John Hargreaves") the following provisions shall have effect viz.:—

(1.) Nothing in this Act contained shall during the continuance of an agreement contained in a certain memorandum of agreement dated the twenty-second day of July one thousand eight hundred and seventy-nine and made between the Company of the one part and the Reverend William Thursby of Ormerod House aforesaid the said Sir John Hardy Thursby therein described as of Holmhurst near Christchurch in the county of Hants and Thomas Hughes of Park Street Grosvenor Square in the county of Middlesex one of Her Majesty's Counsel trustees under the will of the late John Hargreaves of Bank Hall near Burnley aforesaid and Ormerod House aforesaid the predecessors in title of the said Sir John Hardy Thursby and John Ormerod Scarlett Thursby of the other part or during the continuance of any other subsisting arrangements between the Company and the said Sir John Hardy Thursby and John Ormerod Scarlett Thursby or their predecessors in title authorise the Company to remove alter or in any way interfere with any of the sidings collieries coke-ovens or works belonging to or in the occupation of the said Sir John Hardy Thursby and John Ormerod Scarlett Thursby at Habergham Eaves in the county of Lancaster without the consent in writing of the said Sir John Hardy Thursby and John Ormerod Scarlett Thursby or their sequels in title nor shall anything in this Act contained interfere with or prejudicially affect any of the provisions of the said agreement or arrangements or any of the rights privileges and duties thereby secured to or imposed on the owners for the time being of the said collieries coke-ovens and works or any of them at Habergham Eaves aforesaid and the Company respectively but until the period by the said agreement or arrangements limited for the termination thereof the said agreement and arrangements and all such rights privileges and duties shall remain in and have as full force and effect as if this Act had not been passed:

(2.) If in carrying into effect any works authorised by this Act the Company shall in any way obstruct or interfere with the free user of the said sidings and works or any of them the Company shall from time to time and as often as any such obstruction or interference shall occur pay to the owners for the time being of the said collieries such sum or sums by way of damages as in the event of difference between the said owners and the Company shall be settled by arbitration in accordance with the provisions of the Arbitration Act 1889 :

(3.) In carrying into effect the works at Burnley by this Act authorised the Company shall not interfere with the free user by the owners for the time being of the said collieries coke-ovens and works their agents servants and workmen and all persons authorised by them of the occupation road called Smallshaw Lane belonging or reputed to belong to the said owners and leading from the Accrington Road to Gannow Lane under the railway of the Company and all works executed by the Company in connexion with the provisions of the section of this Act of which the marginal note is "For the protection of the corporation of Burnley" shall be executed to the satisfaction of the said owners unless prior to the commencement of any such works the said occupation road shall have been duly dedicated to the public and become vested in and repairable by the corporation of Burnley Provided always that until such dedication and vesting as aforesaid nothing herein contained shall give to the corporation of Burnley or any other person or body or the public any greater rights in the said occupation road than are now exerciseable in respect of the public footway over the said occupation road.

For the protection of William Peel.

25. For the protection of William Peel or other the tenant for life for the time being of the Peel Estate (in this section called "the owner") the following provisions unless otherwise agreed in writing between the Company and the owner shall have effect (that is to say) :—

(1.) The expression "the plan" means a plan signed in duplicate by William Hunt on behalf of the Company and by Walter Eastham on behalf of the owner :

(2.) Section 17 (For the protection of William Peel) of the Lancashire and Yorkshire Railway Act 1893 is hereby repealed :

(3.) The Company shall purchase and acquire from the owner and the owner shall sell to the Company the copyhold interests in the lands in the township of New Accrington in the parish

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of Whalley and county of Lancaster coloured pink and yellow on the plan on such terms and subject to such conditions as may be agreed or in case of difference as shall be settled by arbitration as herein-after mentioned:

(4.) The Company shall acquire and surrender to the owner the leasehold interest in the land and buildings coloured blue on the plan and shall at their own expense effect or cause to be effected a legal apportionment of the rent reserved by the lease under which such land and buildings are held as between the land and buildings to be so acquired and the land and buildings remaining subject to such lease and shall compensate the owner for the loss of any rent which may be apportioned on the land acquired:

(5.) The Company shall devote so much of the land coloured yellow as is surrounded by red lines on the plan and abuts on Lonsdale Street for the purposes of a footpath to that street:

(6.) The Company shall repay the owner such proportion of the expenses already paid or incurred by him in respect of the paving of Lonsdale Street and the sewering of Corporation Street as is attributable to the frontages to those streets to be acquired by the Company:

(7.) The Company shall bear the whole expense in respect of all footpaths to be formed in front of the lands to be acquired by them and one moiety of all expenses to be incurred in respect of the roadways to be formed next to such footpaths subject to the deduction therefrom of any sums which may have been paid by them under the provisions of sub-section (6) hereof:

(8.) The Company shall also purchase from the owner and the owner shall sell to the Company the copyhold interest in the lands coloured green on the plan the area thereof to be ascertained by admeasurement but estimated to contain about forty-five thousand one hundred and ten square yards and the Company shall in reference to the said lands coloured green provide the accommodation works bear the expenses and make the payments following (that is to say):—

(a.) They shall appropriate out of the lands coloured green a strip of six feet in width fronting an intended street shown on the plan and thereon and herein-after referred to as Charter Street as and for a footpath to that street;

(b.) They shall also appropriate out of the lands coloured green a strip seven feet and six inches wide for the purpose of forming in conjunction with the owner the back roads

shown on the plan as communicating between Charter Street and an intended road shown on the plan and thereon and herein-after referred to as Buxton Street;

(c.) They shall also appropriate out of the land fronting Buxton Street a strip six feet wide for the purpose of forming a footpath to and a further strip twelve feet wide for the purpose of forming one half of the roadway of Buxton Street;

(d.) They shall also appropriate out of the lands coloured green a strip six feet wide for the purpose of forming in conjunction with the owner or his lessee John Dearden a back road along the eastern side of the land demised to the said John Dearden as shown on the plan and shall connect such back road with Lonsdale Street by a passage four yards wide on the southern side of the lands purchased by the Company;

(e.) They shall also appropriate out of the land fronting Lonsdale Street a strip six feet wide for the purpose of forming a footpath to that street;

(f.) They shall bear one moiety of the expense of the paving and sewering of such portions of the roadways of Charter Street and Buxton Street and the said back roads as are co-extensive with the said land coloured green and shall bear the whole expense of the footpaths to those roads to be formed out of such land;

(g.) They shall bear one moiety of the cost of laying under Charter Street between the two points marked on the plan with the letters A and B respectively and in the situation shown on the plan by the dotted blue line between those points a new sewer such new sewer to be constructed in lieu of and in all respects similar to the existing sewer shown on the plan by a continuous blue line and to be laid and connected with the sewers of the mayor aldermen and burgesses of the borough of Accrington and to their reasonable satisfaction;

(h.) They shall repay the owner the expenses already paid or incurred by him in respect of the existing sewer and such proportion of the expenses already paid or incurred by the owner in respect of the paving of Lonsdale Street as is attributable to the frontage to that street to be acquired by the Company under this sub-section;

(i.) They shall within three months after obtaining possession of the said land coloured green at their own cost erect a

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good and sufficient boundary post and rail fence and simultaneously with the forming sewering and paving of any street abutting on such land erect a good boundary wall of brick or stone with stone copings not less than six feet in height above the level of the roadway when finished and to the satisfaction of the owner's surveyor and shall for ever thereafter maintain the same in good repair and condition:

(9.) The value of the lands to be sold under the provisions of this section and also the damage to adjoining lands by severance or depreciation shall (in the event of compensation therefor not having been agreed to between the parties within six weeks from the passing of this Act) be determined by Jacob Wilson Fair of Haigh Hall Wigan Lancashire as sole referee on or before the twenty-ninth day of September one thousand eight hundred and ninety-four or such further time as he shall appoint for such purpose by writing under his hand and in case of the refusal of the said Jacob Wilson Fair to act as such referee or of his death or incapacity to act before the expiration of the time for making such award all the matters and questions by this section referred to him shall be determined by some referee (who as well as the said Jacob Wilson Fair is included in the expression the referee) to be nominated by the President of the Institution of Civil Engineers who shall have full power to fix the time for making his award and to enlarge the same from time to time:

(10.) The referee shall determine what if any accommodation works and other conveniences (other than those herein-before specified) are to be executed and maintained by the Company for the protection and benefit of the other lands of the owner:

(11.) The Company shall pay to the owner the amount to be agreed upon or awarded by the referee as the value of his land or otherwise and the owner shall deliver to the Company his abstract of title (to such an extent as the Company may require) within ten days after the settlement of the amount by agreement or after the making of such award as aforesaid and in case the purchase and compensation moneys shall not be paid within three months from the delivery of such abstract the same shall carry interest at the rate of four pounds per centum per annum from the expiration of such three months until payment:

(12.) Sections 128 129 130 and 131 of the Lands Clauses Consolidation Act 1845 shall apply in relation to all the said lands

notwithstanding that they may be deemed to be situate in a town or be lands built upon or used for building purposes:

(13.) The Company shall not be entitled to acquire compulsorily the estate or interest of the owner in any lands shown on the plans deposited in reference to the Lancashire and Yorkshire Railway Act 1893 or this Act.

As to repair &c. of substituted footpaths &c.

26. Every new footpath constructed under the powers of the section of this Act the marginal note whereof is "Further works by the Company" shall be repaired and maintained by the same body or persons (including the Company) and by the same means as other roads streets footways or highways in the parishes townships or places in which such new footpaths will be situate are for the time being liable to be repaired or maintained Provided that unless otherwise agreed the structure of every bridge shall be repaired and maintained by the Company The Company and any such body or persons 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 footpaths Any such agreements shall be deemed to be purposes of the public Acts under which such body or persons have jurisdiction and any expenses incurred in relation to such agreements shall be deemed to be expenses incurred for the purposes of those Acts The certificate of two justices of the due completion of any such new footpath shall be conclusive evidence of the fact so certified and such certificate shall be obtained and the new footpath opened to the public before the existing footpath is interfered with except in so far as may be necessary for the construction and completion of such new footpath.

As to vesting of site and soil of portions of roads &c. stopped up.

27. 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 streets roads and footpaths stopped up and discontinued under the authority of this Act or rendered unnecessary by reason of the construction of any of the works by this Act authorised or included within the limits of the lands shown on the deposited plans as intended to be compulsorily taken and which shall be so taken and the fee simple and inheritance of such streets roads and footpaths shall 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.

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Power to Company to purchase additional lands.

28. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement and may hold for the improvement and enlargement of their railway stations and works and for the construction of new stations engine sheds and other works buildings and sidings and other the purposes of their undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference and they may hold such of the said lands as have already been purchased by or for them and may stop up or divert the streets roads and footpaths shown on the deposited plans of the said lands as intended to be stopped up or diverted respectively and situate in or upon such of the lands as already belong to or as shall hereafter be acquired by the Company :—

(Manchester.) Certain lands at Manchester in the township and parish of Manchester abutting on the south-east side of Rochdale Road and lying between the Hunt's Bank incline and Victor Street:

(Bolton.) Certain lands at Bolton in the township of Great Bolton in the parish of Bolton-le-Moors herein-after described (that is to say) :—

(*a.*) Lands bounded on the north-east by Manchester Road and on the south-west by the goods yard of the Company and lying to the north-west of Orlando Street ;

(*b.*) Lands lying between Orlando Street and Lever Street and between the Manchester and Bolton Railway of the Company and Manchester Road ;

(*c.*) Lands lying on the north-west side of Lever Street and between Moncrieffe Street and the Manchester and Bolton Railway ;

(*d.*) Lands abutting on the said Manchester and Bolton Railway and lying between Lever Street and the cotton mill in the occupation of John Shepherd and others trading as "Henry Hollins and Co." :

(Lostock Junction.) Certain lands at Lostock Junction near Bolton being a disused quarry situate in the township of Heaton in the parish of Dean lying on the north side of the Bolton and Preston Railway of the Company :

(Horwich.) Certain lands at Horwich in the township of Horwich in the parish of Dean between Victoria Road and Chorley New Road and recently known as the Britannia Hosiery Works ;

The said lands may be used by the Company for any of the purposes mentioned in section 38 of the Lancashire and Yorkshire Railway Act 1885 :

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Certain lands at Grindford (otherwise Grimeford) Bar near Chorley situate in the township of Blackrod in the parish of Bolton-le-Moors (detached) on the east side and forming part of the sidings lately used in connexion with the Grindford Bar Colliery Branch Railway: (Grindford Bar near Chorley.)

Certain lands at Preston Junction in the township of Walton-le-Dale in the parish of Blackburn on the east side of and abutting on Tod Lane and lying between that lane and the Liverpool Ormskirk and Preston Railway of the Company: (Preston Junction.)

Certain lands at Accrington in the township of New Accrington in the parish of Whalley lying on the south side of the sidings in connexion with the Accrington to Blackburn Railway of the Company and extending from Lonsdale Street to the engine shed of the Company: (Accrington.)

Certain lands at Daisy Field Blackburn situate partly in the township of Blackburn and partly in the township of Little Harwood both in the parish of Blackburn abutting on the south-east side of the said Accrington to Blackburn Railway: (Daisy Field Blackburn.)

Certain lands at Darwen in the township of Eccleshill in the parish of Blackburn situate on the south-east side of and adjoining the Hoddlesden Branch Railway of the Company and lying between Goose House Lane and a point about two hundred and fifteen yards north-east thereof: (Darwen.)

Certain lands at Rose Grove in the township of Habergham Eaves in the parish of Whalley (that is to say):— (Rose Grove.)

(1.) Lands on the north side of the Accrington to Colne Extension Railway of the Company extending from Rose Grove Lane to a point on that railway about one hundred and seventy-seven yards measured along that railway in a westerly direction from the junction therewith of the Burnley Branch Railway;

(2.) Lands abutting on the south side of the said Accrington to Colne Extension Railway extending from the Leeds and Liverpool Canal to the road and footpath called Smallshaw Lane leading from Accrington Road to Gannow Lane:

Certain lands at Burnley situate in the township of Burnley in the parish of Whalley lying on the west side of and adjoining the said Accrington to Colne Extension Railway: (Burnley.)

Certain lands at Sandhills Liverpool in the township of Kirkdale in the parish of Walton-on-the-Hill bounded on the west by Stanley Road on the east and south by the sidings and yard connected with the engine-shed of the Company and on the (Sandhills Liverpool.)

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north by the Edgehill and Bootle Branch of the London and North Western Railway.

In the West Riding of the county of York :

(Todmorden.) Certain lands at Todmorden partly in the township of Langfield and partly in the township of Stansfield in the parish of Halifax abutting on the north and north-east sides of the River Calder and lying between Todmorden Road otherwise North Street aforesaid and Halifax Road except such of those lands as belong or are claimed to belong to William Sutcliffe of Lower Laith :

(Wakefield.) Certain lands at Wakefield situate in the township and parish of Sandal Magna lying on the south-west side of and adjoining the Wakefield Pontefract and Goole Railway of the Company and extending from the River Calder for a distance of about two hundred and seventy-five yards in a south-eastwardly direction :

(Brighouse.) Certain lands at Brighouse situate in the township of Rastrick in the parish of Halifax abutting on the south side of Lord's Lane eastwards of the Brighouse goods station of the Company and situate between Cow Lane and a point about eighty yards west of that lane.

For the protection of the corporation of Manchester.

29. Nothing in the immediately preceding section contained shall prejudice or affect the rights of the mayor aldermen and citizens of the city of Manchester in the county of Lancaster under the Lancashire and Yorkshire Railway Act 1890 or under the Manchester Order (2) confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1893 or under the Lancashire and Yorkshire Railway Act 1893 or under the agreement bearing date the twenty-fifth day of April one thousand eight hundred and ninety-three made between the Company and the said mayor aldermen and citizens and scheduled to and confirmed by the last-mentioned Act.

For the protection of the corporation of Bolton.

30. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Bolton (in this section called "the corporation") shall unless otherwise agreed in writing between the Company and the corporation apply and have effect :—

(1.) 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 :

(2.) 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 except that the provisions of section 23 of the said Act as regards the depth at which pipes shall be laid shall not apply to any bridge over the railway in which cases they shall be laid at the lowest practicable depth and the Company shall bear the cost of substituting wrought-iron pipes where the prescribed depth cannot be obtained 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:

(3.) 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 shall be the property of the Company:

(4.) 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:

(5.) 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 costs in all respects of the Company and under the superintendence and to the reasonable satisfaction of the corporation:

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

(7.) If any difference arises 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

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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 President of the Institution of Civil Engineers on the application in writing of either of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply.

For the protection of the corporation of Blackburn.

31. Whereas the lands at Daisy Field Blackburn intended to be taken by the Company under the provisions of the section of this Act the marginal note whereof is "Power to Company to purchase additional lands" have been acquired by the mayor aldermen and burgesses of the borough of Blackburn (herein-after in this clause referred to as "the corporation") for the purposes of their gasworks undertaking be it enacted as follows:—

(*a.*) The Company shall not take any greater amount of land at Daisy Field aforesaid from the lands so acquired by the corporation than that coloured red on a plan signed by William Hunt on behalf of the Company and Robert E. Fox on behalf of the corporation and annexed to an agreement made the fifth day of June one thousand eight hundred and ninety-four between the corporation of the one part and the Company of the other part but the Company may in addition to such land use so much of the remaining land of the corporation as may be necessary for forming the slope of their embankment:

(*b.*) The Company shall forthwith fill up the land purchased from the corporation to the formation level of their railway:

(*c.*) If any difference or dispute shall arise between the corporation and the Company touching any of the matters and things herein-before provided for the same shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 for settlement of disputes by arbitration under that Act.

For the protection of the corporation of Liverpool.

32. For the protection of the mayor aldermen and citizens of the city of Liverpool (herein-after called "the corporation") the following provisions shall apply:—

(*a.*) If the Company shall make at any part of their works adjoining or abutting on any public street or road any doors or openings into or from which any goods or merchandise for conveyance by their railways or for delivery shall be received or delivered they shall before constructing any such doors or openings into such street or road set back their wall or building for a space of ten feet for the whole distance along which such doors or openings are made in order that carts or other vehicles

may stand thereon while receiving or delivering goods at the said doors or waiting to receive or deliver goods without obstructing such street or road:

(*b.*) Where by reason of the execution of any of the powers of this Act it becomes in the opinion of the corporation necessary or desirable that any lands of the Company should be fenced off from any street or road fronting or abutting thereon the Company shall inclose such lands with walls or fencing to be built or constructed to such height as the corporation may require and in all other respects to their satisfaction:

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

Repealing portion of s. 27 of the Lancashire and Yorkshire Railway Act 1890.

33. The proviso for the protection of Mary Heap and James Heap contained in section 27 (Power to Company to purchase additional lands) of the Lancashire and Yorkshire Railway Act 1890 commencing with the words "Provided that except for the purpose of constructing the works herein-after mentioned" and ending with the words "the said bridge" is hereby repealed.

Power to take easements &c. by agreement.

34. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) 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 said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

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

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As to taking houses of labouring class.

36.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

(*b*) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

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

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

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

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

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing

provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

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

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

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

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

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

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to

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any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which the Board may deem necessary in relation to any scheme under this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

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

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

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

37. And whereas in the construction of the railway widenings and deviations hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described or referred to in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them :

Provided always that if in the opinion of such tribunal any such portions cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice :

Provided also that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other

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person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person:

The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

Company empowered or may be required to underpin or otherwise strengthen houses near railway &c.

38. 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 deviations widenings and works by this Act authorised it may be necessary to underpin or otherwise strengthen such houses and buildings Therefore the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same 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 the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2.) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened 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 dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade:

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

(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 by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(8.) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate 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 of the Lands Clauses Acts:

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

Company may abandon construction of branch Railway No. 2 at Salford.

39. The Company shall abandon the construction of the branch railway at Salford (Railway No. 2) authorised by the Lancashire and Yorkshire Railway Act 1890.

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

40. The abandonment by the Company under the authority of this Act of the railway herein-before authorised to be abandoned shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury

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which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Lancashire and Yorkshire Railway Act 1890.

Compensation to be made in respect of railway abandoned.

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

Diversion of footpath at Blackpool by the Two Companies.

42. Subject to the provisions of this Act the Two Companies or either of them with the consent of the other may at Blackpool in the township of Layton-with-Warbreck in the parish of Bispham in Lancashire make and maintain in the lines and according to the levels shown on the deposited plans and sections the work herein-after described and may exercise the powers herein-after mentioned 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 that purpose (that is to say):—

They may divert the footpath leading from New Road to Warbreck such diversion commencing in the said footpath at a point about sixty-three yards south-east of the centre of the level crossing thereof by the Blackpool Branch Railway and terminating in the same footpath about forty yards north-west of the centre of the said level crossing:

So soon as the said diversion is completed and opened to the public the Two Companies may stop up and extinguish all rights of way in and over the said footpath between the points of commencement and termination of the said diversion.

For the protection of the corporation of Blackpool.

43. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Blackpool (in this section called "the corporation") shall unless otherwise agreed in writing between the corporation and the Two Companies have effect (that is to say):—

(1.) The diverted footpath leading from New Road to Warbreck by this Act authorised shall be made in the line and situation

and on the level and of the width shown upon the plan marked A and signed in duplicate for the purposes of this section by William Hunt on behalf of the Two Companies and by Thomas Loftos on behalf of the corporation and the bridge for carrying the diverted footpath under the railway shall be of the form and dimensions also shown on the said plan:

(2.) For the purpose of affording light under the bridge carrying the diverted footpath under the railway the Two Companies shall make and maintain an opening or openings in the arch or roof of such bridge of not less than a total superficial area of fifty square feet and properly glazed and kept clear and shall erect or affix two lamps under the bridge and the necessary pipe for conveying gas to the same in such places as the corporation may direct and such lamps shall thenceforth be maintained and lighted by the Corporation during the same hours as the nearest public lamp is kept lighted:

(3.) The Two Companies shall line the arch or roof and vertical walls of and under the bridge with white glazed bricks or tiles and shall maintain the same in good condition and the bridge shall be constructed and maintained so as to prevent as far as practicable the dripping of water:

(4.) The Two Companies shall form pave or flag and drain the diverted footpath to the reasonable satisfaction of the corporation:

(5.) Any difference which may arise between the corporation and the Two Companies as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be settled by an arbitrator 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 cost of the reference shall be borne as such arbitrator shall direct.

Powers to Two Companies to acquire additional lands for purposes of Preston and Wyre Railway.

44. Subject to the provisions of this Act the Two Companies or either of them with the consent of the other may enter upon take and use for the purposes of the Preston and Wyre undertaking the lands herein-after described in the county of Lancaster which are delineated on the deposited plans and described in the deposited books of reference and may stop up or divert such of the streets roads and footpaths shown on the deposited plans of the said lands as intended to be stopped up or diverted respectively as are situate upon lands acquired by the Two Companies or either of them under the provisions of this section:—

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(Blackpool.) Certain lands at Blackpool in the township of Layton-with-Warbreck in the parish of Bispham herein-after described (that is to say) :—

(*a.*) Lands lying on the south-east side of the Blackpool Branch Railway and between that railway and the land which forms or is intended to form the site of the abattoirs of the corporation of Blackpool;

(*b.*) Lands lying on the south-east side of the said railway and extending about one hundred and twenty yards in a north-easterly direction from the level crossing by the railway of the footpath leading from New Road to Warbreck:

(Poulton.) Certain lands at Poulton in the township and parish of Poulton-in-the-Fylde lying on the south-west side of and adjoining the Preston and Wyre Railway and extending from a point two hundred and sixty-seven yards or thereabouts measured along that railway in a south-easterly direction from the bridge carrying Back Lane over the same to the level crossing of the railway situate about six hundred and ten yards south-east of the said bridge:

(Bispham.) Certain lands at Bispham in the township of Carleton in the said parish of Poulton-in-the-Fylde lying on the north-west side of the Blackpool Branch Railway and extending from the signal cabin at the north-east end of Bispham Station to a point about one hundred and eighty yards north-east of the said cabin:

(Moss Side Lytham.) Certain lands at Moss Side near Lytham in the township of Westby-with-Plumpton in the parish of Kirkham lying on the east side of and adjoining the Lytham Branch Railway and extending for a distance of three hundred and twenty-four yards or thereabouts in a southerly direction from the level crossing at the north end of Moss Side Station.

Agreements between the Two Companies.

45. The Two Companies may enter into and fulfil contracts and agreements with respect to the powers herein-before conferred on the Two Companies with respect to the Preston and Wyre undertaking.

Rights of the Two Companies inter se not to be affected.

46. Nothing in this Act contained shall directly or indirectly alter or affect the rights liabilities or obligations of each of the Two Companies as between themselves with respect to the Preston and Wyre undertaking.

Provisions of certain sections of this Act applied to the Two Companies.

47. The provisions of the several foregoing sections of this Act the marginal notes whereof are respectively—

Power to deviate in construction of works;

As to repair &c. of substituted footpaths &c.;

Company not liable to repair surface of road gradient of which is not increased;
As to vesting of site and soil of portions of roads &c. stopped up;
Power to take easements &c. by agreement;
Period for compulsory purchase of lands;
As to taking houses of labouring class;
Company empowered or may be required to underpin or otherwise strengthen houses near railway &c.;

shall extend and apply mutatis mutandis to and in relation to the Two Companies or such one of them as shall exercise the powers by this Act granted in relation to the said Preston and Wyre undertaking.

Extending time for sale of certain superfluous lands of Company.

48. 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 and 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 ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing thereof.

Limits of harbour of Fleetwood.

49. From and after the passing of this Act the harbour of Wyre (now called Fleetwood) shall for all purposes of and relating to the said harbour (including the levying and recovering of tolls rates and charges) be deemed to include the area coloured pink on a plan signed in triplicate by the Right Honourable the Earl of Morley the Chairman of Committees of the House of Lords The said plan shall be deposited as to one copy in the Office of the Clerk of the Parliaments as to another copy at the office of the Fleetwood Improvement Commissioners and as to the remaining copy at the principal office of the Company:

Provided as follows:—

(1.) The alteration of the limits of the harbour of Fleetwood by this Act shall not authorise the levying collection or imposition of any dues rates or charges of any kind whatsoever upon or in respect of any vessel ship or other craft passing by or through the said harbour or anchoring in the portion thereof known as the Outer Anchorage and destined to or from the port of Lancaster or any place in Morecambe Bay or to or from the port and harbour of Preston and not loading or unloading in Fleetwood Harbour;

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(2.) The Two Companies shall not nor shall either of them by depositing materials or by any other way or means impede interfere with or interrupt the free navigation of the fairway or channel leading to the port of Lancaster.

Conversion of debenture stocks.

50.—(1.) As from the first day of January one thousand eight hundred and ninety-five the four per centum debenture stock of the Company shall by the authority of this Act be converted into three per centum debenture stock of the Company.

(2.) On or before the first day of March one thousand eight hundred and ninety-five the Company shall create and register in the name of each holder of their said four per centum debenture stock such a nominal amount of three per centum debenture stock as will yield an amount of interest or dividend thereon equal to the amount of interest or dividend yielded by the said existing four per centum debenture stock in lieu of which the three per centum debenture stock is so issued and they may create and issue Lancashire and Yorkshire Railway three per centum debenture stock accordingly.

(3.) After the said first day of March one thousand eight hundred and ninety-five the Company shall issue to every holder of their four per centum debenture stock free of charge for so doing a certificate for and representing such an amount of three per centum debenture stock as such holder is entitled to under the foregoing provision.

(4.) Until the issue of such new certificates the existing certificates of four per centum debenture stock and the holders thereof shall bear and possess the same rights and advantages as they would have had and possessed if this Act had not passed But when such new certificates are issued the existing certificates shall be deemed to be cancelled.

(5.) The Company shall not be required to issue any new certificate unless and until the existing certificate in substitution for which it is issued is given up to be cancelled or is proved to the reasonable satisfaction of the Company to have been lost or destroyed.

(6.) If any holder of four per centum debenture stock neglect or omit for the period of two years after notice in writing addressed to his last known place of abode to send his certificate for such debenture stock to the Company or to prove the loss or destruction thereof to the reasonable satisfaction of the Company the Company may suspend the payment of any interest payable on the said debenture stock held by him until such existing certificate is sent or delivered or proof of its loss or destruction is given to the Company.

(7.) Notwithstanding anything in this section contained no holder of four per centum debenture stock shall become entitled under this Act to any fractional part of a pound of three per centum debenture stock but in every case in which any such holder would but for this enactment have become entitled to a fractional part of a pound of three per centum debenture stock the Company may at their option pay to such holder such a sum in cash as shall be equal to the market value of such fractional part or receive from such holder such a sum in cash as will make up the amount of stock to be issued to him to an integral number of pounds.

(8.) All three per centum debenture stock issued to holders of four per centum debenture stock under the powers of this section shall be held subject to the same trusts and obligations as those upon or to which the stock in respect of which such three per centum debenture stock is issued was immediately before the date of conversion held or subject and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting any such four per centum debenture stock and every deed or other instrument or testamentary disposition of or affecting such stock shall take effect with reference to the whole or a proportionate part of the stock so substituted therefor as the case may be.

Trustees &c. may accept new stock.

51. Trustees executors and administrators may accept any three per centum debenture stock created and issued under the authority of this Act in substitution for any debenture stock converted under the authority of this Act and may hold dispose of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the stock for which such three per centum debenture stock was substituted.

Additional Capital. Power to raise additional capital.

52. 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 additional capital as they shall think necessary not exceeding four hundred and fifty 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 thereof shall have been paid up.

53. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds 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.

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Qualifications of new shares or stock.

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

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

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

Power to borrow on mortgage.

56. The Company may in respect of the additional capital of four hundred and fifty 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 one hundred and fifty thousand pounds Provided that in respect of every one hundred and fifty thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole fifty thousand pounds but no part of any of the before-mentioned sums of fifty thousand pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised 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 portion of additional capital have been issued and accepted and that one half of such portion has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion 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 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.

57. 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.

58. The Company may apply to the purposes of this Act to which capital is properly applicable 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.

59. 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.

60. 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.

61. If any money is payable to a holder of shares or stock in or of a mortgage or debenture stock of 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.

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Power to London and North Western Railway Company to apply corporate funds.

62. The London and North Western Railway Company may apply to all or any of the purposes of this Act in which they are interested to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares stock debenture stock or mortgage by virtue of any Acts already passed or to be passed in the present session of Parliament and which may not be required for the purposes for which they are by any such Acts made specially applicable.

Interest not to be paid on calls paid up.

63. 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.

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

64. 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.

65. Nothing in this Act contained shall exempt any company named in this Act or the railways of any such company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision 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.

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

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

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

Parish.	Township.	Numbers on deposited Plans.
	Widening at Bolton. (Widening No. 3.)	
Bolton-le-Moors	Great Bolton	196 and 197.
	Widening at Wigan.	
Wigan	Wigan	12 15.
	Lands at Daisy Field Blackburn.	
Blackburn	Blackburn Little Hárwood	1 2. 2.

THE SECOND SCHEDULE.

Superfluous Lands of the Company.

Parish.	County.
Manchester Prestwich-cum-Oldham Middleton Halsall Preston Ormskirk Prescot Blackburn Whalley Wigan	Lancaster.

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Parish.	County.
Eccleston	Lancaster—*continued.*
Walton-on-the-Hill	
Sefton	
Bury	
Bolton-le-Moors	
Dean	
Standish	
Chorley	
Leyland	
Radcliffe	
Rochdale	
Ashton-under-Lyne	
Croston	
Rufford	
Aughton	
Penwortham	
North Meols	
Liverpool	
Eccles	
Leigh	
Halifax	West Riding of Yorkshire.
Dewsbury	
Wakefield	
Thornhill	
Sandal Magna	
Darton	
Silkstone	
Birstal	
Methley	
Castleford	
Womersley	
Burgwallis	
Kirkburton	
Emley	
High Hoyland	
Gisburne	
Sawley-cum-Tosside	
Brafdord	
Pontefract	
Snaith	
Almondbury	
Penistone	
Crofton	
Kellington	

Hunts Bank Extension.
Middleton Branch.
Heywood Branch.
Oldham Branch.
Oldham Branch Extension.
Liverpool Ormskirk and Preston.
Preston Extension.
Skelmersdale Branch and Extension.
North Lancashire Loop.
Wigan and Southport.
Aintree and Bootle Branch.
Heywood Branch Extension.
Heap Bridge Branch.
Horwich Branch.
Salford to Victoria Line.
Bolton and Preston and Grindford Bar Branch.
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.
Clifton Junction to Bacup.
Stubbins to Accrington.
Manchester Prestwich and Radcliffe Line and Radcliffe Fork.
Loop Line at Manchester.
Ripponden Branch.
Stainland Branch.
Halifax Branch and Widening.
Dewsbury Branch.
Barnsley and Silkstone Branches.
Heckmondwike to Thornhill.
Brighouse Branch and Extension.
Methley Branch.
Askerne Branch.
Clayton West Branch.
Chatburn to Hellifield Line.
Huddersfield and Sheffield and Holmfirth Branch.
Blackburn and Preston.
Meltham Branch.
Blackburn Accrington and Colne.
Bolton to Blackburn and Chatburn.
Liverpool Crosby and Southport.
Liverpool and Bury.
Manchester and Bolton.
Branch Railway at Liverpool (Bankfield Branch).
Hindley to Pendleton Railway.
Railway in Pendleton.
Connecting Line at Westhoughton.
Connecting Line at Agecroft.
Loop Line—Pendlebury to Pendleton.
Loop Line—Pemberton to Hindley.
Short Line at Horwich.
Bury and Tottington Railway.

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