CHAPTER cxxvi.

An Act for conferring further powers upon the London and North Western Railway Company in relation to their own undertaking and other undertakings in which they are interested jointly with other companies and also for conferring powers upon the Great Western Railway Company and the Midland Railway Company in relation to such other undertakings and for other purposes. [6th July 1895.] A.D. 1895.

WHEREAS it is expedient that the London and North Western Railway Company (in this Act called "the Company") should be empowered to make the new railway and to make the new and alter and stop up the existing roads and footpaths and to execute the other works and exercise the other powers in this Act respectively mentioned and to acquire for the purposes of the works by this Act authorised and for the general purposes of their undertaking the lands in this Act also mentioned:

And whereas it is expedient that the Company and the Great Western Railway Company (in this Act called "the Great Western Company") should be empowered to execute the works and acquire the lands in this Act mentioned in that behalf:

And whereas plans and sections showing the respective lines and levels of the railway and other works by this Act authorised to be constructed and plans of the lands by this Act authorised to be acquired and appropriated and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the several counties within which those works will be constructed and those lands are situate which plans sections and books of reference are in this Act

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respectively referred to as the deposited plans sections and books of reference:

And whereas it is expedient that provision should be made for the user by the Midland Railway Company (in this Act called "the Midland Company") of the new railway by this Act authorised and for extending to such railway some of the provisions contained in the London and North Western Railway (New Railways) Act 1892 with respect to the works at Birmingham in that Act mentioned:

And whereas it is expedient that the period limited by the London and North Western Railway Act 1890 for the completion of the Ashbourne and Buxton Railway by that Act authorised should be extended:

And whereas it is expedient that further powers should be conferred upon the Company as regards their own undertaking and upon the Company and the Great Western Company as regards the Birkenhead Railway of those companies with respect to the sale or other disposal of lands acquired by them which are not or eventually may not be required for the purposes of the said undertaking and railway respectively and that the Company should be empowered to sell let or otherwise dispose of lands acquired by them but which may not be required for such purposes:

And whereas it is expedient that provision should be made as contained in this Act for the acquisition by the Company of the Islip Branch Railway of the Islip Iron Company:

And whereas it is expedient that the Company and the Great Western Company should respectively be empowered to apply their funds to the purposes of this Act in which they are interested:

And whereas it is expedient that some of the powers and provisions of existing Acts relating to the Company should be altered amended extended and enlarged and that such further powers should be granted to the Company as are herein-after mentioned:

And whereas the purposes of this Act 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 London and North Western Railway Act 1895.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 and Part I (relating to construction of a railway) and Part II (relating to extension of time) of the Railways Clauses Act 1863.

Interpretation.

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

The expression "the two companies" means and includes the Company and the Great Western Company or whichever of those companies exercises the powers by this Act conferred upon those companies :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to Company to make railway &c.

4. Subject to the provisions of this Act the Company may make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections the new railway herein-after described with all proper stations sidings roads 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 the purposes thereof or in connexion therewith :

The new railway herein-before referred to and authorised by this Act is—

A railway at Birmingham three furlongs four chains and twenty-two links in length to be situate wholly in the parish of Aston-juxta-Birmingham in the county of Warwick commencing by a junction with Railway (No. 1) of the railways at Birmingham authorised by the London and North Western Railway (New Railways) Act 1892 at the east side of Lawley Street and terminating by a junction with the Midland Railway from Birmingham to Gloucester at the north side of Garrison Street.

Extending certain provisions of

5. And whereas by the London and North Western Railway (New Railways) Act 1892 certain railways and widenings (therein

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London and North Western Railway (New Railways) Act 1892 to new railway.

referred to as "the works at Birmingham") were authorised to be made by the Company and sections 29 to 32 of that Act contained provisions for vesting portions thereof in the Midland Company and for the use of portions thereof by that Company and for the payment of the cost thereof and otherwise in relation thereto and the said works included a Railway No. 3 which was intended to be constructed as a double line And whereas by section 58 of the London and North Western Railway Act 1893 the Company and the Midland Company were empowered to delegate to the Joint Committee therein mentioned the supervision and control of all or any part of the said works at Birmingham And whereas the railway by this Act authorised is intended to be in substitution for one line of the said Railway No. 3 Therefore the provisions of the said sections 29 to 32 of the said Act of 1892 and the provisions of the said section 58 of the said Act of 1893 shall so far as applicable extend and apply to the railway by this Act authorised as if the same had formed part of the works at Birmingham authorised by the said Act of 1892 Provided that the powers to make agreements conferred upon the said companies by section 32 of the said Act of 1892 shall be deemed to include a power to agree that in respect of any portion of the said works at Birmingham (including the railway by this Act authorised) the Midland Company shall have easements in or over and not the freehold in the lands upon which such portion of any such works shall be constructed.

Period for completion of new railway.

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

Penalty imposed unless new railway opened within the time limited.

7. If the Company fail within the period limited by this Act to complete the new railway by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the said 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:

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 named in such warrant or order and shall not be paid thereout except as herein-after provided:

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

Application of penalty for non-completion of railway.

8. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway by this Act authorised 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 the said railway and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit:

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or if the said railway or any part thereof 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.

Power to Company to make new roads footpaths and other works.

9. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections relating thereto make the road diversion and other works herein-after described and may in the lines shown on the deposited plans make the new footpaths and alterations of footpaths and bridle road herein-after described with all proper works and

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conveniences connected therewith respectively and may exercise the other powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes and in addition thereto may for the purposes aforesaid and for the purpose of extending their stations sidings warehouses coal wharves depôts and other accommodation for mineral goods and cattle traffic and for other purposes connected with their undertaking enter upon take and use the other lands herein-after described and delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say) :—

(Footpaths and land at Stafford.)

They may in the parish of Castle Church in the county of Stafford stop up and discontinue so much of the public footpath from Stafford to Silkmore Lane which crosses on the level the Company's Trent Valley Railway six hundred and fifty yards or thereabouts south-east of the Trent Valley Junction as lies between the south side of the said railway and the junction of the said footpath with the public footpath which crosses the said railway by means of a bridge two hundred and twenty yards or thereabouts west of the said level crossing and may also stop up and discontinue so much of the last-mentioned footpath as lies between the north end of the said footbridge and a point forty-five yards or thereabouts south of the said footbridge and in lieu thereof they may make two new footpaths :—

(1) Along the south side of the said railway from the south side of the said level crossing to the said point forty-five yards or thereabouts south of the said footbridge :

(2) From the said new footpath (1) to the north end of the said footbridge :

And may carry the said last-mentioned new footpath over the said railway by means of a new footbridge in substitution for the existing footbridge :

And they may enter upon take use and hold certain lands in the same parish lying on the south side of the Company's Trent Valley Railway between the said two existing footpaths :

(Footpath at Staden Buxton.)

They may in the township of Buxton in the parish of Bakewell in the county of Derby stop up and discontinue so much of the public footpath leading from Staden in a southerly direction to London Road which crosses on the level the Company's Buxton and High Peak Junction Railway at a point two

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hundred and sixty-five yards or thereabouts north of the bridge carrying London Road over that railway as lies between the east side of the said level crossing and the said road and in lieu thereof they may make a new footpath along the east side of the said railway between the said level crossing and the said road:

(Standish footpath.)

They may in the township of Standish-cum-Langtree in the parish of Standish in the county of Lancaster stop up and discontinue so much of the public footpath which crosses on the level the Company's North Union Railway immediately north of Standish Station as lies between the east side of the said level crossing and Rectory Lane and in lieu thereof they may make a new footpath along the east side of the said railway between the said level crossing and the said lane:

(Footpaths and works—Heaton Lodge and Wortley Railway.)

In connexion with the construction of the Railway No. 1 authorised by the London and North Western Railway (Heaton Lodge and Wortley Railways) Act 1892 they may execute the works and exercise the powers following all in the West Riding of the county of York (that is to say):—

They may in the township of Heckmondwike in the parish of Birstal—

(A) Make a solid embankment instead of so much of the viaduct shown on the deposited sections referred to in the said Act as extends for a distance of one hundred and seventy yards or thereabouts in a southerly direction from the south side of the Heckmondwike and Thornhill Branch of the Lancashire and Yorkshire Railway:

They may in the township of Liversedge in the parish of Birstal—

(Littletown footpaths.)

(B) Stop up and discontinue the public footpath along so much of Ramsden Street Littletown numbered on the deposited plans referred to in the said Act 441 in the parish of Birstal as extends for a distance of thirty yards or thereabouts from the northern end of that street and also so much of the public footpath in the field numbered on the said plans 430 in the said parish as lies between points respectively thirty yards and ninety yards or thereabouts southward of the point where the said footpath intersects the northern boundary of the said field and in lieu thereof they may make two new footpaths:

(1) From the said point ninety yards or thereabouts southward of the northern boundary of the said field

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hundred and sixty-five yards or thereabouts north of the bridge carrying London Road over that railway as lies between the east side of the said level crossing and the said road and in lieu thereof they may make a new footpath along the east side of the said railway between the said level crossing and the said road:

(Standish footpath.)

They may in the township of Standish-cum-Langtree in the parish of Standish in the county of Lancaster stop up and discontinue so much of the public footpath which crosses on the level the Company's North Union Railway immediately north of Standish Station as lies between the east side of the said level crossing and Rectory Lane and in lieu thereof they may make a new footpath along the east side of the said railway between the said level crossing and the said lane:

(Footpaths and works—Heaton Lodge and Wortley Railway.)

In connexion with the construction of the Railway No. 1 authorised by the London and North Western Railway (Heaton Lodge and Wortley Railways) Act 1892 they may execute the works and exercise the powers following all in the West Riding of the county of York (that is to say):—

They may in the township of Heckmondwike in the parish of Birstal—

(A) Make a solid embankment instead of so much of the viaduct shown on the deposited sections referred to in the said Act as extends for a distance of one hundred and seventy yards or thereabouts in a southerly direction from the south side of the Heckmondwike and Thornhill Branch of the Lancashire and Yorkshire Railway:

They may in the township of Liversedge in the parish of Birstal—

(Littletown footpaths.)

(B) Stop up and discontinue the public footpath along so much of Ramsden Street Littletown numbered on the deposited plans referred to in the said Act 441 in the parish of Birstal as extends for a distance of thirty yards or thereabouts from the northern end of that street and also so much of the public footpath in the field numbered on the said plans 430 in the said parish as lies between points respectively thirty yards and ninety yards or thereabouts southward of the point where the said footpath intersects the northern boundary of the said field and in lieu thereof they may make two new footpaths:

(1) From the said point ninety yards or thereabouts southward of the northern boundary of the said field

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to a point in Ramsden Street thirty yards or thereabouts from the northern end of that street:

(2) From the said new footpath (1) to the said point thirty yards or thereabouts southward of the said northern boundary of the said field:

And may carry the said last-mentioned new footpath under the said authorised railway by means of a subway:

(Birstal footpath.)

They may in the township of Gomersall in the parish of Birstal—

(c) Stop up and discontinue so much of the public footpath from Britannia Mill to Nab Lane which crosses the said authorised railway at a point one hundred yards or thereabouts eastward of Gelderd Road Birstal as lies between points on the said footpath one hundred and ten yards and two hundred and seventy-five yards or thereabouts respectively north-east of Britannia Cottages and in lieu thereof they may make a new footpath between the last-mentioned points and may carry the said new footpath under the said authorised railway by means of a subway:

(Rooms Lane.)

They may in the townships of Gildersome and Morley in the parish of Batley—

(D) Stop up and discontinue so much of the bridle road known as Rooms Lane as lies between its junction with Gelderd Road and a point four hundred and ten yards or thereabouts measured along the said lane from the said junction and in lieu thereof they may make a new bridle road from a point in Gelderd Road two hundred and fifty yards or thereabouts south-west of the said junction of Rooms Lane therewith to the said point in Rooms Lane four hundred and ten yards or thereabouts from that junction and may carry the said new bridle road over the said authorised railway by means of a bridge:

(Additional archways under road from Llansantffraid-Glan-Conway to Llandudno.)

They may in the parish of Llangwstenin in the county of Carnarvon and in the parish of Llansantffraid-Glan-Conway in the county of Denbigh make new or additional archways or openings under the public road from Llansantffraid-Glan-Conway to Llandudno on each side of and adjoining the existing bridge by which the said road is carried over the Chester and Holyhead Railway and for that purpose may alter the levels of the said road and of the public roads joining the said road near to and north of the said bridge and if thought fit may take down and rebuild the said bridge.

Amending section 26 of London and North Western Railway Act 1888.

10. Sub-section (2) of section 26 of the London and North Western Railway Act 1888 (For the protection of the Standish Local Board) shall be and the same is hereby repealed.

Power to Company to acquire additional lands &c.

11. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may from time to time enter upon take and use for the purpose of extending the stations sidings warehouses coal wharves depôts and other accommodation of the Company for mineral goods and cattle traffic and for other purposes connected with their undertaking the lands herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):—

In the county of Stafford—

Certain lands in the parish of Rowley Regis lying on the north-east side of and adjoining the Company's Stour Valley Railway between Albion and Dudley Port stations on that railway: (Lands at Albion.)

Certain lands in the township and parish of Wolverhampton lying on the west side of and adjoining the Company's Stour Valley Railway and on the north side of and adjoining Chillington Street: (Lands at Monmore Green: Chillington Wharf.)

Certain lands in the township and parish of Saint Michael Lichfield in the city and county of the city of Lichfield lying on the south-west side of and adjoining the Company's Trent Valley Railway at or near the bridge carrying the public road from Lichfield to Curborough over that railway: (Lands at Lichfield.)

In the county of Derby—

Certain lands in the township of Fairfield in the parish of Hope (detached) lying on the south-east side of and adjoining the road which leads from the Company's Buxton Station past the Great Livery Stables to Hogshaw Lane and one hundred and seventy yards or thereabouts measured along the said road from the entrance to the said station: (Lands at Buxton.)

In the county of Chester—

Certain lands in the township of Basford in the parish of Wybunbury south-east of Spring Bank and lying on the west side of and adjoining the lands in the county of Chester firstly described in and authorised to be acquired by the Company under section 15 of the London and North Western Railway Act 1894: (Lands at Crewe: Basford.)

Certain lands in the township of Monks Coppenhall in the parish of Coppenhall lying on both sides of and adjoining (Lands at Crewe: George Street.)

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George Street Crewe and on the west side of and adjoining Thomas Street Crewe at its northern end :

(Lands at Crewe: Hall O'Shaw Farm.)

Certain lands in the township of Church Coppenhall in the parish of Coppenhall lying on the west side of and adjoining the Company's Crewe and Manchester Railway near Hall O'Shaw Farm ;

(Lands at Wilmslow.)

Certain lands in the township of Bollin Fee in the parish of Wilmslow lying on the east side of and adjoining the Company's Crewe and Manchester Railway south of and near to Wilmslow Station :

In the county of Lancaster—

(Lands at Cross Lane Manchester.)

Certain lands in the township of Salford in the parish of Manchester at Cross Lane Station lying on the south side of and adjoining the Company's Liverpool and Manchester Railway and east of Cross Lane :

(Lands at Carr Mill Junction.)

Certain lands in the townships of Windle and Parr in the parish of Prescot lying on both sides of and adjoining the Company's Lancashire Union Railway and between Back Lane and Carr Mill Junction :

In the West Riding of the county of York—

(Lands at Heckmondwike.)

Certain lands in the township of Heckmondwike in the parish of Birstal lying on the north-east side of and adjoining the Heckmondwike and Thornhill Branch of the Lancashire and Yorkshire Railway and south-east of and near to the crossing of that branch by the Company's authorised Heaton Lodge and Wortley Railway :

In the counties of Carnarvon and Denbigh—

(Lands near Llandudno Junction.)

Certain lands in the parishes of Llangwstenin and Llansantffraid-Glan-Conway lying on both sides of and adjoining the Chester and Holyhead Railway and between the Llandudno Junction Station and a point five hundred yards or thereabouts east of the bridge carrying the public road from Llansantffraid-Glan-Conway to Llandudno over the said railway.

For the protection of the Corporation of Salford.

12. For the protection of the mayor aldermen and burgesses of the borough of Salford (in this section called "the corporation") the following provisions with respect to the powers by this Act conferred upon the Company within the borough of Salford shall have effect (that is to say) :—

(1) The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall extend and apply to the gas mains pipes and apparatus of the corporation and to the corporation in respect thereof as though the corporation were a gas company or society :

(2) If by reason of the exercise of the powers of this Act 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 corporation at the cost of the Company:

(3) If by reason of the exercise of the powers of this Act the corporation shall at any time incur any additional cost in repairing or altering any gas main pipe or apparatus such additional cost shall be repaid by the Company to the corporation.

For the protection of the Llandudno Urban District Council.

13. In constructing and maintaining the additional archways under the road from Llansantffraid-Glan-Conway to Llandudno and in altering the levels of the said road by this Act authorised the Company shall unless otherwise agreed upon between the Llandudno Urban District Council (herein-after called "the district council") and the Company observe perform and fulfil the following provisions stipulations and conditions (namely):—

(1) The provisions of the Railways Clauses Consolidation Act 1845 contained in sections 18 to 23 shall subject to the provisions of this section and so far as the same are applicable apply to the water main of the district council laid and constructed along the said road and whenever in those sections "company" or "society" is used the same shall for all the purposes of this Act be held to extend to and include the district council:

(2) If the Company shall interfere with the said water main of the district council all alterations of the same and all additional length of main rendered necessary by any works authorised by this Act shall be made and laid at the expense of the Company by the district council or if the district council think advisable by the Company in accordance with a plan prepared by the Company to be reasonably approved by the engineer to be appointed by the district council:

If the Company themselves execute any of the works by this section provided for they shall do so at their sole cost and under the superintendence and to the reasonable satisfaction of the district council:

If in the alteration of the bridge it be found necessary to construct any trough or carrier for the said water main such trough or carrier shall be of sufficient sectional area and so constructed as to be capable of carrying a fifteen-inch main.

For the protection of the Brynsteddfod Estate.

14. Notwithstanding anything shown upon the deposited plans or contained in this Act the Company shall not unless with the

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consent of the trustees of the late Archdeacon Hugh Chambres Jones as owners or of the owners for the time being of the Brynsteddfod Estate acquire under the powers of this Act any of the lands numbered 1 3 and 6 in the parish of Llangwstenin and 1 4 5 7 9 and 10 in the parish of Llansantffraid-Glan-Conway other than those shown and coloured pink upon the plan signed by Francis Stevenson on behalf of the Company and Alfred Charles Lyon on behalf of the trustees of the late Archdeacon Hugh Chambres Jones:

The Company shall not interfere with the brook passing along the south side of the Company's railway and adjoining the property of the said trustees until they shall have provided a substituted course for the same along the southern boundary of the said lands to be acquired from the said trustees coloured pink as aforesaid.

Period for compulsory purchase of lands.

15. The powers of the Company 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.

Power to deviate in construction of road diversion &c.

16. The Company may in constructing the road diversion arching bridle road and footpaths by this Act authorised deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of any of the said works shown on the deposited sections to any extent not exceeding three feet but not so as to increase the rate of inclination of the diverted road as shown on the said sections.

Roads not to be stopped up till substituted roads completed.

17. The Company shall not stop up any road or footpath or portion of road or footpath by this Act authorised to be stopped up until they shall have completed to the satisfaction of two justices and opened to the public the diversion of such road or footpath or the new road or footpath (if any) as the case may be by this Act authorised to be made in lieu of the road or footpath so to be stopped up Provided that the Company shall before applying to such justices for their certificate that such road or footpath is completed to their satisfaction give seven days' notice in writing of their intention to apply for the same to the road authority of the district in which such road or footpath is situate:

And the certificate of such justices together with the plan (if any) showing such stopping up and diversion or new road or footpath as aforesaid shall as soon as conveniently may be after the making of the said certificate be lodged with the clerk of the peace of the county or borough in which the said road or footpath or the diversion thereof is situated and shall at the quarter sessions which shall be holden in and for the said county or borough next after the expiration of four weeks from the day of the said certificate of

the said justices having been lodged with the clerk of the peace as aforesaid be read by the said clerk of the peace in open court and the said certificate together with the plan as aforesaid shall be enrolled by the clerk of the peace amongst the records of the said court of quarter sessions.

Provisions as to repair of new roads &c.

18. Any road or footpath or portion of road or footpath to be made diverted or altered under the authority of this Act (except the stone iron or other structure carrying any such road or footpath over the railway which structure shall unless otherwise agreed be repaired and maintained by and at the expense of the Company) shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads streets and footpaths of the same nature within the townships or parishes in which such road or footpath will be situate are from time to time liable to be repaired or maintained:

Provided always that nothing in this section shall relieve the Company from any obligation to repair and maintain any road or footpath or any part thereof made or deviated for the purposes of the railway by this Act authorised which they would be bound to repair and maintain under the provisions of the Railways Clauses Consolidation Act 1845.

Extinguishment of rights of way.

19. All rights of way over or along the several roads footpaths courts passages thoroughfares or highways or portions thereof which shall under the provisions of the section of this Act the marginal note of which is "Power to Company to make new roads footpaths and other works" be diverted stopped up and discontinued and over any of the lands which shall be purchased or acquired under the compulsory powers of this Act shall be and the same are as from the diversion stopping up purchase or acquisition thereof respectively by this Act extinguished.

Vesting in Company of site and soil of portions of roads &c. stopped up.

20. The site and soil of the several roads streets footpaths courts passages thoroughfares or highways or portions thereof by this Act authorised to be diverted stopped up and discontinued and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company for the purposes of their undertaking subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

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Power to two companies to execute works and acquire lands.

21. Subject to the provisions of this Act the two companies or either of them with the consent of the other may in the lines and according to the levels shown on the deposited plans and sections relating thereto execute the works and exercise the powers hereinafter mentioned and may for those purposes and for the purpose of extending the station siding warehouse coal wharf depôt mineral goods and other accommodation of the two companies and for other purposes connected with their joint undertaking enter upon take and use the lands herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say) :—

In the county of Chester—

They may in the construction in the township of Great Mollington in the parish of Backford of the widening of the Birkenhead Railway of the two companies secondly described in and authorised by section 6 of the London and North Western and Great Western Railway Companies Act 1893 make a solid embankment instead of widening so much of the existing viaduct over the Shropshire Union Canal shown on the deposited plans and sections referred to in the said Act relating to the said widening as lies on each side of the arch which spans the said canal :

(Road at Upton Chester.)

For the purpose of complying with the provisions of section 18 of the said Act (For the protection of the Highway Board of the Western Division of the Hundred of Broxton) they may divert and alter the levels of the road in the township of Upton in the parish of St. Mary-on-the-Hill which is numbered on the said plans 5 in the said parish :

They may enter upon take use and hold—

(Lands at Ledsham.)

Certain lands in the township of Ledsham in the parish of Neston lying on the north-east side of and adjoining the Birkenhead Railway and between points seven hundred and fifty yards and fourteen hundred yards or thereabouts respectively south-east of the bridge over that railway at Ledsham Station :

(Lands at Eastham.)

Certain lands in the township and parish of Eastham lying on the west side of and adjoining the Birkenhead Railway and south of and adjoining the road numbered on the deposited plans referred to in the London and North Western and Great Western Railway Companies Act 1893 58 in the said parish :

(Lands at Ellesmere Port.)

Certain lands in the township of Whitby in the parish of Stoke (detached) lying on the north side of and adjoining

the Hooton and Helsby Branch of the Birkenhead Railway and near to and east of Ellesmere Port Station.

For the protection of the Mollington Hall Estate.

22. Notwithstanding the powers by this Act conferred upon the two companies with respect to the making of a solid embankment instead of viaduct for the purposes of the widening of the Birkenhead Railway authorised by the London and North Western and Great Western Railway Companies Act 1893 the two companies shall for the purpose of connecting the portions severed by the railway of the Mollington Hall Estate mentioned in section 23 of the said Act provide and complete for use and to the reasonable satisfaction of the owner as defined by that section and in accordance with the provisions of sub-section (6) of that section an accommodation road under the existing viaduct and the said embankment.

As to interference with gas mains.

23. The provisions of the Railways Clauses Consolidation Act 1845 contained in sections 18 to 23 shall apply to any gas mains or pipes which may be intercepted disturbed or interfered with by the two companies or either of them in executing the road diversion in the parish of St. Mary-on-the-Hill in the county of Chester by this Act authorised.

For the protection of Chester United Gas Company.

24. The following provisions for the protection and benefit of the Chester United Gas Company (herein-after referred to as "the gas company") shall apply and have effect:—

(1) Whenever it may be necessary to intercept or interfere with any existing gas mains or pipes belonging to the gas company the two companies shall before intercepting or interfering with such existing mains or pipes construct at their own expense according to a plan to be reasonably approved by the gas company other mains or pipes in lieu of and of not less than equal capacity with the gas mains or pipes as proposed to be intercepted or interfered with and such substituted gas mains or pipes shall be connected by and at the expense of the two companies with any existing gas mains or pipes which may be intercepted and interfered with and in such manner as shall be reasonably approved by the gas company:

(2) If by reason of the execution of any of the powers of this Act any additional gas mains or pipes or any increased length or alteration of gas mains or pipes connected therewith shall become necessary the same shall be constructed by and at the expense of the two companies of such capacity according to such plans and in such manner as shall be reasonably approved by the gas company and at such time and in such manner as shall not interfere with the proper supply and distribution of gas:

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(3) If by reason of the operations of the two companies any loss of gas should be caused the two companies shall make due compensation therefor to the gas company:

(4) If by reason of the execution of any of the powers of this Act the gas company shall necessarily incur any cost in altering any existing gas mains or pipes the two companies shall repay to the gas company such cost and the same may be recovered in default of payment in any court of competent jurisdiction:

(5) If any difference shall arise between the two companies and the gas company as to the true intent and meaning of this section or as to anything to be done or not to be done thereunder or as to any plans or the mode of executing any works or of any loss or damage as above under this section such difference shall be determined by an engineer to be appointed (unless otherwise agreed) on the application of the two companies or the gas company by the president for the time being of the Institution of Civil Engineers whose decision shall be final and binding on both parties and the cost of the reference shall be borne as he shall direct and his decision shall be final and may be made a rule of court.

For the protection of the Wirrall Highway Board.

25. Notwithstanding anything in this Act contained the two companies shall not without the previous consent in writing of the Highway Board for the District of the Hundred of Wirral stop up the footpath which passes through the field No. 1 on the deposited plans in the township of Ledsham and parish of Neston.

Power to two companies to deviate in construction of works.

26. The two companies may in constructing the road diversion by this Act authorised to be executed by them deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding three feet but not so as to increase the rate of inclination of the diverted road as shown on the said sections.

Road not to be stopped up till diversion completed.

27. The two companies shall not stop up any road by this Act authorised to be stopped up by them until they shall have completed to the satisfaction of two justices and opened to the public the diversion of such road by this Act authorised to be made in lieu of the road so to be stopped up Provided that the two companies shall before applying to such justices for their certificate that such road is completed to their satisfaction give seven days' notice in writing of their intention to apply for the same to the road authority of the district in which such road is situate:

And the certificate of such justices together with the plan (if any) showing such stopping up and diversion as aforesaid shall as soon as conveniently may be after the making of the said certificate be lodged with the clerk of the peace for the county of Chester and shall at the quarter sessions which shall be holden in and for the said county next after the expiration of four weeks from the day of the said certificate of the said justices having been lodged with the clerk of the peace as aforesaid be read by the said clerk of the peace in open court and the said certificate together with the plan as aforesaid shall be enrolled by the clerk of the peace amongst the records of the said court of quarter sessions.

Extinguishment of rights of way.

28. All rights of way over or along the road or highway or portion thereof which shall under the provisions of the section of this Act the marginal note of which is "Power to two companies to execute works and acquire lands" be diverted stopped up and discontinued and over any of the lands which shall be purchased or acquired by the said companies under the compulsory powers of this Act shall be and the same are as from the diversion stopping up purchase or acquisition thereof respectively by this Act extinguished.

Period for compulsory purchase of lands by two companies.

29. The powers of the two companies 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.

Power to Company and Great Western Company to make agreements.

30. The Company and the Great Western Company may enter into and carry into effect agreements with respect to the exercise of the powers by this Act conferred upon them and to the purchase holding and user of the lands which by this Act they are authorised to acquire and with respect to the payment and contribution to be made by each of them towards the costs charges and expenses incurred in respect thereof.

Power to owners to grant easements.

31. 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 or to the two companies as the case may be any easement right or privilege (not being any easement right or privilege of water in which other than parties to the agreement have an interest) required for any of the purposes of this Act to be executed by them respectively 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.

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

32. And whereas in the construction of the railway and works by this Act authorised or otherwise in the exercise by the Company of the powers by this Act conferred upon them it may happen that portions only of certain lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto:

Therefore the owners of and persons interested in any of the properties described in the schedule to this Act and whereof parts only are required for the purposes of the Company may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without such material detriment as aforesaid be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges that such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of the said tribunal any such portion or portions cannot be severed from the remainder of such property without such material detriment the Company may withdraw their notices to treat for the portion or portions of the property required by them and thereupon they shall pay to the owner of or other person interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by him in consequence of such notice Provided also that if in the opinion of such tribunal any such portion or portions can notwithstanding the allegation of such owner or other person be severed

from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises Provided further that this section shall not apply to the approach to the national schools and playground in the parish of Llangwstenin numbered on the deposited plans 15 in that parish if such approach shall be materially interfered with.

Restrictions on displacing persons of labouring class.

33.—(1.) The Company or the two companies 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 or companies exercising the said powers—

(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

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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 or the two companies 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 the Company or the two companies may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company or the two companies for the purpose of any scheme under this section in the same manner in all respects as if the Company or companies exercising the said powers 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 or the two companies 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 or the two companies 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 sub-section subject to such conditions (if any) as they may see fit.

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

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and 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 or companies exercising the said powers 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 or the two companies 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 or companies by whom the same were acquired

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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" includes mechanics artizans 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.

Extension of time for construction of Ashbourne and Buxton Railway.

34. The time limited by the London and North Western Railway Act 1890 for the construction and completion of the Ashbourne and Buxton Railway by that Act authorised is hereby extended for a period of three years from the fourth day of August one thousand eight hundred and ninety-five and sections 29 and 30 of that Act so far as the same relate to or affect the said railway shall be read and construed accordingly except that no part of any penalty to be incurred in respect of the said railway under those sections shall be forfeited to Her Majesty but all sums of money to be recovered by way of penalty under the said sections shall (subject to the application thereof in payment of compensation or for the benefit of creditors as provided by the said section 30) be repaid to the Company:

If the said Ashbourne and Buxton 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.

Extending time for sale of certain superfluous lands of Company.

35. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold sell and dispose of any superfluous lands connected with the Kenilworth and Berkswell Railway and the Stockport Junction Railway are hereby extended for the periods following (that is to say) As regards such of the

said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act.

Extending time for sale of superfluous lands on Birkenhead Railway.

36. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the two companies or either of them with which that Act is incorporated the periods for and within which the two companies may hold sell and dispose of any superfluous lands connected with the Birkenhead Railway including the Hooton and Parkgate Branch thereof are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining the said railway or any station thereon 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.

Power to deal with lands over tunnels &c.

37. The following provisions shall apply to the lands or buildings situate on over or adjoining the tunnels of the Company at Primrose Hill London Birmingham and Liverpool which lands and buildings are in this section referred to as "the premises":—

(A) The premises shall not be deemed superfluous land within the meaning of the Lands Clauses Consolidation Act 1845:

(B) The Company may hold and let the premises and may grant leases of the same or of any parts thereof for any term and subject to such reservations restrictions and other provisions as the Company may think fit Provided that nothing contained in any lease to be granted under the powers of this section shall prejudicially affect or interfere with the working of the railways of the Company or the accommodation of the traffic thereof and that the Company in every such lease shall reserve to themselves the right of re-entry in the event of the premises being at any time required for any of the purposes of their undertaking upon their giving to the lessee his executors administrators or assigns six months' notice of such requirement and paying to him or them such an amount of purchase money or compensation as in the case of difference shall be settled by arbitration in manner provided by the Lands Clauses Acts for the settlement of cases of disputed compensation.

Power to purchase branch railway to Islip Ironworks.

38. The Company may agree with the Islip Iron Company and other the owners of and persons interested in the branch railway connecting the Islip Ironworks with the Northampton and Peterborough Railway of the Company for the purchase or lease by the Company of the said branch railway with the appurtenances thereto

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or any of them and upon the completion of such purchase or during the continuation of any lease the said branch railway shall for all purposes be and form part of the said Northampton and Peterborough Railway of the Company.

Repeal of section 14 of Huddersfield and Manchester Railway Act 1847.

39. Section 14 of the Huddersfield and Manchester Railway (Deviations and Alterations in Oldham Branch) Act 1847 of which the marginal note is "For protection of property of James Collinge and Edward Abbot Wright" is hereby repealed and the Company are hereby relieved from all obligations imposed upon them by that section.

Power to Company to apply corporate funds to purposes of Act.

40. The Company may apply to any of 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 shares stock debenture stock or mortgage by virtue of any Act relating to the Company already passed and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Great Western and Midland Companies may apply corporate funds.

41. The Great Western Company and the Midland Company respectively may from time to time apply for or towards all or any of the purposes of this Act in which they are interested to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Provision as to general Railway Acts.

42. Nothing in this Act contained shall exempt the Company or the Great Western Company or the Midland Company or their respective railways from the provisions of any general Act relating to railways or the better or 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 to be taken by the said companies.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

Describing Lands Buildings and Manufactories whereof Portions only are required to be taken.

Number on deposited Plans.	Parish.	Description of Property.
	Rooms Lane Bridle Road.	
1	Batley - -	Colliery ground spoil banks occupation road and tramway.
	Additional Archways and Lands at Llandudno Junction.	
15	Llangwstenin - -	Approach to National Schools and playground.
44	Llangwstenin - -	Field and garden.

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