



### CHAPTER lxi.

An Act for conferring further Powers on the Lancashire and Yorkshire Railway Company with relation to their own Undertaking and upon that Company and the London and North Western Railway Company with relation to the Preston and Wyre Railway and for other purposes.

A.D. 1898.

[1st July 1898.]

**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;

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

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

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

And whereas it is expedient that the powers of the Company for the construction and completion of the "new railway" authorised by the Lancashire and Yorkshire Railway (Various Powers) Act 1892 should be revived and continued and extended as provided by this Act:

And whereas the undertaking of the Preston and Wyre Railway Harbour and Dock Company is vested in the Company and the London and North Western Railway 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 London and North Western Railway Company (in this Act called "the North

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A.D. 1898. — Western Company”) and the said undertaking is managed by a committee appointed by the Two Companies and called and in this Act referred to as “the committee of management” and it is expedient that the Two Companies should be empowered to exercise the powers in this Act mentioned in connexion with the said undertaking herein-after referred to as “the Preston and Wyre undertaking”:

And whereas it is expedient that the time prescribed for the sale of lands acquired by the Company and the West Lancashire Railway Company (in this Act called “the West Lancashire Company”) respectively and by the Company jointly with other companies under the powers of various Acts and not yet applied to the purposes of the undertakings in respect of which they were so acquired should be extended:

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 a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have as regards the railways and other works lands and property in Lancashire been deposited with the clerk of the peace for the County Palatine of Lancaster and as regards the 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 1898.

Incorporation of general Acts.

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

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):—

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Applying  
certain pro-  
visions of  
Companies  
Clauses Acts.

- 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 nonpayment of calls;
- The remedies of creditors of the Company against the shareholders;
- The borrowing of money by the Company on mortgage or bond;
- The conversion of borrowed money into capital;
- The consolidation of shares into stock;
- The making of dividends;
- The giving of notices; and
- The provision to be made for affording access to the special Act by all parties interested;

and Parts I. II. and III. of the Companies Clauses Act 1863 (as amended by subsequent Acts) relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock shall be applicable to the capital and moneys hereby authorised to be raised by shares or stock or mortgage or debenture stock and to the proprietors thereof.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpreta-  
tion.

5. Subject to the provisions of this Act the Company may make and maintain wholly in the county of Lancaster in the lines and according to the levels shown on the deposited plans and sections the railways and works herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes:—

Power to  
make rail-  
ways.

Railway at Preston (Whitehouse):—

A railway 2 furlongs 2·6 chains in length commencing in the parish of Penwortham by a junction with the West Lancashire Railway of the Company at a point about 57 yards east of the centre of the bridge carrying the North Union Railway over such railway and terminating in the parish and urban district of Walton-le-Dale by a junction with the East

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Lancashire Railway of the Company at a point about 690 yards measured in a northerly direction along that railway from Whitehouse Junction :

Railway at Southport (Blowick) :—

A railway 7 furlongs 6·06 chains in length commencing in the parish and borough of Southport by a junction with the Liverpool Southport and Preston Junction Railway of the Company on the south-east side of the bridge carrying such railway over Butt's Lane and terminating in the parish of Scarisbrick by a junction with the Manchester and Southport Railway of the Company at a point about 150 yards measured in a north-westerly direction along that railway from the Pool Hey level crossing.

Railways to form part of Lancashire and Yorkshire Railway.

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

Period for completion of railways.

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 said railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Penalty unless railways 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 the public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid

thereout except as herein-after provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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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 railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of such railways and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railways or railway in respect of which the penalty shall have been incurred or any part thereof have or has been abandoned be paid to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Application  
of penalty.

10. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railways herein-before authorised by a bridge or bridges unless the level of such road or public highway is permanently altered so as to increase the gradient of any part thereof.

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

11. For the protection of the mayor aldermen and burgesses of the borough of Southport in the county of Lancaster (in this section called "the corporation") the following provisions shall have effect unless otherwise agreed between the corporation and the

For protec-  
tion of  
corporation  
of Southport.

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A.D. 1898. — Company and shall be carried out by and at the expense of the Company (that is to say) :—

- (1) The Company shall construct the girder bridge carrying the railway to be constructed under the powers of this Act at Southport (Blowick) over the road known as Foul Lane numbered on the deposited plans 12 in the parish and borough of Southport of a width of not less than forty-two feet measured on the square and with a headway of not less than sixteen feet throughout measured from the finished level of the roadway beneath and the Company may lower the road under the said bridge to any extent not exceeding one foot provided that the Company shall not make the gradient of the road where altered steeper than 1 in 20 :
- (2) The Company shall at all times maintain the said bridge in a sound and so far as may be reasonably practicable in a watertight and drop-dry condition :
- (3) The Company shall make form and metal or pave the street or roadway under the said bridge for the whole length and width and such portions of the approaches thereto on either side thereof as shall be interfered with by the Company in a manner similar to the adjoining portions of the said street or roadway :
- (4) The Company shall construct and maintain proper and substantial parapets or screens not less than six feet in height above the level of the rails on both sides of the said bridge and for a distance of twenty yards along the said railway on both sides thereof from each end of the said bridge :
- (5) The Company shall not use or permit to be used the abutments or the outside faces of the parapets or screens of the said bridge for advertising or bill-posting purposes except such as relate to the business of the Company :
- (6) Before the Company shall break up cross or otherwise interfere with any street within the borough of Southport (herein-after in this section called "the borough") they shall give to the corporation notice thereof in writing and such notice shall be delivered not less than fourteen days before the works shall be commenced :
- (7) Before the Company shall commence any works within the borough which shall cause any temporary obstruction or diversion of any street such obstruction or diversion shall be reasonably approved by the corporation and the Company shall before commencing any such works at their own expense make

such arrangements for the passage of traffic as the corporation may reasonably require :

- (8) All works authorised by this Act affecting any of the streets roads or footways within the borough shall be constructed to the reasonable satisfaction of the said surveyor and according to plans to be previously submitted to and reasonably approved by him :
- (9) Whenever in the execution of the powers of this Act it may be necessary either temporarily or permanently to intercept or interfere with any sewer drain gas main electric cable or wire of the corporation the Company shall before intercepting or interfering with such sewer drain gas main electric cable or wire construct according to a plan to be reasonably approved by the corporation another sewer drain gas main electric cable or wire in lieu of and of equal capacity with the sewer drain gas main electric cable or wire so proposed to be intercepted or interfered with and such substituted sewer drain gas main electric cable or wire shall be connected by and at the expense of the Company with any existing sewer drain gas main electric cable or wire which may be intercepted or interfered with and in such manner as shall be reasonably approved by the corporation :
- (10) If by reason of the execution of any of the powers of this Act any increased length of sewers drains or gas mains or any additional apparatus shall become necessary the same shall be forthwith constructed and laid by the Company according to such plans and sections and in such reasonable manner as shall be approved by the corporation :
- (11) The Company shall on demand pay to the corporation all expenses incurred by them in altering relaying and making good any sewers drains or gas mains interfered with or affected by the works by this Act authorised :
- (12) If the Company interfere in any way with any watercourse or ditch in Foul Lane they shall construct all necessary culverts drains or other passages under the railway of such dimensions as will be sufficient at all times to carry the water as clearly from the lands lying near to or affected by the railway as before the making of the railway or as nearly so as may be :
- (13) The provisions in this section contained shall be in addition to and not in derogation of any rights remedies or compensation to which the corporation is or may be entitled under the provisions of this Act or any Act incorporated therewith or otherwise :

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(14) Any dispute or difference which may arise between the corporation and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be referred to an arbitrator to be appointed (unless otherwise agreed upon) by the President of the Institution of Civil Engineers.

Further  
works by the  
Company.

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

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

In the county of Lancaster :

In the parishes of Winstanley and Orrell—

New foot-  
path at  
Orrell  
(arches  
crossing).

- (a) They may make a footpath commencing in the parish of Winstanley in the urban district of Billinge at a point in the footpath leading from Orrell to Pemberton about 83 yards measured along the same in a southerly and south-westerly direction from the centre of the arches level crossing and terminating in the parish and urban district of Orrell at a point in the said footpath about 115 yards measured along the same in a northerly direction from the centre of the said level crossing ;
- (b) So soon as the said new footpath shall have been completed to the satisfaction of two justices and opened to the public the Company may stop up so much of the said footpath leading from Orrell to Pemberton as lies between the commencement and termination of the said new footpath and also between the points marked on the deposited plans with the letters F and D and thereupon all public rights of way in and over the same shall be and the same are hereby extinguished :



In the parish and urban district of Great Crosby—

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- (a) They may divert and alter the levels of the public footpath across the level crossing at Hall Road Station such diversion and alteration of levels commencing in the said footpath at a point about 12 yards measured in a westerly direction along the same from the centre of the said level crossing and terminating in the said footpath at a point in the same about 12 yards measured in an easterly direction along the same from the centre of the said level crossing ;
- (b) So soon as the said diversion shall have been completed to the satisfaction of two justices and opened to the public the Company may stop up the said level crossing and thereupon all rights of way for foot passengers over the same shall be and the same are hereby extinguished :

Diversion of  
footpath at  
Hall Road.

In the parish of Formby—

- (a) They may divert and alter the levels of the public footpath across the Victoria Road level crossing at Freshfield Station such diversion and alteration of levels commencing at a point about 13 yards measured in a westerly direction along the same from the centre of the said level crossing and terminating at a point about 13 yards measured in an easterly direction along the same from the centre of the said level crossing ;
- (b) So soon as the said diversion shall have been completed to the satisfaction of two justices and opened to the public the Company may stop up the said level crossing and thereupon all rights of way for foot passengers in and over the same shall be and the same are hereby extinguished.

Diversion of  
footpath at  
Freshfield.

In the West Riding of the county of York :

In the parish of Rastrick in the borough of Brighouse—

- (a) They may in lieu of the diversion of Lord's Lane shown on the plans deposited with the clerk of the peace for the said West Riding for the purposes of the Lancashire and Yorkshire Railway Act 1896 divert Lord's Lane and Cow Lane such diversion commencing in Lord's Lane at a point about 83 yards measured in an easterly direction along the same from the junction of that lane with Huddersfield Road and terminating in Cow Lane at a point about 37 yards south-west of the junction of such lane with Lord's Lane ;
- (b) So soon as the said diversion shall have been completed to the satisfaction of two justices and opened to the public the Company may stop up Lord's Lane and Cow Lane between the said points and thereupon all rights of way in

Diversion of  
Lord's Lane  
(Brighouse).

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Diversion  
of footpath  
at Horbury.

and over the same shall be and the same are hereby  
extinguished :

In the parish and borough of Ossett and in the parish and  
urban district of Horbury—

(a) They may divert the public footpath leading from  
Horbury Bridge to Ossett such diversion commencing in  
the parish of Ossett at a point in the said footpath about  
13 yards measured along the same in a southerly direction  
from the centre of the level crossing of the Company's main  
line by such footpath and terminating in the said parish of  
Ossett at a point in the said footpath about 12 yards  
measured along the same in a north-easterly direction from  
the centre of the said level crossing ;

(b) So soon as the said diversion shall have been completed to  
the satisfaction of two justices and opened to the public the  
Company may stop up the said footpath between the points  
of commencement and termination of the said diversion and  
thereupon all rights of way in and over the said public  
footpath shall be and the same are hereby extinguished :

Widening  
Thornes  
Road  
(Wakefield).

In the parish and city of Wakefield—

(a) They may widen on the north-easterly and south-easterly  
sides so much of Thornes Road as extends from the  
south-east side of the bridge carrying the main line of  
the Company over such road to a point about 180 yards  
measured in a north-westerly and north-easterly direction  
along the same from the south-east side of such bridge ;

(b) So soon as the said widening is completed to the  
satisfaction of two justices and open to the public the  
Company may stop up so much of the Wakefield and Denby  
Dale Road as extends in a northerly direction from a point  
about 3 yards south of the south-east side of the bridge  
carrying the said main line over such road to the junction  
of such road with Thornes Road and thereupon all rights  
of way in and over the same shall be and the same are  
hereby extinguished The road as so widened shall  
thenceforth be maintained by the mayor aldermen and  
citizens of the city of Wakefield in this section called the  
corporation of Wakefield :

Diversion of  
footpath at  
Wakefield.

In the said parish of Wakefield—

(a) They may divert the public footpath over Ings Beck  
situate on the south-east side of the main line of the Company  
such diversion commencing at a point in the said footpath  
about 18 yards measured along the same in a south-westerly  
direction from the centre of Ings Beck and terminating in

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- Ings Road at a point about 28 yards measured along the said road in an easterly direction from the south-east side of the bridge carrying the said main line over Ings Road ;
- (b) So soon as the said diversion is completed to the satisfaction of two justices and open to the public the Company may stop up so much of the said public footpath as is situate between the point of commencement of the said diversion and Ings Road and thereupon all rights of way in and over the same shall be and the same are hereby extinguished ;
- (c) The footbridge to carry the diverted footpath over Ings Beck shall be an iron girder bridge nine feet in width with proper means of access thereto and shall be constructed to the reasonable satisfaction of the corporation of Wakefield in a manner similar to the existing bridge over the said beck and so as not to interfere with the waterway thereof ;
- (d) Sub-section (6) of section 10 of the Lancashire and Yorkshire Railway (Various Powers) Act 1892 is hereby repealed and the other provisions of that section shall be construed subject to the provisions of this section.

13. 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 three feet but not so as to increase the gradient of any work as shown on the said sections.

Power to deviate in construction of works.

14. The road authorities of the districts in which the diverted road and footpaths are situate shall except otherwise expressly agreed respectively repair and maintain so much thereof as is situate in their respective districts Provided that unless otherwise agreed the structure of every bridge shall be repaired and maintained by the Company The Company and any such road authority may enter into and fulfil agreements for and in relation to such construction and for or in relation to the repair and maintenance of such diverted road and footpaths respectively Any such agreement shall be deemed to be purposes of the public Acts under which such respective road authorities have jurisdiction and any expenses incurred in relation to such agreements shall be deemed to be expenses incurred for the purposes of those Acts The certificate of two justices of the due completion of

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

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

**15.** 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 stopped up diverted and discontinued under the authority of this Act or included within the limits of the lands shown on the deposited plans as intended to be compulsorily taken and which shall be so taken and the fee simple and inheritance of such roads shall if and so far as the Company are or under the powers of this Act become the owners of the lands on both sides thereof be wholly and absolutely vested in them for the purposes of their undertaking.

For protection of urban district council of Great Crosby.

**16.** In constructing the "diversion of footpath at Hall Road" by this Act authorised the following provisions shall (unless otherwise agreed between the urban district council of Great Crosby and the Company) have effect (that is to say):—

- (1) Notwithstanding anything in this Act contained the Company shall not deviate from the centre line of the diversion of the said footpath as shown upon the deposited plans:
- (2) The diverted footpath shall be not less than six feet in width provided that the first of the steps from the footpath up to the proposed footbridge at the point of commencement of the said diversion shall be the full width of the footpath at that point and the succeeding steps up to the first landing shall be gradually reduced in width so as to be six feet wide at that landing.

For protection of corporation of Wakefield.

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

- (1) Simultaneously with the execution of the widening of the railway of the Company commencing in the township of Horbury and terminating in the township of Wakefield authorised by the Lancashire and Yorkshire Railway Act 1897 (in this section called "the Act of 1897") the Company shall

construct the widenings of Thornes Road authorised by this Act in the lines and according to the levels shown upon the deposited plans and sections or with such deviations from such lines and levels as are authorised by this Act and as shall be assented to by the corporation and shall take up and relay the sewers and gas and water mains where necessary and shall entirely remove the bridges carrying the existing railway over Thornes Road and Denby Dale Road and construct in lieu thereof and for the widenings authorised by the Act of 1897 a flat girder bridge of one span of such a width as will leave the street including the footpaths under the bridge in every part thereof of a clear width between the abutments of the bridge of seventy feet at the least measured at right angles with the abutments and of the greatest height that can be reasonably obtained without raising the level of the rails of the existing railway and such bridge shall be constructed in accordance with the plan marked B and signed by William Barton Worthington on behalf of the Company and by Richard Porter on behalf of the Corporation :

- (2) Simultaneously with the execution of the widening of the Company's railway referred to in the preceding subsection the Company shall entirely remove the bridge carrying the existing railway of the Company over Thornes Lane and construct in lieu thereof and for the said widening a flat girder bridge of one span of such a width as will leave the street including the footpaths under the bridge in every part thereof of a clear width between the abutments of the bridge of forty feet at the least measured at right angles with the abutments and of the greatest height that can be reasonably obtained without raising the level of the rails of the existing railway :
- (3) The said widening authorised by the Act of 1897 where the same passes over Thornes Road and Thornes Lane shall be constructed on the north side of the existing railway :
- (4) Subsections (3) (4) and (5) of section 25 of the Act of 1897 and so much of subsection (6) of that section as relates to the bridges over Thornes Road Denby Dale Road and Thornes Lane are hereby repealed :
- (5) The Company shall make and maintain the bridges carrying the railway over Thornes Road and Thornes Lane as far as practicable thoroughly watertight and drop-dry and shall also construct and for ever afterwards maintain and keep in good repair such screens for the whole width of the roads or streets respectively and also to at and upon both sides

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of each bridge for such a distance on each side of the roads or streets respectively as shall be reasonably deemed sufficient by the corporation and if and when required by the corporation light such bridges to the reasonable satisfaction of the corporation :

- (6) The Company shall carry the foundations of the abutments of the bridges carrying the railway over Thornes Road and Thornes Lane down to below the level of the bottom of the sewers laid in such streets respectively or to be laid therein under the provisions of this section :
- (7) Whenever in the execution of the powers in this Act contained it shall be necessary to alter or interfere with the sewers or water mains or pipes of the corporation such alteration or interference shall be carried out by and under the direction of the corporation but at the expense in all respects of the Company :
- (8) No existing sewer or water main or pipe of the corporation shall be disturbed altered or interfered with by the Company in execution of the works authorised by this Act or at any time thereafter until a substituted sewer or water main or pipe shall have been provided laid and constructed by the corporation of a capacity and at a level or levels which shall preserve to the reasonable satisfaction of the city surveyor the free and uninterrupted flow and passage of sewage or water through the same respectively The reasonable cost to be incurred by the corporation in providing laying and constructing such substituted sewer or water main or pipe shall be paid by the Company to the corporation on demand :
- (9) In carrying out the works authorised by this Act or any of them the Company shall use the utmost expedition and shall not unnecessarily impede the traffic on the streets affected by such works :
- (10) The Company shall submit to the corporation for their information and approval the plans for carrying the works before mentioned into effect so far as they affect any public street or waterway under the control of the corporation with figured heights and dimensions and all such works shall be constructed and done to the reasonable satisfaction of the corporation and at the cost of the Company Provided that if the corporation do not within a period of twenty-eight days after the submission of the said plans express their approval or disapproval thereof the same shall be deemed to be approved :

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(11) The Company shall not permit any of the said bridges or the parapets or screens of any of them on the street side to be used for the posting of bills or other advertising purposes except such as relate to the business of the Company :

(12) All differences or questions which may at any time arise between the Company and the corporation as to the construction or effect of the foregoing provisions or the performance or observance thereof or any matters connected therewith shall be determined by an arbitrator to be agreed upon between the Company and the corporation or in default of agreement to be appointed by the Board of Trade on the application of either party and the Arbitration Act 1889 shall apply to any such arbitration :

(13) In this section the expression "the railway" includes the existing railway of the Company and the widening thereof referred to in this section except where the context otherwise requires.

**18.** The mayor aldermen and citizens of the city of Wakefield (in this section called "the corporation") shall on the completion of the bridges to be constructed over Thornes Lane and over Thornes Road under the provisions of this Act pay to the Company the sum of one thousand pounds as a contribution to the cost of the said works.

Corporation of Wakefield to contribute to construction of certain bridges.

The corporation may borrow the said sum of one thousand pounds on the security of their general district rate and the provisions of sections 236 237 238. and 239 of the Public Health Act 1875 shall be applicable to the mortgages made by the corporation under this section The corporation shall pay off all moneys borrowed by them under this section within forty years from the borrowing of the same in accordance with the provisions of the Public Health Act 1875 as if the same were borrowed under that Act.

The corporation shall make an annual return to the Local Government Board with regard to the repayment of the said moneys and the provisions of section 30 (Annual return to Local Government Board with respect to sinking fund) of the Wakefield Corporation Act 1889 shall extend and apply mutatis mutandis to and in relation to such return.

**19.** Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement and may hold for the improvement and enlargement of their railway stations and works and for the construction of new stations engine sheds

Power to Company to purchase additional lands.

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In the county of Lancaster:

Manchester  
(Oldham  
Road).

Certain lands in the parish and city of Manchester bounded on the north-east by the Oldham Road goods station of the Company on the north-west by Rochdale Road on the south-west by Thompson Street and on the south-east by Oldham Road:

Liverpool.

Certain lands in the parish and city of Liverpool situate between Victoria Street and Mathew Street and comprising properties numbered 4 6 and 8 in Victoria Street and 5 7 and 9 in Mathew Street:

Fazakerley.

Certain lands in the parish of Fazakerley (that is to say):—

(a) Lands abutting upon the north-west side of the Liverpool and Bury Railway of the Company and extending from Higher Lane to a point about 77 yards measured along such railway in a south-westerly direction from Long Moor Lane;

(b) Lands abutting upon the south-east side of the said Liverpool and Bury Railway and extending from Long Moor Lane to a point about 250 yards measured along such railway in a north-easterly direction from such lane:

Southport.

Certain lands in the parish and borough of Southport abutting upon the south-west side of the Manchester and Southport Railway of the Company and extending for a distance of about 720 yards measured in a westerly direction along such railway from Meols Cop Road and having a frontage to that road of about 60 yards:

Preston  
(Whitehouse  
Junction).

Certain lands in the said parish of Penwortham and in the said parish and urban district of Walton-le-Dale bounded on the south-west by the West Lancashire Railway of the Company on the east by the East Lancashire Railway of the Company and extending for a distance of about 400 yards measured along the said West Lancashire Railway in a north-westerly direction from the occupation road situate about 220 yards north of Whitehouse Junction and for a distance of about 530 yards measured along the said East Lancashire Railway in a northerly direction from the said occupation road:

Wigan.

Certain lands in the parish and borough of Wigan (that is to say):—

(a) Lands abutting upon the south-west side of the Manchester and Southport Railway of the Company and extending from



the bridge carrying the said railway over Beresford Street A.D. 1898.  
to a point about 100 yards measured along the said railway  
in a south-easterly direction from such bridge and being of  
a width of about 27 yards;

- (b) Lands abutting upon the said south-west side of the said railway and extending from the south-easterly boundary of the last described lands to a point about 20 yards measured along the said railway in a north-westerly direction from Prescott Street and having a width at the north-westerly boundary thereof of about 100 yards and at the south-easterly boundary thereof of about 220 yards :

Certain lands in the parish and borough of Bolton forming the site of the road leading to Gilnow Bleachworks from the Gilnow level crossing of the Liverpool and Bury Railway of the Company and extending for a distance of about 28 yards measured along such road in a north-westerly direction from the level crossing gate on the north-west side of such railway : Bolton (Gilnow).

Certain lands in the parish of Ainsworth (that is to say) :—

- (a) Lands abutting upon the north side of the Bradley Fold Station of the Company and extending for a distance of about 50 yards measured in an easterly direction along the same from the public road which crosses the Liverpool and Bury Railway of the Company at the west end of the said station ;  
(b) Lands abutting upon the south side of the said Bradley Fold Station and extending for a distance of about 35 yards measured in an easterly direction along the same from the said public road :

Bradley Fold.

Certain lands in the parish and borough of Accrington abutting upon the south side of the Accrington and Blackburn Railway of the Company and extending from the west side of Scaitcliffe Street for a distance of about 65 yards measured along the said railway in a westerly direction and being of a width of about 2 yards. Accrington.

In the West Riding of the county of York :

Certain lands in the parish and borough of Ossett (that is to say) :— Ossett.

- (a) Lands abutting upon the east side of the River Calder and extending for a distance of about 54 yards measured in a southerly direction from the viaduct carrying the main line of the Company over such river ;  
(b) Lands abutting upon the north side of the said main line and extending for a distance of about 386 yards measured in an easterly direction along the said main line from the easterly fence of the Healey Mills goods yard of the Company :

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Horbury.

Certain lands in the parish and urban district of Horbury (that is to say):—

- (a) Lands abutting upon the south-westerly side of the main line of the Company and extending from the foot of the slope of Storrs Hill Road to a point about 312 yards measured in a south-easterly direction along such main line from the foot of the said slope;
- (b) Lands abutting upon the south-westerly side of the said main line and extending from a point about 366 yards measured in a south-easterly direction along such railway from the said Storrs Hill Road to a point about 550 yards south-east of such road;
- (c) Lands abutting upon the north-east side of the said main line and extending for a distance of about 53 yards measured in a north-westerly direction along such railway from the bridge carrying the public road over such railway at Horbury Station :

Wakefield.

Certain lands in the parish and city of Wakefield (that is to say):—

- (a) Lands bounded on the north-west by the Company's main line of railway and on the north-east by Ings Road and having a frontage to such road of about 30 yards measured in an easterly direction from the south-east side of the viaduct carrying the said main line over Ings Road;
- (b) Lands bounded on the north-west by land belonging to the Company on the south partly by Ings Road and partly by premises in Kirkgate and Ings Road and on the east partly by the same premises and partly by Kirkgate and having a frontage to Ings Road of about 38 yards and to Kirkgate of about 5 yards:

Shepley.

Certain lands in the parishes and urban districts of Shepley and Shelley abutting upon the north side of the Company's Huddersfield and Penistone Railway and extending for a distance of about 213 yards measured in a westerly direction along such railway from a point about 120 yards west of the Clayton West Junction of the Company.

For protec-  
tion of  
corporation  
of Man-  
chester.

20. The following provisions for the benefit and protection of the lord mayor aldermen and citizens of the city of Manchester (in this section called "the corporation") shall unless otherwise agreed between the Company and the corporation be binding upon the Company and full effect shall be given thereto:—

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

“The city surveyor” means the surveyor for the time being of the city of Manchester; A.D. 1898.

“City” means the city of Manchester:

(A) The Company shall on or before the first day of October next give to the owners lessees and occupiers of such portion of the lands in the parish of Manchester described in the section of this Act (the marginal note whereof is “Power to Company to purchase additional lands”) as shall be necessary for the widening of Rochdale Road on the south-east side thereof to the width of seventy-five feet between Lees Street and Thompson Street notice to treat for and shall thereafter proceed with all reasonable dispatch to acquire the said portion of the said lands and shall when acquired dedicate the same to public use for the widening of Rochdale Road and shall give vacant possession thereof to the corporation within one year after the passing of this Act:

The Company shall and will contribute in respect of the widening by the corporation of Rochdale Road between Lees Street and a point distant about eighteen yards measured in a north-easterly direction from the north-easterly side of Lees Street the sum of seven hundred and eighty pounds which sum shall be paid by the Company to the corporation on demand within three months after the passing of this Act:

(B) If the corporation at any time within two months from the said first day of October next give to the Company notice in writing under the hand of the town clerk of the said city requiring them to sell to the corporation a portion of the said lands situate south-east of Rochdale Road as widened as herein-before provided and having from the south-east side of Rochdale Road as so widened a depth of thirty-four feet measured along the south-western side of Lees Street and sixty-nine feet measured along the north-eastern side of Thompson Street as widened as herein-after provided the Company shall with all reasonable dispatch acquire the said portion of land and sell the same to the corporation for such price as in default of agreement shall be settled by arbitration under the provisions of the Arbitration Act 1889:

(c) The Company shall not under the powers of this Act stop up any of the public highways courts and passages situate between Rochdale Road and Oldham Road until they shall have acquired and dedicated to public use and delivered to the corporation vacant possession of a strip of land along the north-eastern side of Thompson Street sufficient to enable the corporation to

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widen that street so that it shall be in its narrowest part not less than sixty feet wide between the buildings on either side thereof :

- (D) The Company shall have two entrances in Rochdale Road from the said lands by means of any two of the streets numbered on the deposited plans 4 26 and 43 in the parish of Manchester and of the full width of such streets :

In the event of the exercise by the corporation of the aforesaid option of purchase the Company shall within six months after receiving notice of the intention to exercise such option notify to the corporation whether one of such entrances shall be by means of Lees Street and if the Company adopt such entrance they shall in such case within two years after such notice notify to the corporation whether the other of such entrances shall be by means of Pump Street or Foundry Street The two entrances shall be by means of gates provided by the Company to be placed on land of the Company such gates shall not open over the portions of such streets leading to Rochdale Road and such portions shall remain public streets The portion not so used by the Company of the remaining street shall and may be stopped up by the corporation and may be appropriated by them for building purposes :

- (E) Whenever the Company shall take down the existing buildings along the north-west side of Oldham Road between Lees Street and Thompson Street they shall give up to the corporation without charge or payment for the purpose of improving the building line in Oldham Road so much land as may be necessary in accordance with a plan signed in duplicate by William Barton Worthington on behalf of the Company and T. de Courcy Meade on behalf of the corporation :
- (F) No loading or unloading of goods shall take place in Rochdale Road Oldham Road or Thompson Street :
- (G) Before obstructing or breaking up any public street or road under the powers of this Act the Company shall give to the corporation fourteen days' notice in writing and the works so far as the same affect such street or road shall be carried out by the Company to the reasonable satisfaction of the corporation :
- (H) In all cases where streets are temporarily stopped diverted or interfered with during the execution by the Company of any works authorised by this Act notice of the works shall be given to the corporation and the Company shall provide accommodation for the traffic and access to houses and other places affected thereby and make suitable arrangements for fencing lighting

and watching to the reasonable satisfaction of the corporation and shall maintain such accommodation and access fences and lights to the like satisfaction Provided always that nothing in this Act contained shall authorise the Company to interfere temporarily with Oldham Road Rochdale Road or Thompson Street:

(J) In any case where any house or other building intended to remain standing shall be severed by the Company they shall to the reasonable satisfaction of the corporation build up or repair such house or building so as to prevent unsightly appearances:

(K) The cost of any lamps sewers drains water hydraulic gas telephonic or other mains pipes works and apparatus belonging to or under the control of the corporation which may be rendered useless by the works authorised by this Act shall be paid to the corporation by the Company on demand and the same shall then become the property of the Company Provided always that the corporation may at their option retain the use of such existing sewers mains or pipes which pass under any streets or lands acquired by the Company under the powers of this Act as will not in any way interfere with the construction or working of the railway:

The flags paving-stones and other materials in any street which may be stopped up or interfered with by the Company in the execution of the works by this Act authorised shall remain the property of the corporation and may be removed by them or they may at their option require the Company to purchase the same:

Provided also that in cases where new paving flagging or other materials are laid down by the Company or by the corporation at the expense of the Company the corporation shall credit the Company with the value of the old materials for which the new materials shall have been substituted:

(L)—(1) Whenever in execution of the powers in this Act contained it shall for any purpose be necessary in the judgment of the corporation to divert alter or interfere with or disturb any of the paving or flagging of the streets or any sewers or drains or any of the water hydraulic gas telephonic or other mains pipes works or apparatus belonging to or under the control of the corporation such diversion or alteration in the position or otherwise of any such sewer drain or water hydraulic gas telephonic or other main pipe works or apparatus or other work which may be required for the purpose of any works by this Act authorised shall be carried out by and under

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the direction of the corporation but at the expense in all respects of the Company inclusive of the paving flagging and kerbing necessary to reinstate the street and make the same fit for traffic :

(2) No existing sewer drain water hydraulic gas telephonic or other main pipe work or apparatus belonging to or under the control of the corporation shall be diverted disturbed altered or interfered with by the Company in execution of the works authorised by this Act or at any time thereafter until a substituted sewer drain water hydraulic gas telephonic or other main pipe work or apparatus shall have been provided laid and constructed by the corporation of a capacity and at a level or levels which shall preserve to the reasonable satisfaction of the city surveyor the free and uninterrupted flow and passage of sewage water hydraulic power and gas through the same respectively The cost to be incurred by the corporation in providing laying and constructing such substituted sewer drain water hydraulic gas telephonic or other main pipe works or apparatus (including therein any compensation which may be payable by the corporation in respect thereof) shall be payable by the Company to the corporation on demand :

(M) The cost of all works and matters which under this Act are to be or may be executed done or provided by the corporation at the cost of the Company and all other costs and expenses by this Act made payable by the Company to the corporation shall be paid on demand and shall be recoverable in any court of competent jurisdiction :

(N) If any difference shall arise between the corporation and the Company as to the reasonableness of the requirements of the corporation or concerning any plan or the execution of any of the works provided for by this Act then every such difference shall be settled by an engineer to be appointed by the corporation and the Company or if they cannot agree then by an engineer to be appointed as umpire under the provisions of the Railways Clauses Consolidation Act 1845.

For protec-  
tion of  
corporation  
of Liverpool.

21. For the protection of the mayor aldermen and citizens of the city of Liverpool (in this section called "the corporation") the following provisions shall unless otherwise agreed between the corporation and the Company be observed and have effect with regard to the construction of buildings upon the lands in the parish of Liverpool situate between Victoria Street and Mathew Street

by this Act authorised to be acquired by the Company (that is to say) :— A.D. 1898.

- (1) If the Company shall erect on the lands authorised to be acquired within the city of Liverpool any new building with doors or openings into or from any street at which any goods or merchandise for conveyance by their railway or for storage or for delivery or otherwise shall be received stored or delivered they shall so construct their building that all horses carts and other vehicles loading or unloading thereat or waiting to receive or deliver goods shall stand completely clear of the roadway and footpaths of Victoria Street and Mathew Street respectively and the Company shall not allow any carts or vehicles to be loaded or unloaded except when standing clear of the said streets and so as to cause no obstruction to the footway or carriageway of the street :
- (2) No advertising boards or posters except such as relate to the business of the Company shall without the consent of the corporation be placed on the walls of any station or building belonging to the Company fronting Victoria Street or Mathew Street :
- (3) The Company shall from time to time pay to the corporation all rates leviable by or payable to the corporation upon the respective assessments of any lands or property in the parish of Liverpool shown upon the deposited plans or a proportion of such rates respectively from the time such lands or property respectively shall be acquired by the Company until the works to be carried out by the Company are completed and assessable to such rates and the amount of such rates payable by the Company shall be computed according to the assessments of such lands or property in force at the time of such acquisition notwithstanding that the buildings thereon or forming part thereof may have been taken down.

**22.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to  
take ease-  
ments &c.  
by agree-  
ment.

[Ch. lxi.] *Lancashire and Yorkshire Railway* [61 & 62 VICT.]  
Act, 1898.

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Period for  
compulsory  
purchase of  
lands.

Power to  
stop up  
certain  
highways.

23. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

24. If the Company are or if and when under the powers of this Act or of any other Act already passed they become the owners in possession of all the houses on both sides of so much of the highways courts and passages shown on the deposited plans as intended to be stopped up and thereon numbered respectively 6 28 and 45 in the parish of Manchester as is situate north-west of a line A B shown on a plan signed by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords the Company may stop up so much of the said highways courts and passages so numbered as is so situate and thereupon all rights of way in and over the same shall be and are hereby extinguished and if the Company are or if and when under the powers of this Act or of any Act already passed they become the owners in possession of all the houses on both sides of the highways courts and passages shown on the deposited plans as intended to be stopped up and situate south-east of the said line and between it and the line of Oldham Road as intended to be improved as in this Act mentioned the Company may stop up the highways courts and passages so situate and thereupon all rights of way in and over the same shall be and the same are hereby extinguished If the lord mayor aldermen and citizens of the city of Manchester do not exercise the option by this Act given them to purchase the land coloured blue on the said plan the Company may in such case if they are or if and when under the powers of this Act or of any Act already passed they become the owners in possession of all the houses on both sides stop up the portions of Pump Street and Foundry Street situate between the said line A B and a line C D shown on the said plan and thereupon all rights of way in and over the said portions shall be and are hereby extinguished.

As to taking  
houses of  
labouring  
class.

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

(a) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons



as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

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

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

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

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

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

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

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

(6) For the purpose of carrying out any scheme under this section 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

A.D. 1898. — power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

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

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection 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 the Board 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) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

**26.** And whereas in the construction of the works by this Act authorised or otherwise in exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto. Therefore the following provisions shall have effect:—

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

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

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properties are herein-after referred to as "the scheduled properties":

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from

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

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

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

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

**27.** And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the works by this Act authorised it may be necessary to underpin or otherwise strengthen such houses and buildings Therefore the Company at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

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

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :

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- (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 dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade:
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The cost of the reference shall be in the discretion of the referee:
- (6) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:
- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the 68th section of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:

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

A.D. 1898.

**28.** The powers of the Company for the construction and completion of the "new railway" authorised by the Lancashire and Yorkshire Railway (Various Powers) Act 1892 are hereby revived and continued and extended and may be exercised until the expiration of three years from the twenty-seventh day of June one thousand eight hundred and ninety-seven and sections 8 9 and 11 of the said Act shall be read and construed accordingly :

Extension of time for construction of "new railway" authorised by Act of 1892.

If the said new railway be not completed within the said period of three years then on the expiration of that period the powers by the said Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

**29.** Subject to the provisions of this Act the Two Companies or either of them with the consent of the other may wholly in the county of Lancaster make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway 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 that purpose (that is to say) :—

Power to the Two Companies to make railway.

**Railway at Poulton :**

A railway 3 furlongs 6·15 chains in length commencing in the parish of Poulton-le-Fylde by a junction with the Blackpool Branch of the Preston and Wyre Railway at a point about 567 yards measured in a westerly direction from the bridge carrying Tithebarn Street over such railway and terminating in the parish of Carleton by a junction with the main line of the said Preston and Wyre Railway at a point about 640 yards measured in a north-westerly direction from the north-westerly side of the bridge carrying Breck Road over such railway.

**30.** Subject to the provisions of this Act the said railway by the last preceding section authorised shall for the purposes of tolls rates and charges and all other purposes form part of the Preston and Wyre Railway.

Railway to form part of Preston and Wyre Railway.

**31.** Notwithstanding anything shown on the deposited plans and sections or contained in this Act the following provisions for the protection and benefit of the Fylde Rural District Council (in this section referred to as "the council") shall unless otherwise agreed

For protection of Fylde Rural District Council.

A.D. 1898. in writing between the council and the Two Companies be binding upon the Two Companies and full effect shall be given thereto:—

(1) The Two Companies or either of them shall construct the diversion of the public highway numbered on the deposited plans 5 in the said parish of Carleton and 13 in the said parish of Poulton-le-Fylde in the situation coloured red on a plan signed in duplicate by William Henry Henshaw on behalf of the council and by William Barton Worthington on behalf of the Two Companies and the said highway shall be carried over the railway by a bridge which and the approaches to which shall have a minimum width of thirty-six feet between the parapets and fences thereof and the said approaches shall not be steeper than one in thirty on the north-westerly side or than one in twenty on the south-easterly side of the said bridge:

(2) The Two Companies or either of them shall construct the diversion of the footpath numbered on the deposited plans 3 in the said parish of Poulton-le-Fylde in the line and direction shown on the said plan by the red dotted line:

Provided that the Company shall at their option either construct and for ever thereafter maintain a flight of stone steps six feet in width with proper iron rails and balusters at the sides thereof at the junction of the said occupation road and footpath numbered 3 with the said road numbered 13 when so diverted as aforesaid or construct such footpath so as to form a junction with the said road numbered 13 when so diverted with a gradient not steeper in any part than one in ten:

(3) As soon as the diversion of the said road and of the said footpath are respectively completed to the reasonable satisfaction of the council the Two Companies may stop up so much of the existing road and footpath respectively as will be rendered unnecessary by the respective diversions and thereupon all public rights of way thereover respectively shall be and the same are hereby extinguished:

(4) Whenever it may be necessary to intercept or interfere with any sewer or drain the Two Companies shall before intercepting or interfering with such sewer or drain construct according to a plan to be approved of by the council another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Two Companies with any existing sewer or drain which may be intercepted or interfered with and in such manner as shall be reasonably approved of by the council:



A.D. 1898.

- (5) If by reason of the execution of any of the powers of this Act the council shall necessarily incur any cost in altering any existing sewer or drain the Two Companies shall repay to the council such additional cost :
- (6) If by reason of the execution of any of the powers of this Act any additional sewers or drains or any increased length of sewers or drains or any additional apparatus shall become necessary the same shall be forthwith constructed and laid down by the Two Companies according to such plans sections and specifications and in such reasonable manner as shall be approved of by the council before the commencement of the work :
- (7) If the council do not within twenty-eight days after the submission of any plans and sections under the provisions of this section express in writing their approval or disapproval thereof or their requirement in relation thereto they shall be deemed to have approved thereof :
- (8) The council shall not be liable for and shall be indemnified by the Two Companies against all damages or injury which during the construction of the Two Companies' works and by and in consequence thereof may be caused to the line and works of the Two Companies and the traffic thereon and the persons and property being conveyed on or using such railway by the breaking bursting or leaking of any sewers belonging to or under the control of the council :
- (9) The Two Companies shall be responsible for and make good to the council 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 Two Companies or their contractors or servants) of the powers of this Act and shall indemnify the council from all claims and demands upon or against them by reason of any such execution or defect or default therein or arising therefrom :
- (10) In the event of any difference arising between the council on the one hand and the Two Companies 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 President of the Institution of Civil Engineers upon the request of either party.

**32.** For the protection of the Poulton-le-Fylde Gas Coal Lime and Coke Company Limited (in this section called "the gas

For protec-  
tion of  
Poulton-le-

A.D. 1898.  
Fylde Gas  
Coal Lime  
and Coke  
Company  
Limited.

company") the following provisions shall (unless otherwise agreed in writing between the gas company and the Two Companies) have effect in addition to and variation of the provisions of the Railways Clauses Consolidation Act 1845 with reference to gas mains and pipes :—

- (1) In this section the expression "the railway" means the railway at Poulton authorised by this Act :
- (2) The Two Companies shall divert the main of the gas company now laid in the road numbered on the deposited plans 5 in the parish of Carleton and 13 in the parish of Poulton-le-Fylde in and along the road as diverted under the powers of this Act and the Two Companies shall if required by the gas company provide a pipe bay or bays in the bridge carrying such diverted road over the railway sufficient to carry the said main and to enable the gas company to lay therein two others of the same size The provisions of section 20 of the said Railways Clauses Consolidation Act as regards the depth at which pipes shall be laid shall not apply to the said bridge but the said main shall be laid at the lowest practicable depth :
- (3) If by reason of the construction or maintenance of the works by this Act authorised any additional gas mains or pipes or any increased lengths or capacity thereof respectively be rendered necessary the same shall be respectively provided laid and constructed by the gas company at the expense of the Two Companies Whenever by the appropriation or destruction of property under this Act within the limits of supply of the gas company any gas mains or pipes laid at the cost of the gas company for the supply of such property shall be rendered unnecessary the Two Companies shall pay to the gas company the cost of providing and laying equivalent gas mains or pipes and the cost of the works required for the discontinuance of any gas mains or pipes so rendered unnecessary to such amount as shall be estimated by the engineer for the time being of the gas company The gas mains and pipes so rendered unnecessary shall be the property of the Two Companies :
- (4) If any difference shall arise between the Two Companies and the gas company respectively as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with reference to the settlement of disputes by arbitration.

Further work  
by the Two  
Companies.

**33.** Subject to the provisions of this Act the Two Companies or either of them with the consent of the other may in the parish of

A.D. 1898.

Treales Roseacre and Wharles in the county of Lancaster stop up the level crossing of the Preston and Wyre Railway by the footpath situate about 33 yards measured along such railway in a westerly direction from the Spen Lane signal cabin of the Two Companies and thereupon all rights of way in and over the said level crossing shall be and the same are hereby extinguished.

34. Subject to the provisions of this Act the Two Companies or either of them with the consent of the other may enter upon and take compulsorily or by agreement and may hold for the improvement and enlargement of their railway stations and works and for the construction of new stations engines sheds and other works buildings and sidings and other the purposes of the Preston and Wyre undertaking the lands herein-after described in the county of Lancaster which are delineated upon the deposited plans and described in the deposited books of reference :—

Power to Two Companies to purchase additional lands for purposes of Preston and Wyre Railway.

Certain lands in the parish and borough of Blackpool abutting upon the easterly side of the Blackpool and Lytham Branch of the Two Companies and extending from Bloomfield Road to Cow Gap Lane and having a frontage of about 160 yards to Bloomfield Road and 150 yards to Cow Gap Lane :

Blackpool.

Certain lands in the parish and urban district of Saint Anne's-on-the-Sea (that is to say) :—

St. Anne's-on-the-Sea (Stoney Hill).

(a) Lands abutting upon the east side of the Blackpool and Lytham Branch of the Two Companies and extending for a distance of about 630 yards measured in a southerly direction along such railway from Fold Lane and for a distance of about 157 yards measured in an easterly direction along the said Fold Lane from the eastern fence of the said branch railway ;

(b) Lands abutting upon the west side of the said branch railway and extending from a point about 113 yards measured in a southerly direction along the same from the said Fold Lane to a point about 209 yards south of such lane :

Certain lands in the parish and urban district of Lytham abutting upon the southerly side of the Ansdell goods yard of the Two Companies and extending for a distance of about 83 yards measured in a westerly direction along the same from a point in the boundary fence of the said goods yard opposite the westerly end of the Ansdell Station platforms.

Ansdell.

35. For the protection of the Fylde Water Board (in this section called "the water board") the following provisions shall (unless

For protection of Fylde Water Board.

A.D. 1898. otherwise agreed in writing between the water board and the Two Companies) have effect:—

- (1) In this section the expression "the railway" means the railway at Poulton and the works connected therewith authorised by this Act to be made and maintained by the Two Companies or either of them with the consent of the other:
- (2) All works matters or things which the Two Companies or either of them under the provisions of this Act or any Act incorporated therewith are empowered or required to do or execute with reference to any mains pipes sluice valves air valves hydrants plugs service pipes cleansing pipes apparatus or works now or lately part of the undertaking of the Fylde Waterworks Company (all of which are included in the words "water apparatus" where used in this section) shall be done and executed by and at the cost of the Two Companies or either of them but under the superintendence and to the reasonable satisfaction of the engineer of the water board and such works matters or other things shall not be commenced (except in case of emergency) until after seven days' previous notice thereof in writing shall have been given to the water board:
- (3) The water board and the engineer workmen and others in their employ may at all reasonable times after giving (except in case of emergency) seven days' previous notice in writing to the engineer of the Two Companies enter upon any streets or lands by this Act authorised to be made diverted altered or acquired and upon those portions of the railway under which the water apparatus may for the time being be carried and do all such works as may be required for repairing maintaining altering enlarging protecting removing or replacing any water apparatus now laid or which may hereafter be laid under the provisions of this section under or over the same:
- (4) If by reason of the exercise by the Two Companies or either of them of any of the powers granted to them by this Act any existing water apparatus belonging to the water board now laid under the road numbered 5 on the deposited plans in the parish of Carleton and 13 in the parish of Poulton-le-Fylde and under the occupation road numbered 3 in the last-named parish shall be required to be altered or diverted the Two Companies shall in addition to providing for and paying the cost of such alteration and diversion and of any water apparatus required to be substituted for any existing water apparatus interfered with altered or diverted make due provision for the same being constructed under and not over the railway and shall also make

provision as to culverts as in the next subsection mentioned for enabling the water board to lay down and maintain any further water apparatus of sufficient diameter parallel or nearly parallel with and by the side of the existing apparatus or any altered diverted or substituted apparatus and the water board shall have full power and authority from time to time to lay down and maintain all such water apparatus under such streets lands and railway as aforesaid and to repair alter or renew the same or to increase the number thereof :

- (5) Where the railway crosses over any water apparatus such water apparatus shall if the water board so require be laid in a sufficient brick stone or iron culvert and such culvert shall be constructed and maintained by and at the cost of the Two Companies but under the superintendence and to the reasonable satisfaction of the engineer for the time being of the water board :
- (6) If the Two Companies or either of them shall enter upon and take any of the lands numbered 1 and 2 on the deposited plans in the parish of Saint Anne's-on-the-Sea they shall not take or interfere with the water mains passing thereunder and the water board shall have all necessary and reasonable facilities for inspecting repairing and renewing the same :
- (7) All works constructed under this Act affecting the water apparatus shall be constructed and maintained so that the use of the water apparatus of the water board and their supply of water shall not be unduly impeded or interfered with :
- (8) If by reason of the construction or maintenance of the works by this Act authorised any additional water mains or pipes or any increased lengths or capacity thereof respectively be rendered necessary the same shall be respectively provided laid and constructed by the water board at the expense of the Two Companies Whenever by the appropriation or destruction of property under this Act within the limits of supply of the water board any water mains or pipes laid at the cost of the Fylde Waterworks Company or the water board for the supply of such property shall be rendered unnecessary the Two Companies shall pay to the water board the cost of providing and laying equivalent water mains or pipes and the cost of the works required for the discontinuance of any water mains or pipes so rendered unnecessary to such amount as shall be estimated by the engineer for the time being of the water board The water mains and pipes so rendered unnecessary shall be the property of the Two Companies :

[Ch. lxi.] *Lancashire and Yorkshire Railway* [61 & 62 VICT.]  
*Act, 1898.*

A.D. 1898.

- (9) The Two Companies shall compensate the water board in respect of all damage and loss which may be sustained by the water board during the construction of the works and during their subsequent maintenance by reason or in consequence of any interruption occasioned to the water supply of the water board arising through failure in the works to be executed by the Two Companies or either of them under the authority of this Act and if the Two Companies shall fail to pay to the water board such compensation on demand the same may be recovered by the water board in any court of competent jurisdiction :
- (10) Nothing in this section shall limit prejudice or affect the right of the water board to compensation in respect of any matter not otherwise expressly provided for by this section or in respect of lands or premises (if any) belonging to the water board which may be taken or acquired by the Two Companies or either of them or may be injuriously affected by the execution of the works by the Two Companies or either of them :
- (11) Save as in this Act otherwise expressly provided nothing in this Act shall diminish limit prejudice or affect any of the rights or privileges of the water board :
- (12) If any difference shall arise between the Two Companies or either of them and the water board respectively as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with reference to the settlement of disputes by arbitration :
- (13) If at the time of the passing of this Act the undertaking of the Fylde Waterworks Company shall not have been transferred to the water board the provisions of this section shall apply to the Fylde Waterworks Company so long as the undertaking remains in their hands and this section shall during that time be read and have effect as if the Fylde Waterworks Company were substituted for the water board.

For protection of  
Blackpool  
Corporation.

**36.** For the protection of the mayor aldermen and burgesses of the borough of Blackpool (in this section called "the corporation") the following provisions shall (unless otherwise agreed between the corporation and the Two Companies) have effect (that is to say) :—

- (1) In this section the expression "the Act of 1896" means the Lancashire and Yorkshire and London and North Western Railway Companies Act 1896 :

A.D. 1898.

- (2) If the corporation desire the width of Cow Gap Lane in the borough of Blackpool co-extensive with the lands or works of the Two Companies therein or abutting thereon to be increased from forty-five feet to fifty feet as indicated on the plan signed in duplicate for the purposes of this section by William Barton Worthington on behalf of the Two Companies and by Jeremiah Wolstenholme on behalf of the corporation and of such desire shall give notice under the hand of their town clerk to the Two Companies within six weeks from the passing of this Act then upon such notice being so given subsections (7) (8) (9) and (10) of section 14 (For the protection of the Blackpool Corporation) of the Act of 1896 shall apply to any lands acquired by the Two Companies or either of them abutting on Cow Gap Lane aforesaid and to the works mentioned or referred to in such subsections with the substitution of fifty feet for forty-five feet as the width of Cow Gap Lane aforesaid and as the width of the bridge mentioned in the said subsection (7) and of the approaches thereto between the parapets or fences and if the corporation give the notice mentioned in this subsection the corporation shall within three months from the completion of the works of the Two Companies in this subsection provided for pay to them the sum of one thousand one hundred pounds The corporation may borrow the said sum of one thousand one hundred pounds on the security of the district fund and general district rate of the said borough and the provisions of sections 236 237 238 and 239 of the Public Health Act 1875 shall be applicable to the mortgages made by the corporation under this section The corporation shall pay off all moneys borrowed by them under this section within forty years from the borrowing of the same in accordance with the provisions of the Public Health Act 1875 as if the same were borrowed under that Act The corporation shall make an annual return to the Local Government Board with regard to the repayment of the said moneys and the provisions of section 132 (Annual return to Local Government Board with respect to sinking fund) of the Blackpool Improvement Act 1893 shall extend and apply mutatis mutandis to and in relation to such return :
- (3) In the event of the width of Cow Gap Lane aforesaid being increased to fifty feet the Two Companies shall not be under any obligation to acquire the land coloured green on the said plan or any easement for the slope on the southerly side thereof co-extensive therewith beyond that necessary to carry out their obligations to the corporation under the Act of 1896 :

A.D. 1898.

- (4) If the corporation desire the ascent on the easterly side of the new bridge or alteration of the existing bridge carrying Cow Gap Lane over the railway and the widening and improvement of railway respectively referred to in the said section 14 of the Act of 1896 and of the approaches to such bridge to be one foot in thirty feet instead of one foot in twenty feet and of such desire shall give notice under the hand of their town clerk to the Two Companies within six weeks from the passing of this Act then upon such notice being so given and notwithstanding anything contained in the Act of 1896 or any Act incorporated therewith or the plans and sections deposited for the purposes of the Act of 1896 the said ascent shall be one foot in thirty feet Provided nevertheless that the corporation shall at their own expense and contemporaneously with the carrying out by the Two Companies of their portion of the work execute the works (including those mentioned in subsection (9) of section 14 of the Act of 1896) between the points marked respectively A and B on the said plan to make such ascent one foot in thirty feet and shall also procure any necessary land or easement for the slope on the southerly side of the said land coloured green on the said plan beyond that required to carry out the obligations of the Two Companies to the corporation under the Act of 1896 :
- (5) In the event of the Two Companies or either of them erecting any railway station abutting on Cow Gap Lane aforesaid the Two Companies or one of them shall set back the buildings of such railway station at least twenty-eight feet six inches from the centre of such road if the width thereof be forty-five feet and at least thirty-one feet from the centre of such road if the width thereof be fifty feet and shall co-extensive with the railway station premises abutting on such road leave the space of land between the railway station premises and the road open and unbuilt upon for conveyances setting down and taking up passengers at such station and also for luggage carts or waggons delivering or receiving luggage or parcels thereon so that there may be no unnecessary interference with the street traffic but the Two Companies shall be at liberty to construct a projecting verandah in front of the station buildings up to the line of Cow Gap Lane when completed in accordance with the provisions of this section :
- (6) If any difference arise between the Two Companies 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 :

A.D. 1898.

(7) Except as herein expressly provided nothing herein contained shall prejudicially affect the rights or powers of the corporation under the said section 14 of the Act of 1896.

**37.** The Two Companies may enter into and fulfil contracts and agreements with respect to the powers herein-before conferred on the Two Companies with respect to the Preston and Wyre undertaking.

Agreements between the Two Companies.

**38.** Nothing in this Act contained shall directly or indirectly alter or affect the rights liabilities or obligations of each of the Two Companies as between themselves with respect to the Preston and Wyre undertaking.

Rights of the Two Companies inter se not to be affected.

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

Provisions of certain sections of this Act applied to the Two Companies.

Period for completion of railways ;

Penalty unless railways opened within the time limited ;

Application of penalty ;

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

Power to deviate in construction of works ;

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

Power to take easements &c. by agreement ;

Period for compulsory purchase of lands ;

As to taking houses of labouring class ;

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

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

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 undertaking.

**40.** The Company with respect to lands acquired by them alone or by the West Lancashire Company and the Company and any other company with whom the Company jointly hold any lands under the powers of any Act relating to the undertaking of the Company or of the West Lancashire Company or of such other company with respect to such last-mentioned lands may notwithstanding anything to the contrary in the Lands Clauses

Extending time for sale of certain superfluous lands.

[Ch. lxi.] *Lancashire and Yorkshire Railway* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898. Consolidation Act 1845 or in any Act relating to the Company or to the West Lancashire Company or to such other company with which that Act is incorporated retain and hold any lands acquired by them respectively and which have not yet been applied to the purposes for which they were acquired or sold or disposed of for the periods following (that is to say) As regards such of the lands as are situate near to or adjoining any railway or station of the Company or of the West Lancashire Company or of such other company as the case may be or as they respectively may be of opinion that they may require for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act :

But the Company or such other company as the case may be shall at the expiration of such respective periods of ten years and two years proceed bonâ fide to the sale and disposal of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes aforesaid.

As to  
appointment  
of special  
constables.

41. The provisions of section 275 of the Company's Act 6 and 7 Will. IV. cap. cxi. (which Act may be cited for all purposes as "the Manchester to Leeds Railway Act 1836") with respect to the appointment of special constables are hereby extended and made applicable to and the powers of any constable appointed thereunder and by whatever justices appointed may be exercised within and upon the whole of the railways stations and works belonging to the Company and every or any part thereof and within half a mile therefrom and any person who shall resist any constable so appointed or obstruct him in the execution of his duty shall be liable on summary conviction for every such offence to a fine not exceeding five pounds :

Provided that no such constable shall act as such under the authority of this Act unless he be in uniform or provided with an authority to act as a constable which authority the justices appointing him are hereby empowered to grant and which the constable shall show if called upon to do so.

Power  
to raise  
additional  
capital.

42. The Company from time to time may for the purposes of this Act and for the general purposes of their undertaking raise by the creation and issue of shares or stock such additional capital as they shall think necessary not exceeding four hundred and fifty 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. A.D. 1898.

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

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

**44.** 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.

Qualifications of new shares or stock.

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

Power to raise capital under any other Act and this Act by new shares or stock of one class.

**46.** The Company may in respect of the additional capital of four hundred and fifty 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 one hundred and fifty thousand pounds Provided that in respect of every one hundred and fifty 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 fifty thousand pounds but no part of any of the before-mentioned sums of fifty 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

Power to borrow on mortgage.

[Ch. lxi.] *Lancashire and Yorkshire Railway* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898. — 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 to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Former mortgages to have priority.

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

Power to apply corporate funds to purposes of Act.

48. 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.

49. 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.

50. 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. A.D. 1898.

51. 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. Receipt in case of persons not sui juris.

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

53. 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.

54. 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.

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

56. 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. Costs of Act.

[Ch. lxi.] *Lancashire and Yorkshire Railway* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898. The SCHEDULE referred to in the foregoing Act.

Describing PROPERTIES of which Portions only may be required.

Parish.	Numbers on deposited Plans.
DIVERSION OF LORD'S LANE BRIGHOUSE.	
Rastrick	- -   3.
DIVERSION OF FOOTPATH AT WAKEFIELD (INGS ROAD).	
Wakefield	- -   33.
LANDS AT ACCRINGTON.	
Accrington	- -   1 2 3.
LANDS AT AND NEAR HORBURY.	
Horbury	- - -   5 6.
LANDS AT WAKEFIELD (INGS ROAD).	
Wakefield	- -   33.
RAILWAY AT POULTON.	
Poulton-le-Fylde	- -   16 17 18 19 20 21 23 24 25 26.

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