ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. xcvii.

An Act to enable the *Lancashire and Yorkshire* Railway Company to construct a Branch Railway to *Shawforth* and other Works; to purchase additional Lands; and for other Purposes.

[30th *June* 1862.]

WHEREAS by "The *Lancashire and Yorkshire* and *East Lancashire* Railways Amalgamation Act, 1859," the Undertakings of the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies were amalgamated, and the *East Lancashire* Railway Company was united with and now forms Part of the *Lancashire and Yorkshire* Railway Company: And whereas it is expedient that the *Lancashire and Yorkshire* Railway Company (in this Act called "the Company") should be empowered to construct a Branch Railway to *Shawforth* in the County of *Lancaster*: And whereas it is expedient that the Company be empowered to alter, widen, and improve the Bridge or Viaduct which carries the *Lancashire and Yorkshire* Railway over the *Rochdale, Halifax, and Elland* Turnpike Road and a certain Stream called *Ripponden Beck* in the Townships of *Sowerby* and *Norland* in the Parish of *Halifax* in the West Riding of the County of *York*: And whereas it is also expedient that the Company, for the Purpose of enlarging their existing Stations at *Over Darwen*, *Clitheroe*, *Sough*, and *Burnley*, and of providing additional Accommodation, Standage Ground, 22 & 23 Vict. c. cx.

Sidings, and other Conveniences connected therewith respectively, should be empowered to acquire the Lands and Houses following; (that is to say,) certain Lands and Houses in the Township of *Over Darwen* aforesaid lying on the West Side of that Portion of the *Lancashire and Yorkshire* Railway formerly called the *Blackburn* Railway, near the *Over Darwen* Station thereof, and abutting upon the Road leading from the Town of *Over Darwen* by *Robin Bank* to the Village of *Darwen Chapel*; certain Lands and Houses in the Township of *Clitheroe* in the Parish of *Whalley* in the County of *Lancaster* lying on the East Side of and abutting upon the *Clitheroe* Station of the said Portion of the *Lancashire and Yorkshire* Railway, and situate between the Road leading to the Company's Passenger Station and the Road leading from *Slaidburn* to *Clitheroe*; certain Lands and Houses in the said Township of *Over Darwen* lying on the West Side of the said Part of the *Lancashire and Yorkshire* Railway at or near to the *Sough* Station of the said Railway; certain Lands and Houses in the Township of *Burnley* in the Parish of *Whalley* aforesaid lying on the West Side of that Portion of the *Lancashire and Yorkshire* Railway formerly called the *East Lancashire* Railway at or near the *Burnley* Station of that Railway: And whereas Plans and Sections showing the Line and Levels of the proposed Railway and other Works, and Plans of the Lands which the Company are by this Act empowered to acquire and appropriate, and a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Clerk of the Peace for the County of *Lancaster* and with the Clerk of the Peace for the West Riding of the County of *York* respectively: And whereas it is expedient that the Company should be empowered to raise additional Capital for the Purposes of this Act, and that some of the Powers and Provisions of their existing Acts should be altered and enlarged: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Lancashire and Yorkshire* Railway (Additional Powers) Act, 1862."

"The Company."

2. Wherever in this Act the Words "the Company" are used they shall mean the *Lancashire and Yorkshire* Railway Company.

8 & 9 Vict. cc. 18. and

3. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways

ways Clauses Consolidation Act, 1845," shall, for the Purposes of the new Works authorized by this Act, be incorporated with and form Part of this Act.

20. and 23 & 24 Vict. c. 106. incorporated.

4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Same Meanings to Words in incorporated Acts as in this Act.

5. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time enter upon, take, and use, and appropriate all or any of the Lands defined on the deposited Plans and described in the deposited Books of Reference.

Power to take Lands.

6. Subject to the Provisions in this Act contained, the Company may from Time to Time make and maintain, in the Line and according to the Levels shown on the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use, the Railway following, with all necessary Stations, Works, and Conveniences connected therewith; (that is to say,)

Power to make Railway, &c. according to deposited Plans.

A Railway to commence from and out of and by a Junction with the *Lancashire and Yorkshire* Railway East of the *Rochdale* Passenger Station thereof in the Township of *Castleton* in the Borough of *Rochdale*, and to terminate at *Shawforth* in the Township of *Spotland*, in the Property numbered on the deposited Plans 170, all in the Parish of *Rochdale* in the County of *Lancaster*:

And the Railway and Works executed under the Authority of this Act shall, with respect to Tolls, Rates, and Charges, and for all other Purposes whatsoever, be Part of the *Lancashire and Yorkshire* Railway and of the Undertaking of the Company.

7. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company, in the Construction of the Railway, may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections, instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon; provided that every such Substitution be authorized by a Certificate of the Board of Trade, and the said Board is hereby empowered to grant such Certificates, provided it shall appear to the Board, upon due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners,

Power to alter Engineering Works.

Lessees,

Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby; provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

Provision with respect to the Rochdale and Burnley Turnpike Road.

8. And whereas the Railway by this Act authorized will cross the Turnpike Road from *Rochdale* to *Burnley* at or near a Place called *Swinerootings:* Therefore it shall not be lawful for the Company, either temporarily or permanently, to divert or alter the existing Line or Level of the said Turnpike Road or of any Part thereof; and the Company, before opening the said Railway for public Traffic, shall, to the Satisfaction of the Surveyor for the Time being of the Trustees of the said Road, erect and for ever thereafter maintain in good Repair a substantial Close Screen along each Side of the Bridge for carrying the said Railway across the said Road, and in a continuous Line along each Side of the Railway to the Extent of not less than Fifty Yards on each Side of the said Bridge, such Screen to be in every Part not less than Eight Feet in Height above the said Railway, and of such Materials as the Company think fit.

For Protection of Works of Rochdale Waterworks Company.

9. The Company shall at all Times maintain in good Repair the Bridges or Works from Time to Time constructed by the Company for carrying the Mains and Pipes of the *Rochdale* Waterworks Company over the Railway by this Act authorized; and the said Waterworks Company shall at all Times have Access to the said Railway for the Purpose of Repairs of such of their Mains and Pipes as shall be carried or be situate over the said Railway; and the Company shall at all Times make good all Damage occasioned to the Mains and other Property of the said Waterworks Company by the Construction or Use of the said Railway; and if the Company fail for Seven Days after Notice in Writing given to the Company by the said Waterworks Company of any such Damage as aforesaid to make good such Damage, the said Waterworks Company may, if they think fit, make good such Damage, and the Expenses incurred by them in so doing shall be repaid to the said Waterworks Company by the Company, and be recoverable from the Company accordingly: Provided always, that in any Case of pressing Necessity which would or might interrupt or materially interfere with the Supply of Water to the Town of *Rochdale* the said Waterworks Company may make good such Damage without giving such Notice as aforesaid, and may recover the Expenses thereof from the Company.

Supply of Water to Wardle-

10. And whereas the Corporation of *Rochdale* are or claim to be entitled to certain public Cisterns and Wells called the *Wardleworth Wells,*

worth Wells.

Wells, in *Yorkshire Street* in the Borough of *Rochdale*, and to a continuous Supply of Water thereto, gratuitously used and enjoyed by the Inhabitants of *Rochdale* from Time immemorial, and the Corporation are bound to maintain and supply with Water such public Cisterns and Wells, and the Company may take away or injuriously affect the said Cisterns and Wells, and the Supply of Water thereto, in and by the making of the Railway by this Act authorized: Therefore, if and whenever the Supply of Water to the said Cisterns and Wells shall be taken, used, diverted, diminished, deteriorated, or injuriously affected in Quantity or Quality in or by reason of the making or using of the said Railway, or any of the Works in connexion therewith, the Company, at their own Expense, shall, on the Complaint and Application in Writing of the said Corporation or their Town Clerk, remedy the Evil complained of, or provide a continuous Supply of good and wholesome Water equal in Quantity and Quality to the Water so taken, diverted, diminished, deteriorated, or injuriously affected; and if the Company fail for Twenty-one Days so to provide such Supply of Water, then the Corporation may from Time to Time provide the same, and the Cost necessarily incurred by the Corporation in providing such Supply shall be repaid to them by the Company, on Demand, and be recoverable from the Company accordingly; and if in the making of the said Railway it be necessary to remove or alter the said Cisterns and Wells or the Position thereof, then the Company shall not remove, alter, or disturb the said Cisterns or Wells without giving previous Notice to the Corporation or their Surveyor of their Intention so to do, and shall reinstate the said Cisterns and Wells in such Position in *Yorkshire Street* as the said Corporation shall direct.

Provision for Bridge over Yorkshire Street.

11. The Company shall carry the Railway by this Act authorized over *Yorkshire Street*, and for that Purpose shall make and for ever maintain a good and substantial flat Girder Bridge, so as to leave a Space to be appropriated for a Roadway and Footpaths of not less than Sixty Feet in Width between the Abutments of such Bridge, and not less than Seventeen Feet in clear Height in every Part above the Surface of the Carriageway of the said Street; and such Bridge shall be made and maintained without having any Pillar, Wall, Support, or other Obstruction on any Part of the Carriageway or Footpaths of the Street, and shall be made and maintained drop-dry at all Times, and with ornamental closed Parapets on each Side of the Railway along the entire Length of the Bridge of not less than Six Feet above the Surface of the Rails.

Lands for extraordinary Purposes.

12. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may, by Agreement, purchase any Quantity of Land adjoining or near to their Railway, not exceeding Six Acres, for any of the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845."

Power to stop up or divert certain Streets in the Borough of Rochdale.

13. The Company may stop up and appropriate, within the Limits shown on the deposited Plans, certain Streets in the Borough of *Rochdale*, called respectively *James Street*, *Lawton Street*, *Serjeant Street*, and *Wardleworth Place*, and certain Streets called or intended to be called *Elizabeth Street* and *Lime Street*.

Communication between James Street and Lawton Street.

14. Provided always, That if the Company, either for Station Accommodation or other Purposes, shall not, within Three Years after the passing of this Act, take or use all such Parts of *James Street* and *Lawton Street* respectively as under this Act the Company are entitled to purchase, take, or use compulsorily, then the Company shall forthwith, after the Expiration of the said Three Years, or the opening for public Traffic of the said Railway, which shall last happen, provide a good and sufficient Road of not less than Thirty Feet in Width, with proper Footpaths, Drains, and other Conveniences within the same, so as to connect *James Street* and *Lawton Street*.

Power to alter and widen Sowerby Bridge Viaduct.

15. The Company may alter, widen, and improve the Bridge or Viaduct which carries their Railway over the *Rochdale, Halifax, and Elland* Turnpike Road, and a certain Stream called *Ripponden Beck*, at or near to the *Sowerby Bridge* Station of the said Railway, in the Townships of *Sowerby* and *Norland* and Parish of *Halifax* in the West Riding of the County of *York*, to the Extent and in the Manner shown on the deposited Plans and Sections relating thereto.

Powers for compulsory Purchases limited.

16. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Limiting Time for Completion of Railway.

17. The Railway and Works hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the said Railway and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Certain Dividends suspended if Railway not opened within a limited Period.

18. If the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within Five Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to pay any Dividend on the ordinary Capital of the Company until the said Railway shall have been completed and opened for public Traffic.

Tolls.

19. The Company may demand and receive, in respect of the Use of the new Line of Railway by this Act authorized, any Tolls and Charges not

not exceeding the Tolls and Charges which they are by "The *Lancashire and Yorkshire* and *East Lancashire* Railways Amalgamation Act, 1859," authorized to demand and receive in respect of the Use of the *Lancashire and Yorkshire* Railway as by that Act constituted, as if the said new Line had been Part of the *Lancashire and Yorkshire* Railway.

Power to raise additional Money.

20. The Company from Time to Time, by Order of any General Meeting of the Company, may raise for the Purposes of this Act such Sums of Money as they shall think necessary, not exceeding One hundred and eighty-seven thousand seven hundred and fifty Pounds, exclusive of the Monies which they are or may be authorized to raise by any other Act or Acts of Parliament, the whole of which Sum shall be applied to those Purposes, and to none other.

Additional Money may be raised by Preference Shares.

21. For the Purpose of raising such Sums of Money, the Company may, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting of the Company, when due Notice for that Purpose shall have been given, issue such and so many distinct Shares, of such Amount, and to be appropriated and disposed of in such a Manner, and to such Persons, and on such Conditions, and with such Preference or Priority of Dividend not exceeding after the Rate of Five Pounds *per Centum per Annum*, and either redeemable or not, and generally on such Terms, as by the Order of any such Meeting of the Company shall be determined: Provided always, that if in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of the preferential Dividends for that Year payable on any Shares created under this Act, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Conditions on which Preference Shares issued to be stated on Certificates.

22. The Terms and Conditions to which any Preference Shares created under this Act are subjected by the Provisions of this Act shall be clearly stated on the Certificate of every such Preference Share.

Qualifications of new Shares.

23. Except as by or under the Powers of this Act otherwise provided, the new Shares 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 Rights of voting, as the like Amount of existing ordinary Shares or Stock of the Company.

24. If

The Lancashire and Yorkshire Railway (Additional Powers) Act, 1862.

Power to raise Capital under any other Act of this Session and this Act by new Shares of one Class.

24. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of new Shares of one and the same Class all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares.

Saving Rights of Holders of existing Preference Shares.

25. Provided always, That any Preference or Priority in the Payment of Interest or Dividends which may be assigned to any Shares to be created by virtue of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividends which may have been assigned to any other Shares which may have been granted by the Company in pursuance of any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Calls.

26. Provided also, That Twenty Pounds *per Centum* on the nominal Amount of each of such new Shares shall be the greatest Amount of any One Call which the Directors may make on the Shareholders in respect of the Money by this Act authorized to be raised, and Two Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls on any One Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

Power to borrow on Mortgage.

27. After Shares for the whole of the Sum by this Act authorized to be raised by Shares shall have been issued and taken up, and One Half of such Sum shall have been paid up, and the Company shall have proved to the Justice who is to certify, under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all the Capital which the Company are by this Act authorized to raise by the Creation of new Shares are *bonâ fide* held by Persons or their Assigns, and for which such Persons or their Assigns are legally liable, the Directors of the Company may borrow on Mortgage, and if subsequently paid off may again reborrow, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Sixty-two thousand five hundred Pounds, in addition to the Sums which they are already authorized to borrow, or which they may be authorized to borrow by any other Act or Acts of Parliament: Provided always, that all and every Part of the Money to be borrowed under this Act shall be applied to the Purposes authorized by this Act and the existing Acts of the Company, and to no other Purpose.

28. All

Former Mortgages to have Priority.

28. All Mortgages or Bonds granted under the Authority of any former Act relating to the Company, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be granted by virtue of this Act.

Certain Provisions of 8 & 9 Vict. c. 16. and existing Company's Acts extended to this Act.

29. Subject to the Provisions of this Act, all the Provisions of "The Companies Clauses Consolidation Act, 1845," and of the existing Acts of the Company, with respect to the following Matters, (that is to say,)

"With respect to the Distribution of the Capital of the Company into Shares;"

"With respect to the Transfer or Transmission of Shares;"

"With respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls;"

"With respect to the Forfeiture of Shares for Nonpayment of Calls, and the Merger and Re-issue of forfeited Shares;"

"With respect to the Remedies of Creditors of the Company against the Shareholders;"

"With respect to the borrowing of Money by the Company on Mortgage or Bond;"

"With respect to the Conversion of borrowed Money into Capital;" and

"With respect to the Consolidation of Shares into Stock,"

Shall be applicable to the Capital and Monies hereby authorized to be raised by Shares or Mortgage, and to the Proprietors thereof.

Regulations as to Use of Proxies at General Meetings of the Company.

30. At any Meeting of the Company any Shareholder shall be entitled to vote as a Proxy, if the Instrument appointing such Proxy has been transmitted to the Secretary of the Company not less than Forty-eight Hours before the Time appointed for holding the Meeting at which such Proxy is to be used.

Interest or Dividend not to be paid on Calls.

31. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposit for future Bills not to be paid out of Company's Capital.

32. It shall not be lawful for the Company, out of any Money by any existing Act relating to the Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing

Standing Order of either House of Parliament for the Time being in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

Railways not exempt from Provisions of present and future General Acts.

33. Nothing herein contained shall be deemed or construed to exempt the Railways by this or any other Act relating to the Company authorized to be made, or the Company, from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, and of the Rates for small Parcels, authorized by this or any other Act relating to the Company.

Expenses of Act.

34. All the Costs, Charges, and Expenses of and incident to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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