



### CHAPTER CXXV.

An Act to authorise the Lancashire and Yorkshire Railway Company to construct a new railway to widen certain existing railways and to construct other works to acquire additional lands and for other purposes.

A.D. 1907.

[9th August 1907.]

**W**HEREAS it is expedient that the Lancashire and Yorkshire Railway Company (herein-after called "the Company") should be authorised—

To make and maintain the railway at Farington herein-after described ;

To widen and improve certain portions of their railway ;  
and

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

And whereas the exercise of certain rights of way or alleged rights of way over the quays and wharves and premises at Fleetwood in the county of Lancaster belonging or reputed to belong to the Company and the London and North Western Railway Company (such quays wharves and premises being situate between the River Wyre on the one side and Dock Street and Queen's Terrace on the other side) give rise to inconvenience and danger and an agreement has been arrived at between the Fleetwood Urban District Council on the one hand and the Company and the London and North Western Railway Company on the other hand with a view to the better definition and regulation of such rights and it is expedient that provisions with respect thereto in accordance with such agreement should be made as in this Act set forth :

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And whereas in the course of the working of minerals adjacent to the Conisbro' Viaduct carrying the railway of the Dearne Valley Railway Company over the River Don danger is apprehended because the prescribed limits with respect to mines and minerals as now in force are inadequate and it is expedient that the same should be extended :

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And whereas the period limited, by the Lancashire and Yorkshire Railway (Various Powers) Act 1904 for the compulsory purchase of lands required for the purposes of Railway No. 1. described in and authorised by that Act will expire on the first day of August one thousand nine hundred and seven and the period limited by the said Act for the completion of the said railway will expire on the first day of August one thousand nine hundred and nine and it is expedient that the said periods should be extended :

And whereas it is expedient that other provisions should be made as in this Act set forth :

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

And whereas plans and sections showing the lines and levels of the railway widenings 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 as regards the railway widenings and other works lands and property in Lancashire with the clerk of the peace for the county palatine of Lancaster and as regards lands and property in the West Riding of the county of York with the clerk of the peace for the said West Riding and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively :

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 Act 1907.

**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.

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Incorporation of general Acts.

**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.

Interpretation.

**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 railway 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 of railway) and works herein-after described with all proper stations junctions 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 (that is to say):—

Power to make railway and widen portions of railways &c.

A railway (described on the deposited plans as Railway No. 5) 5 furlongs 8 chains or thereabouts in length commencing in the parish of Farington in the county of Lancaster by a junction with the Liverpool Ormskirk and Preston Railway of the Company near the bridge carrying the said railway over the North Union Railway at Farington Station and terminating in the parish of Penwortham in the said county by a junction with the Farington connecting line of the Company at a point about 7 chains south of its junction with the said North Union Railway:

Widenings of railway at Lostock Junction—

(A) A widening of a portion of the Liverpool and Bury Railway of the Company commencing in the parish and urban district of Westhoughton in the county of Lancaster at a point on the said railway about 5 chains south-west of Chew Moor Signal Box and terminating in the parish and county borough of Bolton in the said county of

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Lancaster at a point on the said railway opposite to Lostock No. 1 Signal Box;

(B) A widening of a portion of the Bolton and Preston Railway of the Company in the said parish and county borough of Bolton commencing at a point on the said railway about  $33\frac{1}{2}$  chains west of Lostock No. 2 Signal Box and terminating at a point on the said railway opposite to Lostock No. 1 Signal Box.

Height and span of bridge.

5. The Company may make the arch of the bridge for carrying the railway by this Act authorised over the road known as School Lane and numbered on the deposited plans 3 in the parish of Farington of any height not less than thirteen feet eight inches and of any span not less than twenty-four feet nine inches.

Power to divert roads &c. as shown on deposited plans.

6. The Company may divert the roads or 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):—

Railway or Widening.	Parish.	No. of Road or Footpath on Plan.
Railway - - - -	Farington - - - -	12
Widening (a) - - - -	Westhoughton - - - -	2
Widening (a) - - - -	Bolton - - - -	2, 6, 18, 19, 25, 26

Stopping up of certain footpaths.

7. The Company may stop up so much of the footpath crossed by the railway and numbered on the deposited plans 30 in the parish of Farington as is or will be bounded on both sides by the property of the Company and the Company may also stop up so much of the footpath numbered on the said plans 3 in the parish of Penwortham as lies between the points marked J and K on the said plans Provided that the Company shall first provide and open for public use a footpath on the line marked on the said plans "Proposed Diversion of Footpaths".

Provided also that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section 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. A.D. 1907.

8. Where any new road or footpath is to be substituted for any road or footpath which may be stopped up under the powers of this Act such stopping up shall not take place until two justices shall have certified that the new road or footpath has been completed to their satisfaction and is open for public use. Stopping up roads or footpaths in case of diversion.

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

As from the date of the said certificate all rights of way over or along the existing 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 road or footpath stopped up as far as the same is bounded on both sides by lands of the Company :

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 section 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.

9.—(1) The Company may stop up the portion of the footpath numbered on the deposited plans 8 in the parish of Bolton which is shown on the said plans as intended to be stopped up and thereupon all rights of way over that portion of footpath shall be extinguished but such footpath shall not be stopped up unless the Company are owners in possession of all the houses and lands abutting thereon except so far as the owners lessees and occupiers of such houses and lands may otherwise agree. Power to stop up certain footpaths as shown on deposited plans.

(2) The Company may subject to the provisions of this Act stop up the portion of the footpath numbered on the deposited plans 40 and 46 in the parish of Bolton which is shown on the said plans as intended to be stopped up and thereupon all rights of way over the said portion of footpath shall be extinguished

A.D. 1907. but such portion of footpath shall not be stopped up unless the Company are owners in possession of all lands abutting thereon except so far as the owners lessees and occupiers of such lands may otherwise agree.

(3) The Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section 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.

Railway and widenings to form part of Lancashire and Yorkshire Railway.

**10.** Subject to the provisions of this Act the railway and 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.

Period for completion of railway.

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

Penalty unless railway is opened within time limited.

**12.** If the Company fail within the period limited by this Act to complete the new railway by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the new railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the supreme court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty

shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the new railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control. A.D. 1907.

**13.** Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the new railway or 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 the new railway 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 has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the new railway or any part thereof has been abandoned be paid or transferred 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 or re-transferred to the Company. Application of penalty.

**14.** Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railway and widenings 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. Company not liable to repair surface of road gradient of which is not increased.

**15.** The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Protection of gas and water mains of

A.D. 1907. 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.

**16.** 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 herein-after mentioned and may for the purposes aforesaid make such alterations in the levels of the streets roads and footpaths affected thereby as are shown upon the deposited plans and sections and in addition to any other lands which they are by this Act authorised to acquire may enter upon 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) :—

The Company may—

- (1) In the parish and urban district of Waterloo-with-Seaforth in the county of Lancaster increase the span of or make additional arches or openings on the north side of the bridge carrying Crosby Road over the Liverpool Crosby and Southport Railway of the Company :
- (2) In the parish and county borough of Burnley in the county of Lancaster alter and extend on both sides thereof the bridge by which the Accrington and Colne Extension Railway of the Company is carried over Cog Lane.

Extinction of rights of way over level crossing at Aintree (Walton-on-the-Hill).

**17.** The Company may in the parish of Walton-on-the-Hill in the city of Liverpool in the county of Lancaster stop up and extinguish all rights of way for foot passengers over so much of the footpath crossing the Liverpool Ormskirk and Preston Railway of the Company on the level about 12 chains south of the bridge carrying the Aintree and Bootle Branch



Railway over the said Liverpool Ormskirk and Preston Railway as lies between the boundary fences of the Company's property : A.D. 1907.

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 section 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.

**18.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Company shall make full compensation to all parties interested in respect of any such 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. As to private rights of way over lands taken compulsorily.

**19.** 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. Power to deviate in construction of works.

**20.** 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) :— Company empowered or may be required to underpin or otherwise strengthen houses near works.

- (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 :

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- (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 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 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 referee the Company shall make compensation to the owners lessees and occupiers of such house or

building for such injury provided the claim for com- A.D. 1907.  
pensation 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 section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (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 section 92 of the Lands Clauses Consolidation Act 1845.

**21.** Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement and may hold for the improvement and enlargement of their railway stations and works and for the construction of new stations engine-sheds and other works buildings and sidings and other the purposes of their undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference and may hold such of those lands as have already been purchased on behalf of the Company which lands shall be deemed to be lands acquired under the powers of this Act:—

Power to  
Company to  
purchase  
additional  
lands.

Lands in the parish and city of Liverpool in the county of Lancaster viz.—

(A) Lands bounded on the north by Canning Place on the west by Wapping on the south by Ansdell Street and on the east by an imaginary straight line drawn in a northerly direction through a point in Ansdell Street about 40 yards westward from the western side of Mersey Street and a point in Canning Place about 40 yards westward from the said western side of Mersey Street;

(B) Lands bounded on the south by Ansdell Street on the east by Mersey Street on the west by the imaginary line lastly herein-before described and on the north by a line drawn parallel to or nearly parallel

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to and at a distance of about 34 yards north of the northern side of Ansdell Street;

(c) Lands on the south side of Ansdell Street extending from the west side of Mersey Street for a length of about 25 yards and being of a width of about 12 yards;

(d) Lands on the south side of Ansdell Street and extending from the east side of Wapping for a length of about 27 yards and being of a width of about 12 yards:

Lands in the parish of Walton-on-the-Hill in the city of Liverpool---

(A) Lands abutting upon the north-western boundary fence of the Liverpool Ormskirk and Preston Railway of the Company and extending from a point in the said boundary fence about  $4\frac{1}{2}$  chains north-east of the bridge carrying Hornby Road over the said railway to the southern boundary fence of the Bootle goods branch of the Midland Railway;

(B) Lands abutting upon the north-western boundary fence of the said Liverpool Ormskirk and Preston Railway and extending from the northern boundary fence of the said Bootle goods branch for a distance of about 7 chains measured in a north-easterly direction;

(c) Lands abutting upon the south-easterly boundary fence of the said Liverpool Ormskirk and Preston Railway and extending for a distance of about  $5\frac{1}{2}$  chains measured in a north-easterly direction along the said fence from a point about 6 chains north-east of the bridge carrying the said Hornby Road over the said last-mentioned railway:

Lands in the parish of Pleasington in the county of Lancaster abutting on the northern side of the Blackburn and Preston Railway of the Company and on the eastern side of the road which passes over the said railway at Pleasington Station:

Lands in the parish and county borough of Oldham in the county of Lancaster abutting upon the south-eastern boundary fence of the Oldham Rochdale and Royton Railway of the Company:

Lands in the parish and county borough of Rochdale in the county of Lancaster abutting upon the north-western

boundary fence of the main line of railway of the Company and extending for a distance of about 4 chains in a north-easterly direction and about  $9\frac{1}{2}$  chains in a south-westerly direction along the said fence from the centre of the bridge carrying the road leading to Belfield Hall Farm over that railway: A.D. 1907.

Lands in the said parish and county borough of Rochdale abutting upon the south-eastern boundary fence of the said main line of railway and extending for a distance of about 5 chains in a north-easterly direction and about 2 chains in a south-westerly direction from the centre of the said bridge:

Lands in the said parish and county borough of Rochdale abutting upon the south-eastern boundary fence of the said main line of railway and lying between a point about  $8\frac{1}{2}$  chains measured along the said fence in a south-westerly direction from the centre of the said bridge and a point about 5 chains measured along the said fence in a north-easterly direction from the north-eastern side of Newbold Street:

Lands in the parish and borough of Todmorden in the West Riding of the county of York abutting upon the south-westerly boundary fence of the Burnley branch railway of the Company near the property known as the Hare and Hounds public-house.

**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 or 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. Power to grant easements &c. by agreement.

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

A.D. 1907. thereon numbered 24 in the parish of Farington will be sufficient  
— for the purposes of the Company and that such portion or some  
other 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 herein-after 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 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 com-  
pensation 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 said property specified  
in the notice to 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 said  
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 said 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 said 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 said 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 the said property numbered 24 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.

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

Power to  
Dearne Val-  
ley Railway  
Company to  
purchase  
lands.

**24.** Subject to the provisions of this Act the Dearne Valley Railway Company may enter upon and take compulsorily or by agreement and hold for the purposes of their undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference viz. :—

Lands in the parish of Cadeby and rural district of Doncaster in the West Riding of the county of York abutting upon the northern boundary fence of the Dearne Valley Railway.

Period for  
compulsory  
purchase of  
lands.

**25.** 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 protec-  
tion of Pres-  
ton Rural  
District  
Council.

**26.** In constructing the railway by this Act authorised in the parish or township of Farington the following provisions for the benefit and protection of the rural district council of Preston (in this section called "the council") shall (unless otherwise agreed in writing between the Company and the council) be binding upon the Company and full effect shall be given thereto:—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall construct the bridge carrying Cook Lane numbered on the deposited plans 12 in the said parish of a width (including the footpath herein-after mentioned) of twenty-seven feet between the parapets. They shall also construct the approaches to the said bridge of a width (including the said footpath) of thirty feet between the fences and with gradients not steeper than 1 in 25. The roadway over the said bridge and approaches shall be metalled for a width of twenty feet and a channel twelve inches wide formed of seven-inch setts shall in addition be provided on one side of the roadway. The Company shall also construct on the north side of the road a cindered footpath six feet in width with ten-inch by six-inch Haslingden kerbs for the whole length of the said bridge and approaches. The works in this



section referred to relating to the said roadway and footpath shall be carried out to the reasonable satisfaction of the council: A.D. 1907.

- (2) Any difference which may arise between the council and the Company under this section shall unless otherwise agreed be settled by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers.

**27.** Notwithstanding anything in this Act contained the following provisions for the benefit and protection of the lord mayor aldermen and citizens of the city of Manchester (in this section called "the corporation") shall in the exercise by the Company of the powers of this Act relating to widenings at Lostock Junction unless otherwise agreed in writing between the Company and the corporation be binding upon the Company and full effect shall be given thereto:—

For protec-  
tion of corpo-  
ration of  
Manchester.

- (1) The Company shall at their own cost extend under the Company's railways at Lostock Junction the existing subway constructed under the powers of the corporation conferred by or acquired under the Manchester Corporation Waterworks Act 1879 and also any further subways which the corporation may construct under the said railways under the powers of a certain grant of easements by the Company to the corporation dated the thirtieth day of December one thousand eight hundred and ninety-three in which subway or subways the pipes in connexion with the Thirlmere Aqueduct are now or may hereafter be laid Every such extension of a subway shall throughout the whole of each of the widenings of railway at Lostock Junction carried out under the powers of this Act be of the same dimensions and materials as have been or may be adopted in regard to the subway of which the same is a continuation The Company shall at their own cost provide the necessary man-holes in substitution for or in addition to those now existing in order to give access to the aforesaid subways and the corporation shall have the exclusive use of such subways with free access thereto for the purpose of protecting the said aqueduct and enabling

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them to repair and renew the same and to lay down additional pipes and to remove pipes :

- (2) In constructing the said widenings and works connected therewith suitable arrangements shall be made by and at the cost of the Company for the protection of the aqueduct of the corporation and all lines of pipes forming part thereof in accordance with plans to be submitted to and reasonably approved by the corporation and the said widenings and works so far as they affect such aqueduct or lines of pipes and all works provided for by this subsection shall be constructed and executed under the superintendence and to the reasonable satisfaction of the waterworks engineer of the corporation :
- (3) Whenever in the construction or maintenance of the said widenings or any works connected therewith it shall be necessary to alter or interfere with or disturb any of the water-mains or apparatus belonging to the corporation such alteration interference or disturbance together with such additional works as may be necessary for the effectual continuance of the supply of water shall be carried out by or under the direction of the corporation but at the expense in all respects of the Company :
- (4) The said widenings including the works provided for in this section shall be executed in such manner as not to cause any injury to the aqueduct and works of the corporation or interruption to the passage or flow of water through such aqueduct and if any injury or interruption shall arise consequent upon the works carried out by the Company they shall make compensation to the corporation in respect thereof :
- (5) The Company shall bear and on demand pay to the corporation all expenses of employment by them of a sufficient number of inspectors and watchmen to be appointed by the corporation for watching their aqueducts and works with reference to and during the execution of the said widenings and any works in connexion therewith :

(6) If any difference shall arise between the corporation and the Company or their respective engineers touching the matters referred to in this section or anything to be done or not to be done or any money to be paid thereunder such difference shall be referred to and determined by an engineer to be nominated by such respective engineers or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of the corporation or the Company. A.D. 1907.

**28.** For the protection of the mayor aldermen and burgesses of the county borough of Bolton (in this section called "the corporation" and "the borough" respectively) the following provisions shall unless otherwise agreed between the corporation and the Company apply and have effect (that is to say):— For protection of Bolton Corporation.

(1) Notwithstanding anything shown upon the deposited plans Chulsey Gate Lane numbered on the said plans 26 in the borough shall not be diverted but shall be carried in its present line over the Liverpool and Bury Railway of the Company and the widening thereof authorised by this Act :

(2) The Company shall carry Chulsey Gate Lane and the road which is to be substituted for the roads or footpaths numbered on the deposited plans 2 and 6 in the borough over the Liverpool and Bury Railway of the Company and the widening thereof by means of a bridge or bridges in each case of a clear width between the parapets of eighteen feet and such parapets shall not be less than four feet six inches in height above the level of the roadway and the gradients of the approaches to the said bridges (including the approaches to the last-mentioned bridge from the points C D and E on page 13 of the deposited plans) shall not be steeper than one in twenty The Company shall also construct all the approaches to the before-mentioned bridges of a width of eighteen feet such bridges and approaches to consist of footpaths four feet wide on each side of a carriageway ten feet wide In case the Company carry Chulsey Gate Lane or the road to be

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substituted for the said roads or footpaths numbered 2 and 6 over the said railway and widening by means of more than one bridge the provisions of this section shall apply to the portion of road between such bridges as if it were part of such bridges :

- (3) The junction of the road passing over the bridge from the point marked D on the deposited plans of widening (A) with the approaches to the said bridge from the points marked C and E on the said plans shall be constructed with a curve on each side of the roadway of a radius of fifteen feet :
- (4) The Company shall construct all diversions of footpaths within the borough authorised by this Act other than those referred to in subsection (2) of this section of a width of not less than six feet between the fences :
- (5) (A) The corporation on giving to the Company notice in writing shall be at liberty to widen the bridges and approaches carrying Chulsey Gate Lane and the road to be substituted for the said roads or footpaths numbered 2 and 6 on the deposited plans respectively over the railway as widened to a width of not more than thirty-six feet in accordance with plans sections and specifications to be previously submitted to and reasonably approved in writing by the Company's engineer Provided that if the said engineer shall fail to approve or disapprove of such plans sections or specifications within one month from the submission thereof the same shall be deemed to have been approved by him ;  
(B) During the construction by the corporation of such widenings across adjoining or affecting the railways property and works of the Company the corporation shall pay to the Company the expense of the employment of a sufficient number of inspectors or watchmen to be appointed by the Company for watching the railway and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the corporation or

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- their contractors or any person or persons in the employment of the corporation or their contractors ;
- (c) The Company shall afford all reasonable facilities for the construction and maintenance of such widenings and shall grant to the corporation without consideration such land belonging to the Company and not required for railway purposes and also such easement or easements over their railway and land required for railway purposes as may be necessary for the construction and maintenance of such widenings :
- (6) The Company shall not stop up the footpath between the points marked C D on the deposited plans of widening (B) but may and before constructing widening (B) over the same shall construct and maintain to the reasonable satisfaction of the corporation and in such position as the corporation may reasonably direct at or about the site of the existing level crossing a footbridge not less than six feet in width with convenient approaches thereto by steps to carry the said footpath across the railway and the said widening Immediately upon the completion of such footbridge to the satisfaction of two justices to be certified as in this Act provided all rights of way for foot passengers over the level crossing for which such footbridge shall have been substituted shall be extinguished :
- (7) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Company "not liable to repair surface of road gradient of "which is not increased" the Company shall maintain the structure of the said bridges and the surface of the roads over the said bridges and the approaches thereto and the surface of the diversions of roads or footpaths in the borough in good repair at their own expense for the entire width of such roads and diversions of roads or footpaths respectively and in case the corporation shall carry out any widening under subsection (5) of this section the Company shall continue to maintain the widened bridge and approaches and the surface of the road over the same for a width of eighteen feet :

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(8) If and when the corporation decide to divert Regent Road between Lostock Junction Lane and a point four hundred and forty feet or thereabouts south-west thereof the Company shall grant to the corporation so much of their land as is necessary to make such diversion of an uniform width of thirty-six feet and an easement or easements over so much of their land as is necessary to provide slopes adjoining such diversion sufficient to support the same in the position shown on the plan signed by Sir Lewis M'Iver Baronet 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 Parliament Office of the House of Lords) The corporation shall be at liberty to use for the construction of the said diversion material of the portion of the existing road to be stopped up and the corporation shall remove to the existing level of the adjoining platform of the Lostock Junction Station the material on the Company's land between the slope on the south-easterly side of the said diversion and the Company's railway So soon as the said diversion is open for public traffic the Company shall pay to the corporation the sum of nine hundred and fifty pounds towards the cost of the construction thereof and thereupon the corporation shall take all steps necessary to stop up all rights of way over so much of the existing road as will be rendered unnecessary by the construction of the said diversion and the site of such portion of the existing road shall become the property of the Company:

(9) When the said diversion of Regent Road is completed the corporation shall consent to the Company increasing the span of or constructing an additional opening at the north end of the existing bridge carrying Lostock Junction Lane over the Bolton and Preston Railway if and when required by the Company for widening or other railway purposes

Provided that the Company shall not increase the gradient of such lane and any such works affecting the road or any main pipe sewer or other work of the corporation therein shall be carried out to the reasonable satisfaction of the corporation In connexion with any such work the Company may remove the slope on the south-eastern side of the road referred to in subsection (8) of this section upon providing adequate support for the road in lieu thereof:

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(10) If the Company construct any portion of the said widenings (A) and (B) over any lands in or under which any sewer manhole or other work of the corporation may be situate the corporation shall be at liberty to divert and reconstruct such sewer manhole or other work in such position in such manner and of such materials as the borough engineer may reasonably require and all expenses incurred by the corporation in the diversion and reconstruction of any such sewer manhole or other work (including the payment for any easement required for such diverted sewer manhole or other work) or in connecting the same with the parts of the sewers not diverted shall be repaid to them by the Company and the corporation shall be at liberty at any time or from time to time as and when they think fit to lay down any additional length of sewer or sewers rendered necessary by any such diversion and to connect the same with the said diverted sewer or sewers the Company affording all necessary privileges and granting the necessary easements therefor free of cost but any such additional length of sewer shall be laid in such situation and manner as the Company's engineer shall have reasonably approved and the work so far as it may affect the land of the Company shall be carried out under his superintendence and to his reasonable satisfaction:

(11) The corporation shall be entitled by the borough engineer and their agents servants and workmen as and when and so far as necessary upon giving to the Company (except in cases of emergency)

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twenty-one days notice in writing to enter upon the railways and works of the Company by this Act authorised for the purpose of maintaining examining repairing renewing and relaying the sewers manholes and other works of the corporation and of laying new and additional sewers manholes drains and pipes and the Company shall give to the corporation all reasonable facilities for effecting such purposes and the Company shall if and when necessary at their own expense provide a sufficient number of watchmen and signalmen to regulate the traffic and to watch and signal the railways during the carrying out of the works and duties referred to in the last preceding subsection so as to prevent as far as may be all interference obstruction danger or accident to the servants agents and workmen of the corporation :

- (12) If in the execution of the powers of this Act it shall be necessary to alter interfere with or disturb any existing or to lay down any new gas or water mains or pipes such alterations interference or disturbance shall be executed and such new mains or pipes shall be laid down by the Company at their own expense under the superintendence and to the reasonable satisfaction of the corporation :
- (13) The provisions contained in subsections (8) (9) and (10) of section 14 (For protection of Bolton Corporation) of the Lancashire and Yorkshire Railway Act 1900 shall extend and apply to the Company in carrying out the powers of this Act in the borough :
- (14) If any difference arise between the corporation and the Company with respect to anything to be done or not to be done by the Company or the corporation in relation to any of the matters in this section mentioned such difference shall be settled by an engineer to be appointed by the corporation and the Company or if they cannot agree on such engineer within fourteen days after such difference shall have arisen then by an engineer to be appointed by the President of the Institution of Civil Engineers



on the application in writing of either of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply. A.D. 1907.

**29.** For the protection of William Heaton of Thorneyholme Lostock in the county palatine of Lancaster (who with his successors in title are herein-after referred to as "the owner") the following provisions shall have effect (namely):— For protection of William Heaton.

- (1) The Company shall not under the powers of this Act enter upon take use or interfere with any of the lands delineated on the deposited plans and numbered thereon respectively 34 35 and 36 in the parish and county borough of Bolton:
- (2) The Company shall not interfere with or in any way prejudicially affect the rights and interest of the owner in upon and over the road delineated on the deposited plans and thereon numbered 37 in the said parish under the conveyance from him to the Company dated the tenth day of May one thousand eight hundred and eighty-nine:
- (3) Subject to the provisions of subsection (6) of the section of this Act of which the marginal note is "For protection of Bolton Corporation" the Company shall not stop up or interfere with the free access to and passage upon and over so much of the footpath numbered on the deposited plans 40 and 42 in the said parish as lies between the points marked C and D on the said plans:
- (4) The Company shall not stop up or interfere with the free access to and passage upon and over so much of the footpath numbered on the said plans 31 in the said parish as lies between the points marked N and O on the said plans and in case it shall be necessary for the purposes of the widening at Lostock Junction (A) referred to in the section of this Act the marginal note whereof is "Power to make railway and widen portions of railways &c." to interfere with the said footpath the Company shall previously to interfering therewith extend and for ever keep open and maintain to the reasonable satisfaction of the owner the existing bridge over

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the railway of the Company between the said points so as at all times to afford free and uninterrupted passage and access across the said railway when widened for all persons using the said footpath.

For protec-  
tion of corpo-  
ration of  
Liverpool.

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

- (1) Whenever the water mains or pipes of the corporation shall be severed or interfered with by the works authorised by this Act and whenever in consequence of such works it is necessary for maintaining the supply of water to lay substituted water mains or pipes such substituted water mains or pipes shall previous to the severance or interference be laid by the corporation at the expense of the Company :
- (2) If by reason of the execution of any of the powers of this Act any increased length of water mains or pipes shall become necessary the same shall be laid down by the corporation at the expense of the Company :
- (3) Whenever by the appropriation or destruction of property by this Act authorised any water mains or pipes laid by the corporation for the supply of such property are rendered unnecessary the Company shall pay the corporation the cost of laying an equivalent length of water mains or pipes and the cost of the works required for the discontinuance of such water mains or pipes rendered unnecessary as estimated by the water engineer of the corporation and the pipes so rendered unnecessary shall be the property of the Company :
- (4) In carrying out the works authorised by subsection (1) of the section of this Act of which the marginal note is "Further works by Company" the Company shall make provision to the reasonable satisfaction of the water engineer of the corporation for preventing injury to or interruption of the supply through the existing mains of the corporation in Crosby Road and for any repairs and renewals of

the same and shall also provide reasonable facilities for the laying of any future mains so as not to prejudice or diminish the rights and privileges of the corporation for the laying of such mains in the existing roadway. The Company shall repay to the corporation any expenses which they may reasonably incur by reason of the exercise of the powers in this subsection referred to: A.D. 1907.

- (5) Any difference which may arise under the foregoing provisions of this section between the corporation and the Company with respect to the cost of any work to be paid for by the Company or with respect to the facilities to be provided for the laying of future mains shall if not otherwise agreed upon be settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers:
- (6) The Company shall pay to the corporation all sanitary and other municipal rates leviable or payable to the corporation upon the respective assessments of any lands or property in the city shown on the deposited plans or a proportion of such rates respectively from the time such lands or property shall become untenanted until the Company's works are completed and assessed to such rates and the amount of such rates payable by the Company shall be computed according to the assessments of such lands or property in force at the time of such lands or property becoming untenanted as aforesaid notwithstanding that the buildings thereon or forming part thereof may have been taken down:

Provided that if the assessments of the said lands or property shall after the passing of this Act become reduced through any action of the Company they shall make good to the corporation the difference between the rates payable on such reduced assessments and the rates payable on the assessments in force at the date of the passing of this Act:

- (7) If the Company shall on any of the lands within the city of Liverpool by this Act authorised to be acquired

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abutting on a public street require to make any doors or openings at or under which any vehicles shall stand for the purpose of delivering in at the said doors or openings or receiving out from the same any goods or merchandise for conveyance by their railways or for delivery in Liverpool they shall before constructing any such doors or openings into the said street make provision that carts or other vehicles loading or unloading thereat or waiting to receive or deliver goods shall stand completely clear of the roadway and footpath of such street and the Company shall not allow any such carts or vehicles to be loaded or unloaded except when standing clear of the said street and so as to cause no obstruction to the footway or carriageway of the street.

For protection of Waterloo-with-Seaforth Urban District Council and Liverpool Overhead Railway Company.

**31.** In constructing the additional arches or openings by this Act authorised within the district of the urban district council of Waterloo-with-Seaforth (in this section called "the council") the Company shall notwithstanding anything in this Act contained and unless otherwise agreed between the council and the Company conform to fulfil and observe the following provisions obligations regulations and restrictions and the same shall have effect (that is to say):—

- (1) Whenever in the execution of the powers in this Act contained it shall for any purpose be necessary to divert alter or interfere with or disturb any sewers drains pipes works or apparatus belonging to or under the control of the council such diversion or alteration of any such sewer drain pipe works or apparatus shall be carried out by and under the direction of the council but at the expense in all respects of the Company and the council shall commence and complete such works with all reasonable despatch after notice from the Company:
- (2) No existing sewer drain pipe work or apparatus belonging to or under the control of the council shall be diverted disturbed altered or interfered with by the Company in the execution of the works authorised by this Act or at any time thereafter until a substituted sewer drain pipe work or apparatus shall have been provided laid and con-

structed by the council of a capacity and at a level or levels which shall preserve to the reasonable satisfaction of the council's surveyor the free and uninterrupted flow and passage of sewage or other matter through the same respectively. The cost to be incurred by the council in providing laying and constructing such substituted sewer drain pipe works or apparatus (including therein any compensation which may be payable by the council in respect thereof other than compensation payable by reason of negligence on the part of the council or their agents or servants) shall be payable by the company to the council on demand: A.D. 1907.

- (3) The Company shall be responsible for and make good to the council or the Liverpool Overhead Railway Company (in this section called "the Overhead Company") as the case may be all costs damages and expenses which may be occasioned to the tramways on the Crosby Road Bridge or to any of the works or apparatus connected therewith or to any person or persons using the same or otherwise by reason of the maintenance repair or failure of the said works by this Act authorised 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 council and the Overhead Company from all claims and demands upon or against them by reason of such maintenance repair or failure or of any such omission. Provided that the provisions of this subsection shall not prejudice or diminish the rights or obligations of the Company or the council under article 8 of the Waterloo-with-Seaforth Tramways Order scheduled to and confirmed by the Tramways Orders Confirmation (No. 1) Act 1898:
- (4) If any difference shall arise between the council or the Overhead Company and the Company with reference to the provisions of this section such difference shall be settled by an engineer to be appointed by the council or the Overhead Company

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as the case may be and the Company or if they cannot agree then by an engineer to be appointed as umpire by the President of the Institution of Civil Engineers :

- (5) The provisions of this section with regard to tramways shall operate in favour of any body or person who may become the lessees or lessee of the tramways over Crosby Road Bridge and the words "the Overhead Company" where they occur in this section shall include any such body or person.

As to rights  
of way &c.  
at Fleetwood  
Quays.

**32.** The following provisions with respect to the exercise of rights of way or alleged rights of way over the quays and wharves and premises at Fleetwood in the county of Lancaster belonging or reputed to belong to the Company and the London and North Western Railway Company (herein-after called "the companies") shall have effect:—

- (1) In this section "the signed plan" means the plan signed by Sir Lewis M'Iver Baronet 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 Parliament Office of the House of Lords) and the lands of the companies to which the provisions of this section relate are on the signed plan coloured pink :
- (2) Subject to the provisions of this section a right of way along the front of the quays and wharves from the point marked C to the point marked F and thence to the point marked G as indicated on the said plan shall be reserved for public use but the companies may place wagons gangways ropes cranes lines of way and other things across the same in such manner as may be reasonably necessary to enable the companies to carry on properly and efficiently the business of loading discharging embarking and disembarking of goods and passengers to or from vessels ;

Provided that nothing in this section shall be deemed to authorise the use of the said right of way except for the purpose of access to the said quays

and wharves over which the right of way exists and of passage between the said points or any of them : A.D. 1907.

- (3) During the period of half an hour previous to the arrival and departure of boats sailing during the day between Fleetwood on the one hand and Barrow the Isle of Man Belfast and Londonderry respectively on the other hand the companies shall have the right to close the gates leading into Queen's Terrace at the point marked G on the signed plan and the gates at each end of the Belfast warehouse and the rights conferred on the companies by this subsection shall with the consent of the Fleetwood Urban District Council (herein-after referred to as "the council") be extended so as to apply to the sailings to or from any other ports or to a longer period than the period of half an hour herein-before referred to :
- (4) All persons having business to transact at any quays or wharves on the lands coloured pink and all officers of customs in the execution of their duty shall have access thereto at all times :
- (5) In case it shall be necessary to repair reconstruct add to or alter any of the quays cranes pipes buildings wires lines of way machinery and other appliances upon the lands coloured pink it shall be lawful for the companies in so far as necessary for that purpose to stop up temporarily the said right of way provided they shall give reasonable notice in writing to the council of their intention to do so and in any case of immediately urgent repairs the companies may proceed forthwith to execute the same and to stop up so far as necessary for that purpose the said right of way but they shall give notice thereof to the council in writing as soon as practicable after commencing the work :
- (6) The companies shall cause suitable notices as to the hours of closing the gates to be placed on the iron gates opening into Queen's Terrace and also on the gates at each end of the Belfast warehouse :
- (7) It shall be lawful for the companies at all times for the purpose of carrying on their traffic and business on

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the quays and wharves to have all reasonable facilities as heretofore :

- (8) The companies shall give proper instructions to their officers and servants at Fleetwood to secure that the use of the said right of way is not unreasonably prevented or curtailed during any such works of repair reconstruction addition or alteration as the companies may find necessary subject nevertheless to the right reserved to the companies under the last preceding subsection :
- (9) All public rights of way if any over the said lands coloured pink (other than the right of way hereinbefore referred to and the rights of way over the two bridges from Dock Street to the front of the quays which are marked on the signed plan "a a" and "b b") shall be extinguished :
- (10) Any difference which may arise between the council on the one hand and the companies or either of them on the other hand under the provisions of this section including any question as to whether the provisions of subsection (3) of this section shall be extended to any other sailings than those therein specified shall be decided by an arbitrator appointed by the chairman of the council of the administrative county of Lancaster :
- (11) It shall be lawful for the council on the one hand and the companies on the other hand to enter into and carry into effect any agreement or agreements with reference to the subject matters of this section.

Conisbro'  
Viaduct—  
working of  
minerals.

**33.** Section 78 of the Railways Clauses Consolidation Act 1845 as incorporated in the Dearne Valley Railway Acts 1897 1900 and 1905 shall be read and have effect as if the prescribed distance for the purposes of that section were 12 chains northward and 23 chains southward of the centre line of the Conisbro' Viaduct and for the purpose of this section the expression "the Conisbro' Viaduct" means and includes the viaduct carrying the railway of the Dearne Valley Railway Company over the River Don and so much of the said railway as lies between points situate 28 chains in each direction from the centre of the said river and the works connected with the said viaduct and portion of railway.



**34.** Notwithstanding the provisions of the immediately preceding section of this Act with regard to the beds or seams of coal at the present time leased to or owned by the Denaby and Cadeby Main Collieries Limited (herein-after referred to as "the collieries company") the following provisions shall apply:—

A.D. 1907.  
For protection of  
Denaby and  
Cadeby  
Main Col-  
lieries Limi-  
ted.

(1) Section 78 of the Railways Clauses Consolidation Act 1845 shall be read and have effect as if the area of coal delineated and coloured red on the plan referred to in the notice given by the Dearne Valley Railway Company to the collieries company on the twenty-third day of May one thousand nine hundred and six and signed by Ben Day on behalf of the Dearne Valley Railway Company and William Henry Chambers on behalf of the collieries company were within the prescribed distances for the purposes of that section. And the Dearne Valley Railway Company shall within seven days after the passing of this Act serve the collieries company with a notice of their willingness to compensate the collieries company in respect of the coal included in the said plan. But except such notice as aforesaid the Dearne Valley Railway Company shall not be entitled to give any notice to the collieries company under section 78 of the Railways Clauses Consolidation Act 1845 with respect to the Barnsley seam of coal at present leased to or owned by them within the prescribed distances mentioned in the preceding section. And the collieries company shall be at liberty to work all the Barnsley seam of coal leased to or owned by them not included in the area delineated and coloured red upon the said plan:

(2) The Dearne Valley Railway Company and the Collieries Company shall within three months after the passing of this Act appoint their respective arbitrators and an umpire to determine the amount of compensation payable to the Collieries Company. Failing agreement the said umpire shall be appointed by the President of the North of England Institute of Mining Engineers:

A.D. 1907.  
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(3) The arbitration shall commence within six months from the passing of this Act :

(4) Interest at the rate of five per centum per annum from the first day of May one thousand nine hundred and seven shall be paid by the said Dearne Valley Railway Company to the collieries company upon the amount awarded by the said umpire.

Extending  
time for sale  
of certain  
superfluous  
lands.

**35.** 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.

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.

Sale of lands  
acquired for  
works subse-  
quently  
abandoned.

**36.** Where the Company have purchased lands for the purposes of or in connexion with any railway or works which they have been authorised to undertake but which have been

abandoned under the authority of an Act of Parliament it shall be lawful for the Company to grant conveyances of any of such lands for such estates or leases of any of the said lands for such terms of years at such prices or rents and subject to such covenants conditions and stipulations as the Company shall deem expedient with reference to the special circumstances of each conveyance or demise. A.D. 1907.

**37.** The period limited by the Lancashire and Yorkshire Railway (Various Powers) Act 1904 for the compulsory purchase of lands required for the purposes of Railway No. 1 described in and authorised by that Act is hereby extended until the first day of August one thousand nine hundred and nine and the period limited by the said Act for the completion of the said railway is hereby extended until the first day of August one thousand nine hundred and eleven and sections 9 10 11 and 25 of the said Act respectively shall be read and have effect accordingly. Extending time for completion of railway and purchase of lands under Act of 1904.

**38.** Any person who between the hours of sunset and sunrise shall commit any nuisance or act of indecency in any carriage standing on any sidings or standage line of the Company shall be liable on conviction 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. For preventing improper use of railway carriages.

**39.** 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. Power to apply corporate funds to purposes of Act.

**40.** The Dearne Valley 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 Act made specially applicable. Power to Dearne Valley Company to apply corporate funds.

A.D. 1907.  
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revision as  
to general  
Railway  
Acts.

**41.** 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.

**42.** 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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