CHAP. x.

An Act for the abandonment of a portion of one of the authorised Railways of the Lancashire Union Railways Company; and for other purposes. [25th May 1871.]

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Recital of Acts relating to Lancashire Union Railways.

WHEREAS by the Lancashire Union Railways Act, 1866 (in this Act called "the Act of 1866"), the Lancashire Union Railways Company (in this Act called "the Company") were empowered to construct the following railways; (that is to say,)

No. 1. A railway commencing by a junction with the Broad Oak or Black Brook branch of the London and North-western Railway in the township of Parr and parish of Prescot, and terminating in the township of Ashton-in-Makerfield and parish of Winwick, all in the county of Lancaster, there to form a junction with the authorised main line of the Lancashire Union Railways (which railway is in this Act called "Railway No. 1 of the Act of 1866"):

No. 2. A railway commencing by a junction with the railway above described in the said township of Parr, and terminating between Havannah Colliery and the Sankey Canal in the same township (which railway is in this Act called "Railway No. 2 of the Act of 1866"):

And whereas by the Lancashire Union Railways Act, 1868 (in this case called "the Act of 1868"), the Company were empowered to abandon the construction of so much of railway No. 1 of the Act of 1866 as would lie between the authorised junction thereof with railway No. 2 of the Act of 1866 and the authorised termination of the said railway No. 1, and it is expedient that the Company should be empowered to abandon the construction of the portion in this Act mentioned of railway No. 2 of the Act of 1866:

And whereas by section 18 of the Act of 1866, after reciting that a sum of six thousand four hundred pounds, being equal to eight per centum upon seventy-nine thousand three hundred and seventy-five pounds eighteen shillings and sixpence, the amount of the estimate of the expense of the railways authorised by such Act, had

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been deposited with the Court of Chancery with respect to the application to Parliament for that Act, it was enacted that that sum should not be repaid except on the conditions therein specified:

And whereas the said sum of six thousand four hundred pounds has been invested in the purchase of two thousand nine hundred and fifty-nine pounds ten shillings and ninepence East India stock:

And whereas the railways No. 1 and No. 2 of the Act of 1866 have been constructed, except the portions thereof respectively by the Act of 1868 and this Act authorised to be abandoned, and it is expedient that provision should be made for the repayment of the money deposited as herein-before mentioned:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

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; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Lancashire Union Railways Act, 1871."

Authorising abandonment of portion of authorised railway No. 2.

2. The Company shall abandon and relinquish the construction of so much of the railway No. 2 of the Act of 1866 as lies between the authorised termination thereof in the township of Parr in the parish of Prescot in the county of Lancaster, and a point in the same township and parish distant eleven and a half chains, or thereabouts, from such termination.

Compensation for damage to land by entry, &c. for purposes of portion of railway abandoned.

3. The abandonment under the authority of this Act of the before-mentioned portion of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation, in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation, in accordance with the provisions in that behalf of the Railways Clauses Consolidation Act, 1845, for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the last-mentioned Act or the Act of 1866.

Compensation to be made in respect of portion of railway abandoned.

4. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said portion of railway authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by the Act of 1866 authorised, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Providing for return of money deposited in reference to Act of 1866.

5. Section 18 of the Act of 1866 is hereby repealed, and the Court of Chancery may and shall, at any time after the passing of this Act, but without requiring the production of a certificate of the passing of the Act of 1866, order (according to the provisions of the Public General Act of the ninth and tenth Victoria, chapter twenty,) the transfer and payment by the Accountant General of that court of the said sum of two thousand nine hundred and fifty-nine pounds ten shillings and ninepence East India stock standing in his name in trust in the matter of an account entitled ex parte the undertaking to empower the Lancashire Union Railways Company to construct new railways in the township of Parr Haydock and Ashton-in-Makerfield in the county of Lancaster, and for other purposes, and the dividends thereon to the Company or to such person or persons as they may appoint to receive the same.

Saving certain agreements.

6. Nothing in this Act contained shall in any manner prejudice or affect the agreement or heads of agreement of the ninth day of May one thousand eight hundred and sixty-five, made between the Company of the first part, the London and North-western Railway Company of the second part, and the several other persons therein referred to, and therein called guarantors, of the third part, referred to and confirmed and made binding by the thirty-fourth section of the Act of 1865, and of which a copy is set forth in the schedule to that Act.

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

7. The Company shall not, out of any money by any existing 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 that Company to construct any other railway, or to execute any other work or undertaking.

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Railways not exempt from provisions of present and future general Acts.

8. Nothing herein contained shall be deemed or construed to exempt the Lancashire Union Railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by the Acts relating to those railways respectively.

Expenses of Act.

9. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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