



### CHAPTER clvii.

An Act for conferring further powers on the Lancashire and Yorkshire Railway Company and for other purposes. A.D. 1890.

[4th August 1890.]

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

To make and maintain the railways and works herein-after described; General purposes of Act.

To widen and improve certain portions of their railways;

To abolish certain level crossings of their railways and otherwise to deal with certain roads and footpaths connected with their undertaking;

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

To raise capital for the purposes of this Act and also to raise additional capital for the improvement and enlargement of their railways stations and works and the construction of new stations and sidings and for the providing of additional rolling stock and other the general purposes of their undertaking: Additional capital.

And whereas it is expedient that the time prescribed for the sale of lands acquired by the Company under the powers of various Acts and not as yet applied to the purposes for which they were acquired should be extended:

And whereas it is expedient that the amount of the authorised share and loan capital of the Company should be declared for the purposes and in the manner herein-after provided:

And whereas the undertaking of the Preston and Wyre Railway Harbour and Dock Company is vested in the Company and the North-western Company (in this Act called "the two companies") in the proportion of two-third parts thereof in the Company and one-third part thereof in the North-western Company and the said undertaking is managed by a committee appointed by the two companies and called "the committee of management" and it is

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A.D. 1890. — expedient that the two companies should be empowered to execute the works and exercise the other powers in this Act mentioned in connexion with the said undertaking :

And whereas it is expedient that the other provisions herein-after contained should be made :

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

And whereas plans and sections showing the lines and levels of the railways 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 books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have as regards the railways works lands and property in Lancashire been deposited with the clerk of the peace for the county palatine of Lancaster and as regards the works lands and property in the west riding of the county of York with the clerk of the peace for the said west riding and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. 1. This Act may be cited as the Lancashire and Yorkshire Railway Act 1890.

Incorporation of general Acts. 2. The following Acts and parts of Acts are excepting where the same are expressly varied by this Act incorporated with and form part of this Act namely :—

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ; and

Part I. of the Railways Clauses Act 1863 relating to the construction of a railway.

Extending certain provisions of the Companies Clauses Acts. 3. Subject to the provisions of this Act the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;



The remedies of creditors of the Company against the share- A.D. 1890.  
holders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act  
by all parties interested :

And Parts I. II. and III. of the Companies Clauses Act 1863  
relating respectively to the cancellation and surrender of shares  
to additional capital and to debenture stock ;

shall be applicable to the capital and moneys hereby authorised to  
be raised by shares or stock or mortgage and to the proprietors  
thereof.

4. In this Act the several words and expressions to which Interpreta-  
tion.  
meanings are assigned by the Acts wholly or partly incorporated  
herewith have the same respective meanings unless there be some-  
thing in the subject or context repugnant to such construction And  
for the purposes of this Act the expression "superior courts" or  
"court of competent jurisdiction" or any other like expression in  
this Act or any Act wholly or partly incorporated herewith shall be  
read and have effect as if the debt or demand with respect to which  
the expression is used were a common simple contract debt and not  
a debt or demand created by statute.

5. Subject to the provisions of this Act the Company may make Power to  
make  
railways &c.  
and maintain wholly in the township of Salford in the parish of  
Manchester in the county of Lancaster in the lines and according  
to the levels shown on the deposited plans and sections the railways  
and works in this section described with all proper stations sidings  
approaches works and conveniences connected therewith and may  
enter upon take and use such of the lands delineated on the  
deposited plans and described in the deposited books of reference  
as may be required for those purposes and may stop up and divert  
such streets roads and footpaths as are shown on the deposited plans  
of the said railways as intended to be stopped up or diverted  
respectively :—

- (1) A railway (Railway No. 1) 1 mile 4.45 chains in length  
commencing by a junction with the Manchester and Bolton  
Railway of the Company at Windsor Bridge and terminating at  
a point about thirteen yards south of the point where the fence  
on the south side of New Park Road abuts upon the Manchester  
Racecourse :



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(2) A railway (Railway No. 2) 1 furlong 1·3 chains in length commencing by a junction with the Railway No. 1 herein-before described near the junction of Halliwell Street with Trafford Road and terminating at the Salford Dock of the Manchester Ship Canal Company.

Railways to form part of the Lancashire and Yorkshire Railway.

6. Subject to the provisions of this Act the railways and the works connected therewith herein-before described shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the Lancashire and Yorkshire Railway.

Period for completion of railways.

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

Penalty unless railways are opened within the time limited.

8. If the Company fail to complete the railways which they are herein-before authorised to construct within the period limited by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in the completion of which default is made is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railway and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to the Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such railway by unforeseen accident or circumstance beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

9. 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 railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has 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 either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of the Solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

**10.** Notwithstanding anything shown on the deposited plans or contained in this Act the Company shall not enter upon take or use any portion of the lands belonging or reputed to belong to the Manchester Racecourse Company (Limited) and numbered on the deposited plans 551 in the township of Salford in the parish of Manchester relating to Railway No. 1 except with the consent of the last-mentioned company under their common seal.

For the protection of the Manchester Racecourse Company (Limited).

**11.** Notwithstanding anything in this Act or in the deposited plans and sections contained the Company shall not enter upon take or use any of the lands or property of the Manchester Ship Canal Company numbered on sheets 6 and 8 of the deposited plans with respect to Branch Railway No. 1 and Branch Railway No. 2, 552 in the township of Salford without the consent of that company under their common seal.

For the protection of the Manchester Ship Canal Company.

**12.** Subject to the provisions of this Act the Company may in the lines according to the levels and in the manner shown on the deposited plans and sections widen and improve and maintain the portions of their railways herein-after mentioned and lay down additional lines thereon or in connexion therewith and for the

Power to Company to widen and improve portions of railway.

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The portions of the railway of the Company herein-before referred to and authorised to be widened and improved by this Act are—

WIDENING OF LINE AND WORKS IN SALFORD.

- (a) The widening of a portion of their Manchester and Bolton Railway commencing in the township of Salford at the Windsor Bridge Junction signal cabin and terminating in the township of Manchester in the Victoria Station of the Company :

And the Company may make the arches of the bridges for carrying the said widening over the public carriage roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plans.	Parish.	Height.	Span.
		ft. in.	ft. in.
281	Manchester - -	13 9	20 6
296		11 9	14 6
317			20 0
411			22 0

- (b) In connexion with and consequent upon the said widening a diversion wholly in the said township of Salford of so much of the Manchester Bolton and Bury Canal of the Company as lies between a point four hundred yards west of the centre of the bridge carrying Oldfield Road over that canal and the bridge carrying the said Manchester and Bolton Railway thereover and the Company may construct all such locks lock gates towing paths wharves works and conveniences as may be necessary for the purposes of such diversion.



WIDENING OF MANCHESTER AND LEEDS RAILWAY.

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The widening of a portion of the Manchester and Leeds Extension Railway of the Company wholly situate in the said township of Manchester commencing at the bridge carrying Corporation Street over the said railway and terminating at a point about two hundred and forty yards north-east of the bridge carrying Osborne Street over that railway :

And the Company may make the arches of the bridges for carrying the said widening over the public carriage roads next herein-after mentioned of any heights not being less than the heights herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plans.	Parish.	Height.
		ft. in.
45	Manchester - - -	13 4½
214		13 10

In altering for the purposes of the work “ widening of Manchester and Leeds Railway ” the streets next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on Plan.	Parish.	Description of Road.	Intended Inclination.
45	} Manchester {	Public - - -	1 in 18·3.
57		Public - - -	1 in 16.
278		Public - - -	1 in 12·5.

Provided that notwithstanding anything shown on the deposited plans or described in the deposited books of reference the Company shall not enter upon take or use any portion of the disused burial ground known as Saint Michael’s Flags but the Company may acquire such an easement thereover as may be necessary to enable them to construct the said widening across the said ground but without disturbing the surface thereof.

WIDENING OF BRIDGE OVER COLLYHURST STREET.

The widening of the bridge over Collyhurst Street on the north-west side of the widening of that bridge authorised by sub-

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A.D. 1890. section (d) of section 6 of the Lancashire and Yorkshire  
Railway Act 1888.

The whole of the foregoing works will be in the parish of  
Manchester in the county of Lancaster.

WIDENING OF MAIN LINE AT THORNHILL.

The widening in the said west riding of a portion of the main  
line of railway of the Company commencing in the township  
of Thornhill in the parish of Thornhill at a point about two  
hundred and ninety yards east of the east junction of the  
Dewsbury Branch Railway with the said main line and ter-  
minating in the township of Horbury in the parish of Wakefield  
at a point about ninety-eight yards north-west of the bridge  
carrying the public road at Horbury Station over the said main  
line :

And the Great Northern Railway Company shall have and be  
entitled to the same powers rights and privileges in respect of  
the said widening of main line at Thornhill as they now have  
or are entitled to in respect of the said portion of the said main  
line so authorised to be widened.

For the  
protection of  
Threlfalls  
Brewery  
Company  
(Limited).

**13.** Notwithstanding anything in this Act contained the Company  
shall not enter upon take or use any portion of the lands belonging  
or reputed to belong to Threlfalls Brewery Company (Limited) and  
numbered on the deposited plans (relating to widening line and  
works in Salford) 273 in the township of Salford in the parish of  
Manchester except with the consent of the last-mentioned company  
under their common seal.

For the  
protection of  
the trustees  
of the Gravel  
Lane Wes-  
leyan Chapel  
Salford.

**14.** The Company shall not except with the previous consent of  
the trustees of the Gravel Lane Wesleyan Chapel Salford take or  
otherwise interfere with the land numbered on the deposited plans  
(relating to widening line and works in Salford) 358 in the township  
of Salford in the parish of Manchester or the buildings erected  
thereon as described in the deposited books of reference for the  
period of fifteen months after the passing of this Act.

For the  
protection  
of the cor-  
poration of  
Salford.

**15.** For the protection of the mayor aldermen and burgesses of  
the county borough of Salford (in this section called "the corpora-  
tion") the following provisions shall have effect (that is to say) :—

- (1) In this section the expression "street" includes any highway  
public bridge road lane footway square court alley or passage  
whether a thoroughfare or not ;
- (2) If during the carrying out of any of the works authorised  
by this Act it should be necessary or expedient temporarily to



remove or interfere with any of the tramways of the corpora- .A.D. 1890  
tion or any part thereof or for the lessees of such tramways  
temporarily to work the same along a single line the Company  
shall to the satisfaction of the corporation or their engineer for  
the time being cause such removal or interference to be so con-  
ducted that at all times during the progress of such works the  
tramcars of the lessees for the time being of the corporation  
(in this sub-section referred to as "the lessees") may pass and  
repass without interruption and if such interruption shall take  
place the Company shall indemnify the corporation and their  
lessees from any damage or loss arising therefrom and the Com-  
pany shall during the progress of and until the completion of  
such works provide such lighting and watching as may be  
necessary to prevent accident to all persons and vehicles using  
the existing or temporary tramways or passing along the said  
road and on the completion of such works the corporation may  
at the expense of the Company restore the said tramways and  
road to as good a state and condition as the same were in before  
the commencement of such works and the Company shall  
recoup and indemnify the corporation against all sums costs  
and expenses which they may be put to in such restoration and  
the corporation may recover from the Company all sums  
damages loss costs and expenses as in this sub-section men-  
tioned together with full costs of suit in any court of competent  
jurisdiction ;

- (3) The Company shall not stop up any portion of East Ordsall Lane Gore Street the existing street between Blackfriars Street and Gravel Lane (being No. 330 on page 12 of the deposited plans) and Norton Street respectively until the Company shall have constructed and dedicated to the public in each case the new street shown on the deposited plans to be substituted for the same respectively ;
- (4) Notwithstanding anything shown upon the deposited plans and sections the Company shall not stop up or acquire any portion of Gravel Lane ;
- (5) The Company shall construct and maintain a bridge for foot passengers not less than eight feet in width from Albion Street along the line of West Gore Street across Railway No. 1 and to terminate at the point in that street marked with the letter D on sheet 36 of the deposited plans ;
- (6) On the making or erecting by the Company of the bridges over and across New Bailey Street Chapel Street Blackfriars

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Street and Greengate the Company shall leave between the new bridges and those already existing open spaces co-extensive with the span of such bridges and of the following widths namely :—

In the case of New Bailey Street twelve feet ;

In the case of Chapel Street ten feet ;

In the case of Blackfriars Street ten feet ;

In the case of Greengate an average of three feet and six inches ;

And the Company shall construct the bridge carrying the widening over Gravel Lane between the south-west side of Cable Street and the south-east side of Gravel Lane by girders resting on columns ;

(7) The diversion of East Ordsall Lane shall be carried out in accordance with a plan signed by Arthur Jacob on behalf of the Corporation and by William Hunt on behalf of the Company ;

(8) The Company shall within twelve months after they shall have completed the erection of a bridge or archway over East Ordsall Lane by this Act authorised take down the old stone archway and substitute an iron girder bridge in lieu thereof having the same headway thereunder as the adjoining girder bridges ;

(9) The corporation shall be permitted at any time to construct and maintain at their own cost and expense but under the supervision and to the reasonable satisfaction of the engineer of the Company a footbridge over the Manchester Bolton and Bury Canal and the main line and goods yard of the Company at a point from Hope Street (opposite Joseph Street) to a point at the end of the proposed extension of Irwell Place the said footbridge shall be constructed in two spans one of such spans to be constructed over and of the full width of the said canal and the towing-path thereof and with a headway of not less than eleven feet above the top water level of the canal at the point where the said bridge will cross the same and the other of such spans to be constructed over and of the full width of the main line and goods yard of the Company and with a headway of not less than fourteen feet and six inches above the upper surface of the rails ;

(10) The provisions of sections 18 to 23 (both inclusive) of the Railways Clauses Consolidation Act 1845 shall as far as practicable extend and apply to the gas and water mains pipes and



apparatus of the corporation and to the corporation in respect thereof as though the corporation were a gas or water company or society ; A.D. 1890

- (11) If by reason of the exercise by the Company of any powers granted them under this Act the corporation shall at any time incur any additional cost in repairing or altering any gas or water main pipe or apparatus or any sewer or drain such additional cost shall be repaid by the Company to the corporation ;
- (12) Before the Company interfere with any existing sewer or drain they shall to the reasonable satisfaction of the corporation and at the cost of the Company and in accordance with plans and sections to be previously submitted and reasonably approved of by the corporation construct a sufficient substituted sewer or drain and connect the same with the sewer or drain so interfered with ;
- (13) If the Company construct any pier or abutment over any sewer of the corporation the Company shall if so required by the corporation construct and maintain a good and sufficient culvert thereover so as to afford access thereto for the purpose of repairs ;
- (14) The corporation shall have power to construct such manholes on the premises of the Company as may be requisite for the full inspection cleansing and repairing at all reasonable times of the sewers passing through the property acquired by them the positions of the same to be subject to the reasonable approval of the engineer of the Company ;
- (15) Nothing in this Act shall interfere with the rights or powers of the corporation or with their liabilities under the general law or any of their local Acts in relation to the making of new sewers and drains ;
- (16) If by reason of the execution of any of the powers of this Act any additional gas or water mains sewers or drains or any increased length or alteration thereof respectively shall become necessary the same shall be constructed by and at the expense of the Company of such capacity according to such plans and in such manner as shall be reasonably approved by the corporation ;
- (17) All bridges by which streets are carried over the railway other than bridges for foot traffic only shall have proper provision made for carrying the sewers drains gas and water mains of the corporation and in such manner as to admit of easy access thereto for the purpose of examination alteration renewal and repair ;

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- (18) The Company shall construct and maintain on each side and for the full length of each such bridge as in the last sub-section defined and on each side for the full length of any open cutting along which the said railway passes by the side of or across any street a substantial parapet or close screen not less (except with the consent of the corporation) than seven feet in height above the level of the footway on such bridge and along such open cutting and shall construct a fence or close screen of the same height in continuation of the parapets to the extent of the land belonging to and retained by them on each side of such bridge (except when otherwise provided in this Act) All such parapets fences and screens shall be constructed in such manner as the corporation shall reasonably approve and shall not be used for the posting of bills or advertising purposes by means of posters or placards ;
- (19) All bridges and viaducts upon which the railway is carried and which are constructed under the powers of this Act and are not screened from the streets by buildings shall be constructed with parapets of not less than eight feet above the level of the upper surface of the rails ;
- (20) All bridges for carrying the railway over public roads or streets shall be constructed and maintained as far as possible watertight ;
- (21) Prior to the commencement of any bridge across any street in the said borough the Company shall furnish to the corporation an outside elevation and plan of the girders and parapets of any such bridge and the corporation shall within twenty-eight days from the receipt of such elevation and plan notify their objections or requirements in relation thereto and in default of agreement the matter shall be decided by an engineer to be appointed as herein-after mentioned The work shall be carried out in accordance with such agreement or determination ;
- (22) The abutments and foundations of all bridges over any public streets shall be carried to such a depth below the surface thereof as to allow the corporation to reconstruct lay or repair any existing sewer watercourse main or other pipe ;
- (23) Whenever in the construction of a bridge under the powers of this Act over any street a recess is left in such street under such bridge the Company shall on the request of the corporation fence off or build up such recess ;
- (24) The abutments and piers of all widened bridges over any streets shall be faced with white enamelled bricks and the



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Company shall at least once in every two years paint white or other approved colour the underside of all girders bridges and all exposed iron and wood work in connexion therewith respectively ;

- (25) The corporation at the cost of the Company may from time to time provide place maintain and keep lighted as well by day as by night such additional number of lamps as may be agreed upon between the engineer of the Company and the engineer of the corporation to be necessary to efficiently light the bridges constructed or widened under the powers of this Act over any street or footway ;
- (26) On the widening by the Company under the provisions of this Act of any bridge (except as herein-after mentioned) or archway the soffit of such bridge or archway shall be on the same level as the soffit of the existing bridge or archway immediately adjoining the same and the abutments of the same shall not be built so as to encroach upon or lessen the width of any street. Provided that the soffit of the bridge or archway carrying the widened railway over Union Street shall be not less than one foot and one inch above the soffit of the bridge or archway carrying the existing railway over that street and in order to enable the corporation (after they have acquired the necessary land for the purpose) to widen Union Street and Deal Street the Company shall construct the piers of the widened portions of the bridge or archway over Union Street and Deal Street respectively so as to align with the piers of the existing bridge or archway over such respective streets ;
- (27) Before the Company obstruct any street or road in the exercise of their powers under this Act they shall to the reasonable satisfaction of the corporation provide and thenceforward until such obstruction be removed maintain proper accommodation for the traffic along such street and access to houses and property therein and they shall cause such obstruction to be properly fenced and lighted ;
- (28) Where any house or building is severed by the Company from other property the Company shall to the reasonable satisfaction of the corporation build up and secure the severed end of such house or building ;
- (29) The Company shall when required by the corporation enclose with walls or suitable fencing all lands belonging to the Company not used in the construction of the railway in order to fence off the same respectively from the streets adjoining ;

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- (30) Every street and passage crossed by the railway shall be either diverted by the Company or carried under or over the railway by a bridge ;
- (31) All new streets and diversions of streets shall be formed sewered drained channelled kerbed paved flagged and completed and all streets the surface of which shall be disturbed by the Company shall be restored to the reasonable satisfaction of the corporation ;
- (32) The flags paving-stones and other materials in any road or street or public footpath in the borough of Salford which shall be stopped up diverted or interfered with by the Company in the execution of the works by this Act authorised shall remain and be the property of the corporation and may be removed by them ;
- (33) The Company shall at their own expense at all times whilst any road street or footway sewer or drain shall be broken up or opened consequent upon the exercise of the powers of this Act cause the same to be fenced and guarded and sufficient light and watch for the warning of passengers to be set up and kept there every night during which such road street or footway sewer or drain shall be continued so broken up or opened and shall after replacing and making good the same keep the same in good and substantial repair to the reasonable satisfaction of the corporation for six months next thereafter ;
- (34) The Company shall be responsible for and make good to the corporation all costs losses damages and expenses to be sustained by them by reason of any of the matters herein-before provided for or by reason of any damage to be occasioned to persons or property or otherwise by reason of the execution or any defect or default in execution (whether by the Company or their contractors agents workmen or servants) of the powers of this Act and shall indemnify the corporation from all claims and demands upon or against them by reason of any such execution or defect or default therein or arising therefrom ;
- (35) The borough engineer and his assistants or other persons appointed by the corporation shall from time to time and at all times during and after the construction of the authorised works have full power to enter and inspect the progress and condition thereof to see that the provisions of this Act are complied with ;
- (36) The Company shall not without the consent of the corporation under the hand of the town clerk use gunpowder or any



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other explosive substance in the construction of any portion of the works and the corporation are hereby authorised to give the required consent subject to such conditions as to them may seem expedient and subject to the payment and satisfaction by the Company of all damages costs and expenses to be sustained or incurred by any person or persons by the use of gunpowder or any other explosive substance such damages to be recoverable in any court of competent jurisdiction ;

(37) The Company shall from time to time pay to the corporation all sanitary and other municipal rates leviable by or payable to the corporation upon the respective assessments of any lands or property shown upon the deposited plans or a proportion of such rates respectively from the time when such lands or property respectively are acquired by the Company until the Company's works are completed and assessed to such municipal rates and the amount of such rates payable by the Company shall be computed according to the assessments of such lands or property in force at the time of such acquisition notwithstanding that the buildings thereon or forming part thereof may have been taken down Provided always that the Company shall not be charged with or be liable to the payment of any such rates upon any buildings or property which or part of which is required for the making of a new street or the widening or improving of any existing street as provided by this Act ;

(38) The Company and the corporation may enter into and carry into effect agreements for and with respect to the variation and mode of execution of any works to be done by the Company under the powers of this section and for the execution by the corporation of any such works and the acquisition of land therefor ;

(39) If any difference arise between the Company and the corporation touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall be borne as he shall direct.

16. The North-western Company may run over work and use with their engines carriages waggons officers and servants the " Widening of the Company's Manchester and Leeds Railway " and the " Widening of the Company's main line at Thornhill " hereby

Running powers to London and North-western

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Railway and use the existing portions of those lines so authorised to be  
Company. widened.

For the  
protection of  
the London  
and North-  
western  
Railway  
Company.

17. The following provisions for the protection of the North-western Company shall apply and have effect :—

- (1) The Company in constructing Railway No. 1 by this Act authorised shall not in any way interfere with the bridge which carries West Egerton Street over the Liverpool and Manchester Railway of the North-western Company nor with any portion of that railway lying to the west of the said bridge ;
- (2) The Company shall construct the said Railway No. 1 where the same is intended to pass under the said Liverpool and Manchester Railway and the works and lands in connexion therewith according to the levels shown upon the deposited sections and the said portion of Railway No. 1 shall be constructed according to plans and sections to be previously submitted to and reasonably approved by Francis Stevenson or other the principal engineer for the time being of the North-western Company (in this section referred to as “the principal engineer”) and so as to keep open at all times the lines of railways and other works in connexion therewith of the North-western Company ;
- (3) If the Company in constructing the said portion of Railway No. 1 interfere with or obstruct the drainage of the said Liverpool and Manchester Railway they shall provide all and every means for efficiently draining the said railway to the reasonable satisfaction of the said principal engineer ;
- (4) In constructing the said portion of Railway No. 1 the Company shall construct a wrought-iron girder bridge of the full width of the property of the North-western Company at the point of crossing with wrought-iron flooring such bridge to be constructed in such manner and of such strength as to admit of the laying down thereon by the North-western Company of such lines of rails sidings and other works as they may deem expedient The upper surface of the flooring and girders of such bridge shall be at an uniform level of two feet at least below the level of the existing rails of the said railway of the North-western Company at the point of crossing ;
- (5) Notwithstanding anything contained in this Act or on the deposited plans and sections the Company shall construct the “Widening of the line and works in Salford” by this Act



authorised so as in no way to take use enter upon or interfere with any of the lands or property of the North-western Company ; A.D. 1890.

- (6) Before the Company stop up either temporarily or permanently Palmer Street Catcliff Street or Lower Cross Street or any or either of them they shall at all times in constructing the said widening provide at their sole cost by means of bridges or archways under the said widening accesses between the arches of the North-western Company under their Exchange Station and Gravel Lane and Norton Street in as convenient a manner as now exists between the said arches and Gravel Lane and Norton Street respectively ;
- (7) In constructing and maintaining the said portion of railway or works by this Act authorised where the same affect the railways works or lands of the North-western Company the Company and their contractors servants agents or workmen shall not obstruct impede or interfere with the free and uninterrupted and safe user of the said railway or other works of the North-western Company ;
- (8) The Company shall at all times maintain all the works affecting the North-western Company in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer of the North-western Company and if and whenever the Company fail so to do the North-western Company may make or do as well in and upon the lands of the Company or the lands required by them for the purposes of this Act as their own lands all such works and things as such principal engineer may reasonably think requisite in that behalf and the sum from time to time certified by such principal engineer to be the reasonable amount of such their expenditure shall be repaid to the North-western Company by the Company and in default of payment may be recovered in any court of competent jurisdiction ;
- (9) For the purpose of constructing Railway No. 1 by this Act authorised the Company shall not except with the consent of the North-western Company take use or interfere with any land or property of that company but the Company shall acquire only an easement in under and upon such of the works lands and property of the North-western Company as may be necessary for the said crossing and the North-western Company may and shall grant such easement accordingly The amount to be paid for the acquisition of such easement shall be settled in case of difference in the manner provided by the

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Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement;

(10) The Company shall on demand pay to the North-western Company all reasonable expenses of the employment by the North-western Company during the construction of the works for and with respect to the said crossing of or affecting the North-western Railway of a sufficient number of inspectors and watchmen to be appointed by the North-western Company for watching their said railways and works with reference to and during the execution of the works of the Company and for preventing as far as may be all interference danger and accident from any of the operations or from the acts and defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise;

(11) The Company shall be responsible for and make good to the North-western Company all costs losses damages and expenses from time to time occasioned to the North-western Company or to the said railways or any other of their works and property or to the traffic on the said railways or to any company or person using the same by reason of the execution or failure of the works by this Act authorised or by any act or omission of the Company or any of the persons in their employment or their contractors agents or others and the Company shall effectually indemnify and hold harmless the North-western Company from all claims and demands upon or against them by reason of any such execution or failure or of any such act or omission as aforesaid;

(12) The Company and the North-western Company may agree for any variation or alteration in works in this section provided for or the manner in which the same shall be executed;

(13) If any difference shall arise between the respective engineers of the Company and the North-western Company as to the reasonableness of the plans sections and specifications herein-before provided for such difference shall be referred to and be determined by an engineer to be mutually 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 Company or the North-western Company.

For the  
protection  
of the cor-  
poration of  
Manchester.

18. The following provisions for the benefit and protection of the mayor aldermen and citizens of the city of Manchester in the county of Lancaster (in this section referred to as "the Manchester Corporation") shall unless otherwise agreed between the Man-



chester Corporation and the Company be binding upon the Company and full effect shall be given thereto viz.:— A.D. 1890.

(1) The following provisions shall have effect and be carried out by the Company in relation to so much of the widening of a portion of their Manchester and Bolton Railway as is situate in the township of Manchester:—

- (a) The Company in constructing the said widening over Great Ducie Street shall leave between the southern side of the new bridge and the northern side of the widening of the existing bridge a well or space for affording light and air of an average width of at least 22 feet;
- (b) In lieu of making the proposed diversion of Moreton Street shown on the deposited plans the Company shall increase the width of that street on the northerly side thereof to the full extent to which the bridge carrying the said widening shall extend beyond the northerly side of Moreton Street as now existing;
- (c) To prevent any interference with or danger to the traffic of Great Ducie Street and Moreton Street the Company shall not erect or place thereon any scaffolding staging platform or other work except in such position as shall be reasonably approved by the city surveyor and the works shall be sufficiently lighted and watched both by day and night until the completion thereof by and at the expense of the Company and arrangements shall be made at the cost of the Company to the reasonable satisfaction of the city surveyor that the tramway and general traffic in Great Ducie Street shall be continued during the progress of the works. The Company shall pay any expenses or loss incurred or occasioned to the Manchester Corporation or their lessees by reason of the interference with or stoppage of the said tramway traffic during the execution of the works;
- (d) The Company shall erect the westerly abutment of the proposed bridge over Great Ducie Street to the improved line of that street and shall give up to the Manchester Corporation for the purpose of such widening a strip of land off any other property they may purchase on that side of the said street. The Company shall give up to the Manchester Corporation for the purpose of widening Great Ducie Street to the improved line on its easterly side a strip of land extending from a point about 28 yards measured in a northerly direction from the north end of

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the easterly abutment of the existing bridge of the Company over that street to the junction of Great Ducie Street with New Bridge Street such land to be given up within twelve months from the passing of this Act with the exception of the portion occupied as lock-up shops which is to be given up when those shops are demolished or materially altered;

- (e) The bridges carrying the said widening over Great Ducie Street and Moreton Street shall be flat girder bridges and shall not at any place be of a less height than the most northerly of the bridges of the Company over Great Ducie Street except that in crossing Great Ducie Street such height over the footways may be reduced by cantilever curves extending 4 feet down the face of the abutments but such cantilever curves shall not extend over the said street to a greater extent than 12 feet from the abutments of the bridge;
- (f) The said bridges shall be of one span or opening only and shall be constructed with perpendicular abutments faced with white glazed bricks and the abutments thereof shall not encroach in any way on the streets and shall be so placed as to be lineable with the said streets so to be improved;
- (g) The parapets of the said bridge shall be at least 10 feet in height from the level of the rails throughout the entire crossing of the street and for a distance of at least 12 yards beyond the line of street on each side to the reasonable satisfaction of the surveyor of the Manchester Corporation unless the parapets of the bridge are connected with adjoining property so as to render this unnecessary;
- (h) The said bridge shall be constructed and as far as practicable be made and maintained drop-dry at all times and shall in all respects be maintained in complete repair by the Company;
- (i) The underside of the said bridge as well as the existing bridges of the Company over Great Ducie Street and all exposed ironwork and woodwork in connexion therewith shall be painted white or other suitable colour by the Company at least once in every two years if and as requested by the Manchester Corporation;
- (k) The bridges mentioned in the preceding sub-sections shall be of the widths and in the positions shown on the plan marked A agreed upon between the Manchester Cor-



poration and the Company and signed by John Allison surveyor of that corporation and William Hunt engineer of the Company and upon such plan the aforesaid improved lines of Great Ducie Street and Moreton Street are also indicated ;

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(2) The following provisions shall have effect and be carried out by the Company in relation to the widening of the Manchester and Leeds Extension Railway in the township of Manchester :—

(a) The Company in making the alterations of level of streets by this Act authorised shall carry out the same in the following cases in the manner herein-after set forth ;

The surface of the flagging and paving of Long Millgate shall be run out in a south and south-westerly direction so as not to exceed in any part thereof a gradient of 1 in 18·3 and the gradients of all streets communicating with that street shall be altered to correspond with the altered gradient of Long Millgate. The surface of Ashley Lane numbered 57 on the deposited plans shall be run out at a uniform gradient until the same meets the existing level of that street at a point opposite the easterly side of Crown Lane ;

The alteration of level of Rochdale Road in a north-easterly direction shall be run out at a uniform gradient until it meets the existing level of that street at a point opposite the centre of Victor Street ;

The surface of the flagging and paving of Buckley Street shall be so run out as not to make the gradient in any part of that street steeper than 1 in 12·5 and the gradients of all streets adjoining thereto shall be altered to correspond with the altered surface of Buckley Street ;

The surface of Osborne Street in a northerly direction shall be run out at a uniform gradient of 1 in 23·7 being the existing gradient and the levels of the streets abutting upon Osborne Street shall be run out on gradients not steeper than the following viz. Victor Street the existing gradient of 1 in 21 Nicholson Street 1 in 30 Shelmerdine Street 1 in 30 ;

(b) Nothing in this Act contained shall authorise the Company to stop up the footpath numbered 292 on the deposited plans which shall continue to be maintained by the Company across their existing and widened railway and shall

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- be connected with the said diversion of Buckley Street to the reasonable satisfaction of the Manchester Corporation ;
- (c) The Company shall at their own cost sufficiently light with gas by day as well as by night so much of Long Millgate as is under the existing railway and the said widening and at the like cost cause the abutments of the existing bridge to be whitewashed and the white glazed bricks under the said widening to be cleaned at least once a year and all exposed ironwork and woodwork in connexion with the said bridges to be painted white or other suitable colour at least once in every two years if and as requested by the Manchester Corporation ;
- (d) The bridge carrying the said widening over Long Millgate shall have a clear headway in every part of not less than that under the southerly side of the existing bridge ;
- (e) The said widening shall be carried over Saint Michael's Flags by means of a horizontal girder bridge the abutments of which shall be placed on the westerly side of Ashley Lane and the easterly side of Saint Michael's Place The Company shall pay to the persons entitled thereto compensation for the easement to be acquired by them across Saint Michael's Flags such compensation to be determined in case of difference in the manner provided by the Lands Clauses Acts with regard to the taking of lands otherwise than by agreement ;
- The user of the land forming part of Saint Michael's Flags under the said widening shall not be interfered with by such grant of easement except as herein-before provided ;
- (f) The Company in the carrying out of their works shall not alter the levels of or interfere with Rochdale Road Osborne Street or Victor Street to a greater extent than herein-before provided and should such alteration or interference affect the access to or use of the baths of the Manchester Corporation situate in Osborne Street the Manchester Corporation may make such reasonable structural and other alterations as may be necessary for the purpose of remedying the injuries so occasioned and the Company shall upon demand repay the cost so incurred by the Manchester Corporation but no claim shall be made upon the Company other than the cost of such structural alterations ;
- (g) The said widening shall be carried over all streets lying between Long Millgate and Bilberry Street by means



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of horizontal girder bridges of which the underside shall be of not less height at any point than the height shown on the deposited sections. Provided that in cases where the existing bridges are arched bridges with a height at the springing of the arch of not less than 15 feet and at the soffit at the centre of the arch of not less than 20 feet the said widening may be carried over such streets by arched bridges of not less than such heights ;

(h) If during the work of constructing the bridge carrying the Rochdale Road over the said widening it shall be necessary or expedient temporarily to remove or interfere with the tramways of the Manchester Corporation which pass along the said road or any part thereof the Company shall to the reasonable satisfaction of the Manchester Corporation or their surveyor for the time being construct and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or interfered with so that at all times during the progress of such works the tram-cars may pass and repass without any interruption along the said road and the Company shall during the progress of and until the completion of such works provide such lighting and watching as may be necessary to prevent accidents to all persons and vehicles passing along the said road and on the completion of such works the Manchester Corporation may at the expense of the Company restore the said tramways and the road over the said bridge and approaches to as good a state and condition as they were in before the commencement of such works and the Company shall recoup and indemnify the Manchester Corporation against all sums costs and expenses which they may be put to in such restoration and the Manchester Corporation may recover from the Company all such sums costs and expenses as in this sub-section mentioned together with full costs and charges by all and the same means as any simple contract debt. The Company shall pay any expenses or loss incurred or occasioned to the Manchester Corporation or their lessees by reason of the interference or stoppage of the tramway traffic during the execution of the works ;

(i) The provisions of sections 18 to 23 (both inclusive) of the Railways Clauses Consolidation Act 1845 shall as far as practicable extend and apply to the gas and water mains

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pipes and apparatus of the Manchester Corporation and to the Manchester Corporation in respect thereof as though the said corporation were a gas or water company or society ;

(j) The said bridge under Rochdale Road shall be so constructed and at all times hereafter maintained by the Company as to enable the Manchester Corporation from time to time to replace repair renew and lay down the said tramways mains and pipes and such additional tramways mains and pipes as they may think fit ;

(3) The following provisions shall have effect and be carried out by the Company in relation to the widening of the bridge over Collyhurst Street :—

(a) The abutments of the said bridge shall be built to the line defined upon the plan marked B agreed to between the Manchester Corporation and the Company and signed by the said John Allison and William Hunt ;

(b) The Company shall within two years from the passing of this Act pull down the existing easterly brick arch carrying their railway over Collyhurst Street and construct in lieu thereof a horizontal girder bridge for carrying the said railway over the said street ;

(c) The abutments of all bridges carrying the railway of the Company over Collyhurst Street including the said widening shall be faced with white glazed bricks ;

(4) The following provisions shall have effect and be carried out by the Company in relation to the bridge for foot passengers over the Ardwick Branch Railway :—

The said bridge shall be constructed of the width of at least 9 feet with steps the tread of each step being 12 inches and the riser of each step being 6 inches and shall be maintained by the Company at all times hereafter ;

(5) All the piers or abutments and foundations of every bridge over any street in the said city shall extend and be made below the surface of the ground to such depth as shall be necessary for the purpose of ensuring the permanent stability of the said widenings and as shall be sufficient to allow the Manchester Corporation to make and construct repair or relay sewers drains water or gas mains or other mains or pipes Prior to the commencement of any foundations for such piers or abutments the Company shall furnish to the Manchester Corporation a section showing the proposed depth of such



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

- (6) The piers or abutments of all bridges to be erected under the powers of this Act across public streets in the said city shall be made and maintained with a facing of white glazed bricks for the entire length thereof on each side of the street;
- (7) The said bridges shall be constructed of one span only and with perpendicular abutments except as herein-before provided in relation to Great Ducie Street;
- (8) The underside of all bridges erected under the powers of this Act over all streets and all exposed ironwork or woodwork in connexion therewith shall from time to time be painted white by the Company;
- (9) If any bridge over any street road or highway within the said city shall darken such street road or highway then and in every such case the Manchester Corporation may keep the same sufficiently whitewashed and lighted with gas by day as well as by night and the cost thereof shall from time to time be repaid by the Company to the Manchester Corporation on demand;
- (10) The Company shall make and provide the streets passages and open spaces which are shown upon the plans marked C D



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and E agreed to between the Manchester Corporation and the Company and signed by the said John Allison and William Hunt the sites of which streets and passages are coloured blue on the said plans and the open spaces are coloured yellow on the said plans and on such plans the widths of the bridges crossing the streets are shown which shall not be increased. The Company shall not be required to pay compensation in respect of the resumption by them of any part of the plot of land bounded by Mill Street Gibraltar and the said widening if the same be hereafter required for widening their line under statutory powers ;

(11) The aforesaid streets passages and open spaces shown on the said plans C D and E shall be dedicated to the public by and at the cost of the Company and the said streets and passages shall be paved flagged and sewered by and at the cost of the Company but to the reasonable satisfaction of the Manchester Corporation by whom the same shall for ever afterwards be maintained as highways of the city of Manchester ;

(12) All paving sewerage and alterations in streets rendered necessary by the works of the Company authorised by this Act shall be executed by the Manchester Corporation at the expense of the Company ;

(13) The Company shall during the construction of the works authorised by this Act cause the same to be sufficiently lighted and watched both by day and by night for the protection of the public and arrangements shall be made at the cost of the Company to the reasonable satisfaction of the city surveyor that the tramway and general traffic in the streets shall be continued during the progress of the works. The Company shall pay any expenses or loss incurred or occasioned to the Manchester Corporation or their lessees by reason of the interference with or stoppage of the said tramway traffic during the execution of the works ;

(14) No advertisements advertising boards or posters shall be placed on any of the bridges of the Company to be erected under the powers of this Act crossing any streets or roads in the city without the consent of the Manchester Corporation ;

(15) The flags paving stones and other materials in any road or street or public footpath in the city of Manchester which shall be stopped up diverted or interfered with by the Company in the execution of the works by this Act authorised shall remain and be the property of the Manchester Corporation and may be removed by them ;



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(16) Prior to the commencement of any bridge across any street in the said city the Company shall furnish to the Manchester Corporation an outside elevation of the girders and parapets of any such bridge and the Manchester Corporation shall within twenty-eight days from the receipt of such elevation notify their objections or requirements in relation thereto and in default of agreement the matter shall be decided by an engineer to be appointed by the Board of Trade as herein-after mentioned. The work shall be carried out in accordance with such agreement or determination;

(17) Whenever in execution of the powers in this Act contained it shall be necessary either temporarily or permanently to alter interfere with or disturb any of the tramways sewers or drains or any of the gas water or other mains or pipes or apparatus or flagging or other property belonging to the Manchester Corporation such alteration interference or disturbance shall be carried into effect by and under the direction of that corporation but at the expense in all respects of the Company;

(18) The cost of procuring and laying any new tramways sewers mains drains pipes or other matters in substitution for those which may be rendered useless by such alteration interference or disturbance shall be repaid to the Manchester Corporation by the Company on demand;

(19) The cost of any tramways sewers drains water gas or other mains or pipes or other matters belonging to or under the control of the Manchester Corporation rendered useless or unproductive to that corporation by the works authorised by this Act shall be paid to the said corporation by the Company on demand;

(20) The Manchester Corporation shall not be liable for and shall be indemnified by the Company against all damages and injury which may be caused by or during the construction of the Company's works to the line and works of the Company and the traffic thereon and the persons and property being conveyed on or using such railway by breaking bursting or leaking of or escape from any sewers water or gas main or pipe belonging to or under the control of the Manchester Corporation unless such damage or injury shall have arisen as the consequence of any act or default of the Manchester Corporation or of their contractors officers agents workmen or servants;

(21) The Company shall not in the construction of their works interfere with the Rivers Irwell or Irk in such manner as to reduce their width or depth and all their works which interfere with the said rivers shall be constructed in accordance with plans

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to be reasonably approved by the surveyor of the Manchester Corporation ;

(22) If in the execution or by reason of the construction maintenance or repair of the said works or the viaduct or other works connected therewith or any of them or by reason of any act or omission of the Company their agents servants or workmen any stone brickwork materials or rubbish shall fall into or become or be deposited in the Rivers Irwell or Irk or either of them the Company shall from time to time forthwith remove and clear away the same at their own expense and in default of their so doing it shall be removed by the Manchester Corporation at the expense of the Company ;

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

(24) The costs of all works and matters which are under this section to be executed done or provided by the Manchester Corporation at the costs of the Company and all other costs and expenses by this section made payable by the Company to the Manchester Corporation shall be paid on demand and shall be recoverable in any court of competent jurisdiction ;

(25) In the event of any difference arising between the surveyor or engineer of the Manchester Corporation on the one hand and the engineer of the Company on the other hand in respect of any plan or the execution of any of the works provided for by this section the same shall be settled by an engineer to be appointed by the Board of Trade upon the request of either party.

Further  
works by the  
Company.

**19.** Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and may exercise the powers herein-after mentioned and may for the purposes aforesaid make such alterations in the levels of the streets roads and footpaths affected thereby as are shown upon the deposited plans and sections and may stop up such streets roads and footpaths as are shown on the deposited plans of those works as



intended to be stopped up and in addition to any other lands which they are by this Act authorised to acquire may enter upon and take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes making compensation in accordance with the Lands Clauses Consolidation Act 1845 to all parties injuriously affected by the exercise of the powers contained in this section : A.D. 1890.

The Company may execute the following works and exercise the following powers in the following places (that is to say) :—

IN THE COUNTY OF LANCASTER.

At Ashton-under-Lyne in the township and parish of Ashton-under-Lyne— (Ashton-under-Lyne.)

- (a) They may alter the levels of so much of Sackville Street as lies between the eastern side of Turner Lane (as authorised to be diverted under the powers of Lancashire and Yorkshire Railway Act 1884) and Harley Street so as to be of any inclination not steeper than 1 in 17·55 ;
- (b) They may make a bridge for foot passengers with the necessary approaches thereto commencing by a junction with and out of Rayner's Lane at a point about seventeen yards west of the centre of the level crossing of that lane by their Ashton Branch Railway and terminating by a junction with Rayner's Lane aforesaid at a point about thirty-two yards measured along that lane east of the centre of the said level crossing ;
- (c) So soon as the said footbridge is completed and opened to the public the Company may stop up and extinguish all rights of way for foot passengers over the portion of Rayner's Lane aforesaid situate between the points of commencement and termination of the said intended footbridge and the approaches thereto.

At Littleborough in the parish of Rochdale—

- (a) They may divert in the township of Butterworth the public footpath leading from Ingham's Bridge to Church Street in Littleborough such diversion commencing in and out of the said footpath at the north-westerly end of that bridge and terminating in the said public footpath at the south-east end of the bridge carrying that footpath over the River Roch otherwise River Roach ; (Littleborough.)
- (b) So soon as such diversion is completed and opened to the public the Company may stop up and extinguish in the said township all rights of way over their main line of

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railway at and contiguous to their Littleborough Station by means of the said public footpath or by any other road or way whatsoever;

Provided always that such diversion so far as the same shall be on or along the towing-path of the Company of Proprietors of the Rochdale Canal (herein-after called "the canal company") shall not operate to vest the site or soil of such towing-path in the urban sanitary authority of the district but such site and soil shall remain vested in the canal company and the rights of the public to use the same shall be subject and without prejudice to the right of the canal company and of all traders and others using their canal to the uninterrupted use thereof for the purposes of the navigation and shall not impose on the canal company any duty to fence the same or any liability for any consequences of the absence of a fence;

(c) They may make in the township of Blatchinworth and Calderbrook a bridge for foot passengers over their main line of railway in substitution for the Green Vale level crossing such footbridge commencing in and out of the existing footpath at a point about fifteen yards from the centre of the said level crossing and on the westerly side of the said railway and terminating at and in the said existing footpath at a point about thirteen yards measured along the same from the centre of the said level crossing and on the easterly side of the said railway;

(d) So soon as the said footbridge is completed and opened to the public the Company may stop up and extinguish in the said last-mentioned township all rights of way for foot passengers over the said main line of railway by Green Vale level crossing aforesaid between the points of commencement and termination of the said footbridge.

(Bolton.)

At Bolton-le-Moors in the township of Great Bolton in the parish of Bolton-le-Moors—

They may stop up and extinguish all rights of way in and over and may appropriate the site and soil of—

(a) So much of Forge Street as lies west of a point in that street about one hundred and ten yards measured in a westerly direction along that street from its junction with Moor Lane; and

(b) The whole of a certain road leading from the west end of Forge Street aforesaid to the south end of Stanley Street North.



[53 & 54 VICT.] *Lancashire and Yorkshire Railway* [Ch. clvii.]  
*Act, 1890.*

At Horscar Moss otherwise Hoscar Moss in the township of A.D. 1890.  
 Lathom in the parish of Ormskirk—

They may stop up and extinguish all rights of way (if any) (Horscar Moss.)  
 over the crossing on the level of their Wigan and Southport  
 Railway by the footpath situate about three hundred and  
 sixty-six yards west of the Kirkby level crossing.

At Aintree in the township of Aintree in the parish of Sefton— (Aintree.)

They may widen on the north-westerly side the bridge carrying  
 their Liverpool and Bury Railway over Aintree Lane and  
 may make the arch of the said bridge of any span not being  
 less than thirty feet ;

Provided always that notwithstanding anything shown upon  
 the deposited plans and sections or contained in this Act the  
 Company shall unless otherwise agreed between them and the  
 Sefton District Highway Board or their successors construct  
 the said work only in the lines and direction and in the  
 manner shown upon the plan signed in duplicate by William  
 Hunt on behalf of the Company and by James Roscoe on  
 behalf of the said highway board and the said widened bridge  
 shall have the same headway from the surface of the road  
 as the existing bridge and when completed be at all times  
 maintained as far as practicable drop-dry and the opening  
 shown on the said plan in the said bridge shall be fenced  
 round with a parapet not less than six feet in height.

In the parish of Manchester—

(Manches-  
 ter.)

(a) They may make wholly in the township of Ardwick a bridge  
 for foot passengers with the necessary approaches thereto  
 over their Ardwick Branch Railway commencing at and in  
 Viaduct Street at a point about fourteen yards north of the  
 centre of the level crossing of that railway known as Taylor's  
 Crossing and terminating in and out of the existing footpath  
 at a point about eighteen yards east of the centre of the said  
 level crossing ;

(b) So soon as the said footbridge is completed and opened to  
 the public the Company may stop up and extinguish all  
 rights of way for foot passengers over the said Ardwick  
 Branch Railway by Taylor's Crossing aforesaid ;

(c) They may stop up and extinguish all rights of way in and  
 over and may appropriate the site and soil of St. George  
 Street Oldham Road.

At Nelson in the township of Great Marsden and Little Marsden (Nelson.)  
 in the parish of Whalley—

So soon as they have completed to the satisfaction of two  
 justices and opened to the public the footbridge about to be

[Ch. clvii.] *Lancashire and Yorkshire Railway* [53 & 54 VICT.]  
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constructed by them in accordance with an agreement in that behalf made with the local board of Nelson they may stop up and extinguish all rights of way in and over so much of the public footpath known as Bowling Row as lies between the fences of their Accrington and Colne Extension Railway.

(Burnley.) At Burnley in the township of Habergham Eaves in the parish of Whalley—

They may widen on both the northerly and southerly sides the bridge carrying their Accrington and Colne Extension Railway over the Leeds and Liverpool Canal at or contiguous to the Burnley Barracks Station.

(Lostock Hall.)

At Lostock Hall near Preston in the township of Walton-le-Dale in the parish of Blackburn—

They may construct an additional arch or opening under Moss Lane on the southerly side of the existing bridge and abutting thereupon and may take down or remove and rebuild the said existing bridge so as to make the same and the new or additional opening of one or more spans.

(Bamber Bridge.)

At Bamber Bridge in the township of Walton-le-Dale in the parish of Blackburn—

They may divert the public footpath leading from the bridge under their Blackburn and Preston line known as Pearson's Bridge to Nook such diversion commencing at a point in that footpath about eight yards south of the said bridge and terminating at a point in the existing footpath about two hundred and thirty-two yards east of Pearson's Bridge aforesaid and so soon as such diversion is completed and opened to the public the Company may stop up and extinguish all rights of way for foot passengers over the existing footpath between the points of commencement and termination of the said diversion.

(Hoddlesden.)

At Hoddlesden in the township of Over Darwen in the parish of Blackburn—

They may divert the public footpath at the level crossing of their Hoddlesden Branch Railway by the continuation of Bayne Street such diversion commencing in that footpath at a point about thirty-six yards north of the centre of the said level crossing and terminating in Bayne Street aforesaid at a point about thirty yards south of the centre of the said level crossing and so soon as such diversion is completed and opened to the public the Company may stop up and extinguish all rights of way for foot passengers over the existing foot-



path between the points of commencement and termination of the said diversion. A.D. 1890.

IN THE WEST RIDING OF YORKSHIRE.

At Eastwood wholly in the township of Stansfield in the parish (Eastwood.) of Halifax—

- (a) They may divert the public road leading from Todmorden to Halifax such diversion commencing at a point in that road about fifty yards north-east of Wood Mill and terminating at a point in the said public road about three hundred yards north-east of the commencement of such diversion ;
- (b) They may divert the public footpath leading from Mutter Hole to the said public road leading from Todmorden to Halifax and crossing on the level the main line of railway of the Company such diversion commencing at a point in the said footpath about fifty-four yards north of the centre of the said level crossing and terminating at a point about nine yards measured in a south-easterly direction at right angles to the said public road from a point in the centre of the same about two hundred and eleven yards north-east of Wood Mill aforesaid.

**20.** For the protection of the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee (in this section called “the joint committee”) and of the mains works and property vested in them by the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Acts 1870 and 1875 the following provisions shall apply and have effect :—

For the protection of the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee.

- (1) Whenever by reason of the exercise of any powers conferred on the Company by this Act any of the water mains or pipes of the joint committee shall be severed or interfered with all such water mains and pipes as shall be necessary for maintaining the supply of water shall previous to the severance or interference be laid by the joint committee 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 joint committee at the expense of the Company upon such plan and in such manner as shall be reasonably approved in writing by or on behalf of the joint committee ;
- (3) Whenever by the appropriation or destruction of property under this Act within the district supplied by the joint committee any water mains or pipes laid for the supply of such property (except pipes inside such property) shall be rendered



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unnecessary the Company shall pay to the joint committee the cost of providing and laying an equivalent length of water mains or pipes and the cost of the works required for the discontinuance of any water mains or pipes so rendered unnecessary (as such cost shall be reasonably estimated by the engineer for the time being of the joint committee) and the water mains and pipes so rendered unnecessary shall be the property of the Company ;

(4) If by reason of the execution of any of the powers of this Act the joint committee shall at any time necessarily incur any cost in altering any existing main or pipe the Company shall repay to the joint committee such cost and the same and any other sums of money by this section made payable to the joint committee by the Company may be recovered in default of payment in any court of competent jurisdiction ;

(5) The provisions of the Railways Clauses Consolidation Act 1845 contained in the sections 18 to 23 inclusive shall subject to the provisions of this section apply to the water mains and pipes of the joint committee and whenever in those sections the words "company" or "society" are used the same shall for all the purposes of this Act be held to extend to and include the joint committee.

Provisions  
for the Leeds  
and Liver-  
pool Canal  
Company.

**21.** For the protection of the Company of Proprietors of the canal navigation from Leeds to Liverpool (in this section called "the Leeds and Liverpool Canal Company") the following provisions shall have effect (to wit) :—

(1) One month before the Company shall construct the widening of the bridge carrying their Accrington and Colne Extension Railway across the canal towing-path works and lands of the Leeds and Liverpool Canal Company at or contiguous to the Burnley Barracks Station they shall deposit at the principal office of the Leeds and Liverpool Canal Company a plan and sections showing the position and levels or mode of construction of such widening and the same shall not be commenced until the engineer of the Leeds and Liverpool Canal Company shall have approved thereof in writing under his hand. Provided that if the said engineer do not within the aforesaid period of one month so express his approval or disapproval thereof he shall be deemed to have approved thereof ;

(2) In constructing the said widening across the canal towing-path works and lands of the Leeds and Liverpool Canal Company the Company shall not deviate from the position or from the levels or mode of construction of such widening as shown on



the plan and sections approved by the said engineer of the Leeds and Liverpool Canal Company; A.D. 1890.<sup>A</sup>

- (3) The Company shall not otherwise than by agreement purchase or take any land of the Leeds and Liverpool Canal Company but the Company may purchase and take and the Leeds and Liverpool Canal Company may and shall sell and grant accordingly an easement or right of using the land required for the construction of such widening for a width not exceeding fifteen feet on each side of the present bridge;
- (4) Nothing herein contained shall prevent the Company from entering upon the lands and works of the Leeds and Liverpool Canal Company when and for such periods as may be necessary for the fulfilment of the Company's obligations under this section;
- (5) The said widening shall be carried over the canal and towing-path of the Leeds and Liverpool Canal Company and any approaches thereto by means of a good and substantial bridge of brick stone wood or iron to be constructed by the Company at their own expense;
- (6) The bridge shall be constructed with perpendicular foundation walls and with only one opening or span over the entire width of the canal and towing-path and the clear height of the under side of the arch or (as the case may be) beams or girders of the bridge above the top water-level of the canal shall throughout the whole breadth of the span be not less than eleven feet;
- (7) The space between the piers of the bridge (except so much thereof as the towing-path will occupy) shall at all times after the completion of the bridge (except during necessary repairs or reconstruction) be left and preserved an open and uninterrupted navigable waterway;
- (8) The Company shall at their own expense maintain the bridge and the works thereof of the height and width and so constructed as aforesaid and in perfect repair at all times unless they abandon the railway or the portion thereof which crosses the canal and in either of those cases they shall (if required so to do by the Leeds and Liverpool Canal Company but not otherwise) remove the said bridge and works at the expense of the Company;
- (9) If and whenever the height of the bridge or works shall by subsidence of the ground be lowered below the height hereinbefore prescribed the Company shall at their own expense restore the same to that height as soon as reasonably may be;
- (10) The Company shall make good all damage that may be occasioned to the works or property of the Leeds and Liverpool

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Canal Company by the construction renewal or want of repair of any of the Company's works or by any such subsidence as aforesaid ; but

- (a) In every case of pressing necessity ; and
- (b) In every other case if for seven days after notice in writing thereof given to the Company by the Leeds and Liverpool Canal Company the Company neglect to proceed with due diligence to make good such damage ;

the Leeds and Liverpool Canal Company may if they think fit make good the damage and the amount expended by them in so doing shall be repaid to them by the Company ;

(11) If and whenever by any act or omission of the Company any part of the canal or towing-path shall be obstructed or rendered dangerous to boats barges or other vessels navigating or using the canal the Company shall pay to the Leeds and Liverpool Canal Company as or by way of ascertained damages the sum of two hundred pounds for every day during which the obstruction or danger shall continue and so in proportion for any less time than a day ;

(12) Provided that nothing in this Act contained shall prevent the Leeds and Liverpool Canal Company or any owner of boats or barges from recovering from the Company (in addition to the ascertained damages herein-before mentioned) any special damage that may be sustained by the Leeds and Liverpool Canal Company or such owner in consequence of the stoppage or hindrance to the traffic upon the canal or in consequence of the works to be executed by the Company or by the Leeds and Liverpool Canal Company for the Company under the provisions herein-before contained or by reason of any such subsidence as aforesaid or on account of any other act or omission of the Company ;

(13) If and whenever any damages or other sums payable by the Company to the Leeds and Liverpool Canal Company or any such owner as aforesaid are not paid on demand made on the secretary or clerk of the Company the same may together with costs of suit be recovered against the Company in any court of competent jurisdiction ;

(14) All questions and differences which may at any time arise between the Company and the Leeds and Liverpool Canal Company as to the construction or effect of sub-sections 1, 2, 3, 4, 5, or 6 of this section or the performance observance non-performance or non-observance of any of the provisions thereof or any matters connected therewith or consequent thereon shall



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be determined by an arbitrator to be appointed by the Company and the Leeds and Liverpool Canal Company or (if for fourteen days after the question or difference arises those two companies do not agree upon an arbitrator) by the Board of Trade upon the application in writing of both or either of those companies and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon both the parties in difference and the cost of the arbitration shall be in his discretion ;

- (15) Except as is by this Act otherwise expressly provided nothing in this Act contained shall take away lessen prejudice alter or affect any of the rights privileges property powers or authorities of the Leeds and Liverpool Canal Company.

**22.** For the protection of the mayor aldermen and burgesses of the borough of Darwen (in this section referred to as "the corporation") the following provisions shall have effect (that is to say) :—

For the protection of the corporation of Darwen.

- (1) Notwithstanding anything shown on the deposited plans and sections relating to the diversion by this Act authorised at Hoddlesden in the township of Over Darwen of the public footpath at the level crossing of the Company's Hoddlesden Branch Railway the said diversion shall be carried out in all respects to the reasonable satisfaction of the corporation and (unless otherwise agreed between the corporation and the Company) in accordance with the plan and section thereof signed in duplicate by William Hunt on behalf of the Company William Stubbs on behalf of the corporation and William Hopwood Higham on behalf of Mrs. Henrietta Isabella Sutherland Ranken and the approaches to the bridge carrying the diverted footpath over the railway (other than the approach from the road to Hoddlesden Church which shall be by a flight of steps of an inclination not steeper than 1 in 1.4) shall be by continuous slopes the inclinations whereof shall not be steeper than 1 in 8 and the existing steps on the north side of the railway which now form the approach from the said road to Hoddlesden Church shall be altered so as to leave a clear width of footway over the said bridge and approach slopes not less than that of the footway over the existing bridge ;
- (2) The Company shall provide proper and sufficient handrails to the said bridge and approaches for the convenience and protection of passengers and such lamp-posts and lamps as shall be reasonably required by the corporation ;
- (3) The corporation shall be at liberty at any time hereafter to carry any sewer or sewers and any gas or water mains and

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pipes which they may see fit to lay down in Bayne Street within the borough under the said railway and through any adjoining lands of the Company to the adjoining public thoroughfare or street in which the National School Hoddlesden is situate between the points or letters A and B shown on the said plan without payment to the Company;

Provided always that in the execution of the works under the said railway or through any land of the Company such works shall be executed by the corporation at their expense to the reasonable satisfaction of the Company and subject thereto under and in accordance with the provisions of the Public Health Act 1875.

For the protection of  
Todmorden  
Local Board  
and the  
county  
council of  
the west  
riding.

**23.** In making the diversion of the public road leading from Todmorden to Halifax the following provisions for the protection and benefit of the Todmorden Local Board (in this section called "the local board") and the county council of the west riding of the county of York (in this section called "the council") shall have effect unless otherwise agreed on in writing between the local board and the council and the Company (that is to say):—

- (1) Notwithstanding the provisions as to deviation contained in this Act the said diversion shall be constructed in the lines and on the levels shown on the deposited plans and sections and such diverted road shall in no part thereof be less than thirty-two feet in width;
- (2) The said diverted road shall be made with all necessary embankments arches bridges viaducts and retaining walls culverts drains and other works to the reasonable satisfaction of the surveyor of the authority which at the time of such diversion shall have the duty of repairing and maintaining the existing road and shall be wholly repaired and maintained by the Company at their own expense for a period of two years after the completion thereof;
- (3) The Company shall where the said diverted road shall require to be constructed upon an embankment arch bridge or viaduct or to be supported by retaining walls construct such embankment arch bridge viaduct and retaining walls in a substantial manner to the reasonable satisfaction of the said surveyor and shall for ever hereafter repair and maintain in a good and substantial manner such embankment arch bridge viaduct and retaining walls to the reasonable satisfaction of the said surveyor and if default be made herein and for the space of twenty days after notice in writing in that behalf given by the said surveyor to the Company the Company fail to commence the necessary works to remedy such default or having commenced



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fail to carry on the same with reasonable despatch the authority themselves may execute and do the same and recover the costs thereof from the Company in any court of competent jurisdiction ;

- (4) The Company shall not interfere with the said road (except in so far as may be necessary in order to complete the junctions therewith of the said diversion) until they shall have obtained the certificate of the said surveyor that the said diversion has been so completed as in this section mentioned ;
- (5) The diverted footpath shall be made of the full width of six feet and be properly fenced from the adjoining land and shall be carried over the railway of the Company by means of a footbridge and such diverted footpath and bridge shall unless otherwise agreed by the local board be in the line and level shown on the deposited plans and sections and so much of the diverted footpath and fences thereof as shall be situate on the lands of the Company and the footbridge shall be repaired and maintained by the Company to the satisfaction of the local board ;
- (6) If any difference arise between the authority and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.

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

**25.** Every diverted road or footpath constructed under the powers of the section of this Act the marginal note whereof is "Further works by the Company" shall be repaired and maintained by the same body or persons (including the Company) as are now liable to repair and maintain the existing road or footpath for which it is substituted Provided that unless otherwise agreed the structure of every bridge shall be repaired and maintained by the Company The Company and any such body or person may enter into and fulfil agreements for and in relation to such construction and for or in relation to the repair and maintenance of all or any of such

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

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A.D. 1890. diverted roads or footpaths Any such agreements shall be deemed to be purposes of the Public Acts under which such body or persons have jurisdiction and any expenses incurred in relation to such agreements shall be deemed to be expenses incurred for the purposes of those Acts The certificate of two justices of the due completion of any such diverted road or footpath shall be conclusive evidence of the fact so certified and such certificate shall be obtained before the existing road or footpath is interfered with except in so far as may be necessary for the construction and completion of such diverted road or footpath.

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

26. 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 and discontinued under the authority of this Act or rendered unnecessary by reason of the construction of any new or substituted road or footpath by this Act authorised and the fee simple and inheritance of such roads and footpaths shall if and so far as the Company are or under the powers of this Act become the owners of the lands on both sides thereof be wholly and absolutely vested in them and they may appropriate the same to the purposes of their undertaking.

Power to Company to purchase additional lands.

27. 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 and may hold for the improvement and enlargement of their railways 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 stop up or divert such streets roads and footpaths as are shown on the deposited plans of the said lands as intended to be stopped up or diverted respectively and they may hold such of the said lands as have already been purchased by or for them:—

IN THE COUNTY OF LANCASTER.

(Salford.)

Certain lands at Salford wholly situate in the township of Salford in the parish of Manchester herein-after described (that is to say):—

- (a) Lands bounded on the south by the Manchester and Bolton Railway of the Company on the west by Oldfield Road and on the east by East Ordsall Lane;
- (b) Lands bounded on the north by the said Manchester and Bolton Railway on the east by Oldfield Road and on the south



by Hope Street and intersected in part by Canal Street and Joiner Street ; A.D. 1890.

(c) Lands bounded on the north-east by lines of railway leading from the said Manchester and Bolton Railway to the low level goods yard of the Company at Salford and lying to the west of East Ordsall Lane aforesaid ;

(d) Lands bounded on the east by East Ordsall Lane aforesaid and on the south by the Manchester Bolton and Bury Canal property of the Company ;

(e) Lands bounded on the north by West Gore Street on the south by Liverpool Street and on the west by Albion Street ;

Certain lands at Ashton-under-Lyne wholly situate in the township and parish of Ashton-under-Lyne bounded on the south by the Ashton Branch Railway on the north by Warre Street and on the east by Turner Lane ; (Ashton-under-Lyne.)

Certain lands at Rosegrove in the township of Habergham Eaves in the parish of Whalley herein-after described (that is to say) :— (Rosegrove.)

(a) Lands lying on the north side of the goods yard of the Company at their Rosegrove Station and of the Accrington and Colne Extension Railway and abutting thereupon ;

(b) Lands bounded on the north by the before-mentioned extension railway and lying between the public road at the western end of the said Rosegrove Station and Stansfield Meadow ;

(c) Lands lying between that meadow and an occupation road situate about one hundred and seventy-seven yards east of Stansfield Meadow aforesaid ;

Provided that except for the purpose of constructing the works herein-after mentioned the Company shall not enter upon or take any of the lands referred to in this sub-section belonging or reputed to belong to Mary Heap and James Heap and numbered respectively on the deposited plans relating to lands at Rosegrove 2, 4, 5, 6 and 7 until they shall have executed the works herein-after mentioned :—

(1) The Company shall continue the existing under bridge connecting lands belonging or reputed to belong to the said Mary Heap and James Heap in accordance with a plan signed by William Hunt and Thomas William Eastwood and shall construct and maintain the same of at least ten feet in width and shall lower the roadway underneath the existing and lengthened bridge so as to give a headway throughout of not less than ten feet from the surface of the road to the under side of the girders of the said bridge ;

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(2) The Company shall make and maintain the approaches to the under bridge shown on the said plan of at least ten feet in width and in the position and as shown on the said plan and the Company shall also construct and maintain proper retaining walls and fences ;

(3) The said Mary Heap and James Heap or other the owners for the time being of the said lands shall be entitled to lay down under the supervision and to the reasonable satisfaction of the engineer of the Company sewers drains and pipes through the said under bridge but not so as to interfere with or endanger the stability of the said bridge ;

(Bamber Bridge.)

Certain lands at Bamber Bridge wholly situate in the said township of Walton-le-Dale in the said parish of Blackburn extending along the southerly side of the Blackburn and Preston Railway of the Company for a distance of about one thousand one hundred yards ;

(Ormskirk.)

Certain lands at Ormskirk partly in the township of Ormskirk and partly in the township of Burscough both in the parish of Ormskirk situate in the angle formed by the junction of the Liverpool Ormskirk and Preston line of the Company and their Skelmersdale Branch Railway ;

(Bolton.)

Certain lands at Bolton-le-Moors in the township of Great Bolton in the parish of Bolton-le-Moors bounded on the north by Forge Street and on the south by the Bolton to Preston Railway of the Company ;

(Rishton.)

Certain lands at Rishton wholly situate in the township of Rishton in the parish of Blackburn herein-after described (that is to say) :—

(a) Lands adjoining the north-west side of the Rishton goods yard of the Company ;

(b) Lands adjoining the south side of the Accrington and Blackburn Railway of the Company between the nearest overbridge on the east side of Rishton Station and the nearest overbridge on the west side of that station.

IN THE WEST RIDING OF YORKSHIRE.

(Horbury.)

Certain lands at Horbury in the township of Horbury in the parish of Wakefield bounded on the north-west by the goods yard of the Company at their Horbury Station and on the south by their main line of railway ;



Certain lands at Eastwood wholly in the parish of Halifax herein-  
 after described (that is to say) :—

A.D. 1890.  
 (Eastwood.)

- (a) Lands wholly in the township of Stansfield bounded on the north-west by the main line of railway of the Company on the south-east by the public road leading from Todmorden to Halifax and on the east by Jumble Hole Clough;
- (b) Lands in the said township of Stansfield bounded on the north-west by the said main line of railway and on the south-east by the said public road leading from Todmorden to Halifax;
- (c) Lands in the said township of Stansfield lying partly on the north-west and partly on the south-east of the said main line of railway and near their Eastwood Station and consisting in part of the mill known as Wood Mill;
- (d) Lands partly in the said township of Stansfield and partly in the township of Sowerby bounded on the north-west by the said public road leading from Todmorden to Halifax and on the south-east by the towing-path of the Rochdale Canal Provided always that the Company shall not without the consent of the Company of Proprietors of the Rochdale Canal take any land belonging to such last-mentioned company or remove or stop up or interfere with the free use of the bridge over the River Calder leading to the towing-path of such company which is included within the limits of deviation on the deposited plans of the lands described in this sub-section or stop up or interfere with the free use of the road leading to such bridge from the highway there;

Certain lands at Brockholes wholly situate in the township of  
 Thurstonland in the parish of Kirkburton lying between the  
 Huddersfield and Penistone Railway of the Company and their  
 Holmfirth branch and at the junction of those lines of railway;

(Brock-  
 holes.)

Certain lands at Honley wholly situate in the township of  
 Honley in the parish of Almondbury bounded on the south-west  
 side thereof by the said Huddersfield and Penistone Railway and  
 abutting upon the mineral siding of the Company at their Honley  
 station;

(Honley.)

Certain lands at Sowerby Bridge wholly situate in the township  
 of Sowerby in the parish of Halifax bounded on the northerly side  
 thereof by the main line of railway of the Company and abutting  
 upon the Sowerby Bridge tunnel;

(Sowerby  
 Bridge.)

Certain lands at Featherstone in the township and parish of  
 Featherstone bounded on the south by the Featherstone Station of  
 the Company and on the east by Featherstone Lane.

(Feather-  
 stone.)



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For the protection of  
the corporation of  
Burnley.

28. For the protection of the mayor aldermen and burgesses of the county borough of Burnley (in this section herein-after referred to as "the corporation") the following provisions shall have effect:—

(1) In exercising the powers of this Act relating to lands at Rosegrove in the township of Habergham Eaves in the parish of Whalley the Company shall not stop up or divert the existing road and public footpath under the railway leading from Accrington Road to Gannow Lane;

(2) If in exercising the powers of this Act relating to lands at Rosegrove aforesaid the Company shall require to widen their railway over the said existing road and public footpath they shall at their own expense construct the arch of any bridge they may require to form for the purpose of carrying the widened portion of their said railway over the said road and public footpath so as to leave under such widened portion a clear width of thirty-six feet measured on the square across the said road and public footpath and shall carry the foundations of such widened portion sufficiently deep to allow of a roadway being constructed thereunder with a clear headway of not less than fifteen feet from the surface of the said road and public footpath and shall if and when required by the corporation in writing under the hand of the town clerk at the joint expense in equal moieties of the Company and the corporation alter and enlarge the existing bridge carrying the said railway over the said road and public footpath so as to leave under the said existing bridge a like clear width and allow of a roadway being constructed thereunder with a like headway and so as to remove the existing angle therein;

(3) If the exercise of any powers of this Act relating to lands at Rosegrove aforesaid involves the widening of the railway over the said road and public footpath for more than one additional line of way such work shall include the construction and maintenance by the Company of proper and sufficient openings for adequately lighting the said road and public footpath by day to the reasonable satisfaction of the corporation. In case the Company shall not require to widen their line by more than one additional line of way the Company shall at their own expense provide fix and maintain over the said road and public footpath two decklights in such position as may be agreed upon by the Company and the corporation and in any case the Company shall face the abutments of the proposed bridge with white enamelled bricks The Company shall permit



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the corporation whenever they shall from time to time require so to do to affix to the side walls of the said bridge and at all times to maintain repair and use such lamps fittings and apparatus as the corporation shall think fit for the purpose of lighting the said road and public footpath by night ;

(4) The Company shall prior to commencing any works under this section submit to the corporation a plan elevation and section showing the mode in which the Company propose to carry out the works together with an estimate of the proposed cost of the works connected with the alteration and enlargement of the said existing bridge and such plan elevation section and estimate shall in case of disagreement between the Company and the corporation be settled by arbitration in manner hereinafter provided and the said works shall be carried out by the Company in accordance with the plan elevation section and estimates so agreed upon or settled as the case may be and the said works shall for the purpose of providing for payment by the corporation of the proportion of expense payable by them under this section be deemed to be permanent works within the meaning of the Public Health Act 1875 or any statutory amendment modification or alteration thereof ;

(5) If any difference arises between the Company and the corporation touching anything to be done or not to be done under this section such difference shall be settled by an engineer to be agreed on between the parties or in case of disagreement to be appointed on the application of either party by the Board of Trade and the costs of the arbitration and award shall be in the discretion of the said engineer.

**29.** If it shall be necessary for the purposes of the widening of the line and works at Salford by this Act authorised to remove any human remains from any burial ground acquired under the powers or for the purposes of this Act the Company shall take all such precautions for the public health and decency and for the security of the men employed in such removal as Her Majesty's Secretary of State for the Home Department may direct and any remains so removed shall be re-interred in some burial ground which may now be lawfully used for interment.

Removal of  
remains  
in burial  
ground.

**30.** 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 of water) 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

Power to  
take ease-  
ments &c. by  
agreement.

A.D. 1890. — said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

Period for compulsory purchase of lands.

**31.** The powers for the compulsory purchase of lands for the purposes of this Act shall not be exercised as to lands belonging to Messieurs William Brown and Son after the expiration of one year nor as to any other lands after the expiration of three years from the passing of this Act.

Extending time for sale of certain superfluous lands of Company.

**32.** Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods within which the Company may sell and dispose of any superfluous lands in the parishes enumerated in the Second Schedule to this Act and connected with the railways respectively described in the said schedule are hereby extended for the periods following (that is to say) As regards such of the lands as are situate near to or are adjoining any railway or station of the Company 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 five years from the passing thereof.

Restrictions on displacing persons of labouring class.

**33.** (1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such



scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme. A.D. 1890.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section such scheme shall for all purposes be deemed to be an undertaking of the Company and the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any



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A.D. 1890. — scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

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

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

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

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of



thirty shillings a week and the families of any such persons who may be residing with them. A.D. 1890.

**34.** And whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described or referred to in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them :

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

Provided always that if in the opinion of such tribunal any such portions cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice :

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Provided also that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person :

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

Company  
empowered  
to underpin  
or otherwise  
strengthen  
houses near  
railway.

**35.** 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 railway 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 and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

- (1) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened ;
- (2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company ;
- (3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade ;
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building ;



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- (5) The cost of the reference shall be in the discretion of the referee;
- (6) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment;
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof;
- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the 68th section of the Lands Clauses Consolidation Act 1845 or under any other Act;
- (9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845;
- (10) Nothing in this section shall repeal or affect the application of the 92nd section of the Lands Clauses Consolidation Act 1845.

**36.** Subject to the provisions of this Act the two companies or either of them with the consent of the other may make and maintain in the lines and according to the levels shown on the deposited plans and sections the work herein-after described and may exercise the powers herein-after mentioned and may enter upon and take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose:—

Powers to  
 Company  
 and London  
 and North-  
 western  
 Railway  
 Company.

- (1) They may make in the township of Lea Ashton Ingol and Cottam in the parish of Preston in Lancashire a new footpath running parallel with and on the northerly side of the Preston and Wyre Railway such footpath commencing in and out of Dargenson Lane north of the point where that lane crosses the

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said railway and terminating at and in Lea Road north-west of the point where that road crosses the same railway ;

(2) They may so soon as the said new footpath is completed and opened to the public stop up and extinguish in the said township of Lea Ashton Ingol and Cottam all rights of way in and over the said Preston and Wyre Railway by means of the following footpath level crossings (that is to say) :—

(A) The footpath level crossing leading from Lea Town to Bryars ;

(B) Constable Lane.

Provisions of certain sections of this Act applied to the two companies.

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

Power to deviate in construction of works ;

Period for compulsory purchase of lands ;

As to repair &c. of new and substituted roads &c. ;

shall extend and apply mutatis mutandis to and in relation to the two companies or such one of them as shall exercise the powers by this Act granted in relation to the said Preston and Wyre Railway.

ADDITIONAL CAPITAL.

Power to raise additional capital.

**38.** The Company from time to time may for the purposes of this Act and for the general purposes of their undertaking raise by the creation and issue of shares or stock such sums of money as they shall think necessary not exceeding nine hundred and ninety thousand pounds exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament and the Company may create and issue such shares or stock either wholly or partly as ordinary or wholly or partly as preferential shares or stock as they may think fit.

Shares not to be issued until one fifth part thereof shall have been paid up.

**39.** The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Qualifications of new shares or stock.

**40.** Except as by or under the powers of this Act otherwise provided the new ordinary shares or stock issued under the powers of this Act shall in proportion to the aggregate amount thereof from time to time held by the same person at the same time entitle the respective holders thereof to the same dividends and profits and confer on them the like qualifications and the like right of voting as the like amount of existing ordinary shares or stock of the Company.

Power to raise capital under any

**41.** Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock



and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock the Company if they think fit may raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

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other Act  
of past  
or present  
sessions and  
this Act  
by new  
shares or  
stock of one  
class.

42. The Company may in respect of the additional capital of nine hundred and ninety thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole three hundred and thirty thousand pounds Provided that in respect of every three hundred and thirty thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole one hundred and ten thousand pounds but no part of any of the before-mentioned sums of one hundred and ten thousand pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one half of such portion has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to  
borrow on  
mortgage.



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Former  
mortgages  
to have  
priority.

**43.** The mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the time of the passing of this Act shall during the continuance of such mortgages and bonds but subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Power to  
apply cor-  
porate funds  
to purposes  
of Act.

**44.** The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Debenture  
stock.

**45.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application  
of moneys.

**46.** All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in each case purposes to which capital is properly applicable.

Receipt in  
case of  
persons not  
*sui juris*.

**47.** If any money is payable to a holder of shares or stock in or of a mortgage or debenture stock of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to  
London and  
North-  
western  
Railway  
Company  
to apply  
corporate  
funds to  
purposes of  
Act.

**48.** The North-western Company may apply to the purposes of this Act being purposes 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 Acts relating to them and which moneys may not be required for the purposes to which they are by any such Acts made specially applicable.

Saving rights  
of the Duchy  
of Lancaster.

**49.** 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 Her Majesty in right of Her 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 Her Majesty Her heirs or successors in right of Her said duchy.

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**50.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest not to be paid on calls paid up.

**51.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.

**52.** Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Provision as to general Railway Acts.

**53.** Whereas by the Acts set forth in the Third Schedule to this Act the Company are authorised to create and issue shares or stock to the amount of thirty-four millions eight hundred and thirty-one thousand five hundred and twenty-six pounds and to borrow on mortgage or to issue debenture stock to the amount of twelve millions eight hundred and one thousand five hundred and eighty-eight pounds and the authorised capital of the Company down to the 30th day of June 1889 now consists of the said amounts. Therefore for the purposes of all statements of capital and accounts and of all declarations and evidence as to the capital of the Company on the thirty-first day of December one thousand eight hundred

Capital of Company defined and declared.

A.D. 1890. and eighty-nine it shall be sufficient to state unless and until the contrary is shown that the above amounts of capital and of mortgages and debenture stock respectively are the amounts which the Company were down to the date aforesaid authorised to create and issue :

Provided always that nothing in this Act contained shall alter prejudice or affect any authorities or powers which the Company already possess or which they may acquire by this or any other Act of the present session of Parliament with regard to the creating and issuing capital or of borrowing or of issuing debenture stock whether alone and for their own purposes or in conjunction with any other Company.

**Costs of Act.**     **54.** 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.

**The SCHEDULES** referred to in the foregoing Act.

## THE FIRST SCHEDULE.

Describing BUILDINGS and MANUFACTORIES of which portions  
only may be required.

Parish.	Township.	Numbers on deposited Plans.
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## BRANCH RAILWAYS IN SALFORD—RAILWAY No. 1.

**Manchester** - - | **Salford** - - | 13, 14, 17, 18, 19.

## WIDENING LINE AND WORKS IN SALFORD (WIDENING LINE).

**Manchester** - - | **Salford** - - | **241, 331.**

## WIDENING HUNTS BANK INCLINE MANCHESTER.

**Manchester** - - | **Manchester** - - | **17, 372, 383.**

## WIDENING LINE AT THORNHILL NEAR WAKEFIELD.

Dewsbury	-	-	Ossett - cum - Gaw-	4, 5.
			thorpe.	



THE SECOND SCHEDULE.

A.D. 1890.

SUPERFLUOUS LANDS OF THE COMPANY.

Parish.	County.
Manchester	} Lancaster.
Prestwich-cum-Oldham	
Middleton	
Halsall	
Preston	
Ormskirk	
Prescot	
Blackburn	
Whalley	
Wigan	
Eccleston	
Walton-on-the-Hill	
Sefton	
Bury	
Bolton-le-Moors	
Dean	
Standish	
Chorley	
Leyland	
Radcliffe	
Rochdale	
Ashton-under-Lyne	
Croston	
Rufford	
Aughton	
Penwortham	
North Meols	
Liverpool	
Eccles	
Halifax	} West Riding of Yorkshire.
Dewsbury	
Wakefield	
Thornhill	
Sandal Magna	
Darton	
Silkstone	
Birstal	
Methley	
Castleford	

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Parish.	County.
Womersley	West Riding of Yorkshire.
Burgwhallis	
Kirkburton	
Emley	
High Hoyland	
Gisburne	
Sawley-cum-Tosside	
Bradford	
Pontefract	
Snaith	
Almondbury	
Penistone	
Crofton	
Kellington	

RAILWAYS.

Hunts Bank Extension.	Clifton Junction to Bacup.
Middleton Branch.	Stubbins to Accrington.
Heywood Branch.	Manchester Prestwich and Radcliffe
Oldham Branch.	Line and Radcliffe Fork.
Oldham Branch Extension.	Loop Line at Manchester.
Liverpool Ormskirk and Preston.	Ripponden Branch.
Preston Extension.	Stainland Branch.
Skelmersdale Branch and Extension.	Halifax Branch and Widening.
North Lancashire Loop.	Dewsbury Branch.
Wigan and Southport.	Barnsley and Silkstone Branches.
Aintree and Bootle Branch.	Heckmondwike to Thornhill.
Heywood Branch Extension.	Brighouse Branch and Extension.
Heap Bridge Branch.	Methley Branch.
Horwich Branch.	Askerne Branch.
Salford to Victoria Line.	Clayton West Branch.
Bolton and Preston and Grindford Bar	Chatburn to Hellifield Line.
Branch.	Huddersfield and Sheffield and Holm-
Manchester and Leeds.	firth Branch.
Ardwick Branch.	Blackburn and Preston.
Ashton Branch.	Meltham Branch.
Hollinwood Branch and Extension.	Blackburn Accrington and Colne.
Oldham Rochdale and Royton.	Bolton to Blackburn and Chatburn.
Shawforth Branch and Extension.	Liverpool Crosby and Southport.
Burnley Branch.	Liverpool and Bury.
West Riding Union.	Manchester and Bolton.
Wakefield Pontefract and Goole.	



THE THIRD SCHEDULE.

A.D. 1890.

LIST OF ACTS.

22 & 23 Vict. cap. cx.—The Lancashire and Yorkshire and East Lancashire Railways Amalgamation Act, 1859.

22 & 23 Vict. cap. cxxix.—The Lancashire and Yorkshire Railway (Rochdale and Royton Branches) Act, 1859.

24 Vict. cap. xxxiv.—The Lancashire and Yorkshire Railway (Bootle Branch, &c.) Act, 1861.

24 Vict. cap. l.—The Lancashire and Yorkshire Railway (Dewsbury, &c., Branches) Act, 1861.

24 Vict. cap. xxxvii.—The Lancashire and Yorkshire Railway (Capital) Act, 1861.

24 & 25 Vict. cap. ci.—The Lancashire and Yorkshire Railway (Salford to Victoria Station) Act, 1861.

25 & 26 Vict. cap. xcvi.—The Lancashire and Yorkshire Railway (Additional Powers) Act, 1862.

26 Vict. cap. v.—The London and North-western and Lancashire and Yorkshire Railway Companies (North Union and Preston and Wyre Railway Harbour and Dock) Act, 1863.

27 Vict. cap. xxxii.—The Lancashire and Yorkshire Railway (Additional Powers) Act, 1864.

27 & 28 Vict. cap. cxliii.—The Halifax and Ovenden Junction Railway Act, 1864.

27 & 28 Vict. cap. lv.—The Methley Railway Act, 1864.

27 & 28 Vict. cap. cclxx.—The Lancashire and Yorkshire Railway (Blackburn, Chorley, Horwich, and Wigan Lines) Act, 1864.

28 Vict. cap. xxii.—The Preston and Wyre Railway, Harbour, and Dock Act, 1865.

28 & 29 Vict. cap. cccxxxii.—The Lancashire and Yorkshire Railway (Ripponden and Stainland Branches, &c.) Act, 1865.

29 Vict. cap. xlv.—The Lancashire and Yorkshire Railway (Blackburn and Padiham) Act, 1866.

29 Vict. cap. lxxi.—The Lancashire and Yorkshire Railway (West Riding Branches, &c.) Act, 1866.

32 & 33 Vict. cap. lxxviii.—The Lancashire and Yorkshire Railway (Extension of Time, &c.) Act, 1869.

29 Vict. cap. xliii.—The Lancashire and Yorkshire Railway (Extension of Time, &c.) Act, 1866.

30 & 31 Vict. cap. clxxviii.—The Halifax and Ovenden Railway Act, 1867.

30 Vict. cap. xcv.—The London and North-western and Lancashire and Yorkshire Railway Companies (Fleetwood, Preston, and West Riding Junction Railway Vesting) Act, 1867.

30 & 31 Vict. cap. cxxxvi.—The Lancashire and Yorkshire Railway (North Lancashire Loop Line and Capital) Act, 1867

31 & 32 Vict. cap. lxiv.—The Lancashire and Yorkshire Railway (Extension of Time, &c.) Act, 1868.

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- A.D. 1890.      33 & 34 Vict. cap. lxxx.—The Lancashire and Yorkshire Railway (Rip-  
ponden Branch Extension, &c.) Act, 1870.  
33 & 34 Vict. cap. lxx.—The Lancashire and Yorkshire and London and  
North-western Railway Companies (Steam Vessels) Act, 1870.  
33 & 34 Vict. cap. cxli.—The Halifax and Ovenden Junction Railway Act,  
1870.  
34 & 35 Vict. cap. lxxix.—The Fleetwood Docks Act, 1871.  
34 & 35 Vict. cap. lxiv.—The Lancashire and Yorkshire and London and  
North-western Railway Companies (Blackpool and Lytham Railway, &c.)  
Act, 1871.  
34 & 35 Vict. cap. clxx.—The Lancashire and Yorkshire Railway (New  
Works and Additional Powers) Act, 1871.  
35 & 36 Vict. cap. cxvi.—The Lancashire and Yorkshire Railway (New  
Works and Additional Powers) Act, 1872.  
36 & 37 Vict. cap. clxxix.—The Lancashire and Yorkshire Railway (New  
Works and Additional Powers) Act, 1873.  
37 & 38 Vict. cap. cii.—The Lancashire and Yorkshire Railway (New  
Works and Additional Powers) Act, 1874.  
38 & 39 Vict. cap. cxxv.—The Lancashire and Yorkshire Railway Act,  
1875.  
38 & 39 Vict. cap. clxii.—The North Union Railway Act, 1875.  
39 & 40 Vict. cap. clxx.—The Lancashire and Yorkshire Railway Act,  
1876.  
40 & 41 Vict. cap. lix.—The Lancashire and Yorkshire Railway Act, 1877.  
41 & 42 Vict. cap. clxxvi.—The Lancashire and Yorkshire Railway Act  
1878.  
42 & 43 Vict. cap. cxlii.—The London and North-western Railway (Addi-  
tional Powers) Act, 1879.  
44 & 45 Vict. cap. cxxxv.—The Lancashire and Yorkshire Railway Act,  
1881.  
45 & 46 Vict. cap. clxii.—The Lancashire and Yorkshire Act, 1882.  
46 & 47 Vict. cap. clxix.—The Lancashire and Yorkshire Act, 1883.  
47 & 48 Vict. cap. cxlv.—The Lancashire and Yorkshire Act, 1884.  
47 & 48 Vict. cap. cxxxii.—The Lancashire and Yorkshire and London and  
North-western Railway Companies (Preston and Wyre Railway) Act 1884.  
48 & 49 Vict. cap. xciv.—The Lancashire and Yorkshire Act, 1885  
51 & 52 Vict. cap. clxxvi.—The London and North-western Railway Act,  
1888.  
51 & 52 Vict. cap. cxl.—The Lancashire and Yorkshire Railway Act, 1888.

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