



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxxxiv.

An Act authorizing the *North-western* Railway Company to divert a Portion of their Railway, and to sell or grant a Lease of their Undertaking to the *Midland and Lancaster and Carlisle* Railway Companies. [10th August 1857.]

WHEREAS by “The *North-western* Railway Act, 1852,” 15 & 16 Vict. c. cxxxv.
 the *North-western* Railway Company was dissolved and re-incorporated, and the Powers and Authorities conferred upon the Company by divers Acts previously passed were consolidated: Whereas a Bill is now pending in Parliament to authorize the *Lancaster and Carlisle* Railway Company to make a Railway from the *North-western* Railway at *Ingleton* in the West Riding of *Yorkshire* to the *Lancaster and Carlisle* Railway near *Scufston House* in the Parish of *Kendal* in *Westmoreland*, and it is expedient that the *North-western* Railway Company should have Power to abandon that Portion of their authorized Line which lies between the said Township of *Ingleton* and the said Parish of *Kendal*: And whereas the *North-western* Railway is of short Extent, and the successful working thereof would be facilitated if it were in the Hands of the Owners of a larger Undertaking, and it is expedient
 [Local.] 22 D that

The North-western Railway Act, 1857.

that the *North-western* Railway Company should be authorized to sell or grant a Lease of its Undertaking to the *Midland* and the *Lancaster and Carlisle* Railway Companies, or One of them, and that the same Companies, or One of them, should be authorized to purchase or to accept a Lease of the *North-western* Railway; but these Objects cannot be accomplished 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.
"The Com-
pany."

I. In citing this Act it shall be sufficient to describe it as "The *North-western* Railway Act, 1857;" and the Words "the Company" shall mean the *North-western* Railway Company, unless the Context is repugnant to that Meaning.

Company to
abandon
certain Por-
tions of au-
thorized Line
of Railway.

II. The Company shall abandon the Formation of so much of their Railway as is authorized to be constructed between the Field in the Township of *Ingleton* in the Parish of *Bentham*, numbered 41 in such Parish on the deposited Plans referred to in the said recited Act, and a Field in the Parish of *Kendal* in the County of *Westmorland*, numbered 12 on the said Plans; and all the Powers, Authorities, and Privileges by the said recited Act granted to the Company for the Construction, Maintenance, or Use of such Portion of Railway so required to be abandoned shall, from and after the passing of this Act, cease and determine.

Compensa-
tion to be
made where
Contracts
have been
entered into
or Notice
given.

III. In any Case where, before the passing of this Act, any Contract has been entered into or Notice given by the Company for purchasing or using any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of the Railway so required to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or such Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided, that the Authority hereby given for abandoning the said Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned

The North-western Railway Act, 1857.

occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

IV. It shall be lawful for the *North-western* Railway Company, with the Authority and Approbation of Three Fifths in Value of the Proprietors present, either personally or by Proxy, at some Extraordinary General Meeting of the Company specially convened for the Purpose, from Time to Time to demise or lease for such Consideration or Annual Rent or Reservation, and under and subject to such Clauses, Powers, Provisions, and Conditions as they shall think proper, the Undertaking authorized by "The *North-western* Railway Act, 1852," to be made, whether before or after the Completion thereof, or any Share or Interest therein, or any Portion or Portions thereof, unto the said *Midland* Railway Company and the *Lancaster and Carlisle* Railway Company, or One of them, for any Term which shall be agreed upon; and the same Companies and either of them is and are hereby authorized, if they think proper, on the like Authority on the Part of their Proprietors, to enter into and accept any such Lease or Leases, and such Lease or Leases shall entitle the Lessee to the free Use and Enjoyment of the said Railway and Works connected therewith, or such Share or Interest therein, or such Portion or Portions thereof, as may be included in such Lease or Leases respectively; and during the Continuance of any such Lease or Leases, all such the Powers, Privileges, and Authorities granted to or which are or might be held, used, exercised, and enjoyed by the said *North-western* Company, or by the Directors thereof, or their Officers, Agents, or Servants, under or by virtue of the said "*North-western* Railway Act, 1852," or of this Act, as may be necessary for the taking and using of Lands, the Maintenance and Regulation of the Railways, and the levying, collecting, and recovering of Tolls and Charges in respect thereof, and all other Matters incident to such Lease, shall in like Manner and to the same Extent in all respects apply to, and be held, used, exercised, and enjoyed by the Lessees, and their Directors, Officers, Agents, and Servants, under the same Regulations and Restrictions in reference to the Objects aforesaid as are granted or imposed by the said Act upon the *North-western* Railway Company.

Power to lease the Railway to *Midland* and *Lancaster and Carlisle* Railway Companies.

V. It shall be lawful for the *North-western* Railway Company, by and with the Authority and Approbation of Three Fifths in Value of the Proprietors present, either personally or by Proxy, at some Extraordinary General Meeting of the said Company specially convened for the Purpose, to sell and transfer to the said *Midland* Railway

Power to sell Railway to same Companies.

The North-western Railway Act, 1857.

Railway Company and the *Lancaster and Carlisle* Railway Company, or One of them, and for the same Companies or One of them, by and with the like Authority on the Part of the Proprietors of the last-mentioned Companies respectively, to purchase such Undertaking, or any Share or Interest therein, or any Portion or Portions thereof, whether before or after the Completion thereof, but subject to any Mortgages, Contracts, Agreements, or Liabilities affecting the same; and on the Completion of such Purchase (of which Completion the Transfer or Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money or other Consideration, and under the respective Corporate Seals of the said Companies, shall be sufficient Evidence,) the Company so purchasing the same may have and hold the said Undertaking, or the Share therein or Portion thereof purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all such of the Rights, Powers, and Privileges conferred by the said "*North-western Railway Act, 1852,*" and this Act, upon the said Company as may be necessary for the full Enjoyment of such Purchase, and the Corporate Seal of the Company or Companies so purchasing may be used when necessary in reference to the Undertaking of the *North-western Railway Company*, in like Manner as though such Railway Company or Companies had been originally authorized to carry the same into effect in lieu of the said *North-western Railway Company*.

Power to enter into Contracts with same Railway Companies.

VI. It shall be lawful for the *North-western Railway Company* and the *Midland* and *Lancaster and Carlisle* Railway Companies, or either of them, to make and enter into Contracts or Agreements for effecting the Purposes aforesaid, or any or either of them, as they the said Companies may respectively deem advisable; and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as may be mutually agreed on between the said Companies.

As to Lancaster and Preston Junction Railway Company.

VII. And whereas by "*The Lancaster and Preston Junction Railway Amendment Act, 1849,*" the Railway and Undertaking of the *Lancaster and Preston Junction* Railway Company were transferred to and are now vested in the *Lancaster and Carlisle* Railway Company, and all the Powers of the first-mentioned Company in relation to the Management of their Railway and the Traffic thereupon were conferred upon and are now vested in the secondly-mentioned Company, and it was enacted that the first-mentioned Company should be entitled to participate in the Profits and Revenue to arise upon or in respect of the Use or Working of the *Lancaster and Preston Junction* Railway and of the *Lancaster and Carlisle* Railway, and of all Branches and Works connected therewith, and of the Proceeds
of

The North-western Railway Act, 1857.

of all the Property of the *Lancaster and Carlisle* Railway Company (except as therein excepted) to the Extent therein provided: Therefore, in the event (under the Provisions of this Act) of any Lease or Sale to the *Lancaster and Carlisle* Railway Company, or of any Agreement or Arrangement between the *North-western* Railway Company and the *Lancaster and Carlisle* Railway Company, either alone or in connexion with any other Company, the Undertaking of the *North-western* Railway Company, or as the Case may be, the Part thereof to which such Lease, Sale, Agreement, or Arrangement relates, shall, as between the *Lancaster and Carlisle* Railway Company and the *Lancaster and Preston Junction* Railway Company, and for all the Purposes of "The *Lancaster and Preston Junction* Railway Amendment Act, 1849," be deemed Part of the Railway and Undertaking of the *Lancaster and Carlisle* Railway Company, as if it had been so at the Time of the passing of that Act; and the Rent or other Sums to be paid by the *Lancaster and Carlisle* Railway Company to the *North-western* Railway Company in pursuance of any such Lease or Agreement or Arrangement, or the Dividend or Interest to be payable on any Share Capital or borrowed Money raised by the *Lancaster and Carlisle* Railway Company for the Purposes of any such Sale, Agreement, or Arrangement, or in connexion with or relation to the Undertaking of the *North-western* Railway Company, or to such Part thereof as aforesaid, shall be a Charge on the whole of the Railways and Undertaking of the *Lancaster and Carlisle* Railway Company, including the *Lancaster and Preston* Railway, and the Railway and Undertaking of the *North-western* Railway Company, or as the Case may be, such Part thereof, and with respect to any such Share Capital or borrowed Money and the Interest thereof, as if such Share Capital or borrowed Money were Part of the Moneys raised and expended under Section 35 of that Act.

VIII. Provided always, That no such Lease, Sale, Contract, or Agreement as aforesaid shall increase the Tolls or Charges which the *North-western* Railway Company are authorized to take in respect of their Undertaking, or shall prejudice or injuriously affect the Rights which any Persons or Companies now have, or may at the Date of such Lease, Sale, Contract, or Agreement have or be entitled to with respect to the Use of the said Undertaking or otherwise.

Leases, &c.
not to affect
Rights.

IX. Nothing in this Act contained shall be held to invalidate or to give any Force to any Agreement now existing between the Company and any other Company or Person, but any such Agreement shall be held to be of the same Effect as if this Act had not been passed.

Not to affect
existing
Agreements.

The North-western Railway Act, 1857.

As to Deposits for future Bills.

X. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purpose of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Railway, &c. not exempt from Provisions of present and future General Acts.

XI. Nothing herein contained shall be deemed or construed to exempt the *North-western* Railway or the Company from the Provisions of any General Acts relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares or Charges authorized by the said recited Act or this Act, or of the Rates for small Parcels.

Expenses of Act.

XII. The Costs, Charges, and Expenses of obtaining and passing this Act and incidental thereto shall be defrayed by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1857.