CHAPTER xcv.

An Act to authorise the Lancashire and Yorkshire Railway Company to widen certain railways and to construct other works to acquire additional lands and for other purposes. [20th July 1906.] A.D. 1906.

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

To make and maintain the works hereinafter described and to widen and improve certain portions of their railway;

To deal with certain roads and footpaths connected with their undertaking; and

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

And whereas it is expedient that the Company and the London and North Western Railway Company (hereinafter referred to as "the two companies") should be empowered to hold and use the lands at Saint Annes-on-the-Sea and Thornton hereinafter described:

And whereas the time limited by the Lancashire and Yorkshire Railway Act 1891 for the completion of Railway No. 2 described in and authorised by that Act has been extended by subsequent Acts and under the provisions of the Lancashire and Yorkshire Railway (Various Powers) Act 1904 (hereinafter referred to as "the Act of 1904") will expire on the third day of July one thousand nine hundred and seven and it is expedient that the time for the completion of the said railway should be further extended: 54 & 55 Vict. c. xcix. 4 Edw. 7. c. cxlix.

And whereas the time limited by the Lancashire and Yorkshire Railway Act 1898 for the completion of the railway at Southport 61 & 62 Vict. c. lxi.

A.D. 1906.

2 Edw. 7. c. clviii.

(Blowick) described in and authorised by that Act was extended by the Lancashire and Yorkshire Railway (Various Powers) Act 1902 and will expire on the first day of July one thousand nine hundred and six and it is expedient that the time for the completion of the said railway should be further extended:

And whereas the time limited by the said Act of 1902 for the completion of the railways at Goole (Railways Nos. 1 2 and 3) described in and authorised by that Act will expire on the thirty-first day of July one thousand nine hundred and seven and it is expedient that the time for the completion of the said railways should be extended as provided by this Act:

2 Edw. 7. c. clxviii.

And whereas the time limited by the North Eastern Railway Act 1902 for the completion of Railway (No. 10) and Railway (No. 11) described in and authorised by that Act will expire on the thirty-first day of July one thousand nine hundred and seven and it is expedient that the time for the completion of the said railways should be extended as provided by this Act:

60 & 61 Vict. c. cxxx.

And whereas by section 72 of the Lancashire and Yorkshire Railway Act 1897 provision was made for the establishment of a fund for the payment of pensions and retiring allowances or gratuities to old or disabled servants of the Company not entitled to be members of the superannuation fund:

And whereas by subsection (2) of the said section 72 it was provided (inter alia) that the Company should at the end of each and every half year after the establishment of the fund contribute thereto out of the revenues of the Company such sums of money as should from time to time be authorised by three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company duly convened with express notice of the special object and which half-yearly sum might from time to time be altered to such extent as the Company might in like manner authorise or determine:

And whereas the said fund authorised by the said Act of 1897 (hereinafter referred to as "the pension fund") has not yet been established:

And whereas it is expedient that in lieu of making contributions to the pension fund after the establishment thereof in accordance with the provisions of subsection (2) of section 72 of the said Act of 1897 the Company should be empowered to guarantee the payment of any pensions or retiring allowances or gratuities out of the pension fund as hereinafter provided:

A.D. 1906.

And whereas by the Dearne Valley Railway Act 1897 the Dearne Valley Railway Company were incorporated with a capital of six hundred thousand pounds in shares and with power to raise two hundred thousand pounds by mortgage or debenture stock and by that Act and the Dearne Valley Railway Act 1900 were authorised to construct certain railways in the west riding of the county of York: 60 & 61 Vict. c. ccxliii. 63 & 64 Vict. c. cxxvi.

And whereas by the Dearne Valley Railway Act 1905 the Dearne Valley Railway Company were authorised to raise not exceeding one hundred thousand pounds part of their authorised capital by the creation and issue of preference shares: 5 Edw. 7. c. lv.

And whereas considerable portions of such railways have been completed and opened for goods traffic:

And whereas under the powers of the Lancashire and Yorkshire Railway (Dearne Valley Junction Railways) Act 1901 the Company have constructed the railways described in that Act to connect the railways of the Dearne Valley Railway Company with the Wakefield Pontefract and Goole Railway of the Company: 1 Edw. 7. c. cxxx.

And whereas under the Lancashire and Yorkshire Railway (Various Powers) Act 1902 the Company were authorised to subscribe and have subscribed the sum of two hundred thousand pounds towards the undertaking of the Dearne Valley Railway Company and ordinary stock of the Dearne Valley Railway Company has been allotted to the Company in respect thereof:

And whereas under the powers of the same Act the Company have appointed two persons to be directors of the Dearne Valley Railway Company:

And whereas it is expedient that the Company should be authorised to subscribe or contribute further moneys to the undertaking of the Dearne Valley Railway Company and to take acquire and hold further shares and stock (whether ordinary preference or debenture) in and mortgages of such undertaking:

And whereas it is expedient that the other provisions hereinafter 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 widenings and other works authorised by this Act and the lands in or through which the same are intended to be made

A.D. 1906.

and plans of the lands which are authorised to be taken under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have as regards the widenings and other works lands and property in the west riding of the county of York been deposited with the clerk of the peace for the said west riding and as regards the lands and property in Lancashire 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 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 King'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 (Various Powers) Act 1906.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (Construction of a railway) and Part II. (Extension of time) of the Railways Clauses Act 1863 are except where the same are expressly varied by this Act incorporated with and form part of this Act.

Interpretation.

3. 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.

Power to widen portions of railways &c.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections the widenings of portions of their existing railways (including in such widenings the altering and improving of and the laying down of additional lines of rail upon the said portions) and works hereinafter described with stations junctions sidings approaches works and conveniences connected therewith and may exercise the following powers 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 (that is to say):— A.D. 1906.

A widening (No. 1) of the main line of railway of the Company in the parish and urban district of Luddendenfoot commencing about 27 chains north-west of the bridge carrying Blackwood Hall Lane over that railway and terminating about 6 chains north-west of the mile post on that railway indicating 27 miles from Manchester;

A widening (No. 2) of the Wakefield Pontefract and Goole Railway of the Company commencing in the parish and urban district of Featherstone near Station Lane level crossing and terminating in the parish of Pontefract Park in the borough of Pontefract near Tanshelf Station.

Power to divert roads as shown on deposited plans.

5. The Company may divert the roads and footpaths referred to in the next following table in the manner shown upon the deposited plans and sections and subject to the provisions of this Act may stop up and cause to be discontinued as a road or footpath so much of each existing road or footpath as will be rendered unnecessary by the new portion of road or footpath so shown on the said plans (that is to say):—

Widening.	Parish.	No. of Road or Footpath on Plan.
Widening No. 2 - -	Featherstone - -	5
Widening No. 2 - -	Featherstone - -	6
Widening No. 2 - -	Featherstone - -	17

Provided that such stopping up shall not take place until two justices shall have certified that the new portion of road or footpath has been completed to their satisfaction and is open for public use and as from the date of the said certificate all rights of way over or along the existing portion of road or footpath shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road or footpath stopped up as far as the same is bounded on both sides by lands of the Company.

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which

A.D. 1906.

the existing road or footpath is situate seven days' notice in writing of their intention to apply for the same.

Widenings to form part of Lancashire and Yorkshire Railway.

6. Subject to the provisions of this Act the widenings of the Company's railway authorised by this Act shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the Lancashire and Yorkshire Railway.

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

7. 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 widenings hereinbefore 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.

Protection of gas and water mains of local authorities.

8. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated.

Further works by Company.

9. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described and may exercise the powers hereinafter mentioned and may for the purposes aforesaid make such alterations in the levels of the streets roads and footpaths affected thereby as are shown upon the deposited plans and sections and in addition to any other lands which they are by this Act authorised to acquire may enter upon 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.

The Company may execute the following works and exercise the following powers and the following provisions shall have effect (that is to say):—

In the west riding of the county of York—

The Company may in connection with the said widening (No. 1) construct the following works in the said parish

and urban district of Luddendenfoot with subsidiary works and conveniences connected therewith viz.:—

(A) They may make a new road in continuation of Booth House Road commencing at a point about 2 chains south-east of the junction of that road with Blackwood Hall Lane and terminating at a point about 13 chains south-east of such junction;

(B) They may divert so much of the road leading from Station Road past the Boy Mill to Milner Royd as lies between points in the said road respectively 4 chains and 13 chains south-east of the junction of the said road with the said Station Road;

(C) They may stop up for vehicular traffic so much of Blackwood Hall Lane as lies between points respectively about 3 chains west and 2 chains east of the centre of the bridge carrying such lane over the said main line of railway of the Company;

(D) They may provide a footbridge commencing at or about the south-westerly abutment of the bridge carrying Blackwood Hall Lane over the main line of railway of the Company and terminating about 2 chains east thereof and on completion of such footbridge they may stop up all rights of way for foot passengers along so much of Blackwood Hall Lane as lies between the points of commencement and termination of the said footbridge;

(E) When and so soon as the Company have completed in accordance with the provisions of this Act the new road hereinbefore described under the letter (A) and the diversion of road hereinbefore described under the letter (B) such new and diverted road and the existing road leading from Station Road along the north-east side of the railway and across the railway at the existing bridge near Milner Royd and proceeding thence in a southerly direction to Spring View and thence in a northerly direction to the termination of the said new road (A) and also the portion of Booth House Road situate between the commencement of the said new road (A) and Blackwood Hall Lane shall be public highways and all private rights (if any) in or attaching to such existing roads shall

A.D. 1906.

be and the same are hereby extinguished Provided that the Company shall make compensation to all parties interested in respect of such private rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to deviate in construction of works.

10. The Company in constructing the several works authorised by the section of this Act the marginal note whereof is "Further works by Company" may deviate from the centre lines shown on the deposited plans to the extent of the limits of deviation marked on such plans respectively but so nevertheless that no part of such deviation extend to a greater distance than the said limits and may deviate from the levels shown on the deposited sections to any extent not exceeding three feet but not so as to increase the gradient of any work as shown on the said sections.

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

11. 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 hereinafter 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 the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade:

(4) The arbitrator 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 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:

(6) 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 arbitrator 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:

(7) 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:

A.D. 1906.

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:

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

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

12. The road authority of the district in which the new road diversion of road and footbridge described in and authorised by the foregoing section of this Act the marginal note whereof is "Further works by Company" are situate shall repair and maintain such new road and diversion and the footpath in connection with the said footbridge Provided that the structure of the footbridge shall be repaired and maintained by the Company.

The Company and any such road authority may enter into and fulfil agreements for and in relation to the construction of and for or in relation to the repair and maintenance of the said new road diversion of road and footpath Any such agreements shall be deemed to be purposes of the Public Acts under which such respective road authorities have jurisdiction and any expenses incurred in relation to such agreements shall be deemed to be expenses incurred for the purposes of those Acts but any works executed by any road authority in pursuance of any such agreement shall for the purposes of the Telegraph Act 1878 be deemed to be works done in the execution of an undertaking authorised by an Act of Parliament.

The certificate of two justices of the due completion of such new and diverted roads shall be conclusive evidence of the fact so certified and such certificate shall be obtained and such new or diverted roads opened to the public before the existing road for which they are in substitution is interfered with except in so far as may be necessary for the construction and completion of such new and diverted roads.

Before applying to the justices for any such certificate the Company shall give to the road authority of the district in which the existing road is situate seven days' notice in writing of their intention to apply for the same.

Power to Company to purchase additional lands.

13. 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 hereinafter described which are delineated upon the deposited plans and described in the deposited books of reference viz. :—

In the county of Lancaster.

Certain lands in the parish city and county borough of Manchester abutting upon the south-east side of Hargreaves Street :

And the Company may stop up so much of Hargreaves Street as lies to the north-eastward of Crabbe Street and also may stop up the street or passage known as Hargreaves Passage and the footbridge in continuation thereof over the Company's Prestwich branch railway and upon such stopping up all rights of way over the said portion of the said street and over the said passage and footbridge respectively shall be extinguished but the said portion of street and the said passage respectively shall not be stopped up unless the Company are owners in possession of all houses and lands on both sides thereof except so far as the owners lessees and occupiers of such houses and lands may otherwise agree.

Company may hold certain lands already acquired.

14. The Company may hold and may use and appropriate for the general and other purposes connected with their undertaking the following lands which have already been acquired by them or on their behalf and are delineated on plans signed in duplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plans one copy has been deposited in the Private Bill Office of the House of Commons and one copy in the Office of the Clerk of the Parliaments in the House of Lords and the expenditure by the Company in connection with the acquisition of the said lands is hereby sanctioned and confirmed and the said lands shall be deemed to be lands acquired under the powers of this Act.

The lands hereinbefore referred to are as follows :—

In the county of Lancaster.

Lands in the parish and county borough of Blackburn abutting on the north-westerly boundary fence of the Blackburn to Accrington Railway of the Company and on the south-east side of Pickup Street ;

A.D. 1906.

Lands in the parish of Farington and rural district of Preston abutting on the northerly side of the Liverpool Ormskirk and Preston Railway of the Company and being the whole or parts of enclosures numbered 134 and 135 on the 25-inch Ordnance map (1893) Lancashire Sheet LXIX. 5.

The two companies may hold certain lands already acquired.

15. The two companies may hold and may use and appropriate for the general and other purposes connected with their Preston and Wyre Railway Harbour and Dock Undertaking and for providing increased accommodation in connection therewith the following lands which have already been acquired by them or on their behalf and are delineated on plans signed in duplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plans one copy has been deposited in the Private Bill Office of the House of Commons and one copy in the Office of the Clerk of the Parliaments in the House of Lords and the expenditure by the two companies or either of them in connection with the acquisition of the said lands is hereby sanctioned and confirmed and the said lands shall be deemed to be lands acquired under the powers of this Act.

The lands hereinbefore referred to are as follows:—

In the county of Lancaster.

Certain lands in the parish and urban district of Saint Annes-on-the-Sea abutting upon the north-easterly boundary fence of the Blackpool and Lytham branch railway of the two companies and extending for a length of about 2 chains in a north-westerly direction measured along the said boundary fence from Oxford Avenue;

Lands in the said parish and urban district of Saint Annes-on-the-Sea situate upon the north-easterly side of the said Blackpool and Lytham branch railway and extending from a point in the north-easterly boundary fence of the railway about 4 chains north-west of Oxford Avenue to a point about 2 chains north-west of the bridge carrying Saint Leonard's Road over the said railway;

Lands in the parish and urban district of Thornton situate upon the westerly side of the Preston and Wyre Railway of the said two companies and extending for a length of about $5\frac{1}{2}$ chains in a northerly direction from a point about 4 chains north of the level crossing of the railway at Thornton Station.

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

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

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this Act and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to grant easements &c. by agreement.

17. 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.

Owners may be required to sell part only of certain property.

18. 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 a portion only of the property shown or partly shown on the deposited plans and thereon numbered 9 in the parish of Luddendenfoot will be sufficient for the purposes of the Company and that such portion or some portion less than the whole can be severed from the remainder of the said property without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in the said property or each or any of them are hereinafter included in the term "the owner":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of the said property the owner shall fail to notify in writing to the Company

A.D. 1906.

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 (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the said portion 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 said portion 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 said portion 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 said portion 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 said portion 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 the property numbered 9 as aforesaid 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.

Period for compulsory purchase of lands.

19. 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.

For protection of Luddendenfoot Urban District Council.

20. In constructing and maintaining the widening and works by this Act authorised and in exercising any powers by this Act conferred upon the Company in the urban district of Luddendenfoot the following provisions as between the Luddendenfoot Urban District Council (in this section called "the council") and the Company shall unless otherwise agreed apply and have effect (that is to say):—

(1)—(A) The new road and diversion of road in the said district by this Act authorised shall be constructed in accordance with the copy of the deposited plan signed in duplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House

A.D. 1906.

Lords to which the Bill for this Act was referred (which is in this section referred to as "the signed plan") one copy of which has been deposited in the Private Bill Office of the House of Commons and one copy in the Office of the Clerk of the Parliaments in the House of Lords;

The new road between the points marked C and D on the signed plan shall be constructed of a width of thirty feet inclusive of two footpaths each four feet six inches in width;

The roadway shall be pitched for a depth of nine inches and covered with four inches of broken stone and shall have stone kerbs twelve inches by six inches and paved channels on each side twelve inches in width;

The footpath shall be cindered:

(b) The council shall at their own cost construct any necessary sewers or drains in the new road between the points marked C and D on the signed plan:

(c) The council shall before or simultaneously with the construction of the new road by the Company make all necessary arrangements for the completion of the road extending from the said point marked C to the point marked K on the signed plan and from the point marked D to the point marked J on the signed plan and for the adoption of the new road between the points marked J and K on the signed plan after completion as a highway repairable by the council:

(2) The Company shall construct the diversion of road between the points marked G and H on the signed plan of the width of fifteen feet and shall pave such road throughout between the said points with grit setts;

The gradient of the road shall be as shown on the deposited sections subject to any reasonable modification therein which the council may require and which may be approved by the adjoining landowners:

(3) The Company in constructing the footbridge over their railway shall construct an inclined approach as shown on the signed plan between the points thereon marked

L and M with a gradient of 1 in 6 in lieu of steps The footbridge and approaches shall be eight feet in width:

(4) The Company shall pave with grit setts to its present levels and widths the roadway extending from Milner Royd to Spring View between the points marked H and J and coloured blue on the signed plan The Company shall also at the same time set back the boundary walls of the road at the points marked U V and W respectively on the signed plan and dedicate the strips of land so provided to improve the line of the roadway and the Company shall pave the strips marked V and W as part of the roadway aforesaid:

(5) The Company shall before interfering with the drainage in Blackwood Hall Lane bear the reasonable cost which the council may incur in diverting the existing drains in Blackwood Hall Lane belonging to the council and the council shall carry out any such diversion accordingly:

(6) If any difference shall arise between the council and the Company as to anything to be done or not to be done under this section such difference shall be settled by arbitration by an engineer to be appointed by the council and the Company or if they cannot agree by an engineer to be appointed on the request of either party by the President of the Institution of Civil Engineers.

For protection of Featherstone Urban District Council.

21. In constructing and maintaining the Widening No. 2 by this Act authorised the following provisions for the benefit and protection of the urban district council of Featherstone (hereinafter referred to as "the council") shall unless otherwise agreed be observed and have effect (that is to say):—

(1)—(A) Before constructing the proposed widening over the footpath numbered on the deposited plans 6 in the parish and urban district of Featherstone the Company shall in such position as may be reasonably approved by the council and to the reasonable satisfaction of the council construct and maintain a footbridge not less than six feet in width with convenient approaches thereto by steps to carry the footpath across the railway and widening;

A.D. 1906.

(b) Immediately upon the completion of such footbridge in accordance with this Act to the satisfaction of two justices to be certified as in this Act provided all public rights of way for foot passengers over the existing level crossing shall be extinguished:

(2) Notwithstanding anything shown upon the deposited plans the diversion of the lane numbered on the deposited plans 17 in the parish and urban district of Featherstone shall be constructed by the Company in accordance with the plan signed in duplicate by James Caldwell the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Private Bill Office of the House of Commons and one copy in the Office of the Clerk of the Parliaments in the House of Lords The Company shall construct such diverted road of the width of twenty-five feet at least and shall carry the same over the railway by means of a bridge having a width of at least twenty-five feet between the parapets and the gradient of the approaches on either side of the said bridge shall not be steeper than 1 in 20:

(3) If any difference shall arise between the council and the Company as to anything to be done or not to be done under this section such difference shall be settled by arbitration by an engineer to be appointed by the council and the Company or if they cannot agree by an engineer to be appointed on the request of either party by the President of the Institution of Civil Engineers.

For protection of Great Northern Railway Company.

22. The Great Northern Railway Company shall have and be entitled to the same rights powers and privileges in respect of the widening of the Company's Wakefield Pontefract and Goole Railway (Widening No. 2) by this Act authorised as they now have or are entitled to in respect of the portion of the said railway so authorised to be widened.

Authorising dealings with property of

23. With respect to any land which may be required by the Company for the purposes of this Act and which may belong or may be held of any honor manor or lordship belonging to His

Majesty in right of the duchy of Lancaster the following provisions shall have effect:—

duchy of Lancaster.

(1) Sections 1 and 2 of the duchy of Lancaster Lands Act 1855 shall extend and apply to any land which may be so required and may so belong and to the purchase moneys payable by the Company in respect of the sale of such land:

(2) Sections 6 7 8 12 and 13 of the Act 19 George III. cap. 45 shall extend and apply to land which may be so required and may be held of any honor manor or lordship so belonging so as to authorise the enfranchisement to the Company of such land or the release to the Company of the fines heriots reliefs quit-rents dues payments suits and services to which the same may be subject or liable and shall extend and apply to the moneys payable by the Company in respect of such enfranchisement or release.

Saving rights of duchy of Lancaster.

24. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said duchy.

Extension of time for completion of railway authorised by Act of 1891.

25. The time limited by the Lancashire and Yorkshire Railway Act 1891 as extended by the Lancashire and Yorkshire Railway (Various Powers) Act 1904 for the completion of the Railway (No. 2) described in and authorised by the said Act of 1891 is hereby further extended until the third day of July one thousand nine hundred and ten.

Extending time for completion of railway authorised by Act of 1898.

26. The time limited by the Lancashire and Yorkshire Railway Act 1898 as extended by the Lancashire and Yorkshire Railway (Various Powers) Act 1902 for the completion of the railway at Southport (Blowick) described in and authorised by the said Act of 1898 is hereby further extended until the first day of July one thousand nine hundred and nine.

A.D. 1906.

Extending time for completion of certain railways authorised in 1902.

27. The time limited by the Lancashire and Yorkshire Railway (Various Powers) Act 1902 for the completion of the railways at Goole (Railways numbers 1 2 and 3) described in and authorised by that Act and the time limited by the North Eastern Railway Act 1902 for the completion of Railway (No. 10) and Railway (No. 11) in the west riding of the county of York described in and authorised by that Act are hereby respectively extended until the thirty-first day of July one thousand nine hundred and ten.

As to customs and other bonds given by Company.

28. The Company may with the sanction of the Commissioners of Customs or the Commissioners of Inland Revenue give and grant to His Majesty under their common seal bonds general or otherwise conditioned for the due removal or exportation of goods liable to duties of customs or excise or for warehousing or otherwise dealing with such goods in accordance with the laws and regulations of the customs and excise for the time being in force.

For better prevention of trespass on Dearne Valley Railway.

29. Any person who shall trespass upon any of the lines of railway of the Dearne Valley Railway Company shall on conviction thereof be liable to a penalty not exceeding forty shillings and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matters referred to justices shall apply to this enactment:

Provided that no person shall be subject to any penalty under this enactment unless it shall be proved to the satisfaction of the justices before whom complaint is laid that by notices painted on boards or printed on paper and pasted on boards or enamelled on metal or otherwise as the Dearne Valley Railway Company may think fit and clearly exhibited public warning has been given to persons not to trespass upon the railway and that one or more of such notices has been affixed at the station on that railway and at the public road level crossing (if any) nearest to the spot where such trespass is alleged to have been committed and such warning shall be renewed as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed:

Provided also that no person lawfully crossing any such railway at any level crossing thereof shall be liable to any such penalty as aforesaid And provided lastly that this enactment

shall not interfere with but shall be subject to any future general enactment on the subject of trespassing on railways.

Company may guarantee pensions &c. in lieu of contributing to pension fund.

30. Notwithstanding anything contained in subsection (2) of section 72 (Pension fund) of the Lancashire and Yorkshire Railway Act 1897 the Company may by resolution passed at a general meeting of the Company duly convened with express notice of the special object determine that if the pension fund shall be established they will in lieu of the contributions to be made by them under the provisions of the said subsection guarantee the payment out of their revenue as part of the working expenses of their undertaking of the pensions and retiring allowances or gratuities to old or disabled servants of the Company being contributors to the fund or to the widows and children of such contributors and the said section 72 shall be read and have effect accordingly.

The directors of the Company may if they think fit appropriate and set aside in any half year out of their revenue as a working expense such a sum as in the discretion of the directors shall be required to provide a fund to meet the future liability of the Company for contributions to secure the benefits of the said pension fund.

Extending time for sale of certain superfluous lands.

31. The Company with respect to lands acquired by them alone and the Company and any other company with whom the Company jointly hold any lands under the powers of any Act relating to the undertaking of the Company or of such other company or to any joint undertaking of the Company and such other company with respect to such last-mentioned lands may notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company or to such other company or to any such joint undertaking with which that Act is incorporated retain and hold any lands acquired by them respectively and which have not yet been applied to the purposes for which they were acquired or sold or disposed of for the periods following (that is to say) As regards such of the lands as are situate near to or adjoining any railway or station of the company or of such other company or of such joint undertaking as the case may be or as the companies may be of opinion that they may require for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act.

A.D. 1906.

But the Company or such other company as the case may be shall at the expiration of such respective periods of ten years and two years proceed bonâ fide to the sale and disposal of all such parts of those lands respectively as they may be liable under the provisions of the Lands Clauses Consolidation Act 1845 to sell and dispose of as superfluous lands unless such parts of those lands shall then have been applied or allocated by the Company to the purposes of their undertaking.

Power to Company to subscribe to Dearne Valley Railway Company and to apply funds for that purpose.

32. The Company may in addition to the sum of two hundred thousand pounds which by the Lancashire and Yorkshire Railway (Various Powers) Act 1902 they are authorised to subscribe towards the undertaking of the Dearne Valley Railway Company subscribe towards that undertaking any further sum or sums not exceeding in the whole together with the said sum of two hundred thousand pounds already subscribed by them the amount which the Dearne Valley Railway Company is authorised to raise by shares and stock and they may also take up and hold any mortgages or debenture stock of the Dearne Valley Railway Company remaining unissued at the passing of this Act and may purchase and acquire by agreement any shares or stock mortgages and debenture stock of the Dearne Valley Railway Company already created and issued and the Company may for those purposes apply any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking and the Company shall in respect of any shares or stock held by them in the Dearne Valley Railway Company have all the powers rights and privileges (except in regard to voting at general meetings which shall be as hereinafter provided) and be subject to all the obligations and liabilities of proprietors of shares or stock in the Dearne Valley Railway Company of the same class or description Provided always that the Company shall not sell dispose of or transfer any of the shares or stock in the Dearne Valley Railway Company for which they may subscribe or which they may acquire under the powers of this Act.

Votes of Company at meetings of Dearne Valley Railway Company.

33. The Company whilst shareholders of the Dearne Valley Railway Company whether under this Act or the Lancashire and Yorkshire Railway (Various Powers) Act 1902 may by writing under their common seal from time to time appoint some person to attend any meeting of the Dearne Valley Railway Company and such person shall at such meeting have all the privileges

and powers attaching to a holder in the Dearne Valley Railway Company of shares or stock of the same class or description as those held by the Company and may vote at such meetings accordingly.

Amendment of Dearne Valley Railway Act 1897 as to deposit fund.

34. Notwithstanding anything contained in section 51 of the Dearne Valley Railway Act 1897 if within the period prescribed by that Act as extended by the Dearne Valley Railway Act 1900 and the Dearne Valley Railway Act 1905 for the completion of the railway authorised by the said Act of 1897 the Dearne Valley Railway Company shall have opened any portion of the said railway for the conveyance of merchandise traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the railway deposit fund referred to in the said section which bears to the whole of the railway deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors referred to in the said section order the portion of the railway deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of the Dearne Valley Railway Act 1897 or this Act having been passed anything in the Parliamentary Deposits Act 1846 to the contrary notwithstanding and section 52 of the said Act of 1897 shall be read and have effect subject to and in accordance with the provisions of this section.

Creation and issue of new preference shares or stock of one class.

35. When after the passing of this Act the Company create and issue new shares or stock under the powers of this Act or of any former Act they may create and issue the same as new preference shares or stock subject to the condition that the amount of the shares or stock so issued may be from time to time increased by the creation and issue of further shares or stock forming part of the same class and ranking in all respects pari passu with and as part of the same new preference shares or stock up to but not exceeding the amount stated in the resolution creating such new-preference shares or stock as to be thereafter created as part thereof.

Power to apply corporate funds

36. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they

A.D. 1906.

to purposes of Act.

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.

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

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

Provision as to general Railway Acts.

38. 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.

39. 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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