CHAP. lxxxiv.

An Act for enabling the London and North-western and the Lancashire and Yorkshire Railway Companies to alter and enlarge their station at Preston, and in connexion therewith to acquire lands and execute certain works, and for authorising Agreements between the Companies in reference to those and other matters; and for other purposes. A.D. 1870.

[4th July 1870.]

WHEREAS the undertaking of the North Union Railway Company (including the station of the North Union Railway at Preston in the county of Lancaster, herein-after referred to as the Preston Station,) is now vested under the authority of Parliament in the London and North-western Railway Company and the Lancashire and Yorkshire Railway Company (in this Act called the "two Companies") in the proportions following; that is to say, sixty ninety-fourth parts thereof in the London and North-western Railway Company, and the remaining thirty-four ninety-fourth parts thereof in the Lancashire and Yorkshire Railway Company; and the said undertaking is now managed by a joint committee consisting of persons appointed by each of those two Companies:

And whereas it is expedient that the two Companies should be empowered to alter and enlarge the Preston Station, and to take down and rebuild part thereof, and also to make a partition of the whole or any part of the said station as now existing, or as altered or enlarged under the powers of this Act, and to enter into agreements with reference to the before-mentioned matters, and to other matters relating to the said station and to the North Union Railway:

And whereas it is expedient that the two Companies should be empowered to acquire additional lands in the township and parish of Preston for purposes connected with the Preston Station, and to widen portions of the North Union Railway, and also the Preston and Summit Tramroad, and to execute the other works in this Act mentioned:

A.D. 1870.

And whereas plans and sections of the widening of the said railway and tramroad by this Act authorised, and plans of the lands which the two Companies are by this Act authorised to acquire, and books of reference to those plans, have been deposited with the clerk of the peace for the county of Lancaster, which plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference respectively:

And whereas the objects 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:

Short title.

1. This Act may be cited for all purposes as "The North Union Railway (Preston Station) Act, 1870."

8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106., and 32 & 33 Vict. c. 18., incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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

The expression "the two Companies" means the London and North-western Railway Company and the Lancashire and Yorkshire Railway Company;

The expression "the corporation" means the mayor, aldermen, and burgesses of the borough of Preston in their municipal capacity, and also as the local board of health of the borough;

And the expression "superior courts" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to two Companies to alter and enlarge, &c. Preston Station, and make partition thereof,

4. The two Companies jointly, or either of them with the consent of the other, may exercise the powers herein-after mentioned; (that is to say,)

(1.) They may alter and enlarge, in such manner and to such extent as they shall think fit, the existing Preston Station, and may take down and rebuild in such manner as they shall think fit any part of the said station:

and to acquire lands and execute works.

(2.) They may make and effect a partition and division between them of the whole or any part of the Preston Station as now existing, or as altered or enlarged under the powers of this Act, and of the lands, works, buildings, and approaches belonging thereto or connected therewith, and may do all such acts as may be necessary for effectually vesting the portion allotted to each Company in the same Company upon such terms and conditions as they may agree upon:

(3.) Subject to the provisions of this Act, they may enter upon, take, use, and appropriate to the purposes of the Preston Station or any purposes connected therewith all or any of the lands in the township and parish of Preston delineated on the deposited plans and described in the deposited books of reference, and situate as herein-after described; (that is to say,)

(A.) On the west side of the North Union Railway and between Dock Street and Fishergate:

(B.) On the east side of the said railway and between that railway and Butler Street:

(C.) On the west side of the said railway abutting upon Fishergate and between the road leading from Fishergate to the Preston Station and Charles Street:

(D.) On the west side of the said railway and on the north-east side of a road called West Cliff:

And they may take down the bridge called German's Bridge, carrying a private road over the said railway; and all rights of way over the last-mentioned lands and over the railway at or near the said bridge are hereby extinguished:

(4.) Each of the two Companies may sell to the other, and they may exchange, any lands, buildings, or property at Preston for the time being belonging to them jointly or separately:

(5.) Subject to the provisions of this Act, the two Companies may, in accordance with the deposited plans and sections, make and execute the several works herein-after mentioned; (that is to say,)

(A.) They may widen that portion of the North Union Railway which is now carried through the tunnel at the Preston Station, and may convert into open cuttings so much and such parts of that tunnel as lie south and north of the street called Fishergate, and may either make additional openings under Fishergate adjoining and on each side of the present tunnel, or may take down and

A.D. 1870.

remove that portion of the existing tunnel by which Fishergate is carried over the railway, and substitute a bridge:

(B.) They may widen that portion of the Preston and Summit Tramroad which passes under Fishergate, either by making an additional opening under Fishergate, or by substituting for the present opening an opening of greater width.

Special provisions as to works (A.) and (B.)

5. In constructing the before-mentioned works (A.) and (B.) and with reference thereto, the following provisions, regulations, and restrictions shall be in force:

(1.) If and when required by the two Companies, the corporation shall divert the sewer in Fishergate down Butler Street into the sewer adjoining the Syke Road, and the two Companies shall, without demanding any compensation, permit the construction and maintenance of such diverted sewer in and through so much of the land belonging to the two Companies or either of them as may be required for the purpose, and the corporation shall have power, at their own expense, at all times to execute all necessary works for carrying out the purposes aforesaid, and the corporation shall make good any damage arising from the execution of their works:

(2.) Before commencing the construction of any of the works under Fishergate, and during the construction of any of those works, and so long as the surface of that street is interfered with by the two Companies or either of them, they shall, to the satisfaction of the engineer of the corporation, maintain at each of the said works (A.) and (B.) a road not less than twenty-five feet wide for the accommodation of carts, carriages, and foot passengers:

(3.) The surface of Fishergate shall only be temporarily and not permanently altered, and shall be restored by the two Companies, at their own expense, so soon as the works under Fishergate are completed:

(4.) The width of the road at each of the works (A.) and (B.) in Fishergate within the battlements, including carriage road and footpaths, shall be not less than sixty feet, and the carriage road shall be block-paved with small sets to be approved by the engineer of the corporation, and the surface of the road shall for ever afterwards be maintained by them:

(5.) If during the construction of the said works under Fishergate, and the interference with the surface of the said street, the two Companies do not maintain a road at each of the said works (A.) and (B.) for the traffic along the said street as herein-before provided, they shall forfeit twenty pounds for every day during which they shall make default therein, and such penalty shall be paid to the corporation, and shall be applied for the purposes of the corporation; and every such penalty shall be recoverable as liquidated damages with costs, by action in any of the superior courts:

(6.) The two Companies shall make and maintain the battlements on each side of Fishergate at the said works (A.) and (B.) of the height of ten feet above the surface of the street, and shall lay, either under or over the railway where it passes under Fishergate at the said works (A.) and (B.), a main water pipe of thirteen inches in diameter, which shall be laid not less than two feet below the surface and which pipe shall be the property of the corporation, but the corporation shall not be liable for any damage to the works of the two Companies arising from leakage or bursting of the pipe through frost or other unavoidable accident.

Restrictions upon two Companies as to certain lands.

6. With respect to the powers by this Act conferred upon the two Companies as to entering upon, taking, using, and appropriating lands in the township and parish of Preston, the following provisions shall be in force:

(1.) The two Companies shall not take any of the land shown upon the plan Number 1, signed by William Baker on behalf of the two Companies, and by Edward Garlick on behalf of the corporation, and thereon coloured red, without the previous consent in writing of the corporation under their corporate seal:

(2.) No road or communication shall be made from the properties numbered 42 and 45 on the deposited plan to West Cliff:

(3.) The corporation shall, at their own expense, widen West Cliff in manner shown upon the plan Number 2 signed by William Baker on behalf of the two Companies, and by Edward Garlick on behalf of the corporation, the two Companies giving to the corporation the land shown upon that plan, and coloured blue:

(4.) No engine manufactory or works for the repairs of engines, furnace, workshop, smithy, or mechanic's shop, and no noisy, noxious, or offensive trade, business, or employment whatsoever, shall be carried on temporarily or permanently

A.D. 1870.

upon any of the lands acquired or to be acquired by the two Companies or either of them on the north-east side of West Cliff (shunting and goods warehouses and engine shed excepted); and any question which may arise under or with reference to the restrictions contained in this paragraph Number 4 shall be from time to time referred to and determined, on the application of either party, by the chairman for the time being of the quarter sessions at Kirkdale:

(5.) So much of the land as is coloured yellow upon the before-mentioned signed plan Number 2 shall be sloped by the two Companies with vegetable soil from the level of West Cliff to the level of the railway, and the two Companies shall make and at all times hereafter maintain and keep in good repair an ornamental brick wall six feet high above the level of the railway, and in the line and according to the levels shown upon the said signed plan Number 2, and the said portion of the said land shall be planted by the corporation, so as to screen as far as may be the said wall and any works the two Companies may (subject to the restrictions of this Act) erect on any lands near West Cliff, and so as to protect the said road called West Cliff, and the land of the corporation on the south-west side thereof, as far as may be, from being injured by the works of the two Companies, and so as to prevent any engines, waggons, or other things on the lands to be acquired by the two Companies being an annoyance to persons using West Cliff, or to the lands of the corporation adjoining the said road, and so as to render the use of the lands to be acquired by the two Companies as little dangerous or objectionable to the public as is practicable.

Works affecting corporation to be done to satisfaction of their engineer.

7. All the works herein-before specified directly affecting the corporation, or any street, road, or land, or any sewer, drain, pipe, or works belonging to them or under their control, shall be executed and completed to the reasonable satisfaction of the engineer for the time being of the corporation; and in case of any difference arising between the corporation and the two Companies under or with reference to the two preceding enactments, the same shall, at the cost of the two Companies, be (except where otherwise provided) referred to and settled by an engineer, to be from time to time appointed, on the application of either party, by the Board of Trade.

Authorising agreements

8. The two Companies may from time to time enter into and carry into effect agreements with reference to all or any of the

matters mentioned in section four of this Act, and also with reference to all or any of the following matters; (that is to say,)

between the two Companies.

(1.) The management, maintenance, and use of the Preston Station, as for the time being existing, and the conduct of the traffic thereat, and other the common objects and purposes of the two Companies with relation to the said station:

(2.) The tolls to be paid by both or either of the two Companies in respect of the user by them or either of them of the North Union Railway or any part thereof, and the exemption from tolls, if any, to be allowed to them or either of them.

Period for compulsory purchase of lands.

9. The powers by this Act granted for the compulsory purchase of lands shall not be exercised after the expiration of two years from the passing of this Act.

The two Companies may apply corporate funds to purposes of Act.

10. The two Companies respectively may from time to time apply to all or any of the purposes of this Act any moneys which they respectively now have in their hands, or which they have power to raise, and which are not by any of the Acts relating to them respectively made applicable to any special purpose, or which being so made applicable are not required for the special purpose.

The two Companies may delegate powers to joint committee.

11. The two Companies from time to time may delegate to the joint committee acting under the provisions of the local and personal Act nine and ten Victoria, chapter two hundred and thirty-one, such of the powers of this Act as they may think fit, and the joint committee shall have and may exercise the powers so from time to time delegated to them in like manner as the same powers might be had and exercised by the two Companies or either of them.

Saving rights of corporation as to laying down pipes, &c.

12. Nothing in this Act contained shall in anywise prejudice, alter, or affect any of the rights, powers, or privileges of the corporation with respect to the laying down, altering, repairing, and maintaining any sewers, drains, pipes, or works, but in the exercise of such powers the corporation shall interfere as little as may be with the railways or works of the two Companies and so as not to injure the said railways and works, and all such interference shall be done under the superintendence of the engineer or engineers of the two Companies.

Reservation of powers as to stopping up of part of Syke Road.

13. Nothing in this Act contained shall in anywise alter, prejudice, or affect the twenty-fifth section of "The Lancaster Canal Transfer Act, 1864," whereby powers are given to the two Companies, with the consent of the corporation, to stop up and appropriate in the township of Preston part of the Syke Road and footpath.

A.D. 1870.

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

14. Neither of the two Companies shall, out of any money by this or any other Act relating to them 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 such Company to construct any other railway or to execute any other work or undertaking.

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

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

Expenses of Act.

16. 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 two Companies in the proportions in which they hold the undertaking of the North Union Railway Company.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1870.