CHAPTER lxxxi.

An Act for conferring further powers upon the London and North Western Railway Company in relation to their own undertaking and upon that Company and the Great Western Railway Company in relation to their joint undertaking and for other purposes. A.D. 1904.

[22nd July 1904.]

WHEREAS it is expedient that the London and North Western Railway Company (in this Act called "the Company") should be empowered to make the railway and the alteration of their authorised dock works at Garston and to alter and stop up the existing roads and execute the other works and exercise the other powers in this Act herein-after 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 plans and sections showing the respective lines and levels of the railway and of the dock works 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 respectively referred to as the deposited plans sections and books of reference:

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And whereas it is expedient that the time limited by the London and North Western Railway (New Railways) Act 1899 for the completion of the Wilmslow and Levenshulme Railway and the Red Wharf Bay Railway by that Act authorised should be extended as provided by this Act:

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 Railway Company (in this Act called "the Great Western Company") as regards undertakings in which those companies are jointly interested with respect to the sale or other disposal of lands acquired but which are not or eventually may not be required for the purposes of the said undertakings respectively:

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking and to apply their funds to the purposes of this Act:

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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited for all purposes as the London and North Western Railway Act 1904.

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:

The Harbours Docks and Piers Clauses Act 1847:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company;

The making of dividends; and

The giving of notices:

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts:

Provided that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as may from time to time be required by the Board of Trade.

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 railway" means the new railway by this Act authorised.

Protection of gas and water mains of local authorities.

4. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their

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revenues in respect of water or gas (as the case may be) are appropriated.

Power to Company to make railway &c.

5. 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 following railway with all proper stations sidings roads approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference relating thereto 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 as follows (that is to say):—

A railway seven furlongs five chains and twenty links in length to be called the Royal Show Ground Branch to be situate in the parish and urban district of Willesden and in the parish of Twyford Abbey in the urban district of Greenford all in the county of Middlesex commencing by a junction with the low-level lines of the London and Birmingham Railway of the Company and terminating at a point ninety yards or thereabouts north-east of the north-eastern or Abbey Road entrance to the Royal Agricultural Society's Show Ground.

Tolls rates and charges.

6. In respect of the conveyance over the railway of passengers and parcels by passenger train the Company may demand and take the tolls rates and charges authorised by the London and North Western Railway (Consolidation) Act 1846 and for the conveyance thereover of the merchandise (including perishable merchandise by passenger train) specified in the London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891 the Company may demand and take the rates and charges by that Act authorised in respect of the railways not therein specially mentioned.

Period for completion of railway.

7. If the railway is 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 railway or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Penalty imposed unless line is opened

8. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of

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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 works 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 was prevented from completing or opening such line 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.

within time limited.

9. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the

Application of penalty.

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court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

For protection of Grand Junction Canal Company.

10. Whereas the railway by this Act authorised (in this section called "the railway") is intended to be carried across the Grand Junction Canal and other property of the Company of Proprietors of the Grand Junction Canal (herein-after called "the canal company") in the parish of Twyford in the urban district of Greenford Therefore notwithstanding anything in this Act contained the following provisions shall unless otherwise agreed between the Company and the canal company apply for the protection of the canal company (that is to say):—

(1) The Company shall not in the construction or maintenance of the railway alter the line or level of the canal of the canal company or of the towing-path or works thereof or except temporarily as herein-after mentioned contract the present width of the waterway or towing-path of the canal except as shown on the deposited plans or obstruct or impede the navigation thereof or the passage along the towing-path or intercept cut off take use or diminish or allow to escape any of the waters of the canal or damage or interfere with any of the works thereof:

(2) The Company shall not otherwise than by agreement purchase or take any land or property of the canal company but shall only acquire such an easement therein as may be necessary for the purpose of the construction maintenance and use of the railway subject to the restrictions herein contained:

(3) The railway shall be carried across the canal and the towing-path thereof by means of a bridge of the description and dimensions herein-after mentioned (that is to say):—

The bridge over the canal and towing-path shall consist of a single span of not less than fifty feet measured at right angles to the face of the abutments and with a clear headway throughout of not less than ten feet above the weir level of the canal at the point of crossing:

(4) The said bridge shall be constructed of brick stone steel or iron or any of those materials combined and the

abutments of such bridge shall be placed in such positions as the engineer of the canal company shall determine and the Company may construct such bridge of a width not exceeding forty-seven feet between the parapets:

(5) The Company shall at all times during the construction of the bridge over the canal and the towing-path thereof and the works connected therewith and during any future repairs thereof keep an uninterrupted navigable width of water in the canal of not less than twenty-one feet with a clear width of towing-path of not less than six feet and a clear headway above the weir level of the canal at the point of crossing of not less than ten feet:

(6) The said bridge over the canal and towing-path and all works connected therewith shall be constructed and executed according to plans sections and specifications to be submitted to and to be subject to the reasonable approval of the engineer of the canal company previously to the commencement of the works and shall be carried on and completed under the superintendence and to the reasonable satisfaction of such engineer and shall for ever thereafter be maintained in good and substantial repair by and at the expense of the Company In the event of the Company at any time neglecting after due notice from the canal company to maintain or repair the said bridge and works connected therewith the canal company may repair the same and recover the expenses of so doing from the Company:

(7) If in the construction maintenance or repair of the said bridge or by reason or in consequence of the construction thereof or of any defect failure or want of repair thereof any damage to the canal or towing-path or works of the canal company or any obstruction to the navigation of the canal or the passage of traffic along the towing-path thereof or loss of water from the canal shall be at any time occasioned and the canal company shall give the Company notice thereof the Company shall at their own expense forthwith restore the canal towing-path and works of the canal company to the same state and condition as before the happening

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of such damage or remove such obstruction or prevent such loss of water (as the case may be) under such superintendence and to such reasonable satisfaction as aforesaid and in case of their default it shall be lawful for the canal company to do the same and to recover the expense of so doing from the Company :

(8) The bridge across the canal and towing-path and all the works connected therewith shall be completed with all due despatch after the commencement thereof:

(9) If in the construction maintenance or repair of the said bridge and works connected therewith or any of them or by reason or in consequence of the construction thereof or the defect failure or want of repair thereof the water of the canal shall leak escape or run to waste from the canal or if the navigation of the canal or the passage of traffic along the canal or towing-path shall be obstructed contrary to the provisions of this section the Company shall indemnify and compensate the canal company in respect of all costs damages or expenses which they may sustain by reason of such leakage loss of water or obstruction :

(10) If any difference shall arise between the Company and the canal company as to any plans sections and specifications or mode of executing any works under this section the same shall be determined by an engineer to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either party.

Dock works at Garston.

11. 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 and maintain in the parish of Garston in the city and county borough of Liverpool in the county of Lancaster the cut and other works next herein-after described in connexion with the dock at Garston authorised by the London and North Western Railway Act 1902 (in this Act referred to as "the Act of 1902") and may enter upon take and use such of the lands delineated on the deposited plans relating to the said cut and other works and described in the deposited books of reference relating thereto as may be required for the purposes thereof.

The cut and other works herein-before referred to and authorised by this Act are—

In substitution for the cut or channel authorised by the Act of 1902 a deviation thereof three hundred feet or thereabouts in width commencing in the bed or foreshore of the River Mersey at a point three hundred and ten yards or thereabouts south-west of the westernmost corner of the Company's existing dock known as the New Dock at Garston and terminating in the quay wall of the Company's existing dock known as the Old Dock at Garston at a point two hundred and thirty yards or thereabouts south-east of the entrance to that dock:

A lock entrance to the dock authorised by the Act of 1902 commencing at the termination of the deviation cut or channel herein-before described and extending therefrom for a distance of one hundred and ninety yards or thereabouts in an east-south-easterly direction:

Together with all proper entrances cuts locks basins gates sluices sewers dams piers jetties quays wharves stages staiths drops slips tips cranes lifts stairs walls bridges approaches tramways sidings works and conveniences and appliances connected with the said works or any of them or for the purposes thereof.

As to materials dredged.

12. All materials excavated or dredged in constructing and maintaining the cut and other works connected therewith if deposited below high-water mark within the limits of the jurisdiction of the Mersey Commissioners or seaward thereof shall only be deposited in such positions and under such restrictions and regulations as may be fixed by the Mersey Commissioners.

Power to deviate in construction of dock works.

13. In constructing the cut lock entrance and other works connected therewith the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections in the case of the cut to any extent not exceeding five feet upwards and ten feet downwards and in the case of the lock entrance to any extent not exceeding five feet upwards and five feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Mersey Commissioners.

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For protection of Manchester Ship Canal Company.

14. For the protection of the Manchester Ship Canal Company the following provisions shall have effect:—

The cut or channel by this Act authorised shall not be deemed to form part of the existing low-water channel on the Lancashire side of the River Mersey known as the Garston Channel or Garston Deep mentioned in subsection 2 of section 122 of the Manchester Ship Canal Act 1885 and in section 19 of the Manchester Ship Canal (Tidal Openings &c.) Act 1890 and in section 12 of the Manchester Ship Canal Act 1896 and accordingly the provisions of that subsection shall not apply to the aforesaid cut or channel by this Act authorised.

Dock works &c. to be part of dock works authorised by Act of 1902.

15. The cut lock entrance and other works connected therewith by this Act authorised shall for the purposes of tolls rates fares dues and charges and for all other purposes whatsoever be deemed to be part of the dock and works at Garston authorised by the Act of 1902.

Period for completion of cut and lock &c.

16. If the cut lock entrance and other works connected therewith by this Act authorised 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 to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Lights on works.

17. The Company shall on or near the works below high-water mark authorised by this Act during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

If the Company fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Company to exhibit lights.

18. The Company shall at the outer extremity of the said works below high-water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

If the Company fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of works by Mersey Commissioners.

19. If at any time the Mersey Commissioners or the acting conservator of the Mersey on their behalf deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal waters or of the intended site of any such work within the jurisdiction of the Mersey Commissioners the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the said Mersey Commissioners and be recoverable accordingly as an ordinary debt or at the option of the Mersey Commissioners summarily as a civil debt.

Abatement of work abandoned or decayed.

20. If a work constructed by the Company on in over through or across tidal lands or tidal waters in the estuary of the Mersey within the jurisdiction of the Mersey Commissioners is abandoned or suffered to fall into decay the Mersey Commissioners may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the said Mersey Commissioners and be recoverable accordingly as an ordinary debt or at the option of the Mersey Commissioners summarily as a civil debt.

As to future accretions.

21. If any land not required for the purposes of this Act shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed or by any other means cease to be subject to the flow and re-flow of the ordinary tides or to be permanently covered with water (and that whether gradually or imperceptibly or otherwise) the Company shall not by virtue of the ownership of any lands which they are by virtue of this Act empowered to take or acquire have any estate right or interest in or to the land so raised in height or reclaimed or ceasing to be so subject or to be so covered as aforesaid by reason that such raising reclamation or cesser has been gradual or imperceptible or has been wholly or partially caused either by the works by this Act authorised or otherwise.

Diversion of footpath at Sudbury.

22. Subject to the provisions of this Act the Company may in the parish and urban district of Wembley in the county of Middlesex alter and divert so much as lies between the boundaries

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of the Company's property of the public footpath which passes under the Company's London and Birmingham Railway at a point seven hundred and eighty yards or thereabouts south-east of the public road at Sudbury and Wembley Station and may carry such diverted footpath over the said railway and property of the Company by means of a footbridge.

Power to acquire additional lands &c.

23. 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 enter upon take use and appropriate for the purposes of their undertaking and for providing accommodation for persons of the labouring class who may be displaced the lands herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto and may execute the works and exercise the powers herein-after mentioned and so far as such works are shown upon the deposited plans and sections in accordance with those plans and sections (that is to say) :—

In the county of Warwick—

Certain lands in the parish and urban district of Erdington lying on the south-east side of and adjoining the Erdington Goods Station of the Company and south-west of and adjoining New Street Erdington :

In the county of Chester—

Certain lands in the parish of Church Coppenhall lying on the west side of and adjoining the Company's Grand Junction Railway and between points respectively three hundred and fifty yards or thereabouts and seven hundred and seventy yards or thereabouts north of the bridge carrying Parkers Road over that railway :

Certain lands in the parish of Stanthorne in the rural district of Northwich lying on the east side of and adjoining the Grand Junction Railway and property of the Company and on the west side of and adjoining Clive Green Lane between points respectively three hundred yards or thereabouts and five hundred yards or thereabouts north of the road which passes under the said railway at Clive Green :

Certain lands in the parish of Wharton in the urban district of Winsford lying on the west side of and adjoining the Company's Grand Junction Railway and on both sides of and adjoining the road passing over the said railway at Winsford Goods Station :

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Certain lands in the parish of Hartford lying on the south-west side of and adjoining the Company's Grand Junction Railway and between a point one hundred and seventy-five yards or thereabouts south-east of Ridding's Lane and the public road (known as Watling Street) which passes over the said railway at Hartford Station:

Certain other lands in the same parish lying on the north-east side of and adjoining the Grand Junction Railway and property of the Company and between Ridding's Lane and Watling Street:

Certain other lands in the parishes of Hartford and Weaverham lying on the south-west side of and adjoining the Company's Grand Junction Railway between Watling Street and the railway of the Cheshire Lines Committee:

Certain lands in the parish of Weaverham lying on both sides of and adjoining the Company's Grand Junction Railway and extending for a distance of three hundred and forty yards or thereabouts south-eastward from Grange Lane:

Certain lands at Heald Green in the parish of Northen Etchells and in the parish of Stockport Etchells in the urban district of Cheadle and Gatley lying on the west side of and adjoining the Wilmslow and Levenshulme Railway of the Company now in course of construction and extending for a distance of five hundred and fifteen yards or thereabouts southward from Finney Lane:

In the county of Lancaster—

Certain lands in the parishes of Halewood and Ditton lying on the north side of and adjoining the Garston Warrington and Altrincham Railway and property of the Company and between the said railway and Ditton Brook and west of and near to Ditton Junction Station:

Certain lands in the parish of Speke lying between the Garston Warrington and Altrincham Railway and property of the Company at and near Speke Junction and Dodd's Lane:

Certain lands in the parish of Lancaster in the borough of Lancaster lying on the east side of and adjoining the Company's Glasson Dock Branch Railway and between

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that railway and Lune Road and on the south side of and adjoining the ground of the Lancaster Cricket and Bowling Club :

In the county of Westmorland—

Certain lands in the parish of Natland lying on the east side of and adjoining the Company's Lancaster and Carlisle Railway and between points six hundred and ten yards or thereabouts and two hundred and sixty yards or thereabouts south of the road bridge passing over that railway at Oxenholme Station :

Certain other lands in the same parish lying on the east side of and adjoining the said railway between a point one hundred and sixty-five yards or thereabouts south of the said bridge and the said bridge :

Certain lands in the parish of Thrimby in the rural district of West Ward lying on the north-west side of and adjoining the Company's Lancaster and Carlisle Railway between points seventy yards or thereabouts and four hundred and fifty yards or thereabouts north-east of the bridge carrying the public road from Shap to Penrith over the said railway known as Shap Beck Bridge ;

And the Company may alter and reconstruct the bridge which passes over the said railway at a point three hundred and seventy yards or thereabouts north-east of Shap Beck Bridge aforesaid :

Certain lands in the parish of Little Strickland in the rural district of West Ward lying on the east side of and adjoining the Company's Lancaster and Carlisle Railway and extending for a distance of two hundred yards or thereabouts north of Thrimby Bridge :

Certain other lands in the said parishes of Thrimby and Little Strickland in the rural district of West Ward lying on the west side of and adjoining the Company's Lancaster and Carlisle Railway and between points one hundred and ten yards or thereabouts and five hundred and seventy yards or thereabouts measured along the said railway in a northerly direction from Thrimby Bridge :

Certain other lands in the said parish of Thrimby in the rural district of West Ward lying on the south-west side of and adjoining the Company's Lancaster and Carlisle Railway and between points eight hundred and thirty

yards or thereabouts and one thousand three hundred yards or thereabouts measured along the said railway in a north-westerly direction from Thrimby Bridge;

And the Company may in the parish of Yanwath and Eamont Bridge in the rural district of West Ward extend on its eastern side for a distance of two yards or thereabouts the bridge which carries the Company's Lancaster and Carlisle Railway over the road leading from Yanwath to Yanwath Hall:

In the county of Monmouth—

Certain lands in the parish of Ebbw Vale in the urban district of Ebbw Vale lying on the east side of and adjoining the Company's Ebbw Vale Branch Railway and extending for a distance of one hundred and thirty yards or thereabouts northward from the bridge carrying Tredegar Road over the said railway at the north end of Ebbw Vale Station:

In the county of Flint—

Certain lands in the parish of Holywell Rural lying on the north-east side of and adjoining the Company's Chester and Holyhead Railway and between points one hundred and sixty-five yards or thereabouts and three hundred and eighty yards or thereabouts north-west of the level crossing at Bagillt Station on that railway:

Certain other lands in the parish of Holywell Rural lying between points respectively fifty-eight yards or thereabouts and one hundred and ninety-seven yards or thereabouts south-east of the bridge carrying the public road over the Company's Chester and Holyhead Railway at Holywell Station.

For protection of rural district council of Whiston.

24. For the protection of the rural district council of Whiston in the county of Lancaster (in this section referred to as "the council") the following provisions with respect to the powers by this Act conferred upon the Company within the district of the council shall apply and have effect unless otherwise agreed between the council and the Company:—

(1) Whenever it may be necessary to intercept or interfere with any existing sewer or drain belonging to or under the control of the council the Company shall before intercepting or interfering with such existing sewer or drain construct at their own expense according to a plan

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to be reasonably approved by the Council other sewers or drains in lieu of and of not less than equal capacity with the sewer or drain as proposed to be intercepted or interfered with and such substituted sewers or drains shall be connected by and at the expense of the Company with any existing sewers or drains which may be intercepted and interfered with and in such manner as shall be reasonably approved by the council:

(2) If by reason of the execution of any of the powers of this Act any additional sewers or drains or any increased length or alteration of sewers or drains connected therewith shall become necessary the same shall be constructed by and at the expense of the Company of such capacity according to such plans and in such manner as shall be reasonably approved by the council:

(3) 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 Company shall repay to the council such cost:

(4) If any difference shall arise between the Company and the council 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 under this section such difference shall be determined by an engineer to be appointed (unless otherwise agreed) on the application of the Company or the council by the President of the Institution of Civil Engineers.

Height and span of bridge.

25. The Company may make the extension of the bridge over the road numbered on the deposited plans 1 in the parish of Yanwath and Eamont Bridge of any height not less than thirteen feet two inches and of any span not less than twelve feet nine inches.

Power to deviate in construction of road works &c.

26. The Company may subject to any special provisions contained in this Act in constructing the works authorised by the section of this Act of which the marginal note is "Power to acquire additional lands &c." 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 two feet.

Provisions as to repair of footpath.

27. Any footpath or portion of footpath to be made diverted or altered under the authority of this Act (except the stone iron or other structure carrying any such 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 footpaths of the same nature within the parishes in which such footpath or portion of footpath will be situate are from time to time liable to be repaired or maintained.

Stopping up road in case of diversion.

28. Where this Act authorises the diversion of a road or footpath and the stopping up of an existing road or footpath or portion thereof such stopping up shall not take place until two justices shall have certified that the new road or footpath has been completed to their satisfaction and is open for public use.

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

As from the date of the said certificate all rights of way over or along the existing road or footpath or portion thereof shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road or footpath stopped up as far as the same is bounded on both sides by lands of the Company:

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Period for compulsory purchase of lands.

29. 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 owners to grant easements &c.

30. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an

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interest) required for the purposes of this Act 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.

Owners may be required to sell parts only of certain properties.

31. 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 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:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First 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 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 arbitrator 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 :

(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

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portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that 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.

Extension of time for completion of railways.

32. The period limited by the London and North Western Railway (New Railways) Act 1899 for the completion of the Wilmslow and Levenshulme Railway and the Red Wharf Bay Railway by that Act authorised is hereby extended for a period of three years from the first day of August one thousand nine hundred and four and sections 27 and 28 of the said Act shall be read and construed as if the time limited by this Act for the completion of the said railways had been the time limited by the Act of 1899 for the completion thereof.

If the said railways be not completed within the said period of three years then on the expiration of that period the powers by the said Act of 1899 and this Act respectively granted for making and completing the same shall cease except as to so much thereof respectively as shall then be completed.

Extending time for sale of certain superfluous lands of Company.

33. 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 or sell and dispose of any superfluous lands connected with the railways described or mentioned or situate in the parishes named in the Second Schedule to this Act 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 super-

34. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the

Company and the Great Western Company or either of them with which that Act is incorporated the periods for and within which those companies may hold or sell and dispose of any superfluous lands connected with the Birkenhead Railway and the Hooton and Parkgate Branch Railway are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to and adjoining the said railways 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.

Superfluous lands of Company and Great Western Company.

35. The Company may raise for the purposes of this Act and any other Act of the present session of Parliament and for the general purposes of their undertaking (being in every case purposes to which capital is properly applicable by the Company) by the creation and issue of shares or stock such capital as they shall think necessary not exceeding three hundred thousand pounds exclusive of any other capital which they are or may be authorised to raise by this or any other Act or Acts of Parliament and the Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock as they may think fit Notwithstanding anything contained in section 61 of the London and North Western Railway Act 1902 any preferential stock created under the powers of that section or of this Act shall be deemed to be part of and shall rank pari passu with and shall confer the like privileges and shall bear the same dividend and be subject to the like restrictions as such of the existing preference stocks of the Company as the Company may determine.

Power to Company to raise additional money by creation of shares or stock.

36. The Company shall not issue any share under the authority of this Act of less nominal value than ten pounds nor shall any 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 paid up.

37. The capital created by the Company under this Act and the shares or stock therein and the holders thereof respectively (except any capital and the shares or stock therein to which a preferential dividend is attached and the holders of those shares and that stock respectively) shall be subject and entitled to the same powers provisions forfeitures liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of

Except as otherwise provided new capital to be subject to same incidents as ordinary capital.

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the now existing ordinary capital of the Company and those shares and that stock were shares and stock in that ordinary capital.

Dividends on new shares or stock.

38. Every person who becomes entitled to any shares or stock created by the Company under this Act shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend either preferential or ordinary as the case may be with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or stock.

Votes and qualifications in respect of new shares or stock.

39. The holders of the shares or stock created by the Company under this Act shall have rights of voting and qualifications in respect thereof on the principle that each sum of one hundred pounds paid up in respect of the shares or stock held by any such holder shall be deemed equivalent to one original share of one hundred pounds in the capital of the Company as prescribed by the London and North Western Railway (Consolidation) Act 1846 as amended by subsequent Acts:

Provided that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up:

Provided also that (unless otherwise specified in any resolution of the Company) no person shall be entitled to vote in respect of any share or stock created or issued under this Act to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

40. 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 may if they think fit 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 borrow.

41. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise borrow on mortgage of their undertaking any sums not exceeding in the whole one hundred thousand pounds and of that sum they may borrow from time to time not exceeding fifty thousand pounds in respect of each one hundred and fifty

thousand pounds of the said additional capital but no part of any of the said sums of fifty thousand pounds shall be borrowed until shares for so much of the respective portion of the said additional capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of the respective portion of the said capital have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share 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 the respective portion of such 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 to the extent aforesaid 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 if the said respective portion of capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same.

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 shall be sufficient evidence thereof.

For appointment of a receiver.

42. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the

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application for a receiver is made shall not be less than ten thousand pounds in the whole.

Company may create debenture stock.

43. 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 of the Company 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.

Existing mortgages to have priority.

44. All mortgages or bonds granted or to be granted by the Company under the authority of any former Act relating to the Company shall during the continuance thereof and subject to the provisions of the Acts under which such mortgages or bonds were respectively granted have priority over any mortgages granted by the Company by virtue of this Act.

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.

Application of moneys.

45. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes for which they are respectively by this Act authorised to be raised being in every case purposes to which capital is properly applicable.

Receipt in case of persons not sui juris.

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

Power to apply corporate funds to purposes of Act.

47. 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 or to be passed in the present session of Parliament and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Interest not to be paid on calls paid up.

48. 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.

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

49. 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.

Saving rights of Duchy of Lancaster.

50. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said Duchy.

Saving rights of Crown.

51. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Provision as to general Railway Acts.

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

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Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by this Act.

Costs of Act.

53. 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.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY ARE REQUIRED TO BE TAKEN.

No. on deposited Plans.	Parish or other Area.	Description of Property.
	LANDS AT OXENHOLME STATION.	
2	Natland	Garden.
3	Natland	Garden.
4	Natland	Garden.
	LANDS AT THRIMBY.	
3	Little Strickland	Mill-race.

THE SECOND SCHEDULE.

SUPERFLUOUS LANDS OF THE COMPANY.

RAILWAYS.

Daventry and Leamington Railway.
Kenilworth and Berkswell Railway.
Stockport Junction Railway.
Seaton and Uppingham Railway.
Merthyr Tredegar and Abergavenny Railway.
Northampton and Peterborough Railway.

PARISHES.

All Saints Poplar.
St. Michael's St. Albans.
Coppenhall.
St. Thomas' Dublin.

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

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