



**CHAPTER clxv.**

An Act for empowering the London and North Western Railway Company and the Great Western Railway Company to widen portions of their existing railways in the county of Chester and for other purposes. A.D. 1893.

[27th July 1893.]

**W**HEREAS it is expedient that the London and North Western Railway Company (in this Act called "the North Western Company") should be empowered to widen the portion of their existing railway in this Act mentioned and that the North Western Company and the Great Western Railway Company (in this Act called "the Great Western Company") should be empowered to widen the portions of their joint railways in this Act mentioned :

And whereas plans and sections showing the respective lines and levels of the widenings by this Act authorised to be constructed and plans of the lands by this Act authorised to be acquired and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Chester which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference :

And whereas it is expedient that the North Western Company and the Great Western Company (in this Act referred to as "the two Companies") respectively should be empowered to raise additional capital for the purposes of this Act in which they are interested and for the general purposes of their undertakings and to apply their funds to the purposes of this Act in which they are interested :

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

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*Great Western Railway Companies Act, 1893.*

A.D. 1893. — May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. 1. This Act may be cited for all purposes as the London and North Western and Great Western Railway Companies Act 1893.

Incorporation of general Acts. 2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

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

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company ;

The making of dividends ; and

The giving of notices :

And Part I. (relating to cancellation and surrender of shares)

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863.

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

The expression "the two Companies" means and includes the North Western Company and the Great Western Company or whichever of those companies exercises the powers by this Act conferred upon the two Companies :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly



or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1893.

4. Subject to the provisions of this Act the North Western Company may make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections the widening of the portion of their existing railway herein-after described with all proper stations sidings roads approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto as may be required for that purpose or in connection therewith: Power to North Western Company to widen railway.

The widening herein-before referred to and authorised by this Act to be made by the North Western Company is—

The widening one mile three furlongs three chains and thirty links in length in the parish of Chester in the city and county of the city of Chester of the North Western Company's Chester and Holyhead Railway between a point two hundred and twenty yards or thereabouts south-west of Saltney Junction and the north-east end of the tunnel under Northgate Station.

5. The widening of railway by this Act authorised to be made by the North Western Company shall for all purposes whatever be part of the Chester and Holyhead Railway of that Company and for the use thereof and for the conveyance thereover of passengers and parcels by passenger train the said Company may demand and take the tolls rates and charges authorised by the Chester and Holyhead Railway Act 1844 and the Chester and Holyhead Railway (Extension and Amendment) Act 1847 and for the conveyance thereover of the merchandise (including perishable merchandise by passenger train) specified in the London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891 the North Western Company may demand and take the rates and charges by that Act authorised in respect of the Chester and Holyhead Railway. Tolls.

6. Subject to the provisions of this Act the two Companies or either of them with the consent of the other may make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections the following widenings of the portions of existing railways herein-after described with all proper stations sidings roads approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on those plans and described in the deposited books Power to two Companies to widen railways.

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A.D. 1893. of reference as may be required for the purposes thereof or in connection therewith:—

The widenings herein-before referred to and authorised by this Act to be made by the two Companies are—

The widening eight chains and forty links in length in the parish of Chester in the city and county of the city of Chester of so much of the joint railway of the two Companies as extends for a distance of one hundred and eighty-five yards or thereabouts from the north-east end of the tunnel on the North Western Company's Chester and Holyhead Railway under Northgate Station :

The widening thirteen miles six furlongs nine chains and twenty-five links in length of so much of the Birkenhead Railway of the two Companies as extends from a point one hundred and twenty-five yards or thereabouts south of the bridge carrying the railway of the Cheshire Lines Committee over the Chester Station of the two Companies near Brook Lane to the south side of the bridge carrying the Birkenhead Railway over Chamberlain Street Birkenhead.

Tolls on joint widenings.

7. The widenings of railways by this Act authorised to be made by the two Companies shall for all purposes whatever be parts of the railways authorised to be widened and for the use thereof and for the conveyance thereover of passengers and parcels by passenger train the two Companies respectively may demand and take the tolls rates and charges authorised by the Birkenhead Lancashire and Cheshire Junction Railway Act 1852 and for the conveyance thereover of the merchandise (including perishable merchandise by passenger train) specified in the London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891 the two Companies respectively may demand and take the rates and charges by that Act authorised in respect of the railways not therein specially mentioned.

Inclination of roads.

8. In altering for the purposes of this Act the roads next herein-after mentioned the North Western Company or the two Companies as the case may be may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connection therewith respectively (that is to say):—

Number on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
WIDENING OF CHESTER AND HOLYHEAD RAILWAY FROM SALTNEY JUNCTION TO CHESTER.			
102	Chester	Road called Tower Field Road.	1 in 13.
4			



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Number on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
WIDENING OF BIRKENHEAD RAILWAY.—CHESTER TO BIRKENHEAD.			
10	Saint Mary-on-the-Hill.	Public road dis- turnpiked.	1 in 27 on the west side.
6	Eastham - -	Public road -	1 in 25 on the east side.
42	Eastham - -	Public road -	1 in 25 on the west side and 1 in 23 on the east side.
14 and 15	Bebington - -	Main road - -	1 in 25 on both sides.

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9. The two Companies may make the arches of the bridges for carrying the widenings by this Act authorised over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connection therewith respectively (that is to say) :—

Height and span of bridges.

No. on Deposited Plan.	Parish.	Description of Road.	Height.	Span.
WIDENING OF BIRKENHEAD RAILWAY.—CHESTER TO BIRKENHEAD.				
44	Bebington -	Public road -	14 ft. and at the springing of the arch 2 ft. 9 in.	24 ft. 9 in.
81	Bebington -	Public road -	11 ft. 3 in. and at the springing of the arch 5 ft.	—
102	Bebington -	Public road dis- turnpiked.	At the springing of the arch 7 ft. 9 in.	30 ft. 6 in.
330	Bebington -	Public road -	14 feet.	—
419	Bebington -	Public road -	14 feet.	—

10. The two Companies may make the roadway over the bridges by which the following roads will be carried over the widenings by this Act authorised of such width between the fences thereof as the Company or Companies exercising the said powers think fit not being less than the respective widths herein-after mentioned in connection therewith respectively (that is to say) :—

Widths of certain roadways.

No. on Deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
WIDENING OF BIRKENHEAD RAILWAY.—CHESTER TO BIRKENHEAD.			
6	Shotwick - -	Public road - -	23 ft.
9	Bromborough - -	Public road - -	24 ft. 3 in.

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Power to  
divert roads  
as shown on  
deposited  
plans.

11. The North Western Company or the two Companies as the case may be may divert and alter in the manner shown upon the deposited plans and sections relating to the intended widenings any roads delineated on the said plans and described in the deposited books of reference and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the North Western Company or the two Companies as the case may be may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the North Western Company or the two Companies as the case may be And the certificate of such justices together with the plan (if any) showing such stopping up and diversion or new road or footpath as aforesaid shall as soon as conveniently may be after the making of the said certificate be lodged with the clerk of the peace for the county or borough in which the said road or footpath or the diversion thereof is situated and shall at the quarter sessions which shall be holden in and for the said county or borough next after the expiration of four weeks from the day of the said certificate of the said justices having been lodged with the clerk of the peace as aforesaid be read by the said clerk of the peace in open court and the said certificate together with the plan as aforesaid shall be enrolled by the clerk of the peace amongst the records of the said court of quarter sessions.

Power to  
stop up  
streets at  
Birkenhead.

12. If and when the two Companies under the powers of this Act or of any other Act relating to the two Companies already passed become the owners in possession of any lands on both sides of Planet Street or Meteor Street in the borough of Birkenhead adjoining and extending westwards from the railway they may without substituting any other streets or roads therefor permanently stop up so much of the said streets respectively as shall be bounded on both sides by such lands and thereupon all rights of way over the said streets respectively shall cease and the sites of such streets so far as the same are stopped up as aforesaid shall subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway belong to and be vested in the two Companies.



13. Notwithstanding anything contained in section forty-six of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway over the widenings by this Act authorised or any of them by a bridge or bridges unless the level or gradient of such road or any part thereof is permanently altered.

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Company  
 not liable to  
 repair  
 surface of  
 road level of  
 which is not  
 permanently  
 altered.

14. In carrying out and executing the widenings by this Act authorised (herein-after referred to as "the widenings") under the railways and station of the Cheshire Lines Committee (herein-after called "the Committee") the following provisions for the protection of the Committee shall (unless otherwise agreed on in writing between the Committee on the one hand and the North Western Company or the two Companies on the other hand as the case may require) apply to and be obligatory upon the North Western Company and the two Companies respectively:—

For the  
 protection  
 of the  
 Cheshire  
 Lines  
 Committee.

(1.) The North Western Company and the two Companies respectively shall carry the widenings under the railways and station of the Committee according to plans and sections to be reasonably approved by and the works therefor shall be executed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Committee and in all things at the expense of the North Western Company or the two Companies as the case may be:

(2.) The widening of the Chester and Holyhead Railway described in section four of this Act under the station and works of the Committee at Chester shall be carried out by such means and in such a manner as not in any way to interfere with the said station or the approaches thereto or any of the works connected therewith:

(3.) The bridges carrying the sidings belonging to the Committee and leading to their goods station at Chester over the proposed widening at Chester firstly described in section six of this Act shall be constructed with wrought iron girders each bridge having a clear width between the parapets thereof of not less than fifty-two feet:

(4.) The bridges carrying the Chester branch of the railway of the Committee over the proposed widening of the Birkenhead and Chester Railway of the two Companies secondly described in section six of this Act shall be constructed with wrought iron girders in such a manner as not in any way to interfere with the existing level of the Committee's railway and having



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a clear width between the parapets thereof of not less than fifty-two feet :

- (5.) During the construction of the widenings under the railways and station of the Committee the North Western Company or the two Companies as the case may be will bear and on demand pay to the Committee the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their said railways with reference to and during the execution of the intended widenings and works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations of the North Western Company or the two Companies respectively or from the acts or defaults of the contractors or of any person or persons in their or either of their employment or otherwise :
- (6.) The North Western Company and the two Companies respectively shall at all times maintain the bridges and other works by which the widenings shall be so carried under the railways and station of the Committee in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of the Committee and if and whenever the North Western Company or the two Companies respectively as the case may be fail so to do the Committee may make or do all such repairs as are necessary in and upon as well the lands of the North Western Company and the two Companies as their own lands and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to the Committee by the North Western Company or the two Companies as the case may be and in default of payment may be recovered by them from the North Western Company or the two Companies as the case may be with full costs in any court of competent jurisdiction :
- (7.) The North Western Company and the two Companies respectively and their contractors agents servants or workmen shall not in constructing or repairing the widenings under the railways and station of the Committee obstruct impede or interfere with the free and uninterrupted and safe use of the railways or other works of the Committee or any traffic thereon or if any such obstruction or interference shall be caused or take place contrary to this enactment the North Western Company or the two Companies as the case may be shall pay to the Committee all costs and expenses to which the Committee 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 the Committee in any court of competent jurisdiction :

- (8.) Notwithstanding anything in this Act contained the North Western Company or the two Companies as the case may be shall be responsible for and make good to the Committee all costs losses damages and expenses which may be occasioned to the Committee or to any of their works or property or to the traffic thereon or otherwise by reason of the execution or failure of the widenings and the works in connection therewith or of any act or omission of the North Western Company or the two Companies respectively as the case may be or of any of the persons in their employ or of their contractors or others and the North Western Company and the two Companies will effectually indemnify and hold harmless the Committee from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission :
- (9.) The North Western Company and the two Companies respectively shall not in any case without the previous consent in writing under the common seal of the Committee 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 the Committee except only such part or parts thereof respectively as it shall be necessary for the North Western Company or the two Companies as the case may be to take use enter upon or interfere with for making and maintaining the widenings bridges and other works by which the widenings are under the provisions of this Act to be carried under the railways and station of the Committee :
- (10.) With respect to the railways works lands or property of the Committee which the North Western Company and the two Companies respectively are by this Act authorised to take use enter upon or interfere with the North Western Company or the two Companies as the case may be shall not purchase and take the same but they may purchase and take and the Committee 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 North Western Company or the two Companies might purchase and take the same :

Provided always that nothing in this or the preceding subsection shall apply to the lands shown upon the deposited plans and thereon numbered 2 in the parish of Chester and lying on

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the south side of the Committee's railway near to Brook Lane and the two Companies shall be at liberty to acquire the freehold of such lands or any part thereof for the purposes of the works by this Act authorised :

- (11.) If any question or difference shall at any time arise between the North Western Company or the two Companies on the one hand and the Committee on the other hand touching any plans prepared by the North Western Company or the two Companies for the construction of any of the works hereinbefore provided or as to the reasonableness or sufficiency of such plans or works the same shall be settled and determined by the engineers of the North Western Company or the two Companies as the case may be and the Committee or failing agreement by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive.

For the  
protection of  
the Corpora-  
tion of  
Chester.

**15.** For the protection of the Corporation of Chester the following provisions shall have effect:—

- (1.) In this section "the Corporation" shall mean the mayor aldermen and citizens of the city and county borough of Chester;

"The Corporation surveyor" shall mean the surveyor for the time being of the Corporation;

"The railway" shall mean the Chester and Holyhead Railway or the Birkenhead Railway (as the case may require):

- (2.) In constructing the works by this Act authorised the North Western Company as respects the widening and other works authorised to be made by them and the two Companies as respects the widening and other works authorised to be made by them shall respectively be subject to and observe fulfil and conform to the following provisions and conditions (viz.):—

(A.) The widening by the North Western Company of the viaduct abutting on the Roodee shall be so constructed as to present a reasonably sightly appearance on the Roodee side thereof and the widening of the bridge over the River Dee shall be constructed with girders of sufficient strength and so as to admit of the addition thereto on the south side of a public footway not more than six feet wide over the said river with suitable approaches which footway and approaches shall at the request of the Corporation be constructed by that Company in accordance with plans and sections to the approval of the



Corporation provided the Corporation undertake to pay the excess (if any) over three hundred pounds of the reasonable cost of the construction of such footway and approaches and thereafter such footway and approaches shall be maintained by the Corporation :

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The river bank forming the footway and towing-path on the west side of the said river shall be piled and the said footway and towing-path levelled and made good for a width of eight feet under the said bridge and for ten yards on either side of such bridge as widened and the Corporation shall (as between the Corporation and the Company) be entitled at any time to construct and thereafter to maintain a sewer under such footway and towing-path at a depth not lower than the foundations of the abutments on the west side of the river of the existing bridge :

(b.) The widened bridges over Paradise Row Crane Street and New Crane Street shall be of the same height and width as the existing bridges over those streets respectively and the abutments adjoining the said streets of such bridges as so widened shall up to the spring of the arch be faced with white glazed bricks and the North Western Company shall screen the railway from such streets respectively by parapets sufficiently high over and for a sufficient distance at each end of such bridges and of such construction as the Corporation shall reasonably require and provide and at all times maintain and during such hours as the public lamps in those streets respectively shall be lighted keep lighted one good and efficient lamp to light the roadway under each of such bridges :

(c.) The railway as widened shall between New Crane Street and the city walls be constructed on an embankment and both sides of such embankment shall be ornamentally planted by the North Western Company and such planting shall at all times be maintained by the Corporation in good order and sightly condition :

(d.) The bridges for carrying the city walls over the railway for the entire width of the railway as widened and the outside faces of such bridges respectively lineable with the city walls shall be constructed by the North Western Company of an ornamental character in keeping with the architecture of the city walls in accordance with plans and sections to be submitted to and be to the reasonable approval of the Corporation and shall for ever after be maintained by that Company and wherever the city walls shall be interfered with or disturbed by

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the works of the North Western Company the same shall be rebuilt by that Company with good substantial foundations and in all respects in keeping with the architecture of the present city walls :

(E.) And whereas the city walls of Chester are of great historical and antiquarian interest and are specially liable to injury owing to their antiquity and the materials of which they are composed And whereas the North Western Company are willing having regard to these considerations to undertake to restore the walls and towers thereof if and when the working or user of the railway shall hereafter cause or contribute to any damage or injury to the said city walls or any of the towers thereof Therefore if at any time hereafter the working or user of the railway shall cause or contribute to any damage or injury to the city walls or any of the towers thereof through vibration or otherwise the North Western Company shall pay to the Corporation the reasonable cost of making good such damage or injury and of restoring the portion of the said walls and towers so damaged or injured so far as such damage or injury may have been caused or contributed to as aforesaid :

(F.) So much of the Roads Nos. 99 102 111 114 120 and 121 respectively on the deposited plans as is shown by the colour dark-brown on a plan signed by the engineers of the North Western Company and the Corporation respectively shall as to width gradient screening and in other respects be constructed and altered by that Company in accordance with such signed plan and the accompanying sections also signed by the said engineers and be by that Company metalled channelled curbed flagged and made good to the reasonable satisfaction of the Corporation :

(G.) As respects the bridge of the Birkenhead Railway carrying the public road called Brook Lane No. 7 on the deposited plans over the railway the two Companies shall alter and improve such bridge and the approaches thereto conformably with the following conditions :—

(a.) The roadway shall not in any part thereof be of less width than twenty-two feet and shall be properly metalled curbed channelled and drained and provided with a flagged footway six feet six inches wide on each side thereof which footways shall be properly fenced on the outside thereof respectively ;

(b.) The inclination of the ascent of such bridge and the approach on the west side thereof shall not be greater than



one in thirty and the ascent of such bridge and the approach on the east side thereof shall not in any case be greater than one in twenty or if the Corporation shall so require not greater than one in thirty : A.D. 1893.

(H.) Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Corporation or shall or may affect the sewerage or drainage of the Corporation the North Western Company or the two Companies (as the case may be) shall provide by new altered or substituted works in such manner as the Corporation shall reasonably require for the proper protection of and for giving access and preventing injury or impediment to the sewers and works in this sub-section referred to by reason of the said intended works or any part thereof and shall save harmless the Corporation against all and every expense to be occasioned thereby :

(I.) The North Western Company and the two Companies shall provide at the sides of such of their respective bridges in the city of Chester over the widened railway as the Corporation shall require horizontal screens over each line of rails so as to intercept and disperse the steam and smoke from the engines passing under the said bridges :

(J.) All the works by this section provided for shall be done and carried out to the reasonable satisfaction of the Corporation surveyor :

(K.) The Corporation on the one hand and the North Western Company or the two Companies on the other hand may enter into and carry into effect agreements for any variation in the works to be done under this section or in the mode of executing the same :

(L.) If any difference arise between the Corporation on the one hand and the North Western Company or the two Companies on the other hand touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an engineer to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

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For the  
protection  
of Chester  
Racecourse.

**16.** For the protection of the Chester Corporation and the Chester Race Company Limited (herein-after called "the Race Company") the following provisions shall unless otherwise agreed have effect:—

(1.) The North Western Company shall not enter upon take or use any part of the land forming part of the Racecourse No. 15 on the deposited plans in the parish of Chester other than so much thereof as is situate between the face of the piers of the viaduct on the Roodee side and a line parallel therewith drawn from Paradise Row for a distance of two hundred and sixty yards in a south-westerly direction at a distance of thirty feet from the face of the said piers and thence extending in a straight line to the River Dee Cop to a point forty-four feet distant from and measured at right angles to the face of the piers of the said viaduct but they may subject to the provisions of the Lands Clauses Acts and of this section enter upon take and use so much thereof as is herein-before described and may also take and acquire and the Chester Corporation and the Race Company may and shall grant such easements as shall be necessary for constructing and maintaining the footings of and for maintaining and repairing the viaduct as widened (at other than race times) to a width not exceeding four feet from the face of the piers of the new viaduct but so that there shall be a foot of soil and turf over such footings at the present surface level:

(2.) The Race Company shall make such alterations in their racecourse and construct such works as may be required to provide that the racecourse (after the taking of the aforesaid land) shall be of the same length and width as at present and that the radius of any of the curves of the racecourse shall not be lessened. Plans sections and specifications of such alterations and works shall be prepared by the Race Company to the approval of the Chester Corporation and submitted for approval to the North Western Company and if any difference shall arise in regard thereto or as to the reasonableness thereof the same shall be settled by arbitration:

(3.) The North Western Company shall pay to the Race Company such sum of money (to be settled in case of difference by arbitration) as shall be sufficient to construct and carry out the alterations and works specified in sub-section two hereof including the reasonable expenses of the Race Company and the Chester Corporation in respect thereof:

(4.) Except as regards the purchase-money to be paid to the Corporation for the land and easements to be acquired by the



North Western Company under this section the sum to be paid by that Company to the Race Company under the last preceding sub-section shall be in full discharge of all claims either by the Corporation or the Race Company for compensation in respect of any interference with or any injurious affecting of the Roodee or the racecourse or of the Race Company for the grant of such easements :

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- (5.) The North Western Company shall not (except by arrangement and with the consent of the Race Company and the Chester Corporation) execute or carry on any works upon the Roodee during the week of a race meeting and shall not during such week occupy or have in use for temporary or other purposes any land part of the racecourse other than the land which they may take as aforesaid :
- (6.) The North Western Company shall erect and maintain a parapet wall on their new viaduct fronting the Roodee of such a height not exceeding eight feet above the level of the rails as the Chester Corporation and the Race Company may require :
- (7.) Any arbitration under sub-sections two and three hereof shall be conducted according to the Arbitration Act 1889 and the costs thereof shall be in the discretion of the arbitrator.

**17.** The following provisions for the protection of the County Council of the county of Chester (in this section called " the County Council ") shall apply and have effect (that is to say) :—

For the  
protection of  
the Cheshire  
County  
Council.

- (1.) Before the two Companies proceed to construct any of the bridges or any portion thereof by this Act authorised for carrying the roads numbered on the deposited plans 6 8 and 42 in the parish of Eastham 10 in the parish of Saint Mary-on-the-Hill and 14 in the parish of Bebington over the railway of the two Companies they shall to the reasonable satisfaction of the surveyor of the County Council (herein-after called " the county surveyor ") and at the cost of the two Companies construct and maintain good and sufficient temporary bridges for the use of traffic passing along and upon the roads until the new or altered bridge or bridges are completed and opened for traffic :
- (2.) If in the execution of the works required for constructing or maintaining the said new or altered bridges or the said temporary bridges it shall be necessary or expedient to interfere with the said roads such interference shall be so conducted as not to cause an unnecessary interruption to persons and vehicles passing or repassing along the said roads :

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(3.) The two Companies shall during the progress and until the completion of so much of the works by this Act authorised as affect the roads numbered on the deposited plans 6, 8 and 42 in the parish of Eastham 10 in the parish of Saint Mary-on-the-Hill and 14 in the parish of Bebington make and carry into effect such arrangements for lighting and watching the portions of the roads interfered with and also the works themselves as may be necessary to prevent danger or accident to persons and vehicles using the said portions of roads :

(4.)—(A.) The bridges for carrying the under-mentioned roads over the railway when widened and the approaches thereto shall be of not less width between the parapets and fences than hereinafter specified (namely) :—

Number on Deposited Plan.	Parish.	Width of Bridges and Approaches.
10	Saint Mary-on-the-Hill - - -	35 feet.
6	Eastham - - -	35 feet.
42	Eastham - - -	35 feet.
14	Bebington - - -	25 feet.

Provided nevertheless that if the County Council and the Wirral Highway Board shall within two calendar months of the two Companies giving notice in writing of their intention to commence the construction of the last-mentioned bridge No. 14 in the parish of Bebington require such bridge and the approaches thereto to be constructed of the width of thirty-five feet the two Companies shall notwithstanding anything hereinbefore contained construct the same accordingly and the County Council and the Wirral Highway Board shall on the completion of the work to their reasonable satisfaction each pay one-fourth of the extra cost incurred by the two Companies in increasing the width of such bridge and approaches from twenty-five feet to thirty-five feet :

(B.) The parapets on each side of the said bridges shall not be less than six feet in height above the level of the crown of the roadway when altered and shall extend throughout the length of the bridge :



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*Great Western Railway Companies Act, 1893.*

(c.) The gradients of the approaches available for vehicular and foot traffic shall not be steeper than is herein-after specified (namely) :— A.D. 1893.

Number on Deposited Plan.	Parish.	Description of Road.	Gradient.
10	Saint Mary-on-the-Hill.	Main road -	1 in 27 on the west side of the railway and 1 in 30 on the east side.
6 and 8	Eastham - -	Main road -	1 in 30 on the west side of the railway and 1 in 25 on the east side.
42	Eastham - -	Main road -	1 in 25 on the west side and 1 in 23 on the east side.
14	Bebington - -	Main road. -	1 in 25 on the west side.

(d.) The bridges and the approaches thereto where altered shall be formed and metalled for the full widths thereof except such parts thereof as are for the time being required for the construction of footpaths as herein-after provided :

(e.) The two Companies shall construct footpaths on the new or altered bridges and the approaches thereto similar to those existing at the commencement of the work of constructing such bridges and approaches respectively and if at any time thereafter the County Council shall alter existing footpaths or construct additional footpaths adjoining the approaches to such bridges the two Companies shall forthwith and in a similar manner alter the then existing footpaths or construct new footpaths as the case may be over and along the said bridges and approaches respectively :

(f.) The roadway and footpaths of the bridges and approaches together with proper provision for the drainage thereof shall be made and completed by the two Companies to the reasonable satisfaction of the county surveyor The fences to the approaches shall be not less than four feet six inches in height above the level of the footpaths :

(g.) The approaches to the bridge carrying the road numbered on the deposited plans 10 in the parish of Saint Mary-on-the-Hill over the railway shall be screened on both sides of the roadway with close boarded woodwork which shall be not less than six feet in height above the level of the footpaths and

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shall be erected and fixed complete to the reasonable satisfaction of the county surveyor and for a distance of not less than sixty lineal yards on each side of both approaches measured from the centre of such bridge :

(H.) The two Companies shall at their own expense complete and for ever thereafter maintain to the reasonable satisfaction of the county surveyor the roadway and approaches where altered fences footpaths paths and drains (for surface water) to and over the said bridges and also maintain and paint as often as occasion requires the fences and screens thereof :

(5.) The two Companies shall provide fix and maintain at each end of each of the aforesaid bridges horizontal screens over each line of rails so as to intercept and disperse the steam and smoke from the engines passing under the said bridges :

(6.) The County Council and the two Companies may agree in writing for any variation or alteration in the works in this section provided for or in the manner or time in which the same shall be executed :

(7.) If any difference arise between the County Council and the two Companies touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall be borne as he shall decide.

For the  
protection  
of Highway  
Board of  
western  
division of  
hundred of  
Broxton.

**18.** For the protection of the Highway Board for the western division of the hundred of Broxton in the county of Chester (in this section called "the Board") the following provisions shall (unless otherwise agreed on in writing between the Board and the two Companies) have effect (that is to say) :—

(A.) The existing brick arch bridge which carries the railway over the public road leading from the Chester and Birkenhead main road to Upton numbered on the deposited plans 5 in the parish of Saint Mary-on-the-Hill (township of Upton) shall be taken down and a new bridge for carrying the widened railway over the said road shall be constructed. Such bridge shall be carried over the road by girders affording a clear width between the abutments of not less than thirty feet measured on the square and a clear headway throughout the whole width of the roadway of not less than sixteen feet above the level of the road the parapets of the said bridge shall be six feet high and



shall be extended by screens of the same height for ten feet on each side of the said bridge: A.D. 1893.

- (B.) The gradients of the descents leading under the said bridge shall not in any place be steeper than one in twenty-seven and the roadway shall be widened and re-formed by the two Companies with a suitable footpath on the north side thereof and proper drains gullies and outlets for the drainage of the road to the reasonable satisfaction of the surveyor of the Board:
- (C.) The said bridge shall be constructed so far as reasonably practicable so as to prevent the dripping of water on the road or footpath underneath:
- (D.) In carrying out the works for and in connection with the removal of the existing and the construction of the new bridge effective provision shall be made to the reasonable satisfaction of the surveyor of the Board for keeping open the said road for the free uninterrupted and safe use thereof by the public using the same and any question in difference in regard thereto which may from time to time arise between the two Companies and the Board shall be referred to the determination of an arbitrator as herein-after provided:
- (E.) Any difference which may arise under the provisions of this section between the Board and the two Companies shall be from time to time referred to and determined by an engineer to be agreed on between the Board and the two Companies or failing such agreement by an engineer to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the decision of such arbitrator shall be final and binding and the costs of the arbitration shall be in his discretion.

**19.** For the protection of the Highway Board for the district of the hundred of Wirral in the county of Chester (in this section called "the Board") the following provisions shall unless otherwise agreed in writing between the Board and the two Companies have effect (that is to say):— Provisions for the protection of the Wirral Highway Board.

(1.)—(A.) The two Companies shall take down the existing bridge which carries the Birkenhead Railway over the public road numbered on the deposited plans 58 in the parish of Eastham called Heath Lane and shall construct a new girder bridge for carrying the said railway when widened under the powers of this Act over the said road:

(B.) Such bridge shall be constructed of a clear width between the abutments of not less than twenty-five feet measured on the square and with a clear headway for the entire width of not less than sixteen feet above the level of the road:

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(c.) The two Companies shall not alter the present level of the said road :

(d.) The bridge shall be constructed (so far as reasonably practicable) so as to prevent the dripping of water on to the ground beneath :

(e.) The two Companies shall construct and maintain a proper and sufficient screen to such bridge to prevent danger to passengers on the said road in consequence of horses being frightened by the sight of the engines and carriages on the railway :

- (2.) Before the two Companies shall take use or in any manner interfere with the public footpath which passes through the fields numbered on the deposited plans 17 18 21 22 23 24 25 and 26 in the parish of Backford leading from Mollington Station towards Capenhurst or the public footpath leading from Hooton Station to Heath Lane Bridge numbered on the deposited plans 27 29 29A and 34 in the parish of Eastham they shall provide footpaths alongside the widened railway in substitution for the footpaths so respectively taken used or interfered with of an equal width with and affording equal accommodation as the respective footpaths for which they are respectively substituted and such new footpaths shall be constructed to the reasonable satisfaction of the Board :
- (3.) The two Companies shall carry the public footpath which is numbered on the deposited plans 32 and 36 in the parish of Bebington over the Birkenhead Railway when widened under the powers of this Act by means of a bridge :
- (4.) The two Companies shall construct and maintain on each side and for the full length of every bridge carrying any road within the district of the Board over the Birkenhead Railway when widened under the powers of this Act a proper and sufficient horizontal screen to such bridge to prevent danger to passengers on the said roads in consequence of horses being frightened by the escape of steam or smoke from engines on the railway :
- (5.) The parapets and wing walls of each of the two bridges carrying the roads over the railway numbered on the deposited plans 33 in the parish of Backford and 2 in the parish of Shotwick and 6 in the parish of Shotwick shall be rounded off at each end and each side of such bridges in order to prevent as far as practicable danger to vehicles passing on or over the bridges or the approaches thereto to the reasonable satisfaction of the Board :
- (6.) The approaches on each side to the bridges carrying the roads over the railway numbered respectively on the deposited



plans 19 in the parish of Backford 27 in the parish of Backford 6 in the parish of Shotwick 22 in the parish of Shotwick and 21 in the parish of Eastham shall be made by the two Companies of inclinations not steeper than 1 in 25 and the approaches on each side to the bridge carrying the road over the railway numbered on the deposited plans 33 in the parish of Backford and 2 in the parish of Shotwick shall be made by the two Companies of inclinations not steeper than 1 in 30 :

A.D. 1893.

And the approach to the bridge on the eastern side carrying the road over the railway numbered on the deposited plans 14 and 15 in the parish of Bebington shall be made by the two Companies of an inclination not steeper than 1 in 25 :

- (7.) The two Companies shall construct on one side of each of the bridges for carrying any road in the district of the Board over the widenings by this Act authorised and on the approaches to such bridges a footpath where on the existing bridges and approaches a footpath now exists and of the same width and character as of such existing footpaths :
- (8.) All works authorised by this Act with respect to any of the roads or footways within the district of the Board shall be constructed to the reasonable satisfaction of the Board :
- (9.) Any difference which may arise between the Board and the two Companies as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be from time to time determined by arbitration in the manner prescribed by the provisions of the Arbitration Act 1889.

**20.** The following provisions for the protection and benefit of the Sutton and Hooton Gas Company Limited (in this section referred to as "the Gas Company") shall apply and have effect:—

For the protection of the Sutton and Hooton Gas Company Limited.

- (1.) Whenever it may be necessary to intercept or interfere with any existing gas mains or pipes belonging to the Gas Company the two Companies shall before intercepting or interfering with such existing mains or pipes construct at their own expense according to a plan to be reasonably approved by the Gas Company other mains or pipes in lieu of and of not less than equal capacity with the gas mains or pipes as proposed to be intercepted or interfered with and such substituted gas mains or pipes shall be connected by and at the expense of the two Companies with any existing gas mains or pipes which may be intercepted and interfered with and in such manner as shall be reasonably approved by the Gas Company :

A.D. 1893.

- (2.) If by reason of the execution of any of the powers of this Act any additional gas mains or pipes or any increased length or alteration of gas mains or pipes connected therewith shall become necessary the same shall be constructed by and at the expense of the two Companies of such capacity according to such plans and in such manner as shall be reasonably approved by the Gas Company and at such time and in such manner as shall not interfere with the proper supply and distribution of gas :
- (3.) If by reason of the operations of the two Companies any loss of gas should be caused the two Companies shall make due compensation therefor to the Gas Company :
- (4.) If by reason of the execution of any of the powers of this Act the Gas Company shall necessarily incur any cost in altering any existing gas mains or pipes the two Companies shall repay to the Gas Company such cost and the same may be recovered in default of payment in any court of competent jurisdiction :
- (5.) If any difference shall arise between the two Companies and the Gas Company as to the true intent and meaning of this section or as to anything to be done or not to be done thereunder or as to any plans or the mode of executing any works or of any loss or damage as above under this section such difference shall be determined by an engineer to be appointed (unless otherwise agreed) on the application of the two Companies or the Gas Company by the President for the time being of the Institution of Civil Engineers whose decision shall be final and binding on both parties and the cost of the reference shall be borne as he shall direct and his decision shall be final and may be made a rule of court.

For the  
protection  
of the Cor-  
poration of  
Birkenhead.

**21.** In constructing the railways widenings and works authorised by this Act the London and North Western Railway Company and the Great Western Railway Company both or either of them (in this Act and in this section called "the two Companies") shall notwithstanding anything in this Act or in the Acts incorporated therewith conform to fulfil and observe the following provisions obligations regulations and restrictions and the same shall save and except so far as it may at any time hereafter be agreed between the two Companies and the mayor aldermen and burgesses of the county borough of Birkenhead (in this section called "the Corporation") have effect within the borough of Birkenhead (that is to say) :—

- (1.) In the event of the two Companies requiring for the purpose of constructing their widenings and works or any part thereof



or any works in connection therewith (subject to the restrictions in this section provided) to open or in any manner interfere with any portion of the surface of the footway or carriage-way of any street or road then and in such case the two Companies shall not stop up or interfere with more than half of the carriage-way or more than one footway at the same time :

- (2.) Whenever any street road passage or public place shall be temporarily interfered with diverted or stopped up or obstructed by the two Companies in the execution of the works then proper accommodation for access to property and any additional accommodation for traffic that may be required shall be previously provided to the reasonable satisfaction of the Corporation and shall thereafter during such diversion stoppage or obstruction be maintained fenced watched and lighted by the two Companies to the satisfaction of the Corporation at the expense of the two Companies :
- (3.) Where the surface of any street road passage or place has been interfered with or disturbed by the two Companies in constructing the works or performing the operations by this Act authorised the two Companies shall well and sufficiently and to the reasonable satisfaction of the Corporation restore the surface so interfered with or disturbed and so much of the surface of any other street court passage or place adjoining such street road passage or place as aforesaid as it shall be rendered necessary to alter by such interference and shall maintain in efficient repair the said surface for twelve months to the like satisfaction :
- (4.) The two Companies shall construct the widening of the bridges carrying their railway over Saint Paul's Road and Union Street in such a manner as not to alter or interfere with the existing levels of those streets and the widened portions of the bridges shall be of the same span and headway as the existing bridges respectively and shall not exceed in each case an additional width of twenty-five feet The abutments of the widened portion of the bridges shall be faced with white glazed bricks and each of the said widened bridges shall be made and maintained as nearly as practicable water-tight and shall be kept in good repair by the two Companies and the two Companies shall at their own expense provide and fix to the satisfaction of the Corporation one lamp under each widened bridge and shall keep the same properly and efficiently lighted with gas during such hours of the day and night as the Corporation shall from time to time deem requisite :

A.D. 1893.

- (5.) The two Companies shall construct and maintain on the widened portions of the bridges carrying the railways over Saint Paul's Road and Union Street respectively the same or similar parapets as those upon the existing bridges and no portion of such parapets facing the public streets shall be used for the posting of bills or other advertising purposes without the consent of the Corporation other than advertisements relating to the business of the two Companies or either of them :
- (6.) Whenever by the appropriation or destruction of property by this Act authorised any gas or water mains or pipes laid for the supply of such property (except pipes inside such property) shall be rendered unnecessary the two Companies shall pay to the Corporation the cost of laying an equivalent length of gas or water main or pipe and the cost of the works required for the discontinuance of such gas or water mains or pipes rendered unnecessary to such amount as shall be reasonably estimated by the gas engineer or water engineer of the Corporation and the gas and water mains and pipes so rendered unnecessary shall be the property of the two Companies :
- (7.) Wherever the gas or water mains or pipes of the Corporation shall be severed or interfered with by the works authorised by this Act and wherever it is in the opinion of the Corporation necessary for maintaining the supply of gas or water to lay temporary or additional gas or water mains or pipes such temporary or additional gas or water mains or pipes shall previous to the severance or interference be laid by the Corporation at the expense of the two Companies who shall give the Corporation all necessary facilities and assistance in the work :
- (8.) The provisions of the Railways Clauses Consolidation Act 1845 contained in sections eighteen to twenty-three inclusive shall apply to the gas and water mains and pipes of the Corporation and whenever in those sections the word "company" or "society" is used the same shall for all the purposes of this Act be held to extend to and include the Corporation :
- (9.) Whenever it may be necessary to intercept or interfere with any existing sewers or drains the two Companies shall before intercepting or interfering therewith construct according to plans and sections to be reasonably approved by the Corporation other sewers or drains such other sewers or drains to



be equally efficient in lieu of and of a capacity not less than the existing sewers or drains respectively or jointly so proposed to be intercepted or interfered with and such sewers or drains or substituted sewers or drains sewer or drain shall be constructed at such levels or gradients and shall be connected by and at the expense of the two Companies with such convenient and adequate outfall sewer or drain or sewers or drains as shall be reasonably approved by the Corporation : A.D. 1893.

(10.) In any case where any house or other building intended to remain standing shall be severed by the two Companies the two Companies shall to the reasonable satisfaction of the Corporation build up or repair such house or building so as to prevent any unsightly appearance :

(11.) The two Companies shall close fence the land which may be acquired by them for railway purposes where the same shall abut upon any street :

(12.) The two Companies shall from time to time pay to the Corporation all sanitary and other municipal rates leviable by or payable to the Corporation upon the respective assessments of any lands or property shown upon the deposited plans or a proportion of such rates respectively from the time such lands or property are acquired by the two Companies until the authorised works are completed and assessable to such rates and the amount of such rates payable by the two Companies shall be computed according to the assessments of such lands or property in force at the time of such acquisition notwithstanding that the buildings thereon or forming part thereof may have been taken down :

(13.) If any difference arise between the Corporation and the two Companies touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall be borne as he shall decide.

**22.** Before interfering with the existing gas mains or pipes belonging to the mayor aldermen and burgesses of the county borough of Birkenhead outside the borough the two Companies shall lay in the several roads or places in which such mains or pipes are now laid or in any duly authorised substituted roads or places new mains or pipes in place of the existing mains or pipes of equal

For protec-  
tion of gas  
pipes of  
Corporation  
of Birken-  
head outside  
borough.

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*Great Western Railway Companies Act, 1893.*

A.D. 1893. capacity with the same and in accordance with such conditions and terms and in conformity with such plans and sections as shall be reasonably approved by the gas engineer of the said mayor aldermen and burgesses.

For the protection of the Mollington Hall Estate.

**23.** For the protection of Elizabeth Ellen Blomfield or other the owner or owners for the time being of the Mollington Hall Estate in the parish of Backford (in this section called "the estate") of which the said Elizabeth Ellen Blomfield is the present owner all of whom are in this section included in the expression "the owner" the following provisions shall unless otherwise agreed between the owner and the two Companies be observed and have effect:—

- (1.) The two Companies shall not except with the consent of the owner take or use for the purpose of the undertaking of the two Companies or of the works in connection therewith by this Act authorised or otherwise any portion of the lands belonging to the owner situate on the west side of the existing railway except what may be contained within a line measured from that railway not exceeding in any place thirty-five yards:
- (2.) The two Companies shall carry all the existing occupation roads on the estate over the railway when widened by means of bridges with properly fenced approaches and the width of each of the said bridges and of the approaches thereto shall not be less than the width of the existing bridges and roads respectively and the gradients shall not be steeper than the gradients of the existing roads respectively:
- (3.) Before taking or interfering with any ponds or watering places for cattle belonging to the owner or the supply of water thereto the two Companies shall provide to the reasonable satisfaction of the owner and at such point as the owner shall approve another pond or watering place in substitution for any pond or watering place so taken or interfered with:
- (4.) Before the two Companies shall in any way take or interfere with the existing road to the Damage Farm on the estate at the Blue Gate Bridge they shall at their own expense provide and complete for use in such position as shall be approved by the owner an equally good and convenient road to the satisfaction of the owner:
- (5.) In the event of any works or operations of the two Companies under this Act or the exercise of any of the powers herein contained interfering with or prejudicially affecting the



access to any field belonging to the owner the two Companies shall at their own expense provide for use a substituted means of access to such field to the reasonable satisfaction of the owner:

(6.) For the purpose of connecting the portions of the estate severed by the railway the two Companies shall provide and complete for use and to the reasonable satisfaction of the owner an accommodation road twenty feet in width with a gate at each end under the viaduct carrying the railway over the Shropshire Union Canal and across any land of the two Companies intervening between such viaduct and the lands of the owner the owner maintaining such road and gates when completed and handed over by the two Companies:

(7.) The owner and the two Companies may agree in writing for any variation or alteration in the works in this section provided for or in the manner or time in which the same shall be executed:

(8.) Any difference which may at any time arise between the owner and the two Companies with respect to any matter under this section shall be settled by an umpire to be appointed (unless otherwise agreed upon) by the President for the time being of the Institution of Civil Engineers upon the application of either of the parties and the costs of the reference shall be borne as such umpire shall decide:

(9.) The foregoing provisions shall be in addition to and not in substitution for any liability and obligation imposed upon the two Companies by the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 or any of those Acts.

**24.** For the protection of Richard Taswell Richardson or other the owner or reputed owner or owners for the time being of the Capenhurst Hall Estate in the parish of Shotwick (in this section called "the estate") of which the said Richard Taswell Richardson is the present owner or reputed owner (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed between the owner and the two Companies be observed and have effect:—

For the protection of Capenhurst Hall Estate.

(1.) The two Companies shall not except with the consent of the owner take or use for the purposes of the undertaking of the two Companies or of the works in connection therewith by this Act authorised or otherwise any of the land belonging to the owner situate on the west side of the existing railway and

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numbered on the deposited plans 13 and 14 in the parish of Shotwick (township of Capenhurst) but they may take the lands numbered 16 and 19 on the said deposited plans in the said parish to a depth not exceeding fifteen yards westward from the existing railway and they may also take so much of the land numbered 21A on the said plans in the said parish as may be necessary to enable them to construct the approaches to the bridge carrying the road numbered 22 in the parish of Shotwick over the railway as by this Act authorised :

- (2.) The two Companies shall carry all the existing occupation roads on the estate over the railway when widened by means of bridges with properly fenced approaches and the width of each of the said bridges and of the approaches thereto shall not be less than the width of the existing bridges and roads respectively and the gradients shall not be steeper than the gradients of the existing roads respectively :
- (3.) Before taking or interfering with any ponds or watering places for cattle belonging to the owner or the supply of water thereto the two Companies shall provide to the reasonable satisfaction of the owner and at such points as he shall approve another pond or watering place in substitution for every pond or watering place so taken or interfered with :
- (4.) The owner and the two Companies may agree in writing for any variation or alteration in the works in this section provided for or in the manner or time in which the same shall be executed :
- (5.) Any difference which may at any time arise between the owner and the two Companies with respect to any matter under this section shall be settled by an umpire to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall be borne as he shall decide :
- (6.) The foregoing provisions shall be in addition to and not in substitution for any liability and obligation imposed upon the two Companies by the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 or any of those Acts.

For protec-  
tion of  
James  
Whitehead  
Haigh.

**25.** For the protection of James Whitehead Haigh of the Oaks Ledsham in the county of Chester or other the owner for the time being of the Oaks and Ledsham Hall Estate (in this section called "the owner") the following provisions shall have effect unless



otherwise agreed on in writing between the two Companies and the owner (that is to say) :— A.D. 1893.

- (1.) The existing occupation bridge situate between the properties numbered on the deposited plans 12 and 13 in the parish of Eastham shall be removed by the two Companies :
- (2.) In lieu of the existing level crossing the two Companies shall make and maintain a bridge not less than twenty-five feet in width between the parapets with proper and convenient approaches thereto on or between the fields numbered on the deposited plans 15 18 and 19 in the parish of Eastham at a point to be selected by the owner at or near the existing level crossing :
- (3.) The two Companies may take within the limits of deviation defined on the deposited plans between the public roads numbered 6 and 21 in the parish of Eastham a strip of land on the western side of the railway not more than forty yards in width measured from the centre line of the proposed widening as shown on the deposited plans and they may also take sufficient land for the said roads numbered on the deposited plans 6 and 21 in the said parish of Eastham :
- (4.) The two Companies shall by a culvert of sufficient dimensions and at a suitable depth effectively provide for the continuance of the present facilities for the sewerage and drainage of the said estate under the railway at or near the properties numbered on the deposited plans 13 and 15 in the parish of Eastham :
- (5.) The two Companies shall if required on land to be provided by the owner for that purpose on the western side of the railway construct an embankment not exceeding ten feet in height as the owner shall require by means of excavation to be taken from the cutting and deposit the same on the owner's land at a distance of not more than six feet from the boundary dividing the property of the two Companies from the owner's property along the line of the intended railway fence and soil the same. The owner shall be at liberty to plant the slopes where adjoining his property to the approach to Ledsham Station Bridge and Heath Lane Bridge with trees and shrubs but so as not in any way to obstruct the signals on the railway :
- (6.) The works aforesaid shall be executed at the expense of the two Companies to the reasonable satisfaction of the owner's surveyor :
- (7.) If any difference arise between the owner and the two Companies touching anything to be done or not to be done

A.D. 1893.

under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall be borne as he shall decide.

For the  
protection  
of Mr.  
Thomas  
Green.

**26.** For the protection of Thomas Green of Poulton Hall Poulton-Lancelyn-cum-Spital in the parish of Bebington in the county of Chester or other the owner for the time being of the Poulton Hall Estate (in this section called "the owner") the following provisions shall have effect unless otherwise agreed on in writing between the two Companies and the owner (that is to say):—

(1.) The diversion of the public road numbered on the deposited plans 44 in the parish of Bebington and adjoining the property numbered on the deposited plans 52 in that parish shall be carried out in such a manner as not to diminish the existing frontage to the said road from the property of the owner:

(2.) The accommodation bridge connecting the property numbered on the deposited plans 36 in the parish of Bebington with the road leading to Poulton-cum-Spital shall be maintained as an access thereto and in widening the said bridge a convenient junction with an easy curve between the road and the said bridge shall be made and maintained:

(3.) In carrying out the diversion of the public road numbered on the deposited plans 14 and 15 in the parish of Bebington the lands numbered on the deposited plans 10 11 12 16 and 19 in that parish shall as far as practicable be maintained with easy slope as an access from the road to the whole of the adjoining lands. The owner shall be at liberty to plant the slopes of all road embankments with trees and shrubs but so as not in any way to obstruct the signals on the railway:

(4.) The works aforesaid shall be carried out at the expense of the two Companies to the reasonable satisfaction of the owner's surveyor:

(5.) If any difference arise between the owner and the two Companies touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference



by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall be borne as he shall decide. A.D. 1893.

**27.** For the protection of Edward Evans junior the owner or reputed owner and occupier of Spital Old Hall in the parish of Bebington in the county of Chester (in this section called "the owner") be it enacted as follows:— For protection of E. Evans junior.

(1.) Nothing in this Act shall enable the two Companies to purchase or acquire any portion of the lands numbered 33 and 34 on the deposited plans in the parish of Bebington aforesaid except with the consent of the owner thereof for the time being:

(2.) The two Companies shall subject to the provisions of the Lands Clauses Acts purchase and acquire only so much of the lands numbered 35 on the deposited plans in the said parish as they require for the widening of the railway:

(3.) The two Companies shall construct a continuation of the bridge numbered 38 on the deposited plans in the said parish so as to preserve access to the lands of the owner such continuation to be of the like character and dimensions as the present bridge.

**28.** The powers of the North Western Company or the two Companies as the case may be for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

**29.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the North Western Company or the two Companies as the case may be any easement right or privilege (not being an easement right or privilege of water) required for any of the purposes of this Act to be executed by them respectively in or 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. Power to owners to grant easements.

**30.** And whereas in the construction of the widenings and works by this Act authorised or otherwise in the exercise by the North Western Company or the two Companies of the powers of this Act it may happen that portions only of certain lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the same and that such portions may be severed Owners may be required to sell parts only of certain lands and buildings.

A.D. 1893. from the remainder of the said properties without material detriment thereto :

Therefore the owners of and persons interested in any of the properties described in the schedule to this Act and whereof parts only are required for the purposes of the North Western Company or the two Companies as the case may be may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without such material detriment as aforesaid be required to sell and convey to the North Western Company or the two Companies as the case may be the portions only of the properties so required without the North Western Company or the two Companies as the case may be being obliged or compellable to purchase the whole or any greater portion thereof the North Western Company or the two Companies as the case may be paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the North Western Company or the two Companies as the case may be that he alleges that such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the North Western Company or the two Companies as the case may be may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the North Western Company or the two Companies as the case may be allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of the said tribunal any such portion or portions cannot be severed from the remainder of such property without such material detriment the North Western Company or the two Companies as the case may be may withdraw their notices to treat for the portion or portions of the property required by them and thereupon they shall pay to the owner of or other person interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice Provided also that if in the opinion of such tribunal any such portion or portions can notwith-



standing the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person. The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained. The provisions of this section shall be stated in every notice given thereunder by the North Western Company or the two Companies as the case may be to sell and convey any premises:

A.D. 1893.

Provided always that as regards such of the properties mentioned in the said schedule as are herein-after referred to the provisions of this section shall not apply in the event of the Company requiring to take more of those properties than is herein-after mentioned (that is to say):—

- (A.) More of the properties numbered 12 and 13 in the parish of Chester than is situate within fifty yards from the centre line of the widening as shown on the deposited plans or than may be required beyond that distance for the purpose of the alterations of the road numbered 7 in the said parish in accordance with the provisions of the section of this Act of which the marginal note is "For the protection of the Corporation of Chester" and the works incidental thereto:
- (B.) More of the property numbered 15 in the parish of Chester than may be required for the purposes of the alterations of the said road and the works incidental thereto:
- (C.) More of the properties numbered 70 71 72 73 74 75 76 and 77 in the parish of Bebington than is situate within twenty-five yards from the centre line of the widening as shown on the deposited plans:

Provided also that the provisions of this section shall apply to the property numbered on the deposited plans 35 in the parish of Eastham only for the purpose of or in connection with any alteration of the road numbered on the said plans 42 in the said parish rendered necessary by the provisions contained in the section of this Act of which the marginal note is "For the protection of the Cheshire County Council."

**31.**—(1.) The North Western Company or the two Companies shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more

Restrictions on displacing persons of labouring class.

A.D. 1893. — houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company or Companies exercising the said powers—

(A.) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after those dates respectively residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the North Western Company or the two Companies acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a



penalty of five hundred pounds in respect of every such house which A.D. 1893.  
penalty shall be recoverable by the Local Government Board by  
action in the High Court and shall be carried to and form part of  
the Consolidated Fund of the United Kingdom :

Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section either of the said Companies may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections one hundred and seventy-six and two hundred and ninety-seven of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands beyond the metropolis by either of the said Companies for the purpose of any scheme under this section in the same manner in all respects as if the Company or Companies exercising the said powers were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The North Western Company or the two Companies may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the North Western Company or the two Companies in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section one hundred and fifty-seven of the Public Health Act 1875 as provides that the provisions of that section and of sections one hundred and fifty-five and one hundred and fifty-six of the same Act shall not apply to buildings belonging to any



A.D. 1893. railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the North Western Company or the two Companies for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10.) The Company or Companies exercising the said powers shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the North Western Company or the two Companies and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company or Companies by whom the same were acquired shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings



a week and the families of any such persons who may be residing with them. A.D. 1893.

**32.** The two Companies may from time to time enter into and carry into effect agreements with respect to the construction and maintenance of the widenings authorised by this Act or of any part or parts thereof and with respect to the payment of the cost thereof and with respect to the user of the said widenings by the two Companies respectively. Agreements between two Companies.

**33.** The North Western Company and the Shropshire Union Railways and Canal Company may from time to time enter into and carry into effect agreements with respect to the construction of the widening first described in and authorised by this Act so far as it affects the basin and works of the last-mentioned Company at Chester. Agreements with Shropshire Union Railways and Canal Company.

**34.** The North Western Company from time to time may raise for the purposes of this Act and any other Act of the present session of Parliament and for the general purposes of their undertaking (being in every case purposes to which capital is properly applicable by that Company) by the creation and issue of shares or stock such capital as they shall think necessary not exceeding three hundred thousand pounds exclusive of any other capital which they are or may be authorised to raise by this or any other Act or Acts of Parliament and the North Western Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock as they may think fit. Power to North Western Company to raise additional money by creation of shares or stock.

**35.** The North Western Company shall not issue any share created by them 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 of the amount of such share shall have been paid in respect thereof. Shares of North-Western Company not to be issued until one-fifth part thereof shall have been paid up.

**36.** The capital created by the North Western Company under this Act and the shares or stock therein and the holders thereof respectively (except any capital and the shares or stock therein to which a preferential dividend is attached and the holders of those shares and that stock respectively) shall be subject and entitled to the same powers provisions forfeitures liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing ordinary capital of the North Western Company and those shares and that stock were shares and stock in that ordinary capital. Except as otherwise provided new capital of North Western Company to be subject to same incidents as ordinary capital.

A.D. 1893.

Dividends  
on new  
shares or  
stock of the  
North  
Western  
Company.

**37.** Every person who becomes entitled to any shares or stock created by the North Western Company under this Act shall in respect of the same be a holder of shares or stock in that Company and shall be entitled to a dividend either preferential or ordinary as the case may be with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or stock.

Votes and  
qualifications  
in respect  
of new  
shares or  
stock of  
North  
Western  
Company.

**38.** The holders of the shares or stock created by the North Western Company under this Act shall have rights of voting and qualifications in respect thereof on the principle that each sum of one hundred pounds paid up in respect of the shares or stock held by any such holder shall be deemed equivalent to one original share of one hundred pounds in the capital of that Company as prescribed by the London and North Western Railway (Consolidation) Act 1846 as amended by subsequent Acts :

Provided that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up :

Provided also that (unless otherwise specified in any resolution of the North Western Company) no person shall be entitled to vote in respect of any share or stock created or issued under this Act to which a preferential dividend shall be assigned.

New shares  
or stock  
raised by  
the North  
Western  
Company  
under this  
Act and any  
other Act  
of past or  
present  
sessions may  
be of same  
class.

**39.** Subject to the provisions of any Act already passed by which the North Western Company are authorised to raise capital by new shares or stock and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the North Western Company may be authorised to raise capital by new shares or stock that Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to  
North  
Western  
Company to  
borrow.

**40.** The North Western Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sums not exceeding in the whole one hundred thousand pounds and of that sum they may borrow from time to time not exceeding fifty thousand pounds in respect of each one hundred and fifty thousand pounds of the said additional capital but no part of either of the said sums of fifty thousand pounds shall be borrowed until shares for so much of the respective portion of the said additional capital in respect of which it is to be borrowed



as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the North Western Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of the respective portion of the said capital have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the respective portion of such additional capital as is to be raised by means of stock is fully paid up and the North Western Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said respective portion of capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same :

A.D. 1893.

Upon production to such justice of the books of the North Western 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.

41. Every provision in any Act passed before the present session of Parliament whereby the North Western Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by that Company of arrears of interest or principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision :

For appointment of a receiver (North Western Company).

The mortgagees of the North Western Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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 ten thousand pounds in the whole.

42. The North Western Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained

North Western Company may create debenture stock.

A.D. 1893. the interest of all debenture stock of the North Western Company at any time after the passing of this Act created and issued by that Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by that Company and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages of North Western Company to have priority.

**43.** All mortgages or bonds granted or to be granted by the North Western Company under the authority of any former Act relating to that Company shall during the continuance thereof and subject to the provisions of the Acts under which such mortgages or bonds were respectively granted have priority over any mortgages granted by the North Western Company by virtue of this Act:

Nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the North Western Company.

Application of moneys by the North Western Company.

**44.** All moneys raised by the North Western Company under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes for which they are respectively by this Act authorised to be raised being in every case purposes to which capital is properly applicable.

Receipt to North Western Company in case of persons not *sui juris*.

**45.** If any money is payable by the North Western Company to a holder of shares or stock in that Company or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the North Western Company.

Power to North Western Company to apply corporate funds.

**46.** The North Western Company may apply to any of the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares stock debenture stock or mortgage by virtue of any Act relating to that Company already passed or to be passed in the present session of Parliament and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to Great Western Company to raise additional capital.

**47.** The Great Western Company from time to time by the order of any general meeting of that Company may create and issue new shares or stock for such additional capital as they shall think necessary not exceeding three hundred thousand pounds exclusive of the other capital and other moneys which they are or may be authorised to create and issue or raise by this or any other Act or Acts of Parliament and the Great Western Company may create and issue such new shares or stock either wholly or partially



as ordinary or wholly or partially as preferential shares or stock as they may think fit. A.D. 1893.

48. Notwithstanding anything contained in Part II. of the Companies Clauses Act 1863 the Great Western Company may from time to time in issuing any portion of the additional capital by this Act authorised dispose of all or any of the shares or stock representing the same at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to that Company. As to disposal of new shares or stock of Great Western Company.

49. If the Great Western Company after having created any new shares or stock under the provisions of this Act or any other Act or Acts of Parliament relating to the Great Western Company or to any company amalgamated therewith determine not to issue the whole of the shares or stock created they may cancel the unissued shares or stock and may from time to time thereafter create and issue instead thereof other new shares or stock of an aggregate amount not exceeding the aggregate amount of the shares or stock so cancelled and in like manner the Great Western Company may create and issue new shares or stock in lieu of any new shares or stock which may have been issued and redeemed or in lieu of any certificate entitling the holder to be registered in respect of shares or stock. Power to Great Western Company to cancel unissued shares or stock.

50. The Great Western Company shall not issue any share nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof. Shares of Great Western Company not to be issued until one-fifth part thereof shall have been paid up.

51. Except as by or under the powers of this Act otherwise provided the capital in new shares or stock created by the Great Western Company under this Act and the new shares or stock therein and the holders thereof respectively shall be entitled and subject to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Great Western Company and the new shares or stock were shares or stock in the capital. The capital in new shares or stock so created shall form part of the capital of the Great Western Company. Except as otherwise provided new shares or stock of Great Western Company to be subject to same incidents as other shares or stock.

52. Every person who becomes entitled to new shares or stock of the Great Western Company under this Act shall in respect of the same be a holder of shares or stock in that Company and shall be entitled to a dividend with the other holders of shares or stock of Dividends on new shares or stock of Great Western Company.

A.D. 1893. — the same class or description proportioned to the whole amount from time to time called and paid on such new shares or stock.

Restriction as to votes in respect of preferential shares or stock of Great Western Company.

**53.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock of the Great Western Company to which a preferential dividend shall be assigned.

New Great Western shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

**54.** Subject to the provisions of any Act already passed by which the Great Western Company are authorised to create new shares or stock not already issued and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Great Western Company may be authorised to create and issue capital by new shares or stock that Company may if they think fit create and issue new shares or stock of one and the same class for all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to create and issue by the creation and issue of new shares or stock.

Power to Great Western Company to borrow.

**55.** The Great Western Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to create and issue from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one hundred thousand pounds but no part thereof shall be borrowed until shares for so much of the said capital as is to be created by means of shares are issued and accepted and one-half of such capital is paid up and the Great Western Company has proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of that capital have been issued and accepted and that one-half of that capital has been paid up and that not less than one-fifth part of the amount of each separate share in that capital has been paid on account thereof before or at the time of the issue or acceptance thereof or until stock for one-half of so much of the said additional capital as is to be created by means of stock is fully paid up and the Great Western Company have proved to such justice as aforesaid before he so certifies that shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up *bonâ fide* and are held by the persons or corporations to whom the same are issued or their executors administrators successors or assigns and also so far as 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 Great Western Company and of such other



evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

A.D. 1893.

**56.** The Great Western Company may subject to the provisions of Part III. of the Companies Clauses Act 1863 create and issue debenture stock 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 Great Western Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by that Company and shall have priority over all principal moneys secured by such mortgages.

Great Western Company may issue debenture stock.

**57.** All mortgages or bonds granted before the passing of this Act by the Great Western Company or by or in the name of any company whose undertaking is under the powers of any Act of Parliament purchased by the Great Western Company or amalgamated with the undertaking of or vested in that Company shall during the continuance of such mortgages or bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over all mortgages granted after the passing of this Act by the Great Western Company. 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 Great Western Company.

Mortgages already granted by Great Western Company to have priority.

**58.** All moneys raised by the Great Western Company under this Act whether by shares stock debenture stock or borrowing shall unless otherwise provided by this Act be applied only to the purposes of this Act to be carried into effect by the Great Western Company and to the general purposes of the undertaking of that Company being in every case purposes to which capital is properly applicable.

Application of moneys raised by Great Western Company.

**59.** The Great Western Company may from time to time apply to all or any of the purposes of this Act to which capital is properly applicable by them any moneys from time to time raised by them and which are not by any of the Acts relating to that Company made applicable to any special purpose or which being so made applicable are not required for the special purpose. And the Great Western Company may from time to time for the general purposes of their undertaking and for the more efficient working of their traffic issue any shares or stocks which under the authority of any Act passed prior to the present session of Parliament that Company may have created or may hereafter create but which are not or may not be required for the special purposes for which such shares or

Power to Great Western Company to apply surplus moneys to purposes of Act.

A.D. 1893. stocks respectively were authorised to be created Provided that all money raised by the issue of such shares or stocks shall be applied only to purposes to which capital is properly applicable.

Interest not to be paid on calls paid up.

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

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

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

Works below high-water mark not to be commenced without consent of Board of Trade.

**62.** The North Western Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the North Western Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the North Western Company and the amount of such costs and charges shall be a debt due from the North Western Company to the Crown and shall be recoverable accordingly with costs.

Saving rights of the Crown in the foreshore.

**63.** Nothing contained in this Act shall authorise the North Western Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the



Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors. A.D. 1893.

**64.** Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors. Savings rights of Crown under Crown Lands Act.

**65.** Nothing in this Act contained shall exempt the North Western Company or the Great Western Company respectively or their respective railways from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by either of the said Companies. Provision as to general Railway Acts.

**66.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the North Western Company and the two Companies in such proportions as shall be agreed upon between them or in the event of difference as shall be determined by arbitration in the manner provided by the Railway Companies Arbitration Act 1859. Costs of Act.

[Ch. clxv.] *London and North Western and* [56 & 57 VICT.]  
*Great Western Railway Companies Act, 1893.*

A.D. 1893.

**SCHEDULE** referred to in the foregoing Act.

Describing LANDS BUILDINGS and MANUFACTORIES whereof portions  
only are required to be taken.

No. on Deposited Plans.	Parish.	Description of Property.
<b>SALTNEY JUNCTION TO CHESTER.</b>		
132	Chester	House (known as Rose Villa) garden greenhouse old fowl-houses shop and stable.
143A	do.	Catholic Apostolic churchyard and open land.
<b>CHESTER TO BIRKENHEAD.</b>		
12	Chester	Garden fowl-house pond and slope.
13	do.	Garden and pond.
15	do.	Garden pigsties and slope to road.
35	Eastham	House stables out-buildings sheds yard and garden known as the "Hooton Hotel."
41	do.	Field and pond.
41A	do.	Field.
41B	do.	Plantation and pond.
41C	do.	Plantation.
41D	do.	Occupation road.
41E	do.	Garden.
41F	do.	Garden and shed.
41G	do.	Garden and slope.
41H	do.	Plantation slope and watercourse.
41J	do.	Paddock.
29	Bebington	Plantation garden approach road and dog-kennels.
70	do.	Garden.
71	do.	Garden.
72	do.	Garden.
73	do.	Garden orchard and fowl-houses.
74	do.	Garden greenhouse and out-building.
75	do.	Garden and greenhouse.
76	do.	Garden.
77	do.	Garden and orchard.
159	do.	Garden lawn and plantation.
163	do.	Garden plantation and greenhouse.
164	do.	Garden and out-buildings.

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