CHAPTER lxxxiv.

An Act for conferring further powers on the Lancashire and Yorkshire Railway Company with respect to the construction of Railways in the County of Lancaster and for other purposes. [13th July 1899.] A.D. 1899.

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 widen and improve a certain portion of their railway ;

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 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 been deposited with the clerk of the peace for the county palatine of Lancaster and those plans sections and books of reference are in this

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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 (New Railways) Act 1899.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (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.

Applying certain provisions of 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 (as amended by subsequent Acts) 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 or debenture stock 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.

5. Subject to the provisions of this Act the Company may make and maintain wholly in the county of Lancaster in the lines and according to the levels shown on the deposited plans and sections the railways and widening of railway (including in such widening the altering and improving of and the laying down of additional lines of rail upon the portion of railway widened) and works herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes :— Power to make Railways.

Manchester Blackley and Middleton Railway.

A railway 4 miles 7 furlongs 7·4 chains in length commencing in the parish and city of Manchester by a junction with the Manchester loop line of the Company at a point in the same about 47 yards west of the centre of the bridge carrying Queen's Road over such line and terminating in the parish and borough of Middleton by a junction with the Middleton Branch Railway of the Company at a point in the same about 70 yards measured in a south-easterly direction from the centre of the bridge carrying the said Middleton Branch Railway over Sandy Lane.

Connecting Line at Middleton Junction.

A railway 4 furlongs 1·8 chains in length wholly situate in the said parish of Middleton in the borough of Middleton commencing by a junction with the Middleton Branch Railway of the Company at a point in the same about 110 yards south-east of the centre of the bridge carrying the said railway over Sandy Lane and terminating by a junction with the main line of the Company at a point in the same about 120 yards measured in a northerly direction from the centre of the bridge carrying the said main line over Baytree Lane.

Widening Hunt's Bank Incline Manchester.

A widening of a portion of the Manchester and Leeds Extension Railway of the Company wholly situate in the said parish of Manchester in the city of Manchester commencing at the bridge carrying the said railway over Long Millgate and terminating at a point about 170 yards east of the bridge carrying the said railway over Bromley Street.

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Height of bridges.

6. The Company may make the arches of the bridges for carrying the railways and the widening over the roads next herein-after mentioned of any heights not less than the heights herein-after mentioned in connection therewith respectively (that is to say) :—

Number on Deposited Plans.	Parish.	Description of Road.	Height.
		CONNECTING LINE AT MIDDLETON JUNCTION.	
44	Middleton - - -	Public - -	12 ft. 6 in.
		WIDENING HUNT'S BANK INCLINE MANCHESTER.	
102	Manchester - - -	Public - -	13 ft. 10 in.

Inclination of road.

7. In altering for the purposes of this Act the public road numbered on the deposited plans 49 in the said parish of North Manchester the Company may make the same of any inclination not steeper than one in thirteen.

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

8. 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 to the extent shown on the deposited plans as intended to be stopped up (that is to say) :—

Parish.	Number on Deposited Plans.
MANCHESTER BLACKLEY AND MIDDLETON RAILWAY.	
North Manchester - - - - -	39 591

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

Power to stop up streets passages and open spaces in parish of Manchester in connection with widening Hunt's Bank Incline.

9. So much of sub-sections 10 and 11 of section 18 of the Lancashire and Yorkshire Railway Act 1890 as requires to be dedicated to the public as streets passages or open spaces the plots of ground therein referred to and which are respectively numbered 3 26 40 72 76 87 and 111 in the parish of Manchester on the deposited plans relating to widening Hunt's Bank Incline Manchester by this Act authorised is hereby repealed and the Company may stop up and extinguish all rights of way over such respective streets passages and open spaces and the fee simple of such streets passages and open spaces shall be wholly and absolutely vested in the Company for the purposes of their undertaking The Company

may also stop up and extinguish all rights of way over such portions of the streets called Lydia Street Crown Lane and Mincing Street respectively numbered on the deposited plans 26 33 and 34 in the said parish of Manchester as are included within the limits of deviation shown on the deposited plans with reference to the said widening and the fee simple and inheritance of the said portions of streets shall be absolutely vested in the Company for the purposes of their undertaking.

If the Company are or if and when under the powers of this Act or any other Act already passed they become the owners in possession of all the houses on both sides of the portion of the respective public highways numbered on the deposited plans with reference to the said widening 114 and 122 in the said parish of Manchester and shown on the said deposited plans as being to the south-east of the limits of deviation thereon and as intended to be stopped up they may stop up and extinguish all rights of way over such portion of those respective highways.

Power to stop up highway in parish of Middleton.

10. 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 on both sides of the portion of the road numbered on the deposited plans relating to the connecting line at Middleton Junction 9 in the parish of Middleton which lies between Greenhill Street and the north-eastern termination of the said street numbered 9 they may stop up and extinguish all rights of way over the said portion.

For protection of Corporation of Manchester.

11.—(1) The provisions for the benefit and protection of the lord mayor aldermen and citizens of the city of Manchester (herein-after referred to as "the Corporation") which are contained in this section shall unless otherwise agreed between the Company and the Corporation be binding upon the Company and full effect shall be given thereto:—

"Street" has the same meaning as in the Public Health Act 1875;

"The city surveyor" means the surveyor of the city of Manchester;

"City" means the city of Manchester;

"The signed plan" means a plan signed in duplicate by William Barton Worthington on behalf of the Company and Thomas De Courcy Meade on behalf of the Corporation.

Special Provisions as to Blackley and Middleton Railway.

(2) The Company shall construct the said railway in such a manner that no part thereof shall be within forty-five feet of the

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nearest part of the boundary wall of the churchyard of Saint Peter's Church Blackley.

The whole of the properties edged pink on the signed plan shall be purchased by the Company the portion of land required by the Company for their works under this Act and the portion required by the Corporation for the widening of streets in accordance with the improved lines marked upon the signed plan shall be delivered to them respectively The residue of such properties shall be sold and the difference between the purchase price of the entire property edged pink on the signed plan and the sale price of the said residue shall be borne by the Company and the Corporation in a proportion corresponding to the number of yards delivered to each respectively:

(A) The arches of the viaducts for carrying the new railway across the Irk Valley between Old Road and School Lane shall at all times be left open and free from obstruction except between the south side of Market Street and the pier of such viaduct next on the southerly side of the property numbered 687 on the deposited plans in the parish of North Manchester:

(B) All the bridges carrying the proposed new line over the under-mentioned public streets and roads shall have the clear width or span herein-after mentioned within the abutments and also headways of the clear minimum heights herein-after specified measured from the level of the surface of the centre of the carriage-way:—

Old Road flat girder bridge thirty-six feet span with a headway of eighteen feet;

Grant Street arch thirty-six feet span with a minimum headway of twenty feet throughout;

Market Street arch of the minimum width of forty-two feet the height of not less than twelve feet at springing and thirty feet at crown;

Oakworth Street arch thirty-six feet span with headway not less than sixteen feet at springing and twenty-three feet at crown:

For the purpose of providing the widths herein-before specified the Company will give up to the Corporation without charge or payment the necessary land for the aforesaid widenings respectively in Old Road Grant Street and Oakworth Street and the north side of Market Street co-extensive with the works of the Company:

(C) The Company shall construct the under-mentioned bridges carrying streets over the new railway of the following clear

widths between the parapets and inclusive of the paving and flagging the surface thereof viz.:—

Factory Lane sixteen yards;

Rochdale Road twenty yards;

Boothroyden Lane twelve yards:

The Company will give to the Corporation without charge or payment the necessary lands for the aforesaid widenings co-extensive with the works of the Company As regards Boothroyden Lane the Company shall provide the land to enable the Corporation to widen such lane to a width of six yards from the centre of the existing lane co-extensive with the land to be acquired by them on each side thereof:

(D) The Company shall in carrying out the new line construct a bridge for the purpose of carrying Monsall Road (of the clear width of fourteen yards between the parapets) over their line and pave and flag the roadway over such bridge:

(E) The Company will in respect of lands acquired by them beyond what is co-extensive with their works as aforesaid observe the building lines prescribed by the Corporation under their local Acts and shall be entitled to compensation in accordance with the provisions of the said local Acts in respect of any land which the Company may be required to give up for the purposes of this sub-section:

(F) The Company shall not except temporarily stop up obstruct or iuterfere with any of the following streets viz. Russell Road Sydney Road or Andrew Road and the Company shall not in carrying out their works obstruct or prevent vehicular access to either of the existing entrances of the Manchester Sanitary Depôt.

Special Provisions as to Hunt's Bank Widening.

(3) The Company shall carry the widening over Charter Street by means of a flat girder bridge of a clear span of forty-five feet measured on the square and shall provide the necessary land for that purpose without charge or payment and shall reconstruct the existing bridge carrying the original main line over that street as a flat girder bridge Both such flat girder bridges shall have a minimum headway of not less than twenty feet measured from the centre of the roadway in Charter Street:

(A) In crossing the under-mentioned streets the following clear spaces shall be left between the bridge to be constructed in pursuance of this Act and the existing bridge carrying the

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original main line across such streets for the purpose of admitting light and air viz. :—

Charter Street seven feet six inches ;

Ashley Lane at least six feet :

(B) For the purpose of facilitating the construction of the bridge carrying the widening over Charter Street and Ashley Lane at their junction the Company may support such bridge by means of a column to be placed on the footway at the apex of such junction and in a position to be reasonably approved by the city surveyor Such column shall have a circular casing not exceeding three feet in diameter extending upwards from the level of the footway for a height of not less than eight feet and provided at its top with a sloping cap or other suitable arrangement for preventing any matter being allowed to drop into or lodge upon the same The provisions herein-after contained as to the foundations of bridges shall be applicable to such column.

General.

(4) The following provisions shall be applicable to all the railways and works of the Company in the city of Manchester authorised by this Act :—

(A) No part of any bridge or of the said railway shall be placed so as to project beyond the improved line of any street :

(B) All the piers or abutments and foundations of every bridge constructed under the powers of this Act 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 insuring the permanent stability of the railway and as shall be sufficient to allow the Corporation to make and construct repair or relay any sewers drains water hydraulic gas electric telephonic or other mains pipes works or apparatus which under or by virtue of any Act of Parliament the Corporation are or may at any time hereafter be authorised to lay down construct and deposit :

The several bridges over the streets of the city shall be of such description and in accordance with such plans and elevations as shall be reasonably approved by the Corporation :

(C) Prior to the commencement of any foundations for such piers or abutments the Company shall furnish to the Corporation a section showing the proposed minimum depth of such

foundations and if the Corporation shall not within twenty-eight days from the receipt of such section notify their objections or requirements in relation thereto the same shall be deemed to be approved and the work shall be carried out accordingly 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 railway and for such further length at both ends of such bridge as the Corporation shall reasonably require Every such bridge 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 by the Company The Company shall also provide a parapet of such height as the Corporation may reasonably require on any other part of the railway authorised by this Act within the city where the same runs near to a public street The piers or abutments of all such bridges to be erected under the powers of this Act shall be made and maintained by the Company and shall be faced at the base for an average height of one foot six inches with blue bricks and for the next three feet with brown-glazed bricks then with two courses of dark brown-glazed bricks and for the remainder of the height thereof with white-glazed bricks for the entire length thereof on each side The facing above described shall if the Corporation so require be introduced into the abutments of the existing bridges of the Company carrying the lines over Charter Street excepting into those portions already faced with white-glazed bricks :

All such blue and glazed bricks shall be maintained and kept cleansed by the Company to the reasonable satisfaction of the Corporation who shall be at liberty to undertake at the expense of the Company the cleansing of such glazed bricks from time to time in the event of the neglect of the Company so to do In cases where the Corporation shall consider extra lighting necessary by night or day the Company shall provide sufficient lighting under any new bridge to be constructed under the powers of this Act and under any existing bridge of the Company adjoining or contiguous thereto In cases where the Corporation consider necessary the Company will upon request cause all exposed iron and wood work in connection with the said bridges to be from time to time painted white or other suitable colour :

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For the purpose of erecting the bridges across the said streets the Company shall be at liberty to place the supports for their staging in such places as may be reasonably approved by the city surveyor:

All bridges erected by the Company under any street within the city under the powers of this Act shall be so constructed and at all times thereafter maintained by the Company as to enable the Corporation from time to time to replace repair renew and lay down sewers mains and pipes of every description including such additional sewers drains mains pipes works or apparatus as they may think fit from time to time hereafter:

The Corporation shall be at liberty to make attachments to the underside of any bridge carrying lines of railway of the Company over any public street in the city for the purposes of electric traction or lighting such attachments to be in all respects subject to the approval of the Company's engineer and to be temporarily removed at any time when required by him in connection with the maintenance reconstruction or alteration of the bridge:

(D) Before obstructing or breaking up any street in the city under the powers of this Act the Company shall give to the Corporation fourteen days' notice in writing of the intention to commence such works 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:

In all cases where streets in the city are intended to be temporarily stopped diverted or interfered with during the execution by the Company of any works authorised by this Act fourteen days' notice in writing of the intention to commence such works shall be given to the Corporation and the Company shall provide accommodation for the traffic and access to houses and other places affected thereby and make suitable arrangements for fencing lighting and watching to the reasonable satisfaction of the Corporation and shall maintain such accommodation and access fences and lights to the like satisfaction:

(E) 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:

(F) The cost of any lamps sewers drains water hydraulic gas electric telephonic or other mains pipes works or apparatus belonging to or under the control of the Corporation which

shall be rendered useless by the works authorised by this Act shall be paid to the Corporation by the Company on demand and the same shall then become the property of the Company Provided always that the Corporation may at their option retain the use of such existing sewers drains mains pipes works or apparatus 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:

(G) The flags paving-stones and other materials in any street in the city 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 case where new paving flagging or other materials are laid down by the Company or 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:

(H) Whenever in execution of the powers in this Act contained it shall for any purpose be necessary in the judgment of the Corporation to divert alter or interfere with or disturb any of the paving or flagging of the streets in the city or any sewers or drains or any of the water hydraulic gas electric telephonic or other mains pipes works or apparatus belonging to or under the control of the Corporation such diversion or alteration in the position or otherwise of any such sewer drain or water hydraulic gas electric telephonic or other main pipe works 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 inclusive of the paving flagging and kerbing necessary to reinstate the street and make the same fit for traffic:

(J) No existing sewer drain water hydraulic gas electric telephonic or other main pipe work or apparatus belonging to or under the control of the Corporation shall be diverted disturbed and 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 hydraulic gas electric telephonic or other main pipe work 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

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of the city surveyor the free and uninterrupted flow and passage of sewage water hydraulic power gas electricity or other matter through the same respectively The cost to be incurred by the Corporation in providing laying and constructing such substituted sewer drain water hydraulic gas electric telephonic or other main pipe works or apparatus (including therein any compensation which may be payable by the Corporation in respect thereof) shall be payable by the Company to the Corporation on demand:

(K) The above provisions in paragraphs (H) and (J) of this subsection shall extend and apply to any place (whether in a street or elsewhere) where the railways and works by this Act authorised shall be constructed under or over any sewer drain water hydraulic gas electric telephonic or other main pipe work or apparatus belonging to or under the control of the Corporation:

(L) The cost of all works and matters which under this Act are to be or may 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:

(M) The Company shall be responsible for and make good to the Corporation and to the Manchester Carriage and Tramways Company all costs losses damages and expenses which may be occasioned to the tramways in the city or to any of the works or property connected therewith or to any person or persons using the same or otherwise by reason of the execution maintenance or repair or failure of the works by this Act authorised or by reason of obstruction to or increased cost in the working of the traffic of the tramways or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the Corporation and the said tramways company from all claims and demands upon or against them by reason of such execution maintenance or repair or failure or of any such omission:

(N) The Corporation shall not be liable for and shall be indemnified by the Company against all damage and injury which may be caused to the line and works of the Company and the traffic thereon and the persons and property being conveyed on or using such railway by the breaking bursting or leaking of or escape from any sewers water hydraulic gas

electric telephonic or other mains pipes works or apparatus 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 Corporation or of their contractors officers agents workmen or servants:

The Company shall be responsible for and make good to the Corporation all costs losses damages and expenses to be sustained by them by reason of any of the matters hereinbefore provided for or by reason of any damage to be occasioned to persons or property or otherwise by reason of the execution or any defect or default in execution (whether by the Company or their contractors agents workmen or servants) of the powers of this Act and shall indemnify the Corporation from all claims and demands upon or against them by reason of any such execution or defect or default therein or arising therefrom:

(*o*) If any difference shall arise between the Corporation and the Company as to the reasonableness of the requirements of the Corporation or the Company or concerning any plan or the execution of any 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.

For protection of Corporation of Middleton.

12. In the execution of the works and in the exercise of the powers by this Act authorised the following provisions for the protection of the mayor aldermen and burgesses of the borough of Middleton (herein referred to as "the Corporation") shall notwithstanding anything shown on the deposited plans and sections or contained in this Act have effect unless otherwise agreed upon in writing between the Company and the Corporation (that is to say):—

(1) The Manchester Blackley and Middleton Railway shall be carried over the road known as the Manchester New Road numbered on the deposited plans 30 in the parish of Middleton by a flat girder bridge or bridges of the full width of the road or not less than fifty-one feet eight inches span on the square In constructing such bridge or bridges the Company shall not except temporarily in any way interfere with the roadway of the said road or the footpaths on either side:

(2) The road known as Sunk Lane numbered on the deposited plans 69 in the said parish shall be carried over the said

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railway by a bridge not less than thirty feet wide between the parapets:

(3) The said railway shall be carried over the road known as Dane Street numbered on the deposited plans 132 in the said parish by a flat girder bridge with a span of thirty-six feet clear measured on the square and a headway of sixteen feet:

(4) The said railway shall be carried over Sandy Lane numbered on the deposited plans 149 in the said parish by a bridge six feet wide on the square and not less than eight feet clear headway The abutments shall be faced with white-glazed bricks from four feet above ground level An opening of not less than four yards in width shall be left between the old and new bridges:

(5) The Company shall construct and maintain under the proposed connecting line at Middleton Junction in line with Lonsdale Street a four-feet barrel culvert in such manner and in such line and levels as may be directed by the Corporation and to their reasonable satisfaction and in accordance with plans and sections to be reasonably agreed upon between the borough surveyor and the engineer of the Company Such culvert shall not be used for the conveyance of sewage water gas or other product except in properly laid closed pipes:

(6) The Company shall at their own expense construct over the said connecting line at a point where the same intersects the footpath numbered on the deposited plan of the said connecting line 36 in the said parish a bridge with all necessary footpath approaches thereto to connect with the footway leading on the north-west side to Kenyon Lane and Sandy Lane and on the south-east side to Joshua Lane and on the south side to Greenhill Road and on the north side to Baytree Lane and such bridge shall be constructed of a uniform width of thirty-six feet between the parapets:

(7) The connecting line at Middleton Junction shall be carried over the road known as Baytree Lane numbered on the deposited plan of the said connecting line 44 in the parish of Middleton by a bridge having a clear span of not less than twenty-five feet measured on the square with a headway of not less than twelve feet six inches throughout measured from the present surface of the road at the place of crossing and the Company shall carry the abutments of the said bridge to such a depth as will admit of the Corporation lowering the road to such an extent as will afford a headway of fifteen feet The abutments of such bridge and also those of the bridge

constructed under the powers of the Lancashire and Yorkshire Railway Act 1897 shall be lined with white-glazed bricks from a height of four feet above the road level to the underside of the beds carrying the girders over the said road :

(8) The Company shall not stop up any level crossing road or footpath referred to in this section and authorised by this Act to be stopped up until all the works specified in this section have been completed to the reasonable satisfaction of the Corporation :

(9) If in the execution of the powers of this Act it shall be necessary to interfere with or disturb the existing or to make any new sewers or drains such alteration interference and disturbance shall be carried out and such new sewers and drains constructed at the cost of the Company but under the superintendence and to the reasonable satisfaction of the Corporation :

(10) The provisions of the Railways Clauses Consolidation Act 1845 contained in sections 18 to 23 shall extend and apply to the gas mains and apparatus of the Corporation and to the water mains and pipes of the Heywood and Middleton Joint Water Board and wherever in those sections the words "company" or "society" are used the same shall for the purposes of this section be held to extend to and include the Corporation and the said joint board :

(11) Any difference arising between the Corporation and the Company as to the meaning or effect of this section or anything to be or not to be done thereunder shall unless otherwise agreed be determined by a single arbitrator to be appointed by the Board of Trade.

For protection of Blackley Estate.

13. For the protection of the Right Honourable the Earl of Wilton or other the owner or owners for the time being of the Blackley Estate in the county of Lancaster (all of whom are in this section included in the expression "the owners") the following provisions shall unless otherwise agreed between the owners and the Company be observed and have effect (that is to say) :—

(1) The bridge for carrying the Manchester Blackley and Middleton Railway (in this section called "the railway") over the road and footpath known as School Lane and numbered on the deposited plans 781 in the parish of North Manchester shall be constructed with a clear span of not less than thirty-six feet measured on the square and a clear headway throughout of not less than fourteen feet or as much more as the Company can in their discretion provide :

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(2) The bridges for carrying the roads next herein-after mentioned over the railway shall be respectively constructed with a clear width of not less than thirty-six feet between the parapets (that is to say) The roads numbered on the deposited plans 783 and 810 respectively in the parish of North Manchester and the road along the north-easterly side of the property numbered on the said plans 817 in the said parish and the bridge carrying the road numbered 783 over the said railway shall be provided with suitable embanked approaches properly ballasted and of such gradients as shall be agreed between the owners and the Company:

(3) The bridge for carrying the railway over the road and footpath numbered on the deposited plans 879 in the city of Manchester shall be constructed with a clear span of not less than thirty-six feet measured on the square and a clear headway not less than sixteen feet:

(4) The Company shall construct every bridge over the railway referred to in this section of sufficient strength at every part thereof to carry the ordinary traffic of the district and shall construct on each side of every such bridge and of the approaches thereto substantial parapets and fences not less than six feet in height:

(5) All the bridges referred to in this section and the approaches thereto and the parapets and fences thereof shall be constructed by the Company to the reasonable satisfaction of the owners and shall thereafter be repaired and maintained by the Company to the like satisfaction:

(6) The Company shall not stop up or interfere with the occupation road along the southerly side of the property numbered on the deposited plans 873 in the city of Manchester unless and until they shall have provided to the reasonable satisfaction of the owners a substituted roadway not less than thirty-six feet in width throughout the width of such property which may be acquired by the Company affording as nearly as may be as efficient accommodation to the owners and their tenants as that afforded by the existing roadway:

(7) Any difference which may arise between the owners and the Company with respect to any of the matters provided for by this section shall be settled by an engineer to be appointed (unless otherwise agreed) upon the application of either party by the President of the Institution of Civil Engineers.

For protection of Oldham

14. In constructing the connecting line or railway authorised by this Act the Company shall acquire and purchase from the Oldham

Trust Company Limited (in this section referred to as "the Oldham Company") all the land belonging to the Oldham Company and numbered on the deposited plans 30 and 38 in the parish of Middleton which lies between the connecting line or railway authorised by this Act and the existing main line of the Company from Leeds to Manchester. Trust Company Limited.

The Company shall at the same time as they construct the railway authorised by this Act provide and form a roadway having a width of thirty-six feet between the fences and a gradient not steeper than one in twenty affording an access from the land belonging to the Oldham Company on the north-west side of the said railway to the bridge which the Company have agreed to erect over the said railway under agreement with the Corporation of Middleton.

The Company shall at the same time as they construct the railway authorised by this Act provide and form a similar roadway affording an access on the south-eastern side of the bridge hereinbefore referred to from the said bridge down to a point adjoining the footpath numbered on the deposited plans 36 in the said parish at the east corner of the land numbered 37 thereon unless prior to the formation of such roadway a road shall have been made from the said bridge into Church Road.

Railways to form part of Lancashire and Yorkshire Railway.

15. Subject to the provisions of this Act the railways and the widenings 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.

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

Penalty unless railways opened within time limited.

17. 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

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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.

18. 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 either of them 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.

Company not liable to repair surface of road gradient of

19. 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 and widening herein-before authorised 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. which is not increased.

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

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 roads and footpaths 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 roads 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 for 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 in the county of Lancaster which are delineated upon the deposited plans and described in the deposited books of reference and may hold such of those lands as have already been purchased on behalf of the Company :—

Manchester (Blackley).

(a) Certain lands wholly situate in the parish of North Manchester and city of Manchester bounded on the north by Old Road on the west partly by Slack Road and partly by the Manchester Corporation Sanitary Depôt at Barnes Green on the south partly by the said depôt and partly by Russell Road and being the whole or portion of fields numbers 109 111 112 133 and 134 on the 25-inch ordnance map for the parish of North Manchester :

Middleton (Rhodes).

(b) Certain lands partly in the said parish of North Manchester and city of Manchester and partly in the said parish and borough of Middleton bounded on the north by Pool Bank Street on the east by Boothroyden Lane and being the whole or portions of fields numbers 389 390 432 510 511 512 and 513 on the 25-inch ordnance map for the parish of North Manchester and numbers 20 and 20A on the 25-inch ordnance map for the parish of Middleton :

(c) Certain lands in the said parish and borough of Middleton being houses numbers 709 and 711 in Manchester Old Road and numbers 68 and 70 in the said Pool Bank Street and including the site of Blackley Street.

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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 persons other than the grantors have an interest) required for the purposes of this Act or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

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 the Company—

(a) 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) 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: A.D. 1899.

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 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:

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

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

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to 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 which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of 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 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" means 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 works by this Act authorised or otherwise in exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to

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treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained

and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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

Company empowered or may be required to underpin or otherwise strengthen houses near works.

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 works by this Act authorised it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners or 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 or 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 or 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 disputes 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:

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(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.

ADDITIONAL CAPITAL.

Power to raise additional capital.

27. 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 seven hundred and twenty 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.

28. 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.

29. 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.

30. 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.

31. The Company may in respect of the additional capital of seven hundred and twenty 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 two hundred and forty thousand pounds Provided that in respect of every one hundred and twenty 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 forty thousand pounds but no part of any of the before-mentioned sums of forty thousand pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one-half of such capital is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one-half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued

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and accepted and paid up bonâ fide and are held by the persons 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 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

Interest not to be paid on calls paid up.

37. 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.

38. 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.

39. Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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.

40. 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.

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Parish.	Numbers on deposited Plans.
MANCHESTER BLACKLEY AND MIDDLETON RAILWAY.	
North Manchester -	183 202 203
Middleton - -	10 11 12 18 28 65 66
WIDENING HUNT'S BANK INCLINE MANCHESTER.	
Manchester - - -	97

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