



CHAPTER clxix.

An Act for enabling the Cheshire Lines Committee to construct certain Branch Lines, for conferring further powers on the Committee and upon the three Companies represented on that Committee ; and for other purposes. A.D. 1874.

[30th July 1874.]

WHEREAS it is expedient that further powers in various respects be conferred upon the Cheshire Lines Committee incorporated by the Cheshire Lines Act, 1867, and upon the three Companies represented on that Committee, viz., the Manchester, Sheffield, and Lincolnshire Railway Company, the Great Northern Railway Company, and the Midland Railway Company, and that the Committee be authorised to execute the works herein-after described, and to enter upon, take, and use the lands herein-after mentioned for the purposes of such works, and for the general purposes of their undertaking :

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also books of reference to such plans 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 thereof, and plans of other lands by this Act authorised to be taken, with like books of reference thereto, have been duly deposited with the respective clerks of the peace for the counties of Lancaster and Chester, 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 ; (that is to say,)

1. This Act may be cited as *The Cheshire Lines Act, 1874.*

Short title.

[*Local.—169.*]

A

1

A.D. 1874.

Provisions of certain general Acts incorporated.

2. The following enactments (as far as the same respectively are applicable for the purposes of and not varied by or inconsistent with this Act) are hereby incorporated with this Act; (namely,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the matters following; (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 nonpayment 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 the shares into stock, the general meetings of the Company, and the exercise of the right of voting by the shareholders, the making of dividends, the giving of notices, and the affording access to the special Act by all parties interested:

The Railways Clauses Consolidation Act, 1845:

Part I. of the Railways Clauses Act, 1863, relating to the construction of a railway:

Parts I., II., and III. of the Companies Clauses Act, 1863, relating respectively to cancellation and surrender of shares, additional capital, and debenture stock.

Interpretation of terms.

3. In this Act—

“The Sheffield Company” means the Manchester, Sheffield, and Lincolnshire Railway Company:

“The Great Northern Company” means the Great Northern Railway Company:

“The Midland Company” means the Midland Railway Company:

“The three Companies” means the Manchester, Sheffield, and Lincolnshire Railway Company, the Great Northern Railway Company, and the Midland Railway Company:

“The Committee” means the Cheshire Lines Committee.

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings; and in this Act, and for the purposes of this Act in any enactments incorporated with this Act, the term “court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute, and the term “superior court” shall include any court of competent jurisdiction. The expression “the railways” shall mean the railways by this Act authorised; the expressions “the promoters of the

undertaking” and “the company” shall mean and apply to the Committee. A.D. 1874.

4. Subject to the provisions of this Act, the Committee may enter on, take, and use such of the lands described in the deposited plans and books of reference as they require for purposes of works authorised by this Act, or other purposes of the undertaking, belonging to or under the management of the Committee; but as regards any lands they may require for the purpose of railway No. 1, herein-after described, the Committee may only enter on or take and use the same by agreement. Power for Committee to take lands referenced.

5. Notwithstanding anything in this Act contained, it shall not be lawful for the Committee to enter upon, take, or use the following lands, or any of them; (namely,) Excepting certain lands.

(1.) The lands in the township of Kirkdale, in the parish of Walton-on-the-Hill, shown on the deposited plans of railway No. 5 by this Act authorised, and bounded on the north by Sandhills Lane, on the south by Boundary Street, on the east by Commercial Road, and on the west by the Leeds and Liverpool Canal:

(2.) The lands numbered 9 and 10 in the parish of Manchester, on the deposited plans distinguished as “lands in the city of Manchester:”

(3.) The lands in Renshaw Street, Lawton Street, Cropper Street, Newington, and Heathfield Street, and Saint Andrew’s Church and Churchyard, in the parish of Liverpool, on the deposited plans distinguished as “lands at Liverpool.”

6. Subject to the provisions of this Act, the Committee may make and maintain, in and according to the lines and levels shown on the deposited plans and sections, the railways and works herein-after described, with all proper stations, approaches, works, and conveniences connected therewith. The works herein-before referred to and authorised by this Act are:— Power for Committee to make and maintain new railways and works.

(1.) A railway (No. 1), one furlong two chains and seventy links or thereabouts in length, commencing by a junction with the Winsford branch of the West Cheshire Railway belonging to the Committee, near the Winsford Station on that railway, and terminating at the salt-works in the occupation of Messieurs Verdin and Sons, in the township of Wharton, in the parish of Davenham, in the county of Chester:

(2.) A railway (No. 2), three furlongs and eight chains or thereabouts in length, commencing by a junction with the Stockport and Woodley Branch Railway belonging to the

A.D. 1874.
—

Committee, in the township of Brinnington, in the parish of Stockport, and terminating in a plot of land belonging to the Committee situate in Brinnington aforesaid :

- (3.) A railway (No. 3), nine miles seven furlongs five chains and eighteen yards or thereabouts in length, commencing in the township of Halewood, in the parish of Childwall, in the county of Lancaster, by a junction with the Liverpool Extension Railway of the Committee, and terminating in the township of Aintree, in the parish of Sefton, in the said county of Lancaster, by a junction with the East Lancashire section of the Lancashire and Yorkshire Railway :
- (4.) A railway (No. 4), six furlongs two chains and eight yards or thereabouts in length, commencing in the said township of Halewood by a junction with the said Liverpool Extension Railway, and terminating in the said township of Halewood by a junction with the intended railway No. 3 in a field numbered 219 in the tithe commutation map of the said township of Halewood :
- (5.) A railway (No. 5), two miles four furlongs five chains and seven yards or thereabouts in length, commencing in the township of Fazakerley, in the parish of Walton-on-the-Hill, in the said county of Lancaster, by a junction with the intended railway No. 3 in a field numbered 175 on the tithe commutation map of the said township of Fazakerley, and terminating in the township of Kirkdale, in the parish of Walton-on-the-Hill, in a plot of land on the south side of Sandhills Lane, lying between the Lancashire and Yorkshire Railway and the Leeds and Liverpool Canal :
- (6.) A railway (No. 6), seven furlongs and five chains or thereabouts in length, commencing in the said township of Fazakerley by a junction with the intended railway No. 3 in a field numbered 387 in the tithe commutation map of the said township of Fazakerley, and terminating in the said township of Walton-on-the-Hill by a junction with the intended railway No. 5 in a field numbered 205 in the tithe commutation map of that township :
- (7.) The widening and alteration of the bridges carrying the Stockport and Timperley Branch Railway of the Committee over George's Road and Lower Bury Street, both in the township of Heaton Norris, in the parish of Manchester, in the county of Lancaster :
- (8.) The widening and improvement of so much of the said Stockport and Timperley Branch Railway in the township of

Heaton Norris, in the parish of Manchester, as is situate between a point on that branch railway nineteen chains or thereabouts to the east of the bridge which carries the public highway leading from Stockport to Heaton Mersey and Didsbury over that branch railway, and a point twenty-two and three-quarter chains or thereabouts to the west of the same bridge: A.D. 1874.

(9.) The stopping up, wholly or in part, of the following streets or roads and highways in the township and parish of Manchester; (that is to say,) so much of Windmill Street as lies between the junction of that street with Watson Street and the point where Museum Street joins Windmill Street aforesaid, and so much of South Street as lies between Peter Street and Windmill Street.

7. Notwithstanding anything herein contained, it shall not be lawful for the Committee, nor any person acting under or in execution of this Act, to enter upon, occupy, or use, either permanently or temporarily, any of the lands or works or property of the Liverpool Sewage Utilization Company, and numbered 268 in the township of Kirkdale, in the parish of Walton-on-the-Hill, in the county palatine of Lancaster, on the deposited plans relating to railway (No. 5), or in any manner to alter, vary, or interfere with their sewage pumping-house, yard, or outbuildings, without the consent of that Company under their common seal first had and obtained for that purpose. Not to take or interfere with the works, &c. of the Liverpool Sewage Utilization Company.

8. In constructing the railways 3, 4, 5, and 6 by this Act authorised, the following provisions as to bridges, roads, and drains shall apply; (namely,) Provision as to construction of bridges, &c. over and under roads.

The several roads herein-after mentioned and described by the numbers on the deposited plans shall be carried over the railway No. 3 by means of bridges having the respective widths between the parapet walls thereof, and having approach roads of the several and respective gradients herein-after mentioned; (that is to say,)

(a.) Road No. 172 in the parish of Walton shall be equal to the width of the existing road at the point where the railway shall be carried under the same road, and the gradients shall be not steeper than one in forty:

(b.) Road No. 46 in the parish of Walton-on-the-Hill, width fifty feet, and gradients not steeper than one in forty, and the said road shall not be raised more than two feet six inches above the present level:

A.D. 1874.

- (c.) Road No. 2 in the said parish of Walton-on-the-Hill, width forty feet, gradients not steeper than one in forty :
- (d.) Road No. 88 in the said parish of Walton-on-the-Hill, width forty-five feet, the existing level of the road to be unaltered :
- (e.) Road No. 57 in the said parish of Walton-on-the-Hill, width thirty-six feet, and gradients not steeper than one in thirty :
- (f.) Road No. 30 in the said parish of Walton-on-the-Hill, width thirty feet, and gradients not steeper than one in thirty :
- (g.) Roads Nos. 104, 108, and 79A, respectively, in the said parish of Walton-on-the-Hill, the respective widths of twenty-five feet, and gradients not steeper than one in twenty :
- (h.) The railway No. 3 shall be carried over the road No. 119 on the deposited plans, in the parish of Walton-on-the-Hill, by means of a bridge having a clear width between the abutments thereof equal to the width of the existing road at the point where the said bridge shall be constructed, and the descents to carry the said road under the said bridge shall not be steeper than one in thirty.
- (3.) Whenever the surface of any of the several roads or foot-paths thereto herein-before mentioned is altered or interfered with, the same shall be reconstructed and made good, by and at the expense of the Committee, with materials equal in all respects to those now in use on the said roads, and to the reasonable satisfaction of the surveyor for the time being of the local board having the charge of such respective road :
- (4.) Wherever railways Nos. 3, 5, and 6 are carried over the main sewage pipes or drains belonging to or under the control of the local board for the district of Walton-on-the-Hill, or of the local board of West Derby, the said pipes or drains shall be replaced by, and the Committee shall at their own expense construct in lieu thereof, a nine-inch brick drain or culvert of the dimensions of three feet by two feet, with a manhole on each side of such railway, for purposes of inspection :
- (5.) If at any time hereafter it shall be necessary, for the proper and sufficient drainage of the district of the Walton local board, or of the local board of West Derby, respectively, to construct sewers or drains across any of the aforesaid railways, the Committee shall afford every reasonable facility for the construction of such sewers or drains, provided the plans thereof shall be first approved by the engineer for the time being of the Committee, and these works shall be carried on and constructed to the reasonable satisfaction of the said engineer, and so that the same shall in no way impede, injure, or obstruct the said railways or the working thereof.

9. Whenever in constructing any of the railways numbered 3, 4, 5, and 6, by this Act authorised, it may be necessary to interrupt or interfere with any existing sewer or drain, the Committee shall, before interrupting or interfering with such sewer or drain, construct, according to a plan to be approved of by the engineer for the time being of the local board in whom such sewer or drain shall be vested, and the engineer for the time being of the Committee, or, in case of difference, as shall be approved of by an engineer to be appointed, on the request of either party, by the President for the time being of the Institution of Civil Engineers, another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be interrupted or interfered with; and such new or substituted sewer shall be connected, by and at the expense of the Committee, with any existing sewers or drains which may be interrupted or interfered with, in such manner as shall be approved of in manner aforesaid.

A.D. 1874.
 For the
 protection
 of public
 sewers.

10. In constructing the railway No. 3, by this Act authorised, through the lands and premises between the roads numbered 61 and 75 on the deposited plans, in the parish of Walton-on-the-Hill, in the county of Lancaster, the following provisions and restrictions shall apply; (viz.),

For the
 protection of
 the Sandfield
 Park estate.

(1.) The said roads No. 61 and 75 in the said parish of Walton-on-the-Hill, shall be carried over the railway by means of bridges, having each a clear width of thirty feet between the parapet walls thereof, and the approach roads on each side of the said bridges shall be constructed so as to have gradients not steeper than 1 in 20:

(2.) The Committee will at any time hereafter, when required so to do by Edmund Molyneux, Captain, 7th Dragoon Guards, and William Durning Holt of West Derby, or the survivor of them, or the heirs or assigns of such survivor, construct a good and sufficient bridge over the said railway, with all proper inclined approaches thereto, at such a point in any of the fields numbered 66, 68, and 69 on the deposited plans, in the said parish of Walton-on-the-Hill, as the said Edmund Molyneux and William Durning Holt, or the survivor of them, or the heirs or assigns of such survivor, shall appoint; and such bridge shall be so constructed as to leave a clear width between the parapet walls thereof of not less than thirty feet, and the gradient of the approach roads on both sides of the said bridge shall not be steeper than 1 in 20:

(3.) It shall not be lawful, without the consent in writing of the said Edmund Molyneux and William Durning Holt, or the survivor of them, or the heirs or assigns of such survivor, for

A.D. 1874.

the said Committee to take, use, or enter upon a greater quantity of the said lands lying between the said roads numbered 61 and 75 respectively than shall be necessary for the construction of the said railway, with all the necessary slopes, banks, and fences thereto, or to erect on any part of the said lands any buildings of any description, except a signal-box, if it becomes necessary to place one on the railway.

For the protection of Sandforth Road.

11. In constructing the said railway No. 3 through the road numbered 79A on the said deposited plans, in the parish of Walton-on-the-Hill, in the county of Lancaster, the following provisions and restrictions shall apply; (viz.),

The said road numbered 79A, in the said parish of Walton-on-the-Hill, and known as Sandforth Road, shall be carried over the railway by means of a bridge having a clear width of twenty-five feet between the parapet walls thereof; and the approach roads on each side of the said bridge shall be constructed so as to have gradients not steeper than one in twenty feet.

Provisions for the Leeds and Liverpool Canal Company.

12. For the protection of the Company of Proprietors of the Canal Navigation from Leeds to Liverpool (hereafter in this Act called "the Leeds and Liverpool Canal Company"), the following provisions shall have effect; (to wit,)

(a.) The railway shall be carried across the canal and towing-path, works, and lands of the Leeds and Liverpool Canal Company in the line and at the point of such crossing as shown on the deposited plans, and (unless with the consent of the Leeds and Liverpool Canal Company under their common seal) not elsewhere:

(b.) In carrying the railway across the canal, towing-path, works, and lands of the Leeds and Liverpool Canal Company, the Committee shall not, otherwise than by agreement with the Leeds and Liverpool Canal Company, deviate from the line of the railway as shown on the deposited plans, nor shall they lower the level of the rails nor alter the mode of construction shown on the deposited sections:

(c.) The Committee shall not, otherwise than by agreement, purchase or take any land belonging to the Leeds and Liverpool Canal Company, or in which they have any right or interest, but the Committee may purchase and take, and the Leeds and Liverpool Canal Company may and shall sell and grant accordingly, an easement or right of using the land required for the construction of the railway (with not more than four lines of rail) in the line shown on the deposited plans:

- (d.) Nothing herein contained shall prevent the Committee from entering upon the lands and works of the Leeds and Liverpool Canal Company when and for such periods as may be necessary for the fulfilment of the Committee's obligations under this section :
- (e.) The railway shall be carried over the canal and towing-path of the Leeds and Liverpool Canal Company, and any approaches thereto, by means of a good and substantial bridge of brick, stone, wood, or iron, to be constructed by the Committee at their own expense :
- (f.) The bridge shall be constructed with perpendicular foundation walls, and its opening or span shall span over the entire width of the canal and towing-path, and the clear height of the under side of the arch or (as the case may be) beams or girders of the bridge above the top-water level of the canal shall throughout the whole breadth of the span be not less than eleven feet :
- (g.) The space between the piers of the bridge (except so much thereof as the towing-path will occupy) shall at all times after the completion of the bridge (except during necessary repairs or reconstruction) be left and preserved an open and uninterrupted navigable waterway :
- (h.) The Committee shall, at their own expense, maintain the bridge and the works thereof of the height and width aforesaid, and in perfect repair at all times, unless they abandon the railway or the portion thereof which crosses the canal, and in either of those cases they shall (if required so to do by the Leeds and Liverpool Canal Company, but not otherwise,) remove the said bridge and works at their own expense :
- (i.) If and whenever the height of the bridge or works shall by subsidence of the ground be lowered below the height hereinbefore prescribed, the Committee shall, at their own expense, restore the same to that height as soon as reasonably may be :
- (k.) The Committee shall not take, diminish, or in any way interfere with the turning or winding place for boats at Sandhills belonging to the Leeds and Liverpool Canal Company :
- (l.) The Committee shall make good all damage that may be occasioned to the works or property of the Leeds and Liverpool Canal Company by the construction, renewal, or want of repair of any of the Committee's works, or by any such subsidence as aforesaid ; 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 Committee by the Leeds

A.D. 1874.

and Liverpool Canal Company, the Committee neglect to proceed with due diligence to make good such damage,— the Leeds and Liverpool Canal Company 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 Committee :

(*m.*) If and whenever, by any act or omission of the Committee, any part of the canal or towing-path shall be rendered impassable for or dangerous to boats, barges, or other vessels navigating or using the canal, the Committee shall pay to the Leeds and Liverpool Canal Company, as or by way of ascertained damages, the sum of fifty pounds for every day during which the obstruction or danger shall continue, and so in proportion for any less time than a day :

(*n.*) Provided that nothing in this Act contained shall prevent the Leeds and Liverpool Canal Company from recovering from the Committee any special damage that may be sustained by the Leeds and Liverpool Canal Company in consequence of the works to be executed by the Committee, or by the Leeds and Liverpool Canal Company for the Committee, under the provisions herein-before contained, or on account of any other act or omission of the Committee :

(*o.*) If and whenever any damages or other sums payable by the Committee to the Leeds and Liverpool Canal Company are not paid on demand made on the secretary or clerk of the Committee, the same may, together with costs of suit, be recovered against the Committee in any court of competent jurisdiction :

(*p.*) All questions and differences which may at any time arise between the Committee and the Leeds and Liverpool Canal Company as to the construction or effect of sub-sections *a, b, d, e, or f* of this section, or the performance, observance, non-performance, or non-observance of any of the provisions thereof, or any matters connected therewith or consequent thereon, shall be determined by an arbitrator to be appointed by the Committee and the Leeds and Liverpool Canal Company, or (if for fourteen days after the question or difference arises they do not agree upon an arbitrator) by the Board of Trade upon the application in writing of both or either of them ; and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon both the parties in difference, and the costs of the arbitration shall be in his discretion :

(*q.*) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter,

or affect any of the rights, privileges, property, powers, or authorities of the Leeds and Liverpool Canal Company. A.D. 1874.

13. The Committee shall not appropriate or stop up the portion of Windmill Street lying between the westerly side of South Street and Watson Street, or any part thereof, unless they acquire the property bounded by Peter Street, South Street, Windmill Street, and Watson Street, and appropriate the same as and for the purposes of their railway station, and unless and until they shall, by the addition thereto of not less than five hundred and six square yards of land, have widened South Street and Watson Street respectively between Peter Street and Windmill Street; and the Committee shall, to the satisfaction of the corporation of Manchester, form, sewer, flag, pave, and otherwise complete the aforesaid widenings. Portion of Windmill Street not to be stopped up until other streets widened, &c.

14. The Committee shall not, without the consent of the corporation of Manchester under the hand of the town clerk, in any part or to any extent whatever, appropriate, stop up, or obstruct, either temporarily or permanently, Peter Street, Watson Street, South Street, Museum Street, or the portion of Windmill Street lying between the westerly side of South Street and Lower Moseley Street, all in the city of Manchester. Certain streets not to be stopped up without consent of corporation of Manchester.

15. The provisions contained in the eighth section of the Cheshire Lines Act, 1873, for the protection of the corporation of Manchester shall extend and apply to the works hereby authorised, and be deemed to be incorporated in and to form part of this Act. Provisions of 8th section of Cheshire Lines Act, 1873, to apply to works authorised by this Act.

16. In carrying out the works by this Act authorised in Heaton Norris, in the parish of Manchester, the Committee shall not lower or raise the surface of, or narrow, stop up, or alter, any of the following streets or roads in Heaton Norris aforesaid; namely, Didsbury Road, Huntsman's Brow, Travis Brow, Heaton Lane, George's Road, Bury Street, Brunswick Street, nor the site of the street authorised by the Cheshire Lines Act, 1872, to be made and substituted for King Street, nor King Street until such authorised or substituted street be made pursuant to the Cheshire Lines Act, 1872; and the Committee shall leave a clear headway under any bridge or widening of a bridge authorised by this Act in the township of Heaton Norris, in the borough of Stockport, of not less than fifteen feet, and they shall not reduce the headway of any existing bridge over any such roads. For the protection of the corporation of Stockport and the local board of Heaton Norris.

17. In carrying out the works of railway No. 2 the Committee shall carry the lines over Mottram Street in Brinnington aforesaid, at the centre line of railway shown on the deposited plans, by a bridge having a width of not less than twenty-five feet, a clear headway of fifteen feet, and a length not exceeding fifty feet. As to bridge over Mottram Street.

A.D. 1874.

For the
protection of
Edward
Carrington
Howard.

18. In carrying out the works of railway No. 2 the Committee shall not take or enter upon the lands numbered 2, 3, 4, 5, 6, 7, and 8, in the township of Brinnington and parish of Stockport, on the deposited plans; and railway No. 2 shall be constructed so as to join the existing lines of the railway of the Committee at the centre thereof, and at a point west of the fence dividing the lands numbered 8 and 9 on the deposited plans, and marked A. A. on a copy of the said plans signed by Thomas Dixon Hill on behalf of the said Edward Carrington Howard, and Charles Sacré on behalf of the Committee.

For pro-
tection of
Weaver
navigation.

19. Whereas the railway No. 1 by this Act authorised is intended to be carried over one of the navigable courses of the river Weaver, in the township of Wharton and Over, or one of them, by means of a bridge: Therefore, for the protection of the river Weaver navigation, the following provisions shall be binding on and shall be performed and observed by the Committee; that is to say,

First, the Committee shall make in a proper and sufficient manner, and to the reasonable satisfaction of the engineer of the trustees of the river Weaver navigation, a good and substantial swing bridge over the river Weaver, with proper and sufficient piling on each side of the river of such length and depth as not to interfere with the river being hereafter deepened to fifteen feet, and maintained at that depth; and in case of any difference arising as to the construction of such bridge, the same shall be determined by an engineer to be appointed as referee, at the cost of the Committee, by the Board of Trade, on the application of the Committee or of the trustees; and if and whenever the Committee make a new bridge in lieu of the now intended bridge, or make or do any alterations or repairs in the intended or any such bridge, these provisions shall apply to every such work:

Secondly, such bridge shall consist of one span, which shall be of such size as that there shall be a clear waterway of not less than twenty-five feet, and such bridge shall be made and maintained in all respects according to the deposited plans and sections:

Thirdly, the Committee shall not at any time, either during the building or repairing of the intended or any future bridge, or at any time thereafter, by any works there, obstruct the flow of the water of the river in time of flood or at any other time, or impede the navigation thereof, or injure or interfere with any of the works of the river, or in any way lessen the area of the water channel thereof, either for the purpose of mooring or navigating vessels or otherwise:

Fourthly, the bridge, with all its gearing and apparatus, shall be kept in good and efficient working order, and shall be regularly opened and worked, at the cost of the Committee, but the use of such bridge by the said Committee or by any other persons shall be in every respect subservient to the purposes of the said navigation, and the trustees shall have the control and management of such bridge, but they shall not so manage the same as to interfere unnecessarily with the use of the said railway :

Fifthly, the Committee shall and they are hereby required at all times hereafter to keep and maintain the same bridge and works appertaining thereto in good and substantial repair in every respect to the reasonable satisfaction of the engineer of the trustees ; and in case of any default in any of the matters aforesaid, and notice of such default being given to the Committee by the clerk of the trustees, if the Committee shall not, in the space of two days after the service of such notice, commence the requisite works, and proceed thereon with all reasonable expedition until the same shall be completed, it shall be lawful for the trustees to do and make good the same, causing as little obstruction to the railway as may be ; and all expenses incurred by the trustees shall be paid on demand by the Committee, or, on failure of payment for twenty-one days after such demand, the same may be recovered by the trustees as herein-after provided :

Sixthly, if and whenever the Committee in execution of their works injure or damage the river Weaver, or any part of the works belonging thereto or connected therewith, they shall immediately repair and make good the injury and damage, and shall also pay to the trustees the full amount of all loss or damage which they thereby sustain :

Seventhly, if and whenever the Committee make default in payment to the trustees, on demand, of any expenses, loss, or damage to be under the provisions of this Act paid to them by the Committee, the trustees may recover the amount, with full cost of suit, from the Committee, in any court of competent jurisdiction :

Eighthly, except only as is by this Act otherwise provided, nothing in this Act shall authorise the Committee to take away, lessen, or prejudice any of the estates, rights, powers, or privileges of the trustees of the river Weaver navigation.

20. In constructing railway No. 3 by this Act authorised, the present level and width of Belle Vale Road, in the parish of Childwall, being road No. 73 on the deposited plans, shall be preserved.

Level and width of Belle Vale Road, Childwall, to be preserved.

A.D. 1874.
 ———
 For the
 protection of
 the property
 of the
 Marquess of
 Salisbury.

21. For the protection of the Marquess of Salisbury, his heirs, sequels in right, and assigns, the following provisions shall take effect, notwithstanding anything in this Act or in the Acts incorporated therewith contained :

(a.) Railway No. 3 by this Act authorised shall not, so far as it affects the lands of the Marquess of Salisbury, be constructed to the westward of, but as near as may be shall be constructed in the line shown in red upon the plan marked "A," and signed by Basil Thomas Woodd, Esquire, the chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, as being the plan referred to by this section :

(b.) That the railway, so far as it affects the lands of the Marquess, shall not, without the consent in writing of the said Marquess, his sequels in right, heirs, or assigns, in any part thereof be constructed on an embankment of a higher level than twelve feet from the present surface of the land :

(c.) The Committee shall not, without such consent as aforesaid, acquire or take any more of the land of the said Marquess than shall be absolutely required for the actual construction of the railway through, or for the erection of a passenger station upon, his land, nor shall they erect or set up, or permit to be erected or set up, upon any part of the land so acquired or taken, any engine house, workshop, goods depôt, or warehouse, or any other building whatsoever than that of such station as aforesaid, nor shall any part of the land so acquired or taken be at any time used or set apart as a spoil bank or as a place for the deposit of surplus soil.

For the
 protection of
 Samuel
 Henry
 Thompson.

22. The Committee shall not make any deviation whatsoever to the eastward of the central line as shown on the deposited plans of railway No. 3, between the London and North-western Railway and Thomas Lane, in the said parish of Walton-on-the-Hill, at the entrance to the estate of Samuel Henry Thompson.

Committee
 to provide
 embankment.

23. The Committee shall provide, make, and plant on the land of the said Samuel Henry Thompson, and on the other lands to be acquired by the Committee, a sufficient embankment on the east side of the said railway, between the London and North-western Railway and the said Thomas Lane, wherever the cutting containing the said railway is less than sixteen feet in depth.

Preservation
 of certain
 lands of
 Samuel
 Henry
 Thompson.

24. The Committee shall not permanently interfere with the entrance to the property of the said Samuel Henry Thompson from the said Thomas Lane, or with the carriage-drive proceeding from the said entrance ; and the Committee shall cover in the cutting

underneath the plantation marked No. 28 on the deposited plans, in the said parish of Walton-on-the-Hill, and also shall either wholly and intact preserve the said plantation marked No. 28 as aforesaid, or shall thoroughly replant so much of the same as shall be affected by the works of the Committee.

A.D. 1874.

25. The Committee shall not take, purchase, or acquire from the said Samuel Henry Thompson, without his consent, more land to the north of the London and North-western Railway than is sufficient to admit of the running lines of railway.

Limiting purchase of lands.

26. The Committee shall preserve the road marked No. 2 in the parish of Walton-on-the-Hill on the deposited plans, including the footway or footways belonging to the said road, of the present width at the least in every part.

Preservation of road No. 2 in the parish of Walton-on-the-Hill.

27. For the protection of Thomas Alfred Royds Littledale, and of his estate in the parish of Walton-on-the-Hill, where the same is traversed by the railway No. 3 (in this section called the railway), be it enacted as follows :

For the protection of T. A. R. Littledale's estate.

(1.) The railway shall be constructed through the said estate in the line shown in the deposited plans as the centre line, or between such line and the eastern limit of deviation shown on the said plans, and at such a level that the railway when constructed will enter the estate at its northern boundary five feet below the level shown on the deposited sections, and thence by one uniform gradient to the southern boundary of the estate :

(2.) In any place where the railway is constructed through the said estate in cutting less than sixteen feet in depth, the Committee shall, at their own expense, construct upon land to be provided by the said Thomas Alfred Royds Littledale, his heirs or assigns, an ornamental bank, with slopes on both sides of such bank of not more than one foot in eight feet ; such bank to be sodded, and the west side thereof planted, at the expense of the Committee, as the said Thomas Alfred Royds Littledale, his heirs or assigns, may direct, and to be of such a height as is necessary to make the top or surface thereof sixteen feet in height above the top surface of the rails upon the railway :

(3.) The land taken for the purposes of the railway shall be fenced off, by and at the expense of the Committee, from the remainder of the said estate by strong iron hurdles or by a wall not less than five feet high, such fences to be maintained by the Committee at their own expense :

A.D. 1874.

(4.) All the above works shall be made to the reasonable satisfaction of the said Thomas Alfred Royds Littledale, his heirs or assigns, or, in case of difference, to the satisfaction of an engincer to be agreed upon, or to be appointed, upon the requisition of either party, by the President for the time being of the Institute of Civil Engineers :

(5.) Nothing in this Act contained shall abridge, alter, prejudice, or affect the rights, powers, authorities, and privileges of the said Thomas Alfred Royds Littledale, his heirs or assigns, under or in respect of this Act, or any of the Acts incorporated therewith.

Provisions with respect to certain roads in the parish of Childwall and Walton-on-the-Hill.

28. In constructing the railways Nos. 3, 4, and 5, the following provisions as to bridges, roads, and drains in the parish of Childwall shall apply ; (namely,)

(1.) The railway No. 3, at the point where the same crosses the road No. 42 on the deposited plans, shall be constructed in the line shown on those plans as the eastern limit of deviation, and so as that the level of the said road No. 42 shall remain unaltered :

(2.) The railway No. 3, at the point where the same crosses the road No. 73 on the deposited plans, shall be constructed in such manner as that the level of such road shall remain unaltered :

(3.) The bridges for carrying the railway No. 3 over the said roads No. 42 and No. 73 respectively shall be constructed with headways of not less than sixteen feet to the under side of the girders, and in such manner as not to encroach upon the full width of the said roads, including the footpaths on either side thereof :

And in constructing the railways Nos. 3, 4, and 5, the road in the parish of Walton-on-the-Hill, No. 172 on the deposited plans, shall not be raised more than three feet six inches.

For protection of railway siding near Commercial Road.

29. Notwithstanding anything in this Act contained, the railway No. 5 shall be carried over the railway siding near Commercial Road, in the parish of Walton-on-the-Hill, at two miles two furlongs on the deposited plans, in such manner as to leave a clear headway of thirteen feet under the railway, and of a width sufficient to admit of the passage of locomotives along the siding and under the railway.

Provisions as to construction of railway No. 5 between

30. The railway No. 5 shall be constructed between Stanley Road and Bootle Road, in the parish of Walton-on-the-Hill, in a line parallel to the existing Lancashire and Yorkshire Railway, and so as to leave a clear space available upon the land of the Earl of

Derby, or other person entitled in possession for the time being to the estates of the said Earl in the county of Lancaster, for the construction of a road of the full width of not less than sixty feet between the fences parallel with the said railway No. 5; and the Committee shall, at their own expense, form and complete the earth-work of such road in a good and substantial manner, and in a line and to a level and in all other respects to the satisfaction of the Earl of Derby or other person entitled as aforesaid, or his agent; and they shall also, to the like satisfaction, construct and maintain all necessary retaining walls and fences between the railway and the said roads between the points aforesaid.

A.D. 1874.
 Stanley Road
 and Bootle
 Road in the
 parish of
 Walton-on-
 the-Hill.

31. Notwithstanding anything in this Act contained, the following conditions and provisions shall apply in and to the construction of the railway No. 5 :

Portion of
 railway No. 5
 to be con-
 structed in
 tunnel.

(1.) The same shall be constructed in a tunnel and without shafts from a point one mile nine chains to another point one mile and thirty-five chains on the deposited plans, and along the centre line shown upon the said plans, and at the level stated upon the deposited sections; and the Committee shall not, without the consent of the Earl of Derby or person entitled as aforesaid, deviate from the said line or levels :

(2.) Between a road in the said parish of Walton-on-the-Hill, called Breeze Hill, and the point one mile and nine chains on the same plans, if the Earl of Derby or person entitled as aforesaid shall so require, a bridge with proper parapets shall be constructed to the satisfaction of the said Earl of Derby or person entitled as aforesaid, or the railway shall be carried in tunnel, by and at the expense of the Committee, so as to admit of a road of the full width of sixty feet, exclusive of fences, being carried over the railway in such line as the Earl of Derby or person entitled as aforesaid may direct :

(3.) In constructing either or both of the said tunnels, the land may, if the Committee see fit, be excavated and thereafter filled in, but the tunnel and the surface of the land above the same shall in any event be so constructed, consolidated, and maintained, by and at the expense of the Committee, as at all times to bear the weight of any warehouses or other buildings of great weight, with foundations of such depth as may be deemed by the said Earl of Derby or person entitled as aforesaid expedient for such buildings :

(4.) The Committee shall, at any time before the expiration of the time limited by this Act for the completion of works, but not afterwards, be entitled to declare their option of making

A.D. 1874.

the said tunnels, or either of them, of sufficient width to carry four lines of railway :

- (5.) The Committee shall not be entitled to acquire the land within or under which the said tunnel or tunnels shall be constructed, but shall acquire the right of making and maintaining such tunnel or tunnels in and through such land by way of easement only.

Certain works not to be erected in township of Halewood without consent of Earl of Derby.

32. No engine works or sheds, locomotive works or sheds, fitting sheds, or any buildings for the purposes of manufacture or business, other than goods or passenger stations or signal boxes and sidings in connexion with the railway or stations, shall be erected on any land belonging to or to be acquired by the Committee in the township of Halewood, without the consent of the Earl of Derby or person entitled as aforesaid.

Provisions as to drains and fences on Earl of Derby's estates.

33. Before any works shall be commenced which will interrupt or interfere with any sewers or drains constructed or to be constructed for the drainage or sewerage of the estates of the Earl of Derby, the Committee shall, at their own expense, construct, in accordance with plans and sections previously submitted and approved by and to the satisfaction of the said Earl or person entitled as aforesaid, and they shall thereafter, also at their own expense, maintain other sewers and drains in lieu of and of equal dimensions with the sewers or drains so interrupted or interfered with, and also such outlet sewers in connexion therewith as may be necessary.

General saving of rights of Earl of Derby.

34. Nothing in this Act contained shall abridge, alter, prejudice, or affect the rights, powers, authorities, and privileges of the Earl of Derby or person entitled as aforesaid under or in respect of this Act.

For protection of the corporation of Liverpool.

35. In exercising the powers of this Act within the borough of Liverpool, in the county of Lancaster, and also within the parishes of Walton-on-the-Hill, Sefton, and Childwall, in the said county, so far as relates to water mains and pipes, the Committee shall conform to and observe the provisions, regulations, and restrictions contained in the second, third, fourth, fifth, sixth, and seventh sub-sections of the twelfth section of the Cheshire Lines Act, 1866, and also the following regulations and restrictions; (that is to say,)

- (1.) The bridge for carrying the railway over the siding at Sandhills belonging or leased to the corporation of Liverpool shall be a horizontal girder bridge so constructed that there shall

not be less than thirteen feet clear from the surface of the rails of the said siding to the under side of the girder :

- (2.) The bridge carrying the railway over the said street called Sandhills Lane shall be constructed of the full width of the said street, and so constructed that there shall be at least eighteen feet from the surface of the carriageway to the spring of the arch or the under side of the girder, and the parapet walls of the said bridge shall not be less than seven feet in height :
- (3.) The said bridge shall, as far as practicable, be made and maintained water-tight and free from droppings of water upon the roadway or footways below ; and in case default is made in so maintaining the said bridge, the Committee shall for every day of such default pay to the corporation the sum of five pounds as liquidated damages :
- (4.) If the Committee shall make into their station abutting upon the north side of Boundary Street any doors or openings at which horses drawing carts or other vehicles shall stand for the purpose of delivering in at the said doors, or receiving out from the same, any goods or merchandise for conveyance by their railways, or for delivery in Liverpool, they shall, before constructing any such doors or openings into the said street, set back their frontage to the said street for a space of ten feet for the whole distance along which such doors or openings are made, in order that carts or other vehicles may stand thereon while receiving or delivering goods at the said doors, or waiting to receive or deliver goods, without obstructing the existing roadway or street :
- (5.) The Committee shall, for the entire length of the lands acquired or to be acquired by them abutting upon the south side of Sandhills Lane between the Lancashire and Yorkshire Railway and the Leeds and Liverpool Canal, set back the boundary wall or fence of those lands for the width of ten feet from the present line of frontage, and the said space of ten feet in width shall thereupon become part of Sandhills Lane aforesaid.

And, subject to the foregoing provisions being fulfilled and carried into effect, the corporation shall give and they are hereby required to give their consent, so far as they lawfully can or may, to the stopping up by the Committee of the portions of Hawkshaw Street, Houlgrave Street, Holme Street, Errington Street, Luton Street, and Townshend Street, in the borough of Liverpool, which lie within the limits of the lands shown on the deposited plans which

A.D, 1874. — the Committee are by this Act empowered to acquire, and to the appropriation of the site and soil of those portions of streets to the purposes of the Committee.

For the protection of the lands and works of Charles Kurtz.

36. The Committee shall not take or acquire, or be required by the said Charles Kurtz to take or acquire, more of the lands or works at Sandhills, Kirkdale, in the county of Lancaster, belonging to Charles Kurtz, than is absolutely necessary for the construction of the line of their railway No. 5 by this Act authorised, as shown by the centre line as laid down upon the deposited plans, or as near thereto as practicable; and the said Committee shall not enter upon, acquire, or in any way interfere with the said lands or works of the said Charles Kurtz, or any part thereof, until they shall have granted and conveyed to him, his heirs and assigns, a portion nearest the lands of the said Charles Kurtz of the piece of land numbered upon the deposited plans 261, in the parish of Walton-on-the-Hill, in quantity at least equal to that which they may take from the said Charles Kurtz under the powers of this Act, nor until eighteen months shall have elapsed after such other lands shall have been granted and conveyed by them to the said Charles Kurtz, his heirs and assigns, as aforesaid, so as to enable him or them to erect other buildings in lieu of those to be taken by the Committee: Provided always, that if the Committee shall take part of any building upon the lands of the said Charles Kurtz, he may compel them to take the whole of such building: Provided nevertheless, that the naphtha distilleries shown upon a plan of the buildings of the said Charles Kurtz signed by Samuel Price and Walter Marr Brydone, and the tank marked A upon the same plan, shall, for the purposes of this section, be considered separate buildings, and the taking of them shall not render the Committee liable to take any other part of the buildings or manufactory of the said Charles Kurtz under the 92nd section of the Lands Clauses Consolidation Act, 1845. The said Committee shall also pay to the said Charles Kurtz, his heirs or assigns, at or before the time such other lands are granted to him or them, such a sum as will be necessary to erect new buildings and works in the place of those proposed to be taken by the Committee; the sum to be so payable as aforesaid to be calculated upon the basis of erecting buildings and works of a similar character and area to those to be removed, and, in case of difference, to be settled by arbitration in the mode provided by the Lands Clauses Consolidation Act, 1845, for settling cases of disputed compensation; the compensation to be paid by the said Committee to the said Charles Kurtz, his heirs or assigns, in respect of the difference (if any) in the value of the lands to be granted by and to

the said Charles Kurtz as aforesaid, and all other questions of compensation between him and the said Committee, to be determined as provided by the said last-mentioned Act. A.D. 1874.

37. The said railway No. 5, where it passes through the aforesaid lands of the said Charles Kurtz, shall be constructed on a viaduct, and the Committee shall not permit any of the lands to be taken by them of the said Charles Kurtz, or any lands adjacent, to be used for any such purpose as will prevent the said Charles Kurtz, his heirs or assigns, carrying on the business of tar distillers and manufacturing chemists upon the lands of the said Charles Kurtz at Sandhills aforesaid not taken by the Committee, or upon the other lands to be granted by the Committee to the said Charles Kurtz, his heirs and assigns, as aforesaid. As to construction of line through lands of the said C. Kurtz.

38. The said Committee shall so construct the said railway No. 5 as not to obstruct or interfere with the right of way which the said Charles Kurtz, his heirs and assigns, are possessed of under and through the arch leading to Foster Street, beneath the Lancashire and Yorkshire Railway at Sandhills aforesaid, and so as that the said Charles Kurtz, his heirs and assigns, shall at all times hereafter have free access for persons, horses, and carriages to and from his said lands to Foster Street aforesaid. Saving right of way of C. Kurtz.

39. The said Committee shall, before they shall open the said railway No. 5 for public traffic, at their own cost, construct and at all times thereafter maintain a siding parallel to the said railway No. 5, and at the level thereof, so as to give a means of communication from their said railway No. 5 or from the station to be constructed upon the piece of land No. 306 upon the deposited plans, in the said parish of Walton-on-the-Hill, to a platform or building to be erected by the said Charles Kurtz upon the said piece of land numbered 261 to be granted to him as aforesaid: Provided always, that all works necessary to be constructed upon the lands of the said Charles Kurtz not taken by the said Committee, or upon the lands to be so granted to him, shall be constructed at his expense; and the said Charles Kurtz, his heirs and assigns, shall be entitled at all times thereafter to use the said siding, free of charge, for the purpose of conveying goods and merchandise to and from the said lands of the said Charles Kurtz to and from the railways of the said Committee. Construction of siding for said C. Kurtz.

40. The Committee, in constructing railway No. 3, shall be bound by and shall comply with the following provisions for the protection of the Lancashire and Yorkshire Railway Company: For the protection of the Lancashire and Yorkshire Railway Company.

Firstly. Railway No. 3 shall be carried over the Lancashire and Yorkshire Railway where it crosses the same at a point about

A.D. 1874.
—

eight miles four furlongs and 9·50 chains from the commencement of the said railway No. 3 as shown on the deposited plans and sections, by means of a flat girder bridge, having a clear span or opening of at least fifty feet; and such bridge shall have a clear headway of at least fourteen feet from the surface of the said railway to the under side of the girders of the said bridge for the entire span of the bridge :

Secondly. Railway No. 3 shall be carried under the Lancashire and Yorkshire Railway where it crosses the same at the point about nine miles seven chains, and also at the point about nine miles two furlongs and one chain, respectively, from the commencement of the said railway No. 3 as shown on the deposited plans and sections, by means of bridges having a clear width of at least fifty feet between the parapet walls thereof; and railway No. 3 shall be carried under the Lancashire and Yorkshire Railway where it crosses the same at the point about nine miles two furlongs and 9·40 chains from the said commencement of railway No. 3 shown on the said deposited plans and sections, by means of a bridge having a clear width of at least twenty-eight feet between the parapets thereof; and the power of making the junction of railway No. 3 with the Lancashire and Yorkshire Railway at Aintree shall be subject to the provisions relating to junctions contained in the Railways Clauses Act, 1863 :

Thirdly. The existing levels of the Lancashire and Yorkshire Railway at the said respective points of crossing shall be preserved, and not altered without the consent of the Lancashire and Yorkshire Railway Company in writing under their common seal :

Fourthly. The several bridges or other works by which railway No. 3 shall be carried across the Lancashire and Yorkshire Railway as aforesaid, and all works and conveniences connected therewith, and with the junction of railway No. 3 with the Lancashire and Yorkshire Railway at Aintree, shall be constructed only in such positions respectively, according to such plans, elevations, sections, and specifications, and dimensions, as shall be submitted by the Committee to the engineer of the Lancashire and Yorkshire Railway Company, and approved by him in writing under his hand before any of those works are begun, or, in case of his refusal or neglect to approve the same, as shall be settled and determined by an engineer to be appointed by the Board of Trade :

Fifthly. The Committee shall at all times maintain the said several bridges or other works by which railway No. 3 shall

be carried across the Lancashire and Yorkshire Railway, and the said junction of railway No. 3 at Aintree, and all the works connected with the said bridges and junction, in substantial repair, and good order and condition, to the reasonable satisfaction in all respects of the engineer for the time being of the Lancashire and Yorkshire Railway Company; and if and whenever the Committee fail so to do, that Company may make and do, in and upon as well the lands and works of the Committee as on their own lands and works, all such works and things as they may reasonably think requisite in that behalf; and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Committee, and, in default of full repayment, may be recovered, with full costs, by the said Company from the Committee in any court of competent jurisdiction:

Sixthly. The Committee shall not, without in every case the previous consent of the Lancashire and Yorkshire Railway Company in writing under their common seal, take, use, enter upon, or interfere with any of the lands, railways, or works from time to time belonging to or in the possession or under the power of that Company, except only such parts of their lands as it shall be absolutely necessary for the Committee to take, use, enter upon, or interfere with, for the purpose of making and maintaining the line of railway No. 3 as the same is according to this Act to be constructed, and the works by which the same is to be so carried across the Lancashire and Yorkshire Railway:

Seventhly. With respect to any land of the Lancashire and Yorkshire Railway Company which the Committee is by this Act authorised to use, enter upon, or interfere with, the Committee shall not purchase or take the same, but the Committee may purchase and take, and the Lancashire and Yorkshire Railway Company may and shall sell and grant accordingly, an easement or right of using the same for the purposes for which, but for this enactment, the Committee might purchase and take the same:

Eighthly. The Committee shall not in any manner in the execution of any of their works obstruct or interfere with the free, uninterrupted, and safe user of the Lancashire and Yorkshire Railway or any traffic thereon:

Ninthly. The Committee shall bear, and on demand pay to the Lancashire and Yorkshire Railway Company, the expense of the employment by that Company, during the execution of the works affecting the Lancashire and Yorkshire Railway, of a

A.D. 1874.

sufficient number of inspectors and watchmen to be appointed by that Company for watching their railway and its works with reference to and during the execution of such intended works, and for preventing, as far as may be, all interference, obstruction, danger, and accident from any of the operations or from the acts or defaults of the Committee or their contractors, or any person or persons in the employ of the Committee or of their contractors, with reference thereto or otherwise :

Tenthly. If by reason of the execution of any of the works or any proceedings of the Committee, or the failure of any such works, or any act or omission of the Committee or of their contractors, or of any persons in the employ of the Committee or of their contractors, or otherwise, the Lancashire and Yorkshire Railway, or any of the works connected therewith, shall be injured or damaged, such injury or damage shall be forthwith made good by the Committee at their own expense, or in the event of their failing so to do, then the Lancashire and Yorkshire Railway Company may make good the same, and recover the expense thereof, with full costs, against the Committee in any court of competent jurisdiction ; and if any interruption shall be occasioned to the traffic of the Lancashire and Yorkshire Railway Company by reason of any of the matters or causes aforesaid, the Committee shall pay to that Company all costs and expenses to which that Company may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption ; such costs, expenses, and compensation to be recoverable, with full costs, by that Company from the Committee in any court of competent jurisdiction.

For the protection of the London and North-western Railway Company.

41. The following provisions for the protection of the London and North-western Railway Company shall be binding on the Committee, and they shall perform the same and comply therewith :

- (1.) The Committee shall carry the railway No. 3 under the Liverpool and Manchester line of that Company, and the railway No. 5 over the tunnel of their Bootle Branch Railway at the proposed crossings thereof according to the lines of such respective railways as shown on the deposited plans, and as to the crossing by the railway No. 3 by a bridge of the clear width between its parapets of not less than ninety feet measured on the square, and so as to leave undisturbed all the existing lines of the Liverpool and Manchester Railway and its works at such crossing, and as to the crossing by the railway No. 5 by a bridge with one clear span of not less than twenty-five feet measured on the square, and with a clear headway of not less than eighteen feet measured from the surface of the rails

to the highest point of the soffit of the arch ; and all the works for such crossings, as well as those provided for in sub-section No. 2, shall be carried out and executed according to plans and specifications to be reasonably approved by and under the superintendence and to the satisfaction of the principal engineer of that Company, and in all things at the expense of the Committee, and by and in such means and manner only as not to interfere with the free, uninterrupted, and safe user of the railways of that Company, or the working, conduct, or passage of the traffic thereon respectively :

- (2.) If it shall at any time appear to such engineer of that Company that any further or other works or appliances are required to prevent injury happening to the said tunnel, owing to or in consequence of the railway No. 5 being carried over the same, the Committee will immediately, on being thereunto required in writing under the hand of such engineer, make and execute the same at their expense :
- (3.) If for effecting such crossing of the Bootle Branch Railway, it shall be found necessary to destroy the ventilating shaft of its tunnel, or if in the opinion of the engineer of that Company the efficient use of such shaft shall be in any way impaired, the Committee shall, before such shaft shall be destroyed or its efficient use impaired, make and construct a new ventilating shaft for that tunnel, to be as efficient in all respects as the present shaft ; and if in either of such cases happening the Committee shall fail to make, construct, and complete such new shaft within two calendar months after being requested so to do by that Company in writing under their common seal, that Company may make, construct, and complete such shaft, in all things at the expense of the Committee, and recover from the Committee, with full costs, in any court of competent jurisdiction, the sum certified by such engineer to be the reasonable amount of the expenditure of that Company in that behalf :
- (4.) The Committee shall at all times maintain the bridges, arches, and other works by which the before-mentioned railways shall be so carried across the railways of that Company, and also any further or other works which may be required under sub-section No. 2, in substantial repair and good order, and effectually drain the same, to the reasonable satisfaction in all respects of the principal engineer of that Company ; and if and whenever the Committee fail so to do, that Company may make or do, in and upon as well the lands of the Committee as their own lands, all such works and things as that Company may reasonably think requisite in that behalf ; and the sum

A.D. 1874.

from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to that Company by the Committee, and in default of payment may be recovered as aforesaid from the Committee, with full costs :

- (5.) The Committee shall not in any case, without the previous consent in writing under the common seal of that Company, take, use, enter upon, or interfere with the railways, works, lands, or property at any time belonging to or in the possession or under the power of that Company, except only such part or parts thereof respectively as it shall be necessary for the Committee to take, use, enter upon, or interfere with for making and maintaining the bridges, arches, and other works by which the railways of the Committee are so to be carried across the railways of that Company, and except also so far as it shall be necessary to use, enter upon, or interfere with for making and constructing the ventilating shaft as provided for in sub-section No. 3 :
- (6.) With respect to any such last-mentioned railways, works, lands, or property which the Committee are by this Act authorised to take, use, enter upon, or interfere with respectively, they shall not purchase and take the same, but they may purchase and take, and that Company may and shall sell and grant accordingly, an easement or right of using the same for the purposes for which, but for this enactment, the Committee might purchase and take the same :
- (7.) The Committee shall, on demand, pay to that Company all reasonable expenses of the employment by that Company, during the construction of the works affecting the railways of that Company, and of the said tunnel and ventilating shaft, of a sufficient number of inspectors and watchmen, to be appointed by that Company, for watching their railways and the respective works thereof with reference to and during the execution of such works, and for preventing, as far as may be, all interference, danger, and accident from any of the operations or from the acts or defaults of the Committee or their contractors, or any person or persons in the employment of the Committee or their contractors, with reference thereto or otherwise :
- (8.) The Committee shall be responsible for and make good to that Company all costs, losses, damages, and expenses from time to time occasioned to that Company, or to the said tunnel or any other of their works and property, or to the traffic on their railways, or to any company or person using the same respectively, or otherwise, by reason of the execution or failure of any of the works of the Committee or incidental thereto, or

by any act or omission of the Committee or any of the persons in their employment, or their contractors or others; and the Committee shall effectually indemnify and hold harmless that Company from all claims and demands upon or against them by reason of any such execution or failure, or of any such act or omission as aforesaid : A.D. 1874.

(9.) If any difference shall arise between the respective engineers of the Committee and of that Company as to the reasonableness of such plans and specifications, such difference shall be referred to and determined by an engineer to be mutually nominated by such respective engineers, or, failing agreement, to be appointed by the President of the Institution of Civil Engineers on the application of the Committee or of that Company :

(10.) Nothing in this Act contained shall extend to prejudice or alter or take away any of the rights, privileges, or powers of that Company otherwise than is herein expressly provided.

42. So soon as the whole of the property abutting upon both sides of the whole or portions of streets in Manchester aforesaid hereby authorised to be stopped up has been acquired by the Committee, all rights of way and other rights and easements over such streets and portions of streets as are hereby authorised to be stopped up shall be extinguished, and the respective sites thereof shall vest absolutely in the Committee. Vesting of stopped-up roads in Manchester in Committee.

43. The Committee may apply for the purposes of this Act any money under their control or at their disposal, and which is not required by them for other authorised purposes. Application of capital by Committee.

44. The railways shall, for the purposes of tolls, rates, and other purposes, be deemed part of the undertaking of the Committee. Railways to be part of undertaking of Committee.

45. The quantity of land to be taken by the Committee for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed seven acres. Lands for extraordinary purposes.

46. The power of the Committee 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. Period for compulsory purchase of lands.

47. If the railways are 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 Committee for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. Period for completion of works.

48. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction Power to cross a certain road on the level.

A.D. 1874. of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Committee may, in the construction of the railway No. 1 by this Act authorised, carry the same with a single line only, whilst that 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 Plan.	Parish.	Township.	Description of Road.
2	Whitegate	Over	Public.

Provided always, that the Company shall not run or permit to pass over the said road on or during any day more than four trains each way, nor at any time cause or allow any engine, truck, or carriage to pass over the said road at a greater speed than four miles an hour, nor shunt any trains, or any engines, trucks, or carriages, over or across the said road so as to obstruct the use thereof.

Houses of labouring classes.

49. The Committee 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 they 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 to take the same.

Power to take easements, &c. by agreement.

50. 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 Committee 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.

Imposing penalty unless railways be opened.

51. If the Committee fail within the period limited by this Act to complete the railways or any of them, the Committee shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the uncompleted railway is completed and open for public traffic, or until the sum received in

respect of such penalty shall amount to five per centum on the estimated cost of the works in respect of which the penalty has been incurred; and the said penalty may be applied for by any landowner or other person claiming to be compensated, in accordance with the provisions of the next following section of this Act, in respect of the railway in reference to which the penalty has been incurred, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General, on behalf of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Committee was prevented from completing or opening the uncompleted railway by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

52. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway in respect of which the penalty has been incurred, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Committee by this Act, and for which injury or loss no compensation, or inadequate compensation, shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Chancery in England thinks fit to order, on the application of the Solicitor of Her

Providing
for appli-
cation of
penalty.

A.D. 1874.

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 Court, if the Committee 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 Committee, or be otherwise applied as part of the assets of the Committee for the benefit of the creditors thereof.

Power for Committee and three Companies to agree.

53. The Committee on the one hand, and the three Companies on the other hand, or the Manchester, Sheffield, and Lincolnshire Railway Company, the Great Northern Railway Company, and the Midland Railway Company, respectively, may from time to time enter into and carry into effect any contracts with respect to the division and appropriation between the Committee and the three Companies of the revenue received in respect of all traffic originating or terminating upon or passing over railways numbered 3, 4, 5, and 6, hereby authorised, or any of them, or any part or parts thereof, such revenue so to be divided and apportioned to include the total amount due or receivable in respect of the whole distance run over, whether such distance so run over was wholly over the said railways of the Committee, or partly over the said railways of the Committee and partly over the railways of the three Companies, or either of them, respectively.

Great Northern Company may apply funds and raise additional capital.

54. The Great Northern Company may apply towards the execution of the purposes of this Act any money which they are already authorised to raise, and which is not required by them for the purposes for which the same was authorised to be raised, and may, for the purposes of this Act, from time to time raise, in addition to the sums of money which they are already authorised to raise, any further sums, not exceeding in the whole two hundred thousand pounds, by the creation of new shares or stock in their undertaking, which shares or stock shall form part of the general capital of that Company, and may be issued at such price (being not less than the nominal value thereof) and upon such other terms and conditions as may be determined on by three fourths at least of the votes of shareholders present in person or by proxy at any extraordinary general meeting of that Company convened with due notice of the object.

Privileges may be attached to new shares or stock.

55. The Great Northern Company may, with the consent of three fourths at least of the votes of their shareholders present personally or by proxy at any extraordinary general meeting convened with due notice of the object, attach to all or any of the shares or stock to be created under the powers of this Act a preferential dividend, and may also attach to the said shares or

stock a condition that the same may be redeemed upon conditions to be stated in the resolutions creating the same, and to be notified on the certificates of such shares or stock; and for the purpose of redeeming the same, or any part thereof, that Company may create and issue from time to time fresh ordinary or preference shares.

A.D. 1874.

56. If in the first half of any year commencing on the first day of January there be profits applicable for the purposes of dividend upon the ordinary shares or stock of the Great Northern Company, after satisfying the dividend and arrears of dividend (if any) due upon any other preference shares or stock of that Company previously created and issued, and also the dividend for such half year on the shares, preference shares, or stock to be created and issued under the powers of this Act, that Company may declare a dividend for such half year on such ordinary shares or stock.

As to dividends for first half year.

57. The proprietors of any shares or stock to be issued by the Great Northern Company under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of that Company.

Votes of proprietors of such shares.

58. The Great Northern Company may from time to time, under the powers of this Act, borrow any additional sum of money, not exceeding sixty-six thousand six hundred pounds, either by mortgage of their undertaking or by the issue of debenture stock, in pursuance of the powers and subject to the limitations and restrictions contained in the Great Northern Railway Company's Increase of Capital Act, 1863, and in this Act.

Power to Great Northern Company to borrow.

59. The Sheffield Company may from time to time apply towards the execution of the purposes of this Act any money which they are for the time being, independently of this Act, authorised to raise, and which is not required for the purposes for which it was authorised to be raised.

Power for Sheffield Company to apply authorised capital.

60. In addition to such share capital as the Sheffield Company are for the time being, independently of this Act, authorised to raise, they may from time to time, by virtue and for the purposes of this Act, raise such sums as they think requisite, not exceeding in the whole the sum of two hundred thousand pounds.

Power for Sheffield Company to raise additional share capital.

61. The additional share capital by this Act authorised to be raised by the Sheffield Company shall be raised by the creation and issue of new shares or new stock, ordinary or preference, or

Mode of raising additional share capital.

A.D. 1874. — partly ordinary and partly preference, as that Company from time to time think fit.

New shares to be subject to same provision as shares existing.

62. Except as by this Act is otherwise provided, the additional share capital to be created by the Sheffield Company under this Act, and the shares therein, and the holders of those shares respectively, shall be entitled and subject to the same powers, rights, privileges, and liabilities in all respects as if that new capital were part of the ordinary share capital of that Company existing at the passing of this Act, and those shares were shares in that ordinary capital.

Power to borrow on mortgage.

63. In addition to any sum which the Sheffield Company are for the time being, independently of this Act, authorised to raise by mortgage, they may from time to time borrow on mortgage any sums not exceeding in the whole the sum of sixty-six thousand six hundred pounds.

Power to Midland Railway Company to create new capital.

64. The Midland Company may raise for the purposes of this Act, by the creation and issue of new shares, such amount of capital as they think fit, not exceeding two hundred thousand pounds, and such new shares may be either ordinary or preferential, or part ordinary and part preferential, as that Company may from time to time determine.

As to amount and issue of new shares.

65. If at any time of the creation of new shares under this Act, the then existing ordinary consolidated stock in the Midland Company be at a premium, or of greater actual value (according to the market price thereof in the city of London) than the nominal value thereof, such new shares shall be of such amounts (not other than an integral number of pounds sterling) per share as will allow the same to be conveniently apportioned amongst the then holders of all shares or stock in that Company (other than and except shares or stock to which any guaranteed or preferential dividend of a fixed amount without further participation in the profits of that Company shall have been assigned) in proportion to the number of shares or amount of stock held by them respectively, and such new shares may be either of one class or of different classes; and the directors of that Company may from time to time (but subject to the provisions of this Act) fix the amounts and terms of payment of the calls on the new shares created under the powers of this Act; and every holder of shares or stock in that Company at the time of such creation as aforesaid, other than and except as aforesaid, shall, in such proportion as aforesaid, be entitled to an allotment of the new shares according to the provisions of this Act, and no holder of any shares or stock entitled to a fixed amount of dividend without further participation in the

profits of that Company shall be entitled to any apportionment of any such new shares. A.D. 1874.

66. The Midland Company may from time to time, if they think fit, attach to all or any new shares or any class of new shares created under the powers of this Act any total or partial, permanent or temporary, restriction of the rights of voting and other qualifications of the holders thereof. Votes in respect of new shares.

67. All shares of the same class created by the Midland Company under this Act shall confer like privileges, and shall bear like dividends or interest, and be subject to like restrictions (if any). Shares of same class to have like privileges.

68. All new shares created by the Midland Company under this Act shall vest in and belong to the then shareholders who shall accept the same, and pay the first instalment thereon to the amount and at the time which shall be fixed by the directors and specified in the letter offering the new shares. Vesting or other disposition of new shares.

69. If any shareholder of the Midland Company, for one month after such offer of new shares, fail to accept the same, and pay the first instalment called for in respect thereof, then that Company may authorise the directors to dispose of the same in such manner as they may deem most for the advantage of that Company. Shares not accepted may be disposed of by the Midland Company.

70. Except as by or under the powers of this Act otherwise provided, all new shares issued by the Midland Company under the powers of this Act shall, in proportion to the aggregate amount from time to time paid up on the new shares held by the same person at the same time, entitle the respective owners thereof to the same dividends and profits, and confer on them the like qualifications and the like rights of voting, as the like amount paid up on existing shares or stock of that Company (other than and except as aforesaid): Provided always, that, unless otherwise determined by the meeting sanctioning the new shares, no person shall be entitled to vote in respect of any of the new shares to which a fixed or preferential dividend or other special advantages shall be assigned. Qualification of new shares.

71. If by any other Act passed in the present session of Parliament, whether before or after the passing of this Act, the Midland Company be authorised to raise any capital by new shares, then, subject to the provisions of the other Act and this Act respectively, that Company, if they think fit, may raise by the creation and issue of new shares of one and the same class all or any part of the aggregate capital which they are by the other Act and this Act respectively authorised to raise by the creation and issue of new shares. Power to Midland Company to raise capital under any other Act and this Act by new shares of one class.

A.D. 1874.

Saving rights of existing preference shareholders.

72. This Act, or anything therein contained, shall not prejudice or affect any preference or priority in the payment of interest or dividend on any other shares or stock which shall have been granted by the Midland Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, or any dividend on any Midland mortgage, preference shares, or stock, or any payment in respect of Midland annuities.

Borrowing power for, Midland Company.

73. The directors of the Midland Company may borrow on mortgage such sums of money as shall from time to time be authorised to be borrowed by any order of any general or special meeting of that Company, not exceeding in the whole the sum of sixty-six thousand six hundred pounds, in addition to the sums which they are or may be authorised to borrow by any other Act or Acts of Parliament.

Shares not to vest until one fifth part paid up.

74. The three Companies respectively shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof.

Limit of amount and number of calls.

75. The amount of any one call to be made upon the shares created by the three Companies respectively under the powers of this Act shall not exceed one fourth of the amount of such shares; and there shall be an interval of two months at least between every two successive calls, and not more than three fourths of the amount of each share shall be called up in any one year.

Restrictions on new borrowing power.

76. The three Companies respectively shall not borrow any money under this Act until shares for so much of their respective additional capital as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and they respectively have proved to the justice who is to certify under section forty 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 has been paid up 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 said additional capital as is to be raised by means of stock is fully paid up, and the respective Companies 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 are held by the persons or corporations to whom the same were issued, or

their executors, administrators, successors, or assigns, and also, if the said 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.

A.D. 1874.

77. The mortgagees under this Act of either of the three Companies may enforce payment of arrears of interest, or of principal and interest, due on their mortgage by the appointment of a receiver. 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 six thousand pounds.

Arrears may be enforced by appointment of a receiver.

78. All mortgages granted by the three Companies respectively before the passing of this Act shall, during their respective continuance, have priority over any mortgage granted by them respectively under this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the three Companies respectively.

Priority of mortgages.

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

Power to create and issue debenture stock.

80. All money raised by the three Companies respectively under this Act, either as additional share capital, or by borrowing, or by debenture stock, shall be applied to the purposes of this Act and the general purposes of the undertaking of the Committee.

Application of money.

81. The three Companies respectively shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but this Act shall not prevent either 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.

Interest not to be paid on calls paid up.

A.D. 1874.

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

82. The three Companies respectively shall not, out of 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 either of the three Companies to construct any other railway, or to execute any other work or undertaking.

Companies
not exempt
from provi-
sions of
present and
future gene-
ral Railway
Acts.

83. Nothing in this Act shall exempt either of the three Companies, or any railway by this Act authorised, 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 rates for small parcels.

Expenses
of Act.

84. The costs, charges, and expenses preliminary to and of and incidental to the preparing of, applying for, and obtaining and passing of this Act shall be paid by the Committee.