CHAPTER xlvii.

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. [20th June 1895.]

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

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

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

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 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

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it is expedient that the two Companies should be empowered to exercise the powers in this Act mentioned in connexion with the said undertaking (herein-after referred to as "the Preston and Wyre undertaking"):

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 railways widening 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 a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have as regards the railways and other works lands and property in Lancashire been deposited with the clerk of the peace for the county palatine of Lancaster and as regards the 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 1895.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) 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 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 herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Power to make railways.

5. Subject to the provisions of this Act the Company may make and maintain wholly in the parish of Manchester in the county of Lancaster in the lines and according to the levels shown on the deposited plans and sections the 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:—

RAILWAYS IN MANCHESTER.

A railway on the deposited plans and in this Act referred to as Railway No. 2 (1 mile 1 chain in length) commencing by a junction with the Manchester and Leeds Extension Railway of the Company at the bridge carrying the said railway over the

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entrance to the paint works in the occupation of John Edward Williams at the north-west end of Lower Tebbutt Street and terminating by a junction with the railway of the Company through Cheetham Hill Prestwich and Whitefield to Radcliffe at a point about seventy-five yards measured in a northerly direction from the bridge carrying Queen's Road over the said railway :

A railway on the deposited plans and in this Act referred to as Railway No. 3 (2 furlongs 0·7 chain in length) commencing by a junction with Railway No. 2 herein-before described at or near the junction of Smedley Road with Collyhurst Road and terminating by a junction with the Manchester Loop Railway of the Company at or near the bridge carrying Weber Street over that line.

Power to stop up certain highways in the parish of Manchester.

6. If the Company are or if and when under the powers of this Act or of any other Act already passed they become the owners in possession of all the houses on both sides of the respective public highways referred to in the following table and shown on the deposited plans as intended to be stopped up (that is to say) :—

Railway.	Parish.	No. on deposited Plan.
No. 2 - -	Manchester - -	2 (between Lower Tebbutt Street and Preston Street)
Do. - - -	Do. - -	34
Do. - - -	Do. - -	51
Do. - - -	Do. - -	69
Do. - - -	Do. - -	90
Do. - - -	Do. - -	130
Do. - - -	Do. - -	149
Do. - - -	Do. - -	167

they may stop up and extinguish all rights of way over such respective highways.

Power to divert Home Street in Manchester.

7. Subject to the provisions of sub-section (*f*) (2) of the section of this Act the marginal note whereof is "For the protection of the corporation of Manchester" the Company in connexion with the construction of Railway No. 2 may divert Home Street in the parish of Manchester in the manner shown upon the deposited plans and sections and when the said diversion is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a street such portion of the said existing street as will be rendered unnecessary by reason of the said diversion and when and so soon as such portion of the said street is so stopped up

all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the said portion.

For the protection of Messrs. Ashworth Brothers.

8. Whereas George Ashworth and Elijah Ashworth carrying on business in partnership as "Ashworth Brothers" at the Moss Brook Works at Collyhurst in the city of Manchester are or claim to be the owners of the said Moss Brook Works and certain lands adjacent thereto the following provisions shall have effect for the protection of them their heirs executors administrators and assigns (all of whom are in this section included in the expression "Messieurs Ashworth Brothers") unless otherwise agreed upon in writing between Messieurs Ashworth Brothers and the Company:—

(1) The Company shall not under the powers of this Act take any part of the premises numbered 589 on the deposited plans without the consent in writing of Messieurs Ashworth Brothers:

(2) The Company shall so construct Railway No. 2 by this Act authorised and the works connected therewith between the south side of Moss Brook and the north side of FitzGeorge Street that no part of the said railway and works above the existing level of Keats Street shall extend more than 10 feet from the centre line of the said railway as shown on the deposited plans on the east side of such centre line:

(3) The Company shall make full compensation to Messieurs Ashworth Brothers for any damage to or depreciation in value of their property or any part thereof by the interference with the access of light and air thereto or otherwise by reason of the construction of the railway by this Act authorised and for any loss or damage they may sustain in the carrying on of their business by reason of such construction and such compensation shall failing agreement be ascertained according to the provisions of the Lands Clauses Acts in respect of cases of disputed compensation.

Railways to form part of the Lancashire and Yorkshire Railway.

9. Subject to the provisions of this Act the railways herein-before authorised 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 railways.

10. If the railways herein-before authorised by this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making

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and completing the said railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Penalty unless railways opened within the time limited.

11. If the Company fail to complete the railways which they are herein-before authorised to construct within the period limited by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in the completion of which default is made is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railway and the said penalty may be applied for by any landowner or other person claiming to be compensated 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 was prevented from completing or opening such 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 railways 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 railways and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the 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 shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of

money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railways or railway in respect of which the penalty shall have been incurred or any part thereof have or 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.

For the protection of the corporation of Manchester.

13. The following provisions for the benefit and protection of the mayor aldermen and citizens of the city of Manchester in the county of Lancaster (in this section called "the corporation") shall unless otherwise agreed between the Company and the corporation be binding upon the Company and full effect shall be given thereto:—

(*a*) In this section "the plan" means a plan signed in duplicate by William Hunt on behalf of the Company and T. De Courcy Meade on behalf of the corporation "Street" has the same meaning as in the Public Health Act 1875 "The city surveyor" means the surveyor for the time being of the city of Manchester "City" means the city of Manchester:

(*b*) Whereas the Railway No. 2 and works hereby authorised will necessarily cross through and under the Queen's Road in the township of Cheetham by means of a bridge supporting such road over the said intended railway and it is necessary that special provision should be made for protecting the Godley water main of the corporation lying under that road Therefore be it enacted that in the construction of the said bridge under the said Queen's Road the said water main shall be effectually supported in its present position and the said bridge shall be so built and the works of the Company shall in all respects be so carried on completed and maintained by the Company as to secure the perfect stability of the said water main in its present position and at its present level and so as not either during the progress of the works or at any time thereafter to prevent or interfere with the free and uninterrupted flow of water through the same or with the repair and maintenance thereof by the corporation:

(*c*) All the piers or abutments and foundations of every bridge over any street in the city shall extend and be made below the surface of the ground to such depth as shall be necessary for the purpose of ensuring the permanent stability of the said railways and as shall be sufficient to allow the corporation to make and

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construct repair or relay any sewers drains water or gas mains or other mains or pipes Prior to the commencement of any foundations for such piers or abutments the Company shall furnish to the corporation a section showing the proposed depth of such foundations and the corporation shall within twenty-eight days from the receipt of such section notify their objections or requirements in relation thereto and in default of agreement the matter shall be decided by an engineer to be appointed by the Board of Trade as herein-after mentioned The work shall be carried out in accordance with such agreement or determination The inside face of the piers or abutments of every bridge shall as far as practicable be lineable with the buildings on each side of the street and if there be no buildings then with the side of the street and no openings whatever shall be placed in any of such piers or abutments The parapets of every bridge shall in every case be of such height from the level of the rails on each side of the said railways and for such further length at both ends of such bridge as the corporation shall reasonably require Every such bridge and crossing shall as far as practicable be made and maintained drop-dry at all times and shall in all other respects be kept in complete repair The Company shall also provide a parapet of such height as the corporation may reasonably require on any other part of the said railways within the city where the same run near to a public street;

The piers or abutments of all underbridges and subways to be erected under the powers of this Act shall be made and maintained by the Company with a facing of white glazed bricks for the entire length thereof on each side;

Each of the said bridges shall be so constructed and at all times hereafter maintained by the Company as to enable the corporation from time to time to replace repair renew and lay down the said sewers drains water and gas mains and pipes and also such additional sewers drains mains and pipes as they may think fit from time to time hereafter;

Before obstructing or breaking up any public street or road under the powers of this Act the Company shall give to the corporation fourteen days' notice in writing and the works so far as the same affect such street or road shall be carried out by the Company to the reasonable satisfaction of the corporation;

The cost of any sewers drains water and gas pipes and lamps belonging to the corporation which may be rendered useless by the works authorised by this Act shall be paid to the corporation by the Company on demand and shall then become the property

of the Company Provided always that the corporation may at their option retain the use of such existing sewers which pass under any streets or lands acquired by the Company under the powers of this Act as will not in any way interfere with the construction or working of the railway The flags paving stones and other materials in any street which may be stopped up or interfered with by the Company in the execution of the works by this Act authorised shall remain the property of the corporation and may be removed by them or they may at their option require the Company to purchase the same Provided also that in cases where new paving flagging or other material is laid down by the corporation at the expense of the Company the corporation shall credit the Company with the value of the old materials for which the new materials shall have been substituted :

(*d*)—(1) Without prejudice to subsection (*b*) whenever in execution of the powers in this Act contained it shall be necessary to alter or interfere with or disturb any of the paving or flagging of the streets or any sewers or drains or any of the water gas or other mains or pipes or apparatus belonging to the corporation such alteration in the position or otherwise of any such sewer drain or water gas or other main or pipe or apparatus or other work which may be required for the purpose of any works by this Act authorised shall be carried out by and under the direction of the corporation but at the expense in all respects of the Company ;

(2) Without prejudice to subsection (*b*) no existing sewer drain water gas or other main pipe or apparatus belonging to the corporation shall be disturbed altered or interfered with by the Company in execution of the works authorised by this Act or at any time thereafter until a substituted sewer drain water gas or other main pipe or apparatus shall have been provided laid and constructed by the corporation of a capacity and at a level or levels which shall preserve to the reasonable satisfaction of the city surveyor the free and uninterrupted flow and passage of sewage water and gas through the same respectively The cost to be incurred by the corporation in providing laying and constructing such substituted sewer drain water gas or other main pipe or apparatus (including therein any compensation which may be payable by the corporation in respect thereof) shall be paid by the Company to the corporation on demand ;

(3) The above provisions in subsections (1) and (2) shall extend and apply to any place (whether in a street or elsewhere) where the railways and works by this Act authorised shall be

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constructed under or over any sewer drain water gas or other main pipe or apparatus of the corporation :

(*e*) Where the railway and works connected therewith pass under or through any street whether public or private suitable arrangements shall be made in and at the time of the construction of such railway and works by and at the cost of the Company for the carrying and protection of the present and future water and gas mains and pipes of the corporation and also of their sewers and drains and of any diversions thereof respectively or substitutions therefor in accordance with plans to be submitted to and reasonably approved by the city surveyor :

(*f*) In all cases where streets are temporarily stopped or diverted the Company shall provide accommodation for the traffic and access to houses and other places affected thereby with proper fences and lights to the reasonable satisfaction of the corporation and shall maintain such accommodation and access fences and lights to the like satisfaction ;

In any case where any house or other building intended to remain standing shall be severed by the Company they shall to the reasonable satisfaction of the corporation build up or repair such house or building so as to prevent unsightly appearances ;

The Company shall prior to commencing the works give the corporation notice of the streets or portions of streets intended to be permanently stopped by them ;

Prior to Railway Passage shown upon the deposited plans between Lower Tebbutt Street and Rochdale Road and numbered 2 on those plans being stopped up or interfered with by the Company wholly or in part the Company shall execute the following works some of which are shown on the plan viz. :—

(1) A series of passages of the minimum width of twelve feet connecting Lower Tebbutt Street Pilling Street Frederick Place Nelson Street and Limer Street with each other on the existing levels of those streets to be constructed by and at the cost of the Company in the position shown in red on the plan ;

(2) The Company shall divert Home Street between Limer Street and Hancock Street in the manner shown in red on the plan the minimum width of the diverted street to be thirty-six feet ;

(3) The Company shall throw open to the public the two spaces coloured yellow on the plan at the junctions of Aston Street and Jones Street and of Beaver Street and Blackburn Street ;

(4) The Company shall also construct three passages each of the minimum width of twelve feet connecting Hancock Street Aston Street Jones Street Beaver Street and Blackburn Street to be constructed in the positions shown in red on the plan;

(5) The Company shall carry the Barlow Street Passage (extending from the junction of Aston Street and Hancock Street to Dalton Street) also shown in red upon the plan over the proposed Railway No. 2 and widen and improve the existing passage under the Manchester and Leeds Extension Railway to the junction of such passage with Dalton Street so as to make such passage of the minimum width of nine feet and a minimum height of eight feet;

The works of widening and improving the said passage shall include the provision from the existing railway up to and partly over the proposed Railway No. 2 of sufficient flights of uncovered stone steps and landings as shown on the plan with hand-rails in the centre and at each side;

The said Barlow Street Passage shall be ventilated and lighted by the Company by means of suitable openings and gratings placed in its roof and by means of artificial light by day and night to the reasonable satisfaction of the corporation;

(6) The portion of Railway Passage shown upon the deposited plans between Preston Street and Rochdale Road shall be left open and undisturbed;

The said portion of Railway Passage shall be connected with Preston Street by a sufficient flight of stone steps to be constructed by the Company to the reasonable satisfaction of the corporation;

So far as the Company acquire land abutting on the said portion of Railway Passage they shall widen the said portion of Railway Passage to the width of twelve feet;

All the passages mentioned in this subsection (*f*) shall be suitably flagged sewered and drained by the corporation at the cost of the Company but as regards the several passages substituted for Railway Passage the corporation shall be at the cost of flagging the additional area provided by the Company in excess of the area of the existing Railway Passage;

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Home Street as diverted and widened shall be flagged sewered drained levelled and completed by the corporation at the cost of the Company :

(*g*) With a view to preserving access between Rochdale Road and Collyhurst Road by way of Gorton Street the following works shall be provided and executed by and at the cost of the Company viz. :—

(1) A subway under Railway No. 2 where the same is constructed across Gorton Street of a minimum width of nine feet and having a minimum headway of eight feet and to be provided with suitable stone steps with handrails from the easterly side thereof so as to maintain the continuity of the existing footway The subway to be paved drained and maintained by and at the cost of the Company and to be completed contemporaneously with the completion of the Railway No. 2 A suitable temporary footway to be provided during the construction of the works ;

(2) The Company shall when Gorton Street has been formed so as to be continuous for vehicular traffic up to Railway No. 2 on each side thereof execute the following works within a period of twelve months after receipt by them of notice from the corporation requiring the Company so to do viz. :—

Construct in the line of Gorton Street a suitable girder bridge under Railway No. 2 of the minimum span of thirty-six feet in the clear and to be furnished with wingwalls or other necessary protection ;

The underside of the girders of the said bridge shall not be more than five feet below the level of the rails as shown on the deposited sections at the point where the said Railway No. 2 crosses the said footpath ;

The roadway under such bridge to be formed paved sewered and completed by and at the cost of the Company so as to form part of Gorton Street to the reasonable satisfaction of the corporation ;

The Company also to give any land which may be necessary (of the width aforesaid) to connect the said underbridge with Gorton Street on each side thereof :

(*h*) The corporation shall not be liable for and shall be indemnified by the Company against all damage and injury which may be caused to the line and works of the Company

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and the traffic thereon and the persons and property being conveyed on or using such railway by the breaking bursting or leaking of or escape from any sewer or water or gas main or pipe belonging to or under the control of the corporation unless such damage or injury shall have arisen as the consequence of any act or default of the officers or servants of the corporation:

(*i*) The Company shall not in the construction of their works interfere with the River Irk in such manner as to reduce its width or depth or interfere with the free flow of the water therein and all their works which in any way interfere with the said river shall be constructed in accordance with plans and sections to be reasonably approved by the city surveyor:

(*j*) If any bridge to be constructed by the Company under the powers of this Act within the city shall darken any street or road or if any steps subway or way to be so constructed or formed shall require artificial lighting the corporation may keep such street or road steps subway or way sufficiently lighted with gas or other artificial light by day as well as by night and the cost thereof shall from time to time be repaid by the Company to the corporation on demand:

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

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

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

14. 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 railways 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.

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Further works by the Company.

15. 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:

(Bolton.) In the township of Great Bolton in the parish of Bolton-le-Moors:

Diversion of Station Street Bolton;

They may divert so much of Station Street as lies between the junction of that street with Trinity Street and a point in Station Street about fifty-four yards measured along that street from the said junction:

(Ince-in-Makerfield.) In the township of Ince-in-Makerfield in the parish of Wigan:

Conversion of viaduct into embankment at Ince;

They may convert into a solid embankment all or any part of the viaduct carrying the Pemberton to Hindley Loop Line (being Railway No. 3 authorised by the Lancashire and Yorkshire Railway Act 1885) at or near to the Ince Old Hall:

(Hoghton.) In the township of Hoghton in the parish of Leyland:

Diversion of footpath at Hoghton;

They may divert the public footpath which crosses their Blackburn and Preston Railway at the north-east end of the Hoghton station such diversion commencing at a point in the Blackburn and Preston Road about twenty-five yards measured in a north-westerly direction along that road from the centre of the level crossing of the said road by the said railway and terminating in the same road at a point about

seven yards measured in a south-easterly direction therealong from the centre of the said level crossing ; A.D. 1895.

So soon as the said diversion shall have been completed and opened to the public the Company may stop up and extinguish all rights of way for foot passengers in and over the said level crossing.

In the West Riding of the County of York :

In the township of North Bierley in the parish of Bradford : (Low Moor.)

Diversion of footpath at Low Moor ;

(*a*) They may divert the public footpath leading from Low Moor to Bateman's Bridge in the manner shown on a plan signed by Sir Theodore Fry the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and which plan is deposited in the Private Bill Office of the House of Commons ;

(*b*) So soon as the said diversion shall have been completed and opened to the public the Company may stop up and extinguish all rights of way over so much of that footpath as lies between the points marked A B on the said plan.

For the protection of the corporation of Bolton.

16. For the protection of the mayor aldermen and burgesses of the county borough of Bolton (in this section referred to as "the corporation") the following provisions shall (unless otherwise agreed on in writing between the Company and the corporation) have effect (that is to say) :—

(1) "The plan" referred to in this section is a plan signed in duplicate by William Hunt on behalf of the Company and William Henry Brockbank on behalf of the corporation :

(2) The Company before they stop up Lever Street shall widen Orlando Street on the northern side thereof from its junction with Manchester Road to its junction with Moncrieff Street so as to have throughout a uniform width of sixty feet between those points and so soon as they shall have completed the said widening and opened the same for the use of the public they may stop up Lever Street and shall thereupon forthwith construct and thenceforth maintain a footway not less than eight feet wide from Manchester Road to Moncrieff Street in the line of the north-western side of Lever Street and shall carry such footway across their railway by a footbridge and shall dedicate such footway to the public ;

The corporation shall be entitled to the paving setts flag stones and other material forming the surface of that part of

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Lever Street which is authorised by this Act to be stopped up and the corporation shall remove the same after the stopping up of such street on receiving a reasonable notice to do so from the Company:

(3) The Company shall concurrently with the execution of the widenings at Bolton authorised by the Lancashire and Yorkshire Railway Act 1894 divert Station Street and round off the western corner of that street at its junction with Trinity Street in the manner shown on the plan:

(4) The Company shall concurrently with the execution of the widenings mentioned in the last subsection widen Trinity Street on the south-eastern side thereof from its junction with Station Street to its junction with Manchester Road in the manner shown on the plan:

(5) The Company shall not be required to remove the girder now existing above the surface of the road on the south-eastern side of Trinity Street and shown on the plan as "existing girder to remain":

(6) If 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:

(7) 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 alteration of gas and water pipes of the corporation and whenever in those sections the expression "society" or "company" is used in relation to a gas or water company that expression shall for the purposes of this section be deemed to include the corporation Provided that the culvert for carrying the gas and water mains under the railway and in the line of Lever Street shall be made at least five feet in height and five feet in width internal measurements:

(8) 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:

(9) 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:

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

(11) 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:

(12) If any difference arise between the corporation and the Company with respect to anything to be done or not to be done by the Company or the corporation such difference shall be settled by an engineer to be appointed by the corporation and the Company or if they cannot agree on such engineer within fourteen days after such difference shall have arisen then by an engineer to be appointed 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.

Power to deviate in construction of works.

17. 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 burial

18.—(1.) The Company shall not for the purposes of this Act take or be required to take any greater portion of the burial ground

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ground of Holy Trinity Church Bolton.

of Holy Trinity Church in the parish of Bolton-le-Moors and numbered 4 on the deposited plans relating to "Diversion of Station Street Bolton" than that coloured red 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 taken by the Company from the portion thereof 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 they shall remove any remains now buried therein 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 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.

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

19. Every new altered substituted or diverted road street or 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 altered substituted or diverted road street or footpath 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 person may enter into and fulfil agreements for and in relation to such construction and for or in relation to the repair and maintenance of all or any of such new altered substituted or diverted roads streets or 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 altered substituted or diverted road street or footpath shall be conclusive evidence of the fact so certified and such certificate shall be obtained and the new altered substituted or diverted road street or footpath opened to the public before the existing road street or footpath is interfered with except in so far as may be necessary for the construction and completion of such new altered substituted or diverted road street or footpath.

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

20. Subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway the site and soil of the portions of streets roads and footpaths stopped up and discontinued under the authority of this Act 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.

Power to Company to purchase additional lands.

21. 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 may exercise the powers herein-after conferred :—

In the County of Lancaster :

(Agecroft.)

Certain lands in the township of Pendlebury in the parish of Eccles lying between the Manchester and Bolton Railway of the Company and the Manchester Bolton and Bury Canal :

Provided that the Company shall not obstruct the access from and to Park House Road to from and along the occupation road numbered on the deposited plans 1 in the township of Pendlebury and parish of Eccles without the consent of Robert Dauntesey (or other the owner thereof for the time being) and

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of any person or company entitled to use the same as his lessees or tenants or by his permission nor shall the Company without the consent in writing of Andrew Knowles and Sons Limited remove or interfere with any telephone posts or wires being the property of the said Andrew Knowles and Sons Limited which are now placed in or carried over the land numbered on the deposited plans 2 in the said township and parish or with any substituted or additional posts or wires and which further posts or wires the said Andrew Knowles and Sons Limited may and shall be entitled to at any time hereafter place set up and carry over the said land or so much thereof as the Company shall acquire under the powers of this Act free of rent or other acknowledgment Such additional posts and wires to be placed and carried respectively in such positions and in such lines and directions as shall be agreed upon between the Company and the said Andrew Knowles and Sons Limited or in case of difference be settled by arbitration:

(Bolton.)

Certain lands in the township of Great Bolton in the parish of Bolton-le-Moors bounded on the north-west by Lever Street on the north-east by Manchester Road and on the south by land and sidings belonging or reputed to belong to the Company and if the Company are or if and when they become owners in possession of all lands and houses on both sides of the respective streets and part of a street following namely Back Buckthorpe Street Buckthorpe Street Barton Street Back Barton Street Coach Street and the portion of Lever Street which lies between the north-east face of the south-west abutment of the bridge carrying that street over the railway of the Company and the junction of that street with Manchester Road they may stop up and appropriate for their own purposes the site and soil of

The said respective streets other than Lever Street; and

The said portion of Lever Street;

Certain lands in the township of Little Bolton in the parish of Bolton-le-Moors lying between Bare Street and Back Bare Street and bounded on the north-west by the passage connecting those streets and on the south-east by property of or reputed to belong to the Company and the Company when they have become owners in possession of all lands and houses on both sides of so much of Back Bare Street as will be co-extensive with the lands so proposed to be acquired may stop up and appropriate the site and soil of that portion of Back Bare Street:

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Certain lands in the township of Hoghton and parish of Leyland abutting upon the south-east side of the goods yard of the Company. (Hoghton.)

In the West Riding of the County of York:

Certain lands in the township of Erringden in the parish of Halifax abutting on the south-westerly side of the main line of the Company: (Hebden Bridge.)

Certain lands in the township of Rastrick in the parish of Halifax (that is to say):— (Brighouse.)

(*a*) Lands situate on the south-west side of the main line of the Company and extending from a point about thirty-seven yards north-west of Cow Lane to Woodhouse Lane; also

(*b*) Lands on the south-west side of the said main line and extending from Woodhouse Lane in a south-easterly direction for a distance of about one hundred and thirty-five yards:

(*a*) Certain lands in the township of Clifton in the parish of Dewsbury abutting upon the south-west side of the main line of the Company and lying between the bridge carrying that main line over the River Calder near the north-west end of Cooper Bridge goods station and the north-west end of Cooper Bridge passenger station; (Cooper Bridge.)

(*b*) Certain lands in the township of Hartshead in the parish of Dewsbury lying between the highway passing under the main line of the Company at Cooper Bridge Station and the bridge carrying the said main line over the River Calder near the south-east end of Cooper Bridge passenger station:

Certain lands in the township of North Bierley in the parish of Bradford abutting on the west side of the Halifax and Bradford Railway of the Company and extending from a point about twenty-eight yards south of Bateman's Bridge to a point about two hundred and sixty yards north of that bridge. (Low Moor.)

Power to take easements &c. by agreement.

22. 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

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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.

23. 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.

Restrictions on displacing persons of labouring class.

24.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be 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 subsection subject to such conditions (if any) as they may see fit.

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

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which 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.

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

25. And whereas in the construction of the railways 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 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 :

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

26. 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 railways 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.

Footbridge and diversion of footpath at Fleetwood by the two Companies.

27. Subject to the provisions of this Act the two Companies or either of them with the consent of the other may at Burn Naze in the township of Fleetwood in the parish of Poulton-in-the-Fylde 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 make and shall maintain a bridge for foot passengers with the necessary approaches thereto over the main line of the Preston and Wyre Railway at or near the site and in lieu of the

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existing footpath now crossing the said railway on the level immediately to the south of the Fleetwood Salt Works the said work to commence about twenty-three yards south-west and to terminate about seventeen yards north-east of the centre of the said level crossing:

So soon as the said footbridge 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 footbridge.

Agreements between the two Companies.

28. 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.

29. 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.

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

Power to deviate in construction of works;

Power to take easements &c. by agreement;

Period for compulsory purchase of lands;

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.

Additional Capital. Power to raise additional capital.

31. 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.

32. 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.

Qualifications of new shares or stock.

33. 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.

34. 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.

35. 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

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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.

36. 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 but 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.

37. 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.

38. 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.

39. 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.

40. 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.

Power to North Western Company to apply corporate funds.

41. The North Western 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 Act 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.

42. 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.

43. 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.

44. 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.

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

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The SCHEDULE referred to in the foregoing Act.

DESCRIBING LANDS HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Parish.	Township.	Numbers on deposited Plans.
RAILWAYS IN MANCHESTER—RAILWAY No. 2.		
Manchester - -	Manchester - -	547 599 629.
RAILWAYS IN MANCHESTER—RAILWAY No. 3.		
Manchester - -	Manchester - -	30 31.
CONVERSION OF VIADUCT INTO EMBANKMENT AT INCE.		
Wigan - - -	Ince-in-Makerfield -	7 8 9 10.

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90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.