CHAPTER lxviii.

An Act to empower the Mullingar Kells and Drogheda Railway Company to make a deviation railway in the County of Westmeath and an extension railway in the County of Louth and to enable that Company and the Lancashire and Yorkshire Railway Company to enter into working and other agreements and for other purposes. A.D. 1904.

[22nd July 1904.]

WHEREAS by the Mullingar Kells and Drogheda Railway Act 1903 (in this Act called "the Act of 1903") the Mullingar Kells and Drogheda Railway Company (in this Act called "the Company") were incorporated and were authorised to construct amongst other railways a railway therein called Railway No. 2 and it is expedient that the Company should be authorised to abandon a portion of the said Railway No. 2 in the county of Westmeath and to construct in lieu of the said portion of railway to be abandoned the deviation railway in this Act described:

And whereas by the Act of 1903 the Company were also authorised to construct a railway therein called Railway No. 4 in the county of Louth and it is expedient that the Company should be authorised to construct an extension of the said Railway No. 4 being the extension railway in this Act described:

And whereas it is expedient that the Company and the Lancashire and Yorkshire Railway Company (in this Act called "the Lancashire Company") should be empowered to enter into working and other agreements and that other powers should be conferred on them as herein-after provided:

[*Price* 1*s.* 3*d.*]

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And whereas it is expedient to confer powers on the Company with respect to hotel and other accommodation adjoining or near their railways and for other matters as herein-after provided:

And whereas it is expedient to amend the borrowing powers of the Company as herein-after provided and that the Company should be authorised to apply their funds for the purposes of this Act:

And whereas plans and sections showing the lines and levels of the railways 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 clerk of the peace of the county of Westmeath and with the clerk of the peace of the county of Louth and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Mullingar Kells and Drogheda Railway Act 1904.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845;
Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by any subsequent Acts;
The Railways Clauses Consolidation Act 1845;
The Lands Clauses Acts; and
Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863;
are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

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 And in this Act unless otherwise explained or unless the context otherwise requires—

The expression "the Company" means the Mullingar Kells and Drogheda Railway Company;

The expression "the deviation railway" means the deviation railway by this Act authorised;

The expression "the extension railway" means the extension railway by this Act authorised; and

The expression "the railway" means the railways by this Act authorised.

Deposits of plans with clerks of district councils.

4. The provisions of sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act be read and construed as if the expression "clerks of the district councils within which such parishes are included in Ireland" or the words "clerks of the district councils" (as the case may be) had been inserted in those sections in lieu of the expression "the postmasters of the post towns in or nearest to such "parishes in Ireland" or in lieu of the word "postmaster" (as the case may be).

Power to make railways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations platforms sidings junctions bridges roads buildings approaches passages works and conveniences connected therewith and may enter upon take and use such of the lands and may use such of the existing quays delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act are situate in the counties of Westmeath and Louth respectively and are—

A deviation railway 2 miles 5 furlongs and 5 chains in length commencing in the townland of Ballinderry and parish of Mullingar by a junction with the centre line of Railway No. 2 authorised by the Act of 1903 at a point distant 3 furlongs 3 chains or thereabouts from the commencement of the said authorised Railway No. 2 and terminating in the townland of Wooddown and parish of Killucan by a junction with the centre line of the said authorised Railway No. 2 at a point distant 3 miles 1 furlong $1\frac{1}{2}$ chains or thereabouts from the commencement of the said authorised Railway No. 2:

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An extension railway 4·95 chains in length being an extension of Railway No. 4 authorised by the Act of 1903 commencing in the urban district of Drogheda townland of Yellowbatter and parish of St. Peter's at the point of termination of the said authorised Railway No. 4 the said point being situate on the Ballast Quay in the centre between the two piers of the Great Northern Railway Viaduct at Drogheda which said two piers carry the northern end iron girders of the said viaduct and terminating in the urban district of Drogheda townland of Yellowbatter and parish of St. Peter's at a point near the east end of the Deep Water Berth Quay the said point being distant 27 yards or thereabouts from the fence separating the public road from the Esplanade measured at right angles to the said fence the said point being also distant 109 yards or thereabouts measured in a north-easterly direction from the point of termination herein-before described of the said authorised Railway No. 4.

Company to abandon portion of Railway No. 2 authorised by Act of 1903.

6. The Company shall abandon the construction of so much of Railway No. 2 authorised by the Act of 1903 as lies between the said points of commencement and termination of the deviation railway.

Compensation for damage to land by entry &c. for purposes of portion of Railway No. 2 abandoned.

7. The abandonment by the Company under the authority of this Act of the said portion of the said Railway No. 2 authorised by the Act of 1903 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 Act of 1903.

Compensation to be made in respect of por-

8. 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 said

portion of the said Railway No. 2 by this Act authorised to be abandoned the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land 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 Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof. A.D. 1904. Abandonment of Railway No. 2 abandoned.

9. The provisions contained in the following sections of the Act of 1903 (that is to say) :— Certain provisions of Act of 1903 extended to extension railway.

Section 7 Power to make railways Nos. 3 and 4 on level of highways and quays;

Section 8 Mode of formation of Railways Nos. 3 and 4 on highways and quays in Drogheda ;

Section 9 For protection of public Board of Trade may make orders for working Railways Nos. 3 and 4 where situated along highways and quays in Drogheda ; and

Section 10 Accesses to and from shore &c. ;

shall extend and apply to the extension railway as if the same had been expressly re-enacted in this Act with reference to the extension railway.

10. For the purposes of tolls rates fares and charges and for all other purposes the deviation railway and works connected therewith shall subject to the provisions of this Act be deemed to be part of Railway No. 2 authorised by the Act of 1903 and the extension railway and works connected therewith shall subject to the provisions of this Act be deemed to be part of Railway No. 4 authorised by the Act of 1903. Deviation and extension railways to be part of undertaking.

11. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of two years from the eleventh day of August one thousand nine hundred and four. Period for compulsory purchase of lands.

12. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company Power to cross a certain road on level.

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may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the road next herein-after mentioned (that is to say) :—

No. on deposited Plans.	Townland.	Parish.	Description of Road.
18	Petitswood - -	Mullingar -	Public road.

Width of roadway over bridge.

13. The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the width herein-after mentioned in connexion therewith (that is to say) :—

No. on deposited Plans.	Townland.	Parish.	Description of Roadway.	Width of Roadway.
9	Petitswood -	Mullingar -	Public road -	25 feet.

Power to divert roads as shown on deposited plans.

14. The Company may divert the roads referred to in the next following table in the manner shown upon the deposited plans and sections and subject to the provisions of this Act may stop up and cause to be discontinued as a road so much of each existing road as will be rendered unnecessary by the new portion of road so shown on the said plans (that is to say) :—

Railway.	Townland.	Parish.	No. of Road on deposited Plans.
The deviation railway -	Curraghmore -	Rathconnell -	6
The deviation railway -	Curraghmore -	Rathconnell -	8

Stopping up road in case of diversion.

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

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

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

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

Power to take easements &c. by agreement

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

For protection of Great Northern Railway Company (Ireland).

17. For the protection of the Great Northern Railway Company (Ireland) (in this section referred to as "the Northern Company") the following provisions shall unless otherwise agreed in writing between the Northern Company and the Company have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Company shall not without the consent in writing of the Northern Company enter upon take or use any part of the piers above the surface of the ground of the viaduct carrying the railway of the Northern Company over the River Boyne at the point where the extension railway will be constructed under the said viaduct or purchase compulsorily any part of such piers or the foundations or footings thereof below the surface of the ground but the Company may subject to the provisions herein-after in this section contained make and maintain the extension railway upon over or between the said foundations or footings of the said piers:

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(2) Not less than one month before commencing to execute any of the works authorised by this Act under or within 100 feet from any part of the said viaduct carrying the railway of the Northern Company over the River Boyne the Company shall submit to the Northern Company for their approval plans sections and specifications of such works with full particulars as to the manner in which it is proposed to execute the same :

(3) No such works as aforesaid shall be executed unless or until such plans sections and specifications shall have been reasonably approved by the Northern Company or otherwise than in accordance with such plans sections and specifications as reasonably approved by the Northern Company Provided always that if at the expiration of one month after plans sections specifications and particulars shall have been submitted to them by the Company as aforesaid the Northern Company shall not have notified to the Company their disapproval of such plans sections or specifications they shall be deemed to have approved thereof and any difference as to such plans sections and specifications or as to the approval of the same by the Northern Company shall be settled by arbitration in the manner herein-after provided :

(4) The Company shall give to the Northern Company not less than seven days' notice of their intention to commence any of such works as aforesaid and stating the time at which they propose to commence such works and all such works shall be executed to the reasonable satisfaction and under the supervision (if they shall choose to attend) of the Northern Company :

(5) The Company shall if required by the Northern Company (subject as herein-after provided) at their own costs and charges underpin or otherwise strengthen the piers foundations and abutments of the said viaduct at the point where the extension railway will be constructed under it (herein-after referred to as "the said viaduct") :

Provided that—

(A) The Northern Company shall give to the Company notice in writing requiring them so to

underpin or strengthen and if the Company shall within seven days after the receipt of such notice give to the Northern Company a counter notice in writing that they dispute the necessity of such underpinning or strengthening or that they dispute that the necessity for such underpinning or strengthening was or will be occasioned by the execution of any of the works authorised by this Act the question shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade;

(B) Such referee shall forthwith upon the application of either party proceed to inspect the said viaduct and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary and has been or will be rendered necessary by the execution of any of the works authorised by this Act he may and if so required by the Northern Company or the Company shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said viaduct;

(C) The Company shall be liable to compensate the Northern Company for any loss or damage which may result to them by reason of the carrying into effect of the provisions of this subsection;

(D) If at any time after the said viaduct shall have been underpinned or strengthened by the Company such underpinning or strengthening shall prove inadequate for the support or protection thereof against further injury arising from the execution or use of the works of the Company by this Act authorised then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode agreed upon or prescribed by the referee as the case may be the Company shall make compensation to the Northern Company for such injury provided the claim for compensation in respect thereof be made by the Northern Company within six months from the discovery thereof;

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(e) Nothing in this subsection contained nor any dealing with the said viaduct in pursuance of this section shall relieve the Company from any liability to compensate under the Lands Clauses Acts or otherwise in respect of any lands injuriously affected by the execution of the works by this Act authorised;

(f) All compensation to be ascertained under this subsection shall be ascertained according to the provisions of the Lands Clauses Acts:

(6) The Northern Company shall be at liberty to employ during the execution of any of such works as aforesaid all such inspectors watchmen signalmen and others as they may think reasonably necessary for securing the safety of the said viaduct and the traffic passing over the same and the Company shall forthwith upon demand pay to the Northern Company all expenses reasonably incurred by that Company in or about such employment:

(7) If by reason of the execution or failure of any of the works of the Company by this Act authorised or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of the contractors with reference to such works the said viaduct shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Northern Company may make good the same and the reasonable expenses thereof shall be repaid to the Northern Company by the Company on demand and the Company shall indemnify the Northern Company against all losses which that company may sustain and shall pay all reasonable costs charges and expenses which that company may be put to or incur in reference to the said viaduct by reason of the execution or failure of any of the works of the Company authorised by this Act or any act or omission of the Company or their contractors or any person in the employment of the Company or their contractors with reference thereto:

(8) If any difference arise between the Company and the Northern Company as to the giving or withholding of any consent approval or disapproval of or by the

Northern Company or as to anything to be done or not to be done under the provisions of this section or as to any matter dealt with thereby or as to the effect or meaning thereof the same shall be settled by a single arbitrator to be appointed (unless otherwise agreed upon) by the Board of Trade at the instance of either party and the decision of such arbitrator shall be final and binding upon both parties in all matters referred to him and the costs of the reference shall be borne and paid as he shall direct.

For protection of Drogheda Harbour Commissioners.

18. The following provisions shall apply and have effect for the protection of the commissioners for improving the port and harbour of Drogheda (herein-after called "the commissioners") unless otherwise agreed on in writing between the Company and the commissioners (that is to say):—

(1) Notwithstanding anything shown upon the deposited plans the northern and southern limits of deviation of the extension railway shall not except with the consent of the commissioners extend beyond the restricted limits of deviation shown upon the plan signed in duplicate by Hudson Ewbanke Kearley Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred during its progress through Parliament one copy of which plan has been deposited in the Private Bill Office of the House of Commons and the other copy whereof has been deposited in the Office of the Clerk of the Parliaments:

(2) The Company shall construct the extension railway as a single line only but with the consent of the commissioners they may construct the same as a double line.

Repeal of section 54 of Act of 1903 and restriction on taking houses of labouring class.

19. Section 54 of the Act of 1903 is hereby repealed and the following provisions shall have effect (that is to say):—

The Company shall not under the powers of the Act of 1903 purchase or acquire in any urban district ten or more houses which on the fifteenth day of December 1902 were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses in any urban district which were not so occupied on the said fifteenth day of December 1902 but

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have been or shall be subsequently so occupied and the Company shall not under the powers of this Act purchase or acquire in any urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses in any urban district which were not so occupied on the said fifteenth day of December last but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of the Act of 1903 or this Act as the case may be in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board for Ireland by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if they think fit reduce such penalty.

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

Deposit money not to be repaid except so far as railway is opened.

20. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of sixteen thousand nine hundred and seventy-six pounds seven shillings has been deposited with the Accountant-General of the Supreme Court in Ireland in respect of the Act of 1903 (which sum is referred to in this Act as "the existing deposit fund") And whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a further sum of forty-one pounds (in this Act called "the new deposit fund") being five per centum upon the amount of the estimate in respect of the extension railway has

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been deposited with the said Accountant-General of the Supreme Court in Ireland in respect of the application to Parliament for this Act And whereas the amount of the estimate in respect of the deviation railway by this Act authorised does not exceed the estimate in respect of the said portion to be abandoned of Railway No. 2 authorised by the Act of 1903 And whereas Joseph Rowlands and Robert Worthington are the depositors in respect of the existing deposit fund and they are also the depositors in respect of the new deposit fund And whereas the existing deposit fund and the new deposit fund making together the sum of seventeen thousand and seventeen pounds seven shillings are in this Act referred to as "the deposit fund" Be it enacted that notwithstanding anything contained in any of the before-mentioned Acts the deposit fund shall not be paid or transferred to or on the application of the said Joseph Rowlands and Robert Worthington or the survivor of them or the personal representatives of such survivor (which persons survivor or personal representatives of such survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by the Act of 1903 and by this Act for the completion of the railways respectively authorised by the Act of 1903 as amended by this Act and by this Act open the same respectively for the public conveyance of passengers and if the Company shall make default in so opening the said railways or any part thereof the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and shall be applied in the manner provided by the next following section of this Act Provided that if within such period as aforesaid the Company open any portion of the said railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the said railways opened as aforesaid and the portion of the deposit fund which bears to the whole of that fund the same proportion as the length of the said railways so opened bears to the entire length of the said railways the High Court shall on the application of the depositors or the majority of them order the portion of the deposit funds specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Acts to the contrary notwithstanding.

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Application of deposit.

21. If the Company do not previously to the expiration of the period limited for the completion of the said railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and after due notice in the Dublin Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by the Act of 1903 and by this Act respectively and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportion as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

22. If the deviation railway and the extension railway by this Act authorised are not completed within four years from the eleventh day of August one thousand nine hundred and four then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Powers as to hotels &c.

23. The Company may hold maintain erect and build a hotel or hotels or refreshment rooms or restaurants with all necessary buildings stables and conveniences in connexion there-

with adjoining or near to their railways and may apply any lands now or hereafter belonging to them for those purposes and may purchase lease rent or otherwise acquire by agreement other lands hotels houses or buildings for those purposes and may apply for acquire and hold licences for the sale of wines spirits beer and cider and other liquors for any premises to be used as aforesaid in the name of their secretary or manager for the time being or other person nominated by the Company and may maintain equip furnish stock manage and carry on such hotel or hotels refreshment rooms and restaurants and may sell lease let or otherwise dispose of the same and may employ officers managers and servants therein or in connexion therewith and may apply any part of their capital to such hotel or hotels refreshment rooms or restaurants or may subscribe towards any hotel or hotels refreshment rooms or restaurants and all outgoings and receipts connected therewith shall be charged to and form part of the undertaking of the Company.

Repeal of section 37 of Act of 1903.

24. Section 37 of the Act of 1903 (Power to borrow) is hereby repealed and in lieu thereof the next following section of this Act (Power to borrow) shall have effect and section 38 (For appointment of a receiver) and section 39 (Debenture stock) of the Act of 1903 shall apply to the moneys authorised to be borrowed by this Act.

Power to borrow.

25. The Company may from time to time in respect of the capital of three hundred and fifty thousand pounds by the Act of 1903 authorised to be raised borrow on mortgage of the undertaking of the Company any sum or sums not exceeding in the whole one hundred and seventy-five thousand pounds and of that sum the Company may borrow any sum or sums not exceeding in the whole one hundred and five thousand pounds when Railway No. 1 and Railway No. 2 authorised by the Act of 1903 (but as regards Railway No. 2 as altered and deviated by this Act) shall have been constructed to formation level and they may borrow any sum or sums not exceeding in the whole seventy thousand pounds when Railway No. 3 and Railway No. 4 authorised by the Act of 1903 (but as regards Railway No. 4 as extended by this Act) shall have been constructed to formation level but no such borrowing powers shall be exercised by the Company until they 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 share capital has been

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bonâ fide issued and accepted to the extent of one hundred and fifty thousand pounds in respect of the first seventy-five thousand pounds of the said sum of one hundred and five thousand pounds and to the extent of a further sum of sixty thousand pounds in respect of the remaining thirty thousand pounds of the said sum of one hundred and five thousand pounds or to the extent of one hundred thousand pounds in respect of the first fifty thousand pounds of the said sum of seventy thousand pounds and to the extent of a further sum of forty thousand pounds in respect of the remaining twenty thousand pounds of the said sum of seventy thousand pounds as the case may be and that not less than one half part of such portions of share capital respectively has been paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate or certificates as the case may be that the proof aforesaid has been given which shall be sufficient evidence thereof.

Power to Company to apply funds for purposes of Act.

26. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of the Act of 1903 or this Act or any other Act relating to the Company and which may not be required for the purposes for which the same were authorised to be raised.

Working agreements between Company and Lancashire Company.

27. The Company on the one hand and the Lancashire Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say) :—

The maintenance and management of the railways of the Company or any one or more of them or any part thereof respectively and the works connected therewith or any of them ;

The use or working of the railways of the Company or of any part thereof and the conveyance of traffic thereon ;

The supply and maintenance by the Lancashire Company under and during the continuance of any such agreement as aforesaid for the working of the railways of the Company of engines stock and plant necessary for the purposes of such agreement and the employment of officers and servants ;

The payments allowances drawbacks or rebates to be made and the conditions to be performed with respect to such working use management and maintenance;

The fixing subject to the authorised maximum rates and the collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of the traffic on the railways or portions of railways or undertakings of the contracting companies;

The interchange transmission forwarding and delivery of traffic coming from or destined for the railways or undertakings of these companies;

The appointment of joint committees for the purposes of any such agreement.

Saving for Postmaster-General.

28. Nothing in any agreement made under the authority of this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the Lancashire Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Section 82 of Act of 1903 to apply to deviation railway and extension railway.

29. Section 82 of the Act of 1903 the marginal note whereof is "Power to pay interest out of capital during construction" shall apply to and be read and construed as if the deviation railway and the extension railway formed part of the railways authorised by that Act.

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

30. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

31. Except as by this Act otherwise expressly provided nothing in this Act contained shall exempt the Company or the

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undertaking from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

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

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FOR

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