CHAPTER ccxxx.

An Act to enable the West Lancashire Railway Company to extend their railway to the Preston Docks in the county of Lancaster and to confer further powers in relation to their undertaking on the Company and for other purposes. [7th August 1884.]

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WHEREAS by the West Lancashire Railway Act 1871 (in this Act called "the Act of 1871") the West Lancashire Railway Company (in this Act called "the Company") were incorporated and authorised to make and maintain the West Lancashire Railway being a railway from Southport to Preston in the county of Lancaster:

And whereas by the West Lancashire Railway Act 1872 (in this Act called "the Act of 1872") the Company were authorised to construct additional lines of railway to connect their original line with the Lancashire and Yorkshire Railway and to run over and use a portion of the Lancashire and Yorkshire Railway and the station at Blackburn in the county of Lancaster belonging to the Lancashire and Yorkshire Railway Company:

And whereas the Company have completed the said railways and the said railways are now opened and used for public traffic:

And whereas the railway by this Act authorised would be of local and public advantage and it is expedient that the Company be authorised to construct the same:

And whereas it is expedient that the railway by this Act authorised be constituted a separate undertaking of the Company with a separate capital proprietary and borrowing powers and that such provision be made as is herein-after in that behalf contained with respect to such separate capital:

And whereas plans and sections showing the lines and levels of the railway authorised by this Act 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

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be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Lancaster 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 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 as the West Lancashire Railway (Preston Docks Extension) Act 1884.

Incorporation of general Acts.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):

The distribution of the capital of the Company into shares;
The transfer or transmission of shares;
The payment of subscriptions and the means of enforcing the payment of calls;
The forfeiture of shares for non-payment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of shares into stock;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869;

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883;

The Railways Clauses Consolidation Act 1845;

And Part I. (relating to the construction of a railway) Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863

are (except where expressly varied by 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 the expression "the Company" means the West Lancashire Railway Company the expressions "the railway" and "the undertaking" mean respectively the railway and undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in any Act wholly or partially incorporated herewith shall 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 make a railway.

4. 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 railway 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 said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is—

A Railway No. 1 (5 furlongs 2 chains and 50 links in length) wholly in the parish township and borough of Preston and county of Lancaster commencing by a junction with the West Lancashire Railway at a point on that railway one hundred and seventy-five yards or thereabouts measured in a southerly direction from the south-west corner of the engine shed at the Preston Station of the West Lancashire Railway Company and terminating on the south side of Marsh Lane at or near the intersection of that lane with Strand Road.

Further works by the Company.

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 works herein-after described and may exercise the powers herein-after mentioned and may for the purposes aforesaid make such alterations in the streets and roads affected thereby as are shown on the deposited plans and sections and may stop up such streets and roads as are shown as intended to be stopped up or are included within the limits of the lands shown on the said plans as intended to be taken compulsorily under the powers of this Act and which shall be so taken and in addition to any other lands which they are by this Act authorised to acquire may enter upon and take and use such of the lands delineated on the

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deposited plans and described in the deposited books of reference as may be required for those purposes making compensation in accordance with the Lands Clauses Consolidation Act 1845 to all parties injuriously affected by the exercise of the powers contained in this section The works herein-before referred to are—

1. A diversion of West Strand for a length of nine chains or thereabouts measured in a northerly direction from its junction with Marsh Lane:
2. A diversion of Hartington Road for a length of eleven chains or thereabouts measured towards Fishergate Hill:

both in the parish of Preston and county of Lancaster.

As to vesting of site and soil of portions of roads &c. stopped up.

6. Subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway the site and soil of the portions of roads footpaths and highways stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act they become the owners of the lands on both sides thereof be wholly and absolutely vested in the Company and they may appropriate the same to the purposes of their undertaking.

Railway constituted a separate undertaking except as to tolls rates and charges.

7. The railway is by this Act constituted a separate undertaking of the Company to be called and herein-after in this Act referred to as "the Preston Docks Extension" but for the purposes of tolls rates and charges and for all other purposes (save as herein-before particularly provided) the railway shall be deemed to be part of the Company's authorised railways and the Company may demand and take upon and in respect thereof or any part thereof the tolls rates and charges authorised by the Act of 1871 as if the railway were a continuous part of the railways authorised by that Act.

Power to raise additional capital.

8. The Company may from time to time raise capital (in addition to any capital which by any previous Act or Acts they are now authorised to raise) for the purposes of the Preston Docks Extension not exceeding ninety thousand pounds (which capital is herein-after referred to as "Preston Docks Extension capital") by the creation and issue of shares or stock or partly by shares and partly by stock.

Shares not to be issued until one fifth paid.

9. The Company shall not issue any share created under this Act of less nominal value than ten pounds nor shall any share or stock vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of the share or the whole of the stock be paid in respect thereof.

Calls.

10. One fourth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval

between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Applying sections 13 to 20 of Act of 1881 to shares in new capital.

11. The provisions of sections 13 to 20 (both numbers inclusive) of the West Lancashire Railway Act 1881 authorising the Company to divide any shares of their capital into preferred and deferred half shares shall apply to any shares which the Company may create under the authority of this Act.

Receipt for persons not sui juris.

12. If any money is payable to a shareholder being an infant or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

As to proportion of general expenses to be charged to separate undertaking.

13. The Company shall before creating any part of the Preston Docks Extension capital resolve and determine at a general meeting specially called for the purpose with notice of the object of the meeting:

(A) What proportion of the general charges of the Company or what annual or other sum in lieu thereof shall be paid and borne out of the revenue of the Preston Docks Extension and the same shall thenceforth be paid accordingly out of such revenue; and

(B) In what proportions the gross receipts from traffic of each description carried partly over the Preston Docks Extension or any part thereof and partly over the other railways for the time being of the Company or any of them or any part or parts thereof respectively (which last-mentioned traffic is herein-after referred to as "through traffic") shall be apportioned between and be assigned and belong to the general undertaking of the Company and the Preston Docks Extension respectively.

Expenses of maintaining and working Preston Docks Extension to be borne by general undertaking.

14. Subject to the provisions of the last preceding section and of the following sections of this Act the expenses of maintaining and working the Preston Docks Extension shall be borne and paid by the Company out of the income of their general undertaking.

Separate accounts to be kept for the separate undertaking.

15. The Company shall keep separate accounts of all receipts and payments from for or on account of the Preston Docks Extension on capital account and on revenue account and also such other accounts (if any) as may be necessary for the purposes of this Act.

Preston Docks Extension fund to be formed.

16. There shall be formed a fund to be called the Preston Docks Extension fund and there shall be paid in cash to that fund in each half year:—

The gross receipts from traffic of all kinds carried over the Preston Docks Extension (including the proportion of the

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receipts from through traffic to which the Preston Docks Extension shall be entitled as aforesaid) and the whole of the rents and other income arising from the Preston Docks Extension.

Application of fund.

17. The Preston Docks Extension fund shall be applicable half yearly and shall accordingly be applied to the following purposes in the order in which they are stated (that is to say):—

(A.) In payment of any rentcharges for land on the Preston Docks Extension:

(B.) In payment of the proportion (if any) of the general expenses of the Company or the annual or other sum in lieu thereof which by resolution of the Company as aforesaid shall have been made payable out of the revenue of the Preston Docks Extension:

(C.) In payment of the interest on all debentures or mortgages or debenture stock for the time being charged upon or issued in respect of the Preston Docks Extension:

(D.) In payment of dividends on the Preston Docks Extension capital or upon so much thereof as may be from time to time paid up at such rate not exceeding six pounds per centum per annum as shall be attached thereto by the Company before the issue of any part of such capital:

and any surplus of the Preston Docks Extension fund in any half year shall belong to and be divisible amongst the shareholders of the Preston Docks Extension and the shareholders of the general undertaking of the Company.

Preston Docks Extension fund account to be balanced.

18. The Preston Docks Extension fund account shall be made up and balanced half yearly to the thirtieth day of June and the thirty-first day of December in each year.

Certificates of shares or stock to be endorsed &c.

19. The certificates of any shares or stock in the Preston Docks Extension capital shall be endorsed with notice of the provisions of this Act with respect to that capital.

Power to borrow on mortgage of Preston Docks Extension.

20. The Company may in respect of the Preston Docks Extension capital which they are by this Act authorised to raise from time to time borrow on mortgage of the Preston Docks Extension undertaking any sum not exceeding in the whole thirty thousand pounds but no part thereof shall be borrowed until shares for so much of the Preston Docks Extension capital as is to be raised by means of shares are issued and accepted and one half of such capital 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 such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the Preston Docks Extension capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the Preston Docks Extension capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same 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 that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Preston Docks Extension mortgages to be charged exclusively on that undertaking.

21. All mortgages or debenture stock to be granted or issued in respect of the Preston Docks Extension capital under the powers of this Act shall be a charge exclusively upon the Preston Docks Extension and no other mortgages or debenture stock already granted or issued or to be hereafter granted or issued under any former Act relating to the Company shall be a charge upon the Preston Docks Extension.

For appointment of a receiver.

22. The mortgagees of the Preston Docks Extension may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver of the tolls income and revenue included in their mortgages 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 five thousand pounds in the whole.

Debenture stock.

23. The Company may in respect of their Preston Docks Extension 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 and of all mortgages at any time created and issued or granted by the Company under this Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

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Application of moneys.

24. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes only of or connected with the Preston Docks Extension and to which capital is properly applicable.

Rights of voting in respect of shares in separate capital.

25. Shares and stock in the Preston Docks Extension capital shall not confer on the holders thereof any right of voting or interference at any meeting of the Company with respect to the general affairs of the Company except for the election of directors and in any matters affecting the said shareholders and stockholders respectively for both which purposes those shareholders and stockholders shall have the same right of voting as the shareholders and stockholders in the general capital of the Company nor on the other hand shall it be lawful for the holders of shares or stock in the general capital of the Company to interfere in the expenditure of Preston Docks Extension capital or in any other matters affecting the same or its revenue excepting in so far as those matters immediately affect the general interests of the Company.

Preston Docks Extension to be worked in an efficient manner.

26. After the opening for public traffic of the Preston Docks Extension the Company shall work the same and convey traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic of the district to be served thereby In case any difference shall arise between the Company and any of the holders of stock or shares to the nominal amount of ten thousand pounds in Preston Docks Extension capital with respect to the working or non-working or insufficient working of such undertaking by the Company or otherwise in relation thereto whereby the holders of such shares or stock deem themselves to be injuriously affected such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party and such arbitrator shall have full power to settle and determine any such difference and to order the Company to do or to abstain from doing all such acts matters and things as he shall think fit and to make such order with respect to the costs of such arbitration as he shall think just.

Period for compulsory purchase of lands.

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

Lands for extraordinary purposes.

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

Power to take easements &c.

29. 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 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. by agreement.

Notice to be given of taking houses of labouring classes.

30. 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 they have so made known their intention.

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

31. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers who may for the time being be occupiers of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless the Company and such persons otherwise agree) procure sufficient accommodation elsewhere for such persons Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase by agreement such further lands as may be necessary for such purpose and may on such lands erect labouring class dwellings and may let or otherwise dispose of such lands and dwellings and may apply for the purposes of this section or any of them any moneys they are authorised to raise under the powers of this Act.

Company empowered or may be required to underpin or otherwise strengthen houses near railway.

32. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the railway it may be necessary to underpin or otherwise strengthen the same therefore the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen

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the same and the following provisions shall have effect (that is to say):—

(1.) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2.) Each such notice if given by the Company shall be left on the premises to be underpinned or strengthened and if given by the owners and lessees thereof shall be sent to the principal office of the Company:

(3.) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade:

(4.) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier 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 house or building:

(5.) The costs of the reference shall be in the discretion of the referee:

(6.) The Company shall be liable to and compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:

(7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided

the claim for compensation in respect thereof be made within six months from the discovery thereof:

(8.) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act:

(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845:

(10.) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

Provisions as to the Ribble Branch Railway.

33. The following provisions for the protection of the London and North-western Railway Company and the Lancashire and Yorkshire Railway Company proprietors of the North Union Railway and the mayor aldermen and burgesses of the borough of Preston (in this section called the owners) shall unless otherwise agreed between the Company and the owners apply and have effect that is to say:

1. The Company in constructing the viaduct over the Ribble Branch Railway and the lands adjoining thereto belonging to the owners shall construct the same for any number of lines not exceeding four lines of railway the span of such viaduct over the said railway shall be forty-eight feet on the square with a headway of fifteen feet six inches above the level of the rails of the Ribble Branch Railway at the point of crossing shown on the deposited plans and the viaduct across such land shall have piers in such positions at such angles not more acute than thirty-five degrees to the centre line of the railway and with such spans not exceeding thirty feet and with such headways not exceeding fifteen feet six inches above such level as aforesaid respectively as shall be reasonably required by the engineer for the time being of the owners and if required by the owners the Company shall construct the said viaduct on iron girders resting on the piers in lieu of arches reserving always to the owners the free use of the surface of the ground under the said viaduct Provided that if the Bill now before Parliament of the Blackpool Railway Company shall become law the Company and the Blackpool Railway Company shall construct together not more than four lines of railway through the said lands:

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2. The Company shall acquire only easements in and upon such of the works lands and property of the owners as may be necessary for constructing the said viaduct as aforesaid including a drain two feet in diameter to carry off the water from such viaduct and the owners may and shall grant such easements accordingly The amount to be paid for the acquisition of such easements shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement:

3. During the construction and for the purposes of the maintenance of the said viaduct the owners shall allow the Company access to the site of the said viaduct over their adjoining land for a width of six feet on each side outside the piers thereof subject to such regulations as shall be agreed upon between the engineer of the owners and the engineer of the Company or as shall failing agreement be settled by arbitration in manner herein-after mentioned the Company making good all damage which shall be occasioned by the exercise of such right of access:

4. In constructing and maintaining the said viaduct the Company shall not prevent or unnecessarily impede the free use by the owners of the surface of the ground underneath and adjoining the said viaduct:

5. The Company shall construct and maintain the said viaduct throughout to prevent any leakage or dropping of water therefrom as far as reasonably practicable:

6. The Company shall from time to time make good all damage that may be occasioned to the lines of railway sidings or works of the owners by any defect or want of repair of the said viaduct or the works in connexion therewith but
   (*a*) In every case of pressing necessity and
   (*b*) In every other case if for seven days after notice in writing thereof given to the Company by the owners the Company neglect to proceed with due diligence to make good such damage
   the owners may if they think fit make good the damage and the amount expended by them in so doing shall be repaid to them by the Company:

7. The Company shall not without the consent of the owners in writing enter upon take or use any land or property of the owners nor shall they acquire any interest therein other than an easement as herein-before provided in so much thereof as

is absolutely necessary for the construction and maintenance of the said viaduct over such lands in the manner aforesaid:

8. In case the Company shall in the execution of the works by this Act authorised prevent or interfere with the construction of any roads which under the provisions of a certain agreement dated the 18th day of July 1878 and made between the owners of the one part and Messieurs James Andrew and Joseph Gerrard of the other part are to be constructed by the owners or by the other parties therein mentioned either jointly with the owners or separately the Company shall indemnify the owners and such other parties as aforesaid from all losses damages costs and expenses which they or either of them may incur or be put to by reason or in consequence of the construction and maintenance of the works of the Company:

9. All questions and differences which may at any time arise between the Company and the owners as to the construction or effect performance observance non-performance or non-observance of any of the foregoing provisions or any matters connected therewith or consequent thereon shall be determined by an engineer to be appointed by the engineers for the time being of the Company and the owners or if for twenty-eight days after the question or difference arise the two engineers do not agree upon an arbitrator then by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers upon the application in writing of both or either of the said engineers and the decision of every such arbitrator shall be binding and conclusive upon both the parties in difference and the costs of the arbitration shall be in his absolute discretion.

For the protection of the corporation of Preston.

34. In constructing in the borough of Preston and also on or over any lands of the Company the railway and works by this Act authorised the following provisions for the protection of the mayor aldermen and burgesses of that borough (in this section called the corporation) shall have effect that is to say:—

1. In this section the word "street" includes any highway public bridge road lane footway square court alley or passage whether a thoroughfare or not:

2. The span of all bridges in this section referred to is the span as measured on the square:

3. The Company shall carry the railway over the streets and railway next herein-after mentioned by flat girder bridges for any number of lines not exceeding four and of any

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height and of any span not being less throughout than the heights and spans next herein-after mentioned in connexion therewith respectively that is to say:—

Name of Street or Railway.	Height above Centre of Street or Way.	Span of Bridge.
	Feet in.	Feet in.
Fishergate Hill - - - - -	16 6	67 6
Ribble Branch Railway - - -	15 6	48 0

4. The bridge over Fishergate Hill shall be constructed so that the abutments thereof shall be in line with the fronts of the adjacent houses on the south side of the street and the existing wall on the north side thereof:

5. The Company shall at some point between the Ribble Branch Railway and Marsh Lane to be determined by the corporation construct a flat girder bridge with a span throughout of not less than forty feet and with such clear headway throughout as at the point selected will allow of a depth of two feet between the level of the rails and the underside of the girder:

6. The railway shall terminate on the south side of Marsh Lane and on the same level as that of the Marsh as proposed to be altered by the corporation the corporation to connect their dock sidings with the railway at such point of termination:

7. The proposed diversions of the streets known respectively as West Strand and Hartington Road shall respectively be sixty feet wide including footways throughout and the Company shall complete the diversions thereof including the paving and flagging of the same respectively and in such manner as may be required by and to the reasonable satisfaction of the corporation within two years from the passing of this Act unless the corporation consent under the hand of the town clerk to extend the time for completion of either street:

8. In constructing the railway through the said borough the Company shall not deviate from the centre line as shown on the deposited plans except with the previous consent of the corporation under the hand of the town clerk:

9. The working plans and sections of all works to be executed by the Company for the protection of the corporation under the terms of this enactment shall two months previously to the commencement thereof be submitted to the corporation for their reasonable approval and in case of any difference arising between the Company and the corporation in respect of such plans and sections the matter in difference shall be referred to arbitration in the manner herein-after provided Provided that if the corporation do not within such period after the submission of the said plans and sections signify their approval or disapproval thereof they shall be deemed to have approved thereof:

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

11. If by reason of the exercise by the Company of any powers granted them under this Act any additional water mains pipes sewers or drains or any increased lengths or capacity thereof respectively be rendered necessary the same shall be respectively provided laid and constructed by the corporation at the cost of the Company:

12. If by reason of the exercise by the Company of any powers granted them under this Act the corporation shall at any time incur any additional cost in repairing or altering any water main pipe or apparatus or any sewer or drain such additional cost shall be repaid by the Company to the corporation:

13. Before the Company interfere with any existing sewer or drain they shall to the reasonable satisfaction of the corporation and at the cost of the Company and in accordance with plans and sections to be previously submitted and reasonably approved of by the corporation construct a sufficient substituted sewer or drain and connect the same with the sewer or drain so interfered with:

14. If the Company construct any pier or abutment over any sewer of the corporation the Company shall if so required by the corporation construct and maintain a good and sufficient culvert thereover so as to afford access thereto for the purpose of repairs:

15. Nothing in this Act shall interfere with the rights or powers of the corporation in relation to the making of new sewers and drains:

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16. All bridges for carrying the railway over public roads or streets shall be constructed and maintained as far as practicable water-tight :

17. The Company shall when required by the corporation enclose with walls or suitable fencing all lands belonging to the Company not used in the construction of the railway in order to fence off the same respectively from the streets adjoining :

18. Whenever in the construction of a bridge under the powers of this Act over any street a recess is left in such street under such bridge the Company shall on the request of the corporation fence off or build up such recess :

19. All bridges and viaducts upon which the railway is carried and which are constructed under the powers of this Act and are not screened from the streets by buildings shall be constructed with parapets of not less than six feet above the level of the upper surface of the rails :

20. The abutments and foundations of all bridges over any public street shall be carried to such a depth below the surface thereof as to allow the corporation to re-construct lay or repair any existing sewer water course main or other pipe :

21. Where any house or building is severed by the Company from other property the Company shall to the reasonable satisfaction of the corporation build up and secure the severed end of such house or building :

22. All diversions of streets shall be formed sewered drained channelled curbed paved flagged and completed and all streets the surface of which shall be disturbed by the Company shall be restored to the reasonable satisfaction of the corporation :

23. All works to be executed by the Company under this section or in the borough shall be so executed at the cost in all respects of the Company in accordance with the plans and sections so approved by the corporation and under the superintendence and to the reasonable satisfaction of the engineer of the corporation and the reasonable cost of such superintendence shall be paid by the Company to the corporation :

24. The Company and the corporation may enter into and carry into effect agreements for and with respect to the variation and mode of execution of any works to be done by the Company for the protection of the corporation and for the execu-

tion by the corporation of any such works and the acquisition of land therefor:

25. If any difference arise between the Company and the corporation touching anything that is to be done or not to be done or any moneys to be paid under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President for the time being of the Institution of Civil Engineers and the cost of the reference shall be borne as he shall direct.

Lateral and vertical deviations.

35. In executing the railways by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards save where a greater deviation is necessary for avoiding interference with any sewer water main gas main or other work and then to such an extent as is necessary for avoiding interference therewith but no greater vertical deviation than three feet upwards or five feet downwards shall be made without the consent of the Board of Trade.

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

36. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of twenty-eight thousand eight hundred and fifty-five pounds twelve shillings Consolidated Three per centum Annuities being equal in value to five per centum upon the amount of the estimate in respect of the railways as originally proposed to be authorised has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act And whereas the Railway No. 2 as originally proposed is not authorised by this Act and twenty-four thousand eight hundred and ninety pounds six shillings of the said sum of annuities is attributable to the said Railway No. 2 And whereas three thousand nine hundred and sixty-five pounds six shillings of the said annuities is equal in value to five per centum on the amount of the estimate of the railway by this Act authorised and is in this Act referred to as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless

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the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway 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 railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund 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 Act to the contrary notwithstanding.

Application of deposit.

37. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it 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 to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England 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 either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the 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 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 or transferred 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 Provided that until the deposit fund has been repaid 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.

Chancery Division may order repayment of surplus deposit.

38. The Chancery Division of the High Court of Justice may and shall at any time after the passing of this Act order that the sum of twenty-four thousand eight hundred and ninety pounds six shillings Consolidated Three per centum Annuities part of the said sum of twenty-eight thousand eight hundred and fifty-five pounds twelve shillings Consolidated Three per centum Annuities originally deposited in respect of Railway No. 2 proposed by the Bill for this Act together with any interest or dividend accrued thereon shall be paid or transferred to the depositors or the survivor of them or as they or he may direct.

Period for completion of works.

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

Interest not to be paid on calls paid up.

40. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

41. 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.

42. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Acts relating to railways or the better and more impartial audit of the accounts of

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railway companies now in force or which may hereafter be passed 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 of the Company.

Costs of Act.

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

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