CHAPTER cxli.

An Act for empowering the London and North-western Railway Company to make new railways and widen alter and improve portions of their existing railways and for conferring further powers upon that Company and the Lancashire and Yorkshire Railway Company and upon the Lancashire Union Railways Company in respect of other undertakings in which they are jointly interested and for other purposes. [18th July 1881.] A.D. 1881.

(Company's Railways.)

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 railways and the widenings alterations and improvements of their existing railways in this Act mentioned:

(Company and Lancashire and Yorkshire Company—joint powers—Maudland Curve.)

And whereas the Company and the Lancashire and Yorkshire Railway Company are jointly possessed of or interested in the Preston and Longridge Railway and it is expedient that they should be empowered for purposes connected with that railway to make and maintain the railway herein-after described in that behalf:

(Lancashire Union Railways Company—Standish Loop.)

And whereas it is expedient that the Lancashire Union Railways Company (whose railways are under the authority of Parliament maintained and worked by the Company) should be empowered to make in connexion with the Lancashire Union Railways the railway herein-after described in that behalf:

(Plans and sections deposited.)

And whereas plans and sections showing the respective lines and levels of the railways and other works by this Act authorised 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

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reference are in this Act respectively referred to as the deposited plans sections and books of reference:

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

And whereas it is expedient that such further powers should be granted to the Company as are herein-after expressed:

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 (New Railways) Act 1881.

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):

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

The Lands Clauses Consolidation Acts 1845 1860 and 1869;

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

8 & 9 Vict. c. 16.

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 nonpayment 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 shares into stock;

The general meetings of the Company;

The making of dividends; and

The giving of notices;

26 & 27 Vict. c. 118.

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.

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 "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 new railways.

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 railways and widenings alterations and improvements of railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose:

The new railways and widenings alterations and improvements of railways herein-before referred to and authorised by this Act to be made and executed by the Company are:—

(Kenilworth and Berkswell Railway.)

(1.) The Kenilworth and Berkswell Railway (four miles two furlongs seven chains and sixty-five links in length) commencing in the parish of Kenilworth in the county of Warwick by a junction with the Coventry and Leamington Railway of the Company and terminating in the parish of Berkswell in the same county by a junction with the London and Birmingham Railway of the Company:

(Stockport Junction.)

(2.) The Stockport Junction (seven furlongs four chains in length) commencing in the township and parish of Stockport in the county of Chester by a junction with the Stockport Disley and Whaleybridge Railway of the Company and terminating in the township and parish of Cheadle in the same county by a junction with the Stockport and Cheadle Railway of the Company:

(West Leigh Branch Extensions.)

(3.) The West Leigh Branch Extensions—

No. 1 (two miles one furlong two chains and eighty links in length) commencing in the township of Abram in the parish of Wigan in the county of Lancaster by a junction with the West Leigh Branch Railway No. 1 authorised by the London and North-western Railway Act 1880 and terminating in the township of Hindley in the same

43 & 44 Vict. c. cxlv.

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parish and county by a junction with the Eccles Tyldesley and Wigan Railway of the Company:

No. 2 (two furlongs six chains in length) wholly situate in the said township of Hindley and parish of Wigan commencing by a junction with the Extension No. 1 and terminating by a junction with the said Eccles Tyldesley and Wigan Railway of the Company:

(Alteration of Levels.)

(4.) The alteration in the townships and parishes of West Leigh Leigh Lowton Winwick Abram and Wigan in the county of Lancaster of the levels of the under-mentioned portion of the said West Leigh Branch Railway No. 1 (namely):

So much thereof as extends for a distance of one thousand seven hundred yards or thereabouts from its authorised termination and junction with the Bickershaw Railway:

(Springwood Second Tunnel.)

(5.) The Springwood Second Tunnel (two furlongs two chains in length) wholly situate in the township and parish of Huddersfield in the West Riding of the county of York commencing and terminating by junctions with the Huddersfield and Manchester Railway of the Company:

(Farnley North Junction.)

(6.) The Farnley North Junction (two furlongs five chains in length) commencing in the township of Wortley in the parish of Leeds in the West Riding of the county of York by a junction with the Leeds and Dewsbury Railway of the Company and terminating in the township of Beeston in the same parish by a junction with the Farnley Branch of the said Leeds and Dewsbury Railway:

(Northampton and Kingsthorpe widening.)

(7.) The widening alteration and improvement and laying down of additional lines of rails upon the under-mentioned portion of the Company's Northampton and Market Harborough Railway (that is to say):

So much thereof in the parishes of Dallington and Kingsthorpe in the county of Northampton as lies between a point thereon one hundred yards or thereabouts south of the bridge at the north end of the Castle Station Northampton which carries that railway over the River Nene and a point thereon four hundred yards or thereabouts north of the level crossing by the said railway of the road from Kingsthorpe to Harlestone:

(Milverton to Kenilworth widening.)

(8.) The widening alteration and improvement and laying down of additional lines of rails upon the under-mentioned portion of the Company's Coventry and Leamington Railway (that is to say):

So much thereof in the parishes of Milverton Leek Wootton and Kenilworth in the county of Warwick as extends from

a point thereon five hundred yards or thereabouts north of the booking office at the Milverton Station to a point thereon five hundred yards or thereabouts south-west of the south end of the Milburn Grange Viaduct:

(9.) The widening alteration and improvement and laying down of additional lines of rails upon the under-mentioned portions of the Company's Saint Helen's Railway (that is to say): (Saint Helen's widenings.)

(1.) So much thereof in the township of Widnes in the parish of Prescot in the county of Lancaster as lies between a point three hundred and forty-five yards or thereabouts south of the Vineyard Level Crossing and the Appleton Station:

(2.) So much thereof in the township of Sutton in the said parish of Prescot as lies between a point two hundred and fifty yards or thereabouts south of the crossing thereunder of the Liverpool and Manchester Railway of the Company and a point two hundred yards or thereabouts north of the Sutton Oak Junction therewith of the Black Brook Branch And the Company may alter the levels of the said last-mentioned portion of railway:

(10.) The new railway at Saint Helen's Junction (four furlongs and eighty links in length) to be wholly situate in the said township of Sutton and parish of Prescot commencing by a junction with the Liverpool and Manchester Railway of the Company and terminating by a junction with the Saint Helen's Railway of the Company as proposed to be altered as last aforesaid. (New railway at Saint Helen's Junction.)

5. With respect to tolls rates and charges and for all other purposes whatever the new railways shall be part of the Company's undertaking Provided always that the Company shall not demand any higher tolls rates and charges than the following (that is to say): Tolls &c. for new railways.

In respect of the Kenilworth and Berkswell Railway the West Leigh Branch Extensions the Springwood Second Tunnel and the Farnley North Junction the tolls rates and charges authorised by the Act (local and personal) ninth and tenth Victoria chapter two hundred and four entitled "An Act to consolidate "the London and Birmingham Grand Junction and Man- "chester and Birmingham Railway Companies" the London and North-western Railway (Additional Powers) Act 1872 the London and North-western Railway (New Lines and Additional Powers) Act 1876 and the London and North-western Railway (Joint and Various Powers) Act 1877; 35 & 36 Vict. c. lxxxvii. 39 & 40 Vict. c. clxxx. 40 & 41 Vict. c. xci.

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20 & 21 Vict. c. xcviii.

And in respect of the Stockport Junction the tolls rates and charges authorised by the Stockport Disley and Whaley Bridge Railway Extension Act 1857:

27 & 28 Vict. c. ccxcvi.

And in respect of the new railway at Saint Helen's Junction the tolls rates and charges authorised by the said Acts and by the Saint Helen's Canal and Railway Transfer Act 1864:

And with respect to tolls rates and charges and for all other purposes whatever the widenings alterations and improvements of railways and the works connected therewith shall be respectively part of the railway widened altered and improved.

Construction of West Leigh Branch Extension No. 1.

6. The Company may construct the West Leigh Branch Extension No. 1 across and on the level of the railway numbered on the deposited plans 72*a* in the parish of Wigan and known as Scowcroft's Colliery Railway Provided always that the said level crossing shall be used for goods and mineral traffic only:

It shall not be lawful for the Company in constructing the West Leigh Branch Extension No. 1 to cross on the level the railway numbered on the deposited plans 51 in the parish of Wigan and being the siding to the Hindley Field Colliery.

Inclinations of certain roads.

7. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
	THE SPRINGWOOD SECOND TUNNEL:		
9	Huddersfield - -	Public road - -	1 in 10 on one side.
	THE WIDENING OF THE NORTHAMPTON AND MARKET HARBOROUGH RAILWAY:		
14	Dallington - -	Private road - -	1 in 15 on one side.

Heights and spans of certain bridges.

8. The Company may make the arches of the bridges for carrying the respective railways over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion with those roads respectively (that is to say):

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
	THE SPRINGWOOD SECOND TUNNEL:			
9	Huddersfield - -	Public road -	12 feet.	
	THE WIDENING OF THE COVENTRY AND LEAMINGTON RAILWAY:			
8, 10	Leek-Wootton -	Public roads -	14 feet 6 inches.	
	THE WIDENING OF THE SAINT HELEN'S RAILWAY AT SUTTON; AND THE NEW RAILWAY AT SAINT HELEN'S JUNCTION:			
58	Prescot - -	Public road -	12 feet 6 inches.	12 feet.
65	Prescot - -	Public road -	- - -	15 feet 9 inches.
78	Prescot - -	Public road -	12 feet 6 inches.	12 feet.

Protection of the Hindley Local Board.

9. The following provisions for the protection of the local board for the district of Hindley (in this section referred to as the local board and their district as the district) in relation to the construction of the West Leigh Branch Extension No. 1 and the works connected therewith shall have effect (that is to say):

1. The Company shall in the construction of the said West Leigh Branch Extension No. 1 in the district divert the footpath leading from Lord Street in Hindley aforesaid to Leigh Road in the manner shown in red on a copy of the deposited plans and sections signed by Francis Stevenson on behalf of the Company and by Richard Pennington the younger on behalf of the local board and no part of the said footpath as diverted shall be of a steeper gradient than 1 in 8:
2. The Company shall make maintain and repair so much of the new footpath as shall be between the letters M and N on the said plan and as shall be situate upon the slopes and approaches to be constructed by the Company within the points L and M and N and O.

Protection of the Hindley Field Coal Company.

10. In the construction and maintenance by the Company of the West Leigh Branch Extension No. 1 (in this section referred to as the railway) the following provisions shall have effect and be observed for the protection of Samuel Lees Henry Lees and John Grundy trading under the firm of The Hindley Field Coal Company (in this section referred to as the coal company) that is to say:

1. From and after and during the construction of the railway the coal company shall be at liberty at all times to cross

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the said railway on the level with their own engines and waggons in order that the coal company may have access as freely as they had before the construction of the railway from their collieries and works on one side of the railway to their collieries and works on the other side thereof and all junctions points and crossings within the Company's boundary fences necessary for affording such access shall be provided and maintained by and at the expense of the Company Provided always that the coal company and their servants shall in crossing the railway with their engines and waggons be at all times subject to the reasonable rules and regulations of the Company:

2. The Company shall construct at their own expense on land to be provided by the coal company a good and convenient approach road twelve feet wide on the west side of the railway between the collieries and works of the coal company and Bickershaw Lane:

3. The Company shall interfere as little as possible with the cart road of the coal company from their said collieries on the east side of the railway to Bickershaw Lane and in case of any such interference or of the diversion or alteration of Bickershaw Lane shall provide a new road so that the access from the said collieries to Bickershaw Lane shall be as far as practicable as direct and convenient in every respect as it was before the construction of the railway:

4. The Company shall at their own costs and charges in the construction of the railway and before the same is opened for public use construct and complete a junction or connexion on each side of the railway at such point as shall be agreed on between the respective engineers of the Company and the coal company for the use of the coal company with all necessary points crossings and works so as to form a convenient communication between the collieries of the coal company and the railway and at the like costs and charges the Company shall continue each of such junctions or connexions up to the boundary of the Company's property so that the coal company shall have as convenient communication with the railway as they at present have with the Bickershaw Colliery Railway:

5. If and so long as the coal company shall either send over each of the junctions or connexions referred to in the foregoing section not less than ten thousand tons of coal per annum or shall send over both the junctions together not less than twenty thousand tons of coal per annum

the Company shall pay all costs charges and expenses in connexion with the maintenance of the said junctions or connexions including the maintenance of all necessary signals and apparatus and the providing pointsmen and signalmen or other necessary persons Provided always that if the traffic over either of the said junctions or connexions shall at any time be less than ten thousand tons per annum then the coal company shall repay to the Company the costs charges and expenses of the junction over which the traffic shall be less than ten thousand tons per annum as aforesaid unless the traffic over both the junctions together shall amount to twenty thousand tons per annum:

6. During the construction of the railway the Company shall at their own costs and charges make provision for the traffic from the said collieries of the coal company being conveyed away from the said collieries to the Eccles Tyldesley and Wigan Railway of the Company and shall use due diligence and take all reasonable precautions to prevent any interruption of the traffic of the coal company or interference with their business:

7. The Company shall convey the traffic of the coal company from their said collieries to the Leeds and Liverpool Canal near Plank Lane and shall charge to the coal company in respect of such traffic the sum of threepence halfpenny per ton including the use by the coal company of the tips:

8. Any dispute or difference arising between the Company and the coal company under this section shall be determined by arbitration in the manner provided by the Railway Companies Arbitration Act 1859 and for the purposes of any such arbitration the coal company shall be deemed to be a railway company. 22 & 23 Vict. c. 59.

Protection of the Abram Coal Company.

11. In the construction and maintenance by the Company of the West Leigh Branch Extensions No. 1 and No. 2 (in this section referred to as the railway) the following provisions shall have effect and be observed for the protection and benefit of William Hayes James Henry Johnson William Hayes junior and William Johnson trading under the firm of the Abram Coal Company (in this section referred to as the coal company) that is to say:

(1.) The Company shall at their own costs and charges if and when required by the coal company construct and complete a junction or connexion for a single line of rails from the railway to the coal company's Fan Pit and continue the same

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up to the boundary of the Company's lands and such junction shall be made at such point as shall be agreed on between the engineers of the coal company and the Company or failing agreement determined by arbitration as herein-after mentioned and the Company shall make all necessary and proper points crossings and signals in connexion with such junction within the boundary of the Company's lands for the exclusive use of the coal company;

(2.) If and so long as the coal company shall send over the junction or connexion referred to in the foregoing sub-section not less than ten thousand tons of coal per annum the Company shall pay all costs charges and expenses in connexion with the maintenance of the said junction or connexion including the maintenance of all necessary signals and apparatus and the providing of pointsmen and signalmen or other necessary persons Provided always that if the traffic of the said junction or connexion shall at any time be less than ten thousand tons per annum then the coal company shall repay to the Company the costs charges and expenses aforesaid;

(3.) From and after and during the construction of the railway the coal company shall be at liberty at all times to cross the railway on the level with their own engines and waggons in order that the coal company may have access as freely as they had before the construction of the railway from their collieries and works on one side of the railway to their collieries and works on the other side thereof and all junctions points and crossings within the Company's boundary fences necessary for affording such access shall be provided and maintained by and at the expense of the Company Provided always that the coal company and their servants shall in crossing the railway with their engines and waggons be at all times subject to the reasonable rules and regulations of the Company;

(4.) The Company shall convey the traffic of the coal company from their collieries to Stock's Works and to the Leeds and Liverpool Canal near Plank Lane and shall charge to the coal company in respect of such traffic not more than twopence per ton including the use by the coal company of the tips;

(5.) During the construction of the railway and at all times thereafter the Company shall at their own costs and charges make provision for the traffic from the collieries of the coal company being conveyed away from the said collieries to the

Eccles Tyldesley and Wigan Railway and shall during the construction of the railway use due diligence and take all reasonable precautions to prevent any interruption of the traffic of the coal company or interference with their business;

(6.) Nothing in this section contained shall prejudice or affect any claim the coal company may have against the Company for any land taken or interfered with by the Company under this Act;

(7.) Any dispute or difference arising between the Company and the coal company under this section shall be determined by arbitration in the manner provided by the Railway Companies Arbitration Act 1859 and for the purposes of any such arbitration the coal company shall be deemed to be a railway company.

Protection of Messieurs Ackers Whitley and Company.

12. In the construction and maintenance by the Company of the West Leigh Branch Extension No. 1 and the alteration of railway (in this section referred to as the railway) the following provisions shall have effect and be observed for the protection of Ackers Whitley and Company Limited (in this section referred to as the coal company) that is to say:

(1.) The Company shall not interfere with the supply of water to the reservoir of the coal company and before interfering with the reservoir situate near the Bickershaw Colliery Railway and the pipes connected therewith the Company shall at their own cost on land to be provided by and at the cost of the coal company adjoining the existing reservoir provide such additional reservoir space as shall be equal to the extent of the interference with the existing reservoir and shall provide new pipes and connexions in place of any of the existing pipes and connexions interfered with and do all other things necessary to preserve the said reservoir and connexions and the water supply thereto to the reasonable satisfaction of the coal company and their engineer so that the reservoir pipes and connexions shall be as ample and convenient as before the construction of the railway;

(2.) The Company shall at their own cost construct a bridge where the railway passes over the Bickershaw Colliery Railway of sufficient width to admit of three lines of rails being passed underneath it;

(3.) The Company shall at their own cost in the construction of the railway and before the same is opened for public use construct a proper junction for the use of the coal company with all necessary points crossings signals and apparatus at the

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point where the railway enters upon and joins the existing Bickershaw Colliery Railway so as to form a convenient communication between the collieries of the coal company and the railway and the Company shall also construct convenient and sufficient sidings for the accommodation of the traffic between the said collieries and the railway;

(4.) The Company shall at their own cost if and when required by the coal company construct a proper junction for the use of the coal company at such point on the railway north of where it crosses Park Lane as shall be agreed on between the respective engineers of the Company and the coal company and shall continue such junction up to the boundary of the Company's property;

(5.) If and so long as the coal company shall send over each of the before-mentioned junctions not less than ten thousand tons of coal per annum the Company shall pay the costs charges and expenses of maintaining and working the same including the maintenance of all necessary signals and apparatus and the providing pointsmen and signalmen or other necessary persons Provided always that if the traffic over either of the said junctions shall at any time be less than ten thousand tons of coal per annum then the coal company shall repay to the Company the costs charges and expenses aforesaid in respect of the junction over which less than ten thousand tons of coal per annum shall be sent as aforesaid;

(6.) During the construction of the railway the Company shall at their own costs and charges make provision for the traffic from the said collieries of the coal company being conveyed away from the said collieries to the Eccles Tyldesley and Wigan Railway of the Company and shall use due diligence and take all reasonable precautions to prevent any interruption of the traffic of the coal company or interference with their business;

(7.) The coal company shall for the purpose of constructing a connexion or communication between their Bickershaw collieries and the Wigan Junction Railway be at liberty to form junctions with and cross free of charge with their engines waggons and servants subject to the reasonable regulations of the Company the Bickershaw Colliery Railway at or near the bridge mentioned in sub-section 2 of this section and to pass under the said bridge in manner and according to a plan to be agreed upon between the respective engineers of the Company and the coal company and the Company shall do nothing that

would prevent or interfere with the construction and maintenance by the coal company of the said connexion or communication from the said collieries alongside the Bickershaw Colliery Railway to the existing branch railway between the Bickershaw Colliery Railway and the Wigan Junction Railway and the Company shall give all reasonable facilities for the construction of the said connexion or communication.

Protection of John Scowcroft and Company, Limited.

13. In the construction and maintenance by the Company of the West Leigh Branch Extensions No. 1 and No. 2 (in this section referred to as the railway or as Railway No. 1 and Railway No. 2 respectively) the following provisions shall have effect and be observed for the protection and benefit of John Scowcroft & Company Limited in this section referred to as the coal company (that is to say):

(1.) The Company shall not construct Railway No. 2 less than twenty yards from the coal company's Jenny Lind Pit and shall not construct Railway No. 1 nearer thereto than the distance between the existing Bickershaw Railway and the same pit;

(2.) The Company shall not enter upon take or use the railway siding leased to Messieurs Norris and Lees (numbered on the deposited plans 73 in the parish of Wigan) without the consent in writing of the coal company nor shall they without the like consent interfere with such siding or the junction thereof with Railway No. 1;

(3.) From and after and during the construction of the railway the coal company shall be at liberty at all times to run over and use free of toll with their own engines and waggons so much of Railway No. 1 as intervenes between the junction therewith of the said siding No. 73 and the Colliery Railway of the coal company numbered on the deposited plans 72A in the parish of Wigan Provided always that the coal company and their servants shall in crossing the railway with their engines and waggons be at all times subject to the reasonable rules and regulations of the Company;

(4.) During the construction of the railway and at all times thereafter the Company shall at their own costs and charges make provision for the traffic from the collieries of the coal company being conveyed away from the said collieries. to the Eccles Tyldesley and Wigan Railway of the Company and shall during the construction of the railway use due diligence and take all reasonable precautions to prevent any

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interruption of the traffic of the coal company or interference with their business;

(5.) The Company shall convey the traffic of the coal company from their collieries to Stock's Works and to the Leeds and Liverpool Canal near Plank Lane and shall charge to the coal company in respect of such traffic not more than fourpence per ton including the use by the coal company of the tips at the said canal;

(6.) Nothing in this section contained shall prejudice or affect any claim the coal company may have against the Company for any land taken or interfered with by the Company under this Act;

(7.) Any dispute or difference arising between the Company and the coal company under this section shall be determined by arbitration in the manner provided by the Railway Companies Arbitration Act 1859 and for the purposes of any such arbitration the coal company shall be deemed to be a railway company.

Protection of Nathaniel Eckersley.

14. In constructing the West Leigh Branch Extension and in constructing the West Leigh Branch Railway at the altered levels by this Act authorised the Company shall make and construct the following works for the protection of the lands now belonging or reputed to belong to Nathaniel Eckersley and for the benefit of the said Nathaniel Eckersley his executors administrators sequels in estate and assigns (herein-after referred to as Nathaniel Eckersley):

1. The Company shall erect construct and maintain a girder bridge to carry the railway over the road numbered 1a in the parish of Wigan on the deposited plans and books of reference and such bridge shall be of one span or opening and the abutments thereof shall be parallel with the course or direction of the said road and the distance between the abutments shall be thirty feet at the least measured at right angles between such abutments and shall be so constructed as to leave a continuous headway throughout of sixteen feet at the least above the surface of the said road Provided always that the Company may for the purpose of affording such headway lower the said road to any extent not exceeding twelve inches and so that the gradient of such road when altered shall not be steeper than one in forty:

2. The bridge to be erected by the Company for carrying the said West Leigh Branch Railway No. 1 over the canal of the Leeds and Liverpool Canal Company shall be erected and constructed of one span or opening so as to carry the railway

over both the said canal and the existing wharf and farm occupation road on the northerly side of the said canal and the northerly abutment of such bridge shall be parallel with the course or direction of such wharf and road and at no point exceeding six yards from the side of the said canal and such bridge shall have a continuous headway throughout of sixteen feet at the least above the present upper surface of the wharf and farm occupation road on the northerly side of the said canal:

3. The said first-mentioned bridge and also the said second-mentioned bridge so far as it extends over the said wharf and road shall be made and maintained by the Company as far as practicable drop dry at all times and shall in all respects be maintained by the Company in complete repair:

4. The Company shall not in the construction of the West Leigh Branch Railway No. 1 stop up the conduit or syphon constructed and made under the canal of the Leeds and Liverpool Canal Company to drain the lands belonging or reputed to belong to Nathaniel Eckersley but the Company may and shall stop up so much of the watercourse leading from the said syphon as may be within the boundaries of the property to be acquired by them for the purposes of their said railway and works and shall divert and carry the same in a substantial brick covered culvert of equal size with the existing culvert along and outside of the western boundary of the property so to be acquired by them as aforesaid:

5. If any difference shall at any time arise between the Company and Nathaniel Eckersley with respect to any of the matters provided for by this section such difference shall be referred to and be determined by arbitration in manner provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Provisions as to the crossing of Gledholt Road.

15. In the construction of the Springwood Second Tunnel the following provisions for the protection of the mayor aldermen and burgesses of the borough of Huddersfield (in this section called the corporation) shall have effect that is to say:

1. The arch of the existing bridge carrying the railway over Gledholt Road and the eastern abutment of that bridge shall be pulled down and the arch shall be replaced by horizontal iron girders so as to give the greatest practicable headway above the present level of the road underneath the said bridge without altering the present level of the rails:

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2. In the event of the Company lowering Gledholt Road under the powers of this Act the level of that road above the new bridge shall be improved to a gradient not steeper than one in ten until such gradient runs out to the present surface of the road:

3. The Company shall construct the said new bridge over Gledholt Road with horizontal iron girders so as to give a headway not less than the improved headway of the existing bridge when altered as in this section provided:

4. The Company may retain and utilise for the altered bridge the western abutment of the existing arch:

5. The span of the new and altered bridge respectively shall be not less throughout than twenty-eight feet measured on the square and the eastern abutment of the existing bridge shall be set back accordingly:

6. The width of the new bridge shall not be more than sufficient to carry two lines of railway:

7. The new bridge shall be so placed as to have an opening from the ground upwards between the southern parapet of the new bridge and the northern parapet of the existing bridge of not less than six feet for the whole width of the road:

8. The Company shall so arrange the line of masonry of both the said bridges as to prevent any angles which may be available as nuisance corners:

9. On the completion of the said works the corporation shall pay the Company the sum of five hundred pounds such sum to be summarily recoverable in any court of competent jurisdiction:

10. The footpaths under the new and altered bridges respectively shall at all times so far as practicable be effectually protected from water droppings:

11. If any difference arise between the corporation and the Company in relation to this section such difference shall be determined by an engineer to be agreed upon by the corporation and the Company and in default of agreement by an engineer to be appointed on the application of either of the parties in difference by the President for the time being of the Institution of Civil Engineers and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall so far as they are

applicable in that behalf extend and apply to every such reference. A.D. 1881.

Protection of Sir John William Ramsden, Baronet.

16. In constructing the Springwood Second Tunnel the Company shall not without the previous consent in writing of Sir John William Ramsden Baronet or his sequels in estate construct the same other than on the north side of their existing railway nor shall they without the like consent purchase or take any portion of the lands belonging to the said Sir John William Ramsden numbered on the deposited plans 12 13 14 15 and 16 in the parish of Huddersfield but the Company may purchase and take and the said Sir John William Ramsden may and shall sell and grant accordingly an easement or right of making maintaining and using in perpetuity the said tunnel in such of the said lands as but for this enactment the Company might purchase and take for the purposes of the said tunnel.

Protection of Corporation of Saint Helen's.

17. In executing the widening alteration and improvement of the Saint Helen's Railway of the Company and the new railway at Saint Helen's Junction and the works connected therewith respectively in the township of Sutton in the parish of Prescot by this Act authorised the following provisions for the protection of the mayor aldermen and burgesses of the borough of Saint Helen's (in this section called the corporation) shall be observed and have effect—

1. The diversion of footpath shown on the deposited plans on the west side of the Company's Saint Helen's Railway shall be made throughout of a clear width of not less than six feet and shall be paved with tiles or asphalted by and at the expense of the Company:
2. The diversion of road between the points marked E and F on the deposited plans shall be of not less width than thirty feet (including footpaths) in every part thereof and the inclination thereof shall notwithstanding anything shown on the said sections in no part be steeper than one in thirty and the Company shall forthwith on the said diversion of road being made pave sewer flag and complete the same to the reasonable satisfaction of the corporation and shall also lay down therein at their own expense gas and water pipes and all necessary and proper connexions therewith and place set up and connect with the gas mains so to be laid by them public lamp-posts and lamps equal in every respect to and in lieu of and of the same number as those at present existing in the said road Provided always that the Company may if they deem it expedient remove and replace in the new

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road the existing gas lamps and posts and upon completion the Company shall hand over the whole to the corporation for the use of the public The whole of the works in connexion with the laying down of the said pipes and making the said connexions and the placing setting up or removal and replacing and connexion of the said public posts and lamps shall be executed in such manner and with such materials as the corporation shall reasonably approve and in all respects to the reasonable satisfaction of the corporation Upon completion by the Company in manner herein provided of the whole of the works by this section required to be executed and done by them in the said diversion of road all gas and water mains gas and water pipes public lamps pillars and other property and materials belonging to the corporation and remaining in the existing road shall become the property of the Company:

3. The extension of the bridge under the Company's Saint Helen's Railway at the point marked G on the deposited plans shall be of the same height and span as those of the existing bridge:

4. If and as the Company from time to time become possessed of the lands lying within the triangle formed by their Saint Helen's Railway their Saint Helen's Junction Curve and their Liverpool and Manchester Railway and commencing in the first instance at the east end thereof and shall have pulled down the houses situate thereon (except such houses as may be occupied by the Company or their servants) the Company shall so far as the rights and privileges and authorities of the corporation extend be at liberty to stop up the roads or highways or portions of such roads or highways within that triangle (commencing as aforesaid) as and when the houses abutting upon the same or portions of the same respectively (except the houses occupied as aforesaid) have been so pulled down and to appropriate the sites thereof to the purposes of their undertaking Provided always that such powers of stopping up such roads and highways and the appropriation of the sites thereof shall not be exercised so as to prevent access from Church Road to any part of any road or highway not stopped up: Provided also that before any of the roads or highways within the triangle aforesaid or any portion thereof are stopped up the Company shall give the corporation fourteen days' notice in writing of their intention to do so and the corporation thereupon may before

but not after the expiration of the said notice remove from or from under such roads and highways all gas and water mains gas and water pipes lamps lamp-posts and other property and things belonging to the said corporation and the Company shall repay to the corporation the cost of such removal:

5. There shall be left between the bridge to carry the widening of the Company's Saint Helen's Railway over New Street and the bridge to be constructed for carrying the new railway at Saint Helen's Junction over that street an uncovered space for the full width of the road of not less than twenty-one feet in length:

6. The said existing bridge over New Street shall not be extended on the east side thereof for a greater distance than thirty feet:

7. The new bridge to be constructed as aforesaid over New Street and the said extension of the existing bridge respectively shall have a span of not less than thirty feet in the clear:

8. The road and footways under the last-mentioned two bridges (including the intervening space between them) shall upon the execution of the works be paved and flagged by and at the expense of the Company under the superintendence and to the reasonable satisfaction of the surveyor of the corporation:

9. The widening of the bridge carrying the Saint Helen's Railway over Gerard's Lane shall have a span of not less than thirty feet in the clear:

10. If any difference arise between the Company and the corporation as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be determined by arbitration in the manner prescribed by the Railway Companies Arbitration Act 1859 and for the purposes of any such arbitration the corporation shall be deemed to be a railway company.

Protection of the London and Manchester Plate Glass Company Limited.

18. Nothing in this Act contained shall authorise the Company in constructing the widening of the Saint Helen's Railway in the township of Sutton and the new railway at Saint Helen's Junction or either of them to enter upon take or use the properties numbered on the deposited plans 66 67 68 and 69 in the parish of Prescot or any part thereof without the consent in writing of the London and Manchester Plate Glass Company Limited or other the owner or owners thereof for the time being.

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

19. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of the lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the Company and that such portions may be severed from the remainder of the said properties without material detriment thereto:

Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands buildings or manufactories 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 judgment of the jury arbitrator or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise or that may arise to the remainder of the premises in consequence of portions thereof being taken.

Power to grant easements to Company.

20. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

Notice to be given of taking houses of labouring classes by Company.

21. The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Company to procure accommodation for persons of the labouring classes to be displaced.

22. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice:

The Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring-class dwellings and may let or otherwise dispose of such lands and buildings.

Lands for extraordinary purposes of Company.

23. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres.

Period for compulsory purchase of lands by Company.

24. The powers of the Company for the compulsory purchase of lands under the powers of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of new railways.

25. If the Kenilworth and Berkswell Railway or the Stockport Junction or the West Leigh Branch Extensions or the Spring Wood Second Tunnel or the Farnley North Junction or the new railway at Saint Helen's Junction are or 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 any of the said railways not completed or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as is then completed.

Imposing penalty unless new railways opened.

26. If the Company fail within the period limited by this Act to complete any or either of the said railways 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 uncompleted railways or railway are or is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways or railway in respect of which the penalty has been incurred:

The said penalty may be applied for by any landowner or other person claiming to be compensated in reference to the railways or railway in respect of which the penalty has been incurred in accordance with the provisions of the next following section of this

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17 & 18 Vict. c. 31.

Act or by the Solicitor of Her Majesty's Treasury 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 and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice in the bank and to the credit named in such warrant or order and shall not be paid thereout except as hereinafter 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 uncompleted railways or 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 new railways.

27. 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or railway in respect of which the penalty has been incurred or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railways or railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit:

If no such compensation shall be payable or if a portion of the sum or sums of money so recoverable by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United

Kingdom or in the discretion of the said Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Abandonment of portion of authorised widening of Saint Helen's Railway.

28. The Company shall abandon the widening alteration and improvement of and laying down of additional rails upon the undermentioned portion of that part of their Saint Helen's Railway which was by the London and North-western Railway Act 1880 authorised to be so widened (that is to say)

So much thereof as extends for a distance of two hundred and fifty yards or thereabouts south of the crossing of their Saint Helen's Railway by their Liverpool and Manchester Railway.

Compensation for damage to land by entry &c. for purposes of work abandoned.

29. The abandonment by the Company under the authority of this Act of the work mentioned in the last preceding section shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the London and North-western Railway Act 1880.

Compensation to be made in respect of work abandoned.

30. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the work authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

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Power to Company and Lancashire and Yorkshire Railway Company to make Maudland Curve.

31. Subject to the provisions of this Act the Company and the Lancashire and Yorkshire Railway Company or either of them with the consent of the other may make and maintain in the line and according to the levels shown on the deposited plans and sections relating thereto the railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference relating thereto as may be required for that purpose:

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

The Maudland Curve (one furlong nine chains and twenty-five links in length) to be situate wholly in the township and parish of Preston in the county of Lancaster commencing by a junction with the Lancaster and Carlisle Railway of the Company and terminating by a junction with the Preston and Longridge Railway.

Tolls &c.

32. With respect to tolls and charges and for all other purposes whatever the Maudland Curve shall be part of the Preston and Longridge Railway Provided always that the Company and the Lancashire and Yorkshire Railway Company shall not nor shall either of them demand in respect of the Maudland Curve any higher tolls rates and charges than the tolls rates and charges authorised by the Fleetwood Preston and West Riding Junction Railway Act 1856 and the London and North-western and Lancashire and Yorkshire Railway Companies (Fleetwood Preston and West Riding Junction Railway Vesting) Act 1867.

19 & 20 Vict. c. xliv.

30 & 31 Vict. c. xcv.

Protection of the Corporation of Preston.

33. With respect to the execution of the works connected with the Maudland Curve by the Company and the Lancashire and Yorkshire Railway Company or either of those companies and for the protection of the mayor aldermen and burgesses of the borough of Preston (in this section called the corporation) the following provisions shall have effect that is to say:

1. In this section the expression "the Company" means that one of the said two companies who shall execute the said works and includes both those companies if they jointly execute the same:
2. The provisions of sections 18 to 23 both inclusive of the Railways Clauses Consolidation Act 1845 shall for the purpose of this Act extend and apply to alterations of water pipes belonging to the corporation and whenever in those sections the expression "Society" or "the Company" is used

in relation to a water company such expression shall include the corporation:

3. The Company shall construct the new street shown on the deposited plans as the diversion of Maudland Road of the full width throughout of forty-two feet including a footway on each side thereof of ten feet in width:

4. Unless otherwise agreed upon between the corporation and the Company the Company shall make the said new street in the line shown on the deposited plans and according to the levels shown on the deposited sections and shall to the reasonable satisfaction of the surveyor of the corporation construct the foundations of and form sewer drain kerb and channel the same and pave the footways thereof with three-inch Haslingden flags and pitch the roadway thereof with granite setts not less than seven inches in depth nor more than three and a half inches nor less than three inches in width and complete the said street for public traffic:

5. The Company shall to the reasonable satisfaction of the said surveyor pave the footways and pitch the roadway of so much of Leighton Street as they shall alter in the same manner as that in which the said footways and roadway are respectively paved and pitched at the present time and shall make good the same for public traffic and may for those purposes use the existing materials in the said street:

6. Whenever in the execution of the said works it shall be necessary to alter interfere with or disturb any existing or to make any new sewers or drains such alteration interference or disturbance shall be executed and such new sewers and drains of not greater dimensions than the existing sewers and drains shall be made by the corporation but at the reasonable cost of the Company:

7. The Company shall not stop up nor (except for the purpose of making the junction therewith of the said new street) interfere with Maudland Road until they shall have completed the works by this section prescribed:

8. If any difference arise between the corporation and the Company with respect to anything to be done or not to be done by the corporation or the Company such difference shall be settled by an engineer to be appointed (unless agreed on within ten days after the written request in that behalf by either party to the other of them) by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Railways Clauses

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Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall extend and apply to every such settlement.

Inclination of a certain road.

34. In altering for the purposes of the Maudland Curve the public street numbered on the deposited plans 15 in the parish of Preston the Company and the Lancashire and Yorkshire Railway Company or either of them may make the same of any inclination not steeper than one in sixteen on one side.

Protection of Lancaster Canal Company.

35. In constructing the Maudland Curve and the works connected therewith the following provisions for the protection of the Company of Proprietors of the Lancaster Canal Navigations (hereinafter called "the canal company") shall have effect and shall be observed by the Company and the Lancashire and Yorkshire Railway Company (in this section called "the two companies") and each of them:

1. The two companies shall not except with the previous consent of the canal company in writing under their seal acquire any greater portion of the property numbered on the deposited plans relating to the Maudland Curve 16 in the parish of Preston than will be required for altering the levels of Leighton Street for the purposes of the said curve and for any approaches which may be constructed from that street as altered into the said property:

2. The two companies shall not except with the like consent acquire any greater portion of the properties numbered respectively on the said plans 17 19 and 22 in the same parish than so much thereof as lies between the northern boundaries of those properties and an imaginary line drawn parallel to and four yards south of the dotted line shown on the said plans as the southern boundary of the proposed diversion of Maudland Road and so much also of the said property numbered 17 as may be required for altering the levels of Leighton Street as aforesaid and for any approaches which may be constructed from that street as altered into the said property.

Power to grant easements to Company and Lancashire and Yorkshire Railway Company.

36. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company and the Lancashire and Yorkshire Railway Company any easement right or privilege (not being an easement of water) required for the purposes of the Maudland Curve in over or

affecting lands, and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands for purposes of Maudland Curve.

37. The powers of the Company and the Lancashire and Yorkshire Railway Company for the compulsory purchase of lands for the purposes of the Maudland Curve shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of Maudland Curve.

38. If the Maudland Curve 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 for making and completing that railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Imposing penalty unless Maudland Curve opened.

39. If the Company and the Lancashire and Yorkshire Railway Company fail within the period limited by this Act to complete the Maudland Curve those companies shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until that railway is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of that railway:

The said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the said railway in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury 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 and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice 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 and the Lancashire and Yorkshire Railway Company were 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.

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Application of penalty for non-completion of Maudland Curve.

40. 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the Maudland Curve or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company and the Lancashire and Yorkshire Railway Company by this Act of taking property for the purposes of the said railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice 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 shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Chancery Division if the Company or the Lancashire and Yorkshire Railway Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid to such receiver or to the liquidator or liquidators of the insolvent company or be otherwise applied as part of the assets of that company for the benefit of the creditors thereof.

Power to Lancashire Union Railways Company to make Standish Loop.

41. Subject to the provisions of this Act the Lancashire Union Railways Company may make and maintain in the line and according to the levels shown on the deposited plans and sections relating thereto the railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference relating thereto as may be required for that purpose:

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

The Standish Loop (three furlongs seven chains and forty-five links in length) to be wholly situate in the township of

Standish-with-Langtree in the parish of Standish in the county of Lancaster commencing by a junction with the railway authorised by the Lancashire Union Railways Act 1877 and terminating by a junction with the North Union Railway: 40 & 41 Vict. c. lvii.

Tolls &c.

42. With respect to tolls rates and charges and for all other purposes whatever the Standish Loop shall be part of the undertaking of the Lancashire Union Railways Company and that company may in respect thereof demand any tolls rates and charges not exceeding the tolls rates and charges authorised by the Lancashire Union Railways Act 1864. 27 & 28 Vict. c. cclxxiii.

Power to owners to grant easements to Lancashire Union Company.

43. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Lancashire Union Railways Company any easement right or privilege (not being an easement of water) required for the purposes of the Standish Loop in over or affecting lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands for purposes of Standish Loop.

44. The powers of this Act for the compulsory purchase of lands for the purposes of the Standish Loop shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of Standish Loop.

45. If the Standish Loop 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 for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Imposing penalty unless Standish Loop opened.

46. If the Lancashire Union Railways Company fail within the period limited by this Act to complete the Standish Loop that 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 public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of that railway:

The said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854:

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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 and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice 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 Lancashire Union Railways Company was prevented from completing or opening the 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 Standish Loop.

47. 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the Standish Loop or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Lancashire Union Railways Company by this Act of taking property for the purposes of that railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice 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 shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Chancery Division if the Lancashire Union Railways Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid to such receiver or to the liquidator or liquidators of that company or be otherwise applied as part of the assets of that company for the benefit of the creditors thereof.

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

48. The Company from time to time may raise for the purposes of this Act by the creation and issue of shares or stock such capital as they shall think necessary not exceeding four hundred and fifty thousand pounds exclusive of the capital which they are or may be authorised to raise by any other Act or Acts of Parliament and the Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock as they may think fit.

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

49. The Company shall not issue any share created under the authority of this Act 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.

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

50. The capital created by the Company under this Act and the shares or stock therein and the holders thereof respectively (except any capital and 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 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.

51. Every person who becomes entitled to a share or any 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.

52. The holders of the shares or stock created 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 their Act of incorporation:

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.

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

53. 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.

Receipt clause in case of persons not sui juris.

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

Power to borrow.

55. The Company may in respect of the additional capital of four hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole one hundred and fifty thousand pounds and of that sum they may borrow fifty thousand pounds in respect of each sum of one hundred and fifty thousand pounds of such additional capital But no part of any such sum of fifty thousand pounds shall be borrowed until shares for so much of the respective portion of capital in respect of which it is authorised 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 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 such respective portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said respective portion of capital is raised by shares that such persons or corporations 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 certificate shall be sufficient evidence thereof. A.D. 1881.

Appointment of a receiver.

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

Company may create debenture stock.

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

Existing mortgages to have priority.

58. All mortgages or bonds granted or to be granted 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 virtue of this Act And nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

59. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and the general purposes of the Company.

Power to apply corporate funds to purposes of Act.

60. The Company may apply to any of the purposes to which the moneys by this Act authorised to be raised are made 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

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mortgage by virtue of any Act relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

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

61. The Lancashire Union Railways Company from time to time may raise for the purposes of this Act and of any other Act of the present session of Parliament to be carried into effect by them by the creation and issue of shares or stock such capital as they shall think necessary not exceeding ten thousand pounds exclusive of the capital which they are or may be authorised to raise by any other Act or Acts of Parliament and that 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.

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

62. The Lancashire Union Railways Company shall not issue any share created under the authority of this Act 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.

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

63. The capital created by the Lancashire Union Railways Company under this Act and the shares or stock therein and the holders thereof respectively (except any capital and 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 the now existing ordinary capital of that company and those shares and that stock were shares and stock in that ordinary capital.

Dividends on new shares or stock of that Company.

64. Every person who becomes entitled to a share or any stock created by the Lancashire Union Railways Company under this Act shall in respect of the same be a holder of shares or stock in that 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 of that company.

65. The holders of the shares or stock of the Lancashire Union Railways Company created 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 that company as prescribed by their Act of incorporation :

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 that 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 of that company raised under this Act and any other Acts of past or present sessions may be of same class.

66. Subject to the provisions of any Act already passed by which the Lancashire Union Railways 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 that company may be authorised to raise capital by new shares or stock that 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.

Receipt clause for that company in case of persons not sui juris.

67. If any money is payable to a holder of shares or stock in the Lancashire Union Railways Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the company.

Power to that company to borrow.

68. The Lancashire Union Railways Company may in respect of the additional capital of ten thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole three thousand pounds But no part of such sum of three thousand pounds shall be borrowed until shares for so much of the additional capital of ten thousand pounds as is to be raised by means of shares are issued and accepted and one half thereof is paid up and that 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 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 such respective portion of capital as is to be raised by means of stock is fully paid up and the Lancashire Union Railways Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said respective portion of capital

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is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same:

Upon production to such justice of the books of the said company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment of a receiver of that company.

69. Every provision in any Act passed before the present session of Parliament whereby the Lancashire Union Railways 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 that company of arrears of 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 said 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 application for a receiver is made shall not be less than ten thousand pounds in the whole.

That company may create debenture stock.

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

Existing mortgages of that company to have priority.

71. All mortgages or bonds granted or to be granted under the authority of any former Act relating to the Lancashire Union Railways 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 virtue of this Act And nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by that company.

Application of moneys by that company.

72. All moneys raised under this Act by the Lancashire Union Railways Company whether by shares stock debenture stock or

borrowing shall be applied only to the purposes of this Act and of any other Act passed in the present session of Parliament to be carried into effect by them.

Power to that company to apply corporate funds to purposes of Act.

73. The Lancashire Union Railways Company may apply to any of the purposes to which the moneys by this Act authorised to be raised by them are made 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 that company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to Lancashire and Yorkshire Company to apply corporate funds.

74. The Lancashire and Yorkshire Railway Company may apply to the purposes of this Act to be executed by them any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to that company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Saving rights of the Duchy of Lancaster.

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

Interest not to be paid on calls paid up.

76. The Company and the Lancashire Union Railways Company respectively shall not out of any moneys by this Act authorised to be raised pay interest or dividend 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 said companies respectively 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.

77. The Company and the Lancashire Union Railways Company respectively shall not out of any moneys 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

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purpose of obtaining an Act authorising either company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

78. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better 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 Company.

Costs of Act.

79. 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.

SCHEDULE referred to in the foregoing Act.

Describing Lands Buildings and Manufactories of which Portions only are required by the Company.

Parish.	Numbers on deposited Plans.
West Leigh Extension No. 1.	
Wigan - - - - - -	1, 6, 28, 34, 51, 54, 72A.
Springwood Second Tunnel.	
Huddersfield - - - -	13, 14, 15, 16.
Farnley North Junction.	
Leeds - - - - - -	31, 32.
Widening of St. Helen's Railway at Sutton.	
Prescot - - -	54, 59, 64.
New Railway at St. Helen's Junction.	
Prescot - - - - - -	64.

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