



CHAPTER clxvi.

An Act for conferring further Powers upon the London and North Western Railway Company in relation to their own Undertaking and other Undertakings in which they are interested jointly with other Companies and also for conferring Powers upon the Great Western Railway Company the Shropshire Union Railways and Canal Company the Portpatrick and Wigtownshire Joint Committee the Midland Railway Company and the Ashby and Nuneaton Railway Joint Committee in relation to such other Undertakings and for other purposes.

A.D. 1893.

[27th July 1893.]

WHEREAS it is expedient that the London and North Western Railway Company (in this Act called "the Company") should be empowered to make the new railways and junction and deviations alterations and widening of their existing or authorised railways and to make the new and alter and stop up the existing bridle road and footpaths and to execute the other works and exercise the other powers in this Act respectively mentioned and to acquire for the purposes of the works by this Act authorised and for the general purposes of their undertaking the lands in this Act also mentioned :

(New works
of Company.)

And whereas it is expedient that the Company and the Great Western Railway Company (in this Act called "the Great Western Company") should be empowered to acquire the lands in this Act mentioned in that behalf :

(Company
and Great
Western
Company.)

And whereas it is expedient that the Shropshire Union Railways and Canal Company (in this Act called "the Shropshire Union Company") should be empowered to acquire the lands in this Act mentioned in that behalf :

(Shropshire
Union
Company.)

A.D. 1893.

(East Pier
Stranraer.)

And whereas it is expedient that the Portpatrick and Wigtownshire Joint Committee (in this Act called "the Portpatrick Joint Committee") should be empowered to execute the works at the East Pier at Stranraer in this Act mentioned and that such powers in relation thereto as are contained in this Act should be conferred upon the said Committee and upon the Company the Midland Railway Company the Caledonian Railway Company and the Glasgow and South Western Railway Company (in this Act referred to as "the four companies") and the Town Council of the Royal Burgh of Stranraer respectively and that the said Committee the four companies and the said town council should be empowered to enter into and carry into effect agreements as provided by this Act:

(Plans and
sections
deposited.)

And whereas plans and sections showing the respective lines and levels of the railways junction deviations alterations widening and other works by this Act authorised to be constructed and plans of the lands by this Act authorised to be acquired and appropriated 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 clerks of the peace or principal sheriff clerk (as the case may be) for the several counties within which those works will be constructed and those lands are situate 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 period limited by the London and North Western Railway Act 1888 for the completion of the Standedge New Tunnel by that Act authorised should be extended:

(Superfluous
lands.)

And whereas it is expedient that further powers should be conferred upon the Company with respect to the sale or other disposal of lands acquired by them which are not or eventually may not be required for the purposes of their undertaking:

(Llanelly
Station
Railway
lands.)

And whereas it is expedient that provision should be made as contained in this Act with respect to the sale or disposal of lands acquired for the purposes of the Llanelly Station Railway:

(New Street
Station Bir-
mingham.)

And whereas it is expedient that provision should be made as contained in this Act for the control and management of the New Street Station of the Company at Birmingham and such of the works connected therewith as are mentioned in this Act by the Ashby and Nuneaton Railway Joint Committee of the Company and the Midland Railway Company (in this Act called "the

Midland Company") constituted under the London and North Western Railway (Ashby and Nuneaton Lines) Act 1867 and that the name of the said committee should be changed: A.D. 1893.

And whereas by the Midland Railway Act 1890 the Midland Company were authorised to construct the railway therein and in this Act called the Enderby Branch and by section forty-two of the said Act of 1890 the Midland Company and the Company were authorised to enter into and carry into effect agreements with respect to the joint ownership or construction and to the working use management or maintenance of the Enderby Branch and it is expedient that powers should be conferred upon the said joint committee with reference thereto: (Enderby Branch.)

And whereas it is expedient that powers should be conferred upon the Shropshire Union Company for the supply of gas at and near Ellesmere Port: (Shropshire Union Company supply of gas.)

And whereas by the Portpatrick Railway (Steamboats) Act 1864 the Portpatrick Railway Company were empowered to build buy or hire use maintain and work or enter into arrangements for using maintaining or working steam vessels for the purpose of carrying on communication by means thereof between (amongst other places) Stranraer and Larne and for those purposes to raise additional capital to the amount of seventy-two thousand pounds and by section thirteen of the same Act the Company were empowered to subscribe towards such capital such sums as might be agreed upon between them and the Portpatrick Railway Company: (Subscription to Stranraer and Larne steamboats.)

And whereas by the Portpatrick and Wigtownshire Railways (Sale and Transfer) Act 1885 the Portpatrick Railway Company were dissolved and the undertaking of that company was transferred to and vested in the four companies jointly and it is expedient that the powers of the Company to contribute towards the cost of any steam vessels used worked or maintained between Stranraer and Larne under the provisions of the said Portpatrick Railway (Steamboats) Act 1864 should be clearly defined as provided by this Act:

And whereas it is expedient that provision should be made for converting the existing four per centum debenture stock of the Company into three per centum debenture stock: (Conversion of debenture stock.)

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking and that the Company the Great Western Company and the Shropshire Union Company should respectively be empowered to apply their funds to the purposes of this Act in which they are interested and that (Application of funds.)

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

A.D. 1893. provision should be made as contained in this Act for the contribution by the four companies to the expenses incurred by the Portpatrick Joint Committee in relation to the works at the East Pier at Stranraer by this Act authorised :

(Amendment of Acts.)

And whereas it is expedient that some of the powers and provisions of existing Acts relating to the Company should be altered amended extended and enlarged and that such further powers should be granted to the Company as are herein-after mentioned :

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

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

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

Short title of Act 9 & 10 Vict. c. cciv. 2. The Act (local and personal) ninth and tenth Victoria chapter two hundred and four entitled “ An Act to consolidate the London “ and Birmingham Grand Junction and Manchester and Birmingham Railway Companies ” may be cited for all purposes as the London and North Western Railway (Consolidation) Act 1846.

Incorporation of general Acts. 3. 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 and Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 :

The Harbours Docks and Piers Clauses Act 1847 :

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 ;

A.D. 1893.

The conversion of the 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 :

Part I. (relating to cancellation and surrender of shares) Part II.
 (relating to additional capital) Part III. (relating to debenture
 stock) and Part IV. (relating to change of name) of the
 Companies Clauses Act 1863 :

Provided that the provisions of the Harbours Docks and Piers
 Clauses Act 1847 with respect to life boats and with respect to
 keeping a tide and weather gauge shall not be in force for the
 purposes of this Act except so far as may from time to time be
 required by the Board of Trade and that for the purposes of
 Part IV. of the Companies Clauses Act 1863 the Ashby and
 Nuneaton Railway Joint Committee shall be deemed to be an
 incorporated Company.

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

The expressions "parish clerks" and "clerks of the several
 parishes" in sections seven eight and nine of the Railways Clauses
 Consolidation Act 1845 shall with reference to the Company and
 as regards those parishes or places within the metropolis as defined
 by the Metropolis Management Act 1855 in which by the standing
 orders of either House of Parliament plans sections and other
 documents are required to be deposited with the clerk of the vestry
 of the parish or with the clerk of the district board for the district
 in which the parish or place is included mean in the first case
 the vestry clerks of those parishes and in the second case the clerks
 of those district boards respectively :

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.

5. Subject to the provisions of this Act the Company may Power to
 make and maintain in the lines shown on the deposited plans and Company
 according to the levels shown on the deposited sections the following to make
 new railways and junction and deviations alterations and widening railways &c.

A.D. 1893. of the portions of existing and authorised 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 the deposited plans and described in the deposited books of reference as may be required for the purposes thereof or in connection therewith :

The new railways and junction and the deviations alterations and widening of railways herein-before referred to and authorised by this Act are—

(Junction at Weedon.)

A junction at Weedon three furlongs six chains and fifteen links in length to be situate wholly in the parish of Dodford in the county of Northampton commencing by a junction with the Company's London and Birmingham Railway and terminating by a junction with the Company's Weedon and Daventry Railway :

(Alteration of Daventry and Leamington Railway.)

A deviation and alteration one mile five furlongs one chain and eleven links in length of the line and levels of so much of the Company's Daventry and Leamington Railway authorised by the London and North Western Railway Act 1890 as lies between points on the centre line of the said railway two miles six furlongs and one chain and four miles three furlongs and one chain or thereabouts respectively from the commencement of the said railway as shown on the plans deposited for the purposes of the said Act at the office of the clerk of the peace for the county of Northampton and at the office of the clerk of the peace for the county of Warwick :

(Railway to Five Ways.)

A railway to Five Ways one mile five furlongs one chain and forty links in length to be wholly situate in the parish of Norton-under-Cannock in the county of Stafford commencing by a junction with the Company's Norton Branch Railway and terminating at a point one hundred and ninety-five yards or thereabouts south-west of the junction of the five public roads at Five Ways and one hundred yards or thereabouts north-east of the Coppice Colliery Five Ways plant :

(Alteration of levels of Ashbourne and Buxton Railway.)

The alteration two miles three furlongs and fifty links in length of the levels of so much of the Company's Ashbourne and Buxton Railway authorised by the London and North Western Railway Act 1890 as lies between points on the centre line of the said railway five miles and four furlongs and seven miles seven furlongs and seven chains or thereabouts respectively from the commencement of the railway as shown on the plans deposited for the purposes of the said Act at the office of the clerk of the peace for the county of Derby :

A railway at Sheffield five furlongs and nine chains in length to be wholly situate in the township of Attercliffe-cum-Darnall and Sheffield in the parish of Sheffield in the West Riding of the county of York commencing by a junction with the railway at Sheffield authorised by the London and North Western Railway (New Railways) Act 1892 and terminating on the east side of Wharf Street at or near its junction with Exchange Street Sheffield :

A. D. 1893.
(Railway at Sheffield.)

The widening four furlongs three chains and seventy links in length of the Company's Stour Valley Railway between a point two hundred and ten yards or thereabouts south-east of the bridge which carries Monument Road over the said railway at Monument Lane Station and a point two hundred and fifty yards or thereabouts north-west of the junction of the Harborne Railway with the said Stour Valley Railway.

(Widening at Birmingham.)

6. The new railways and junction (in this Act referred to together as "the new railways") shall for all purposes whatever be part of the Company's undertaking and the deviations alterations and widening of existing railways shall for all purposes whatever be parts of the railways authorised to be deviated altered and widened and for the use thereof and for the conveyance thereover of passengers and parcels by passenger train the Company may demand and take the tolls rates and charges authorised by the London and North Western Railway (Consolidation) Act 1846 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 Company may demand and take the rates and charges by that Act authorised in respect of the railways not therein specially mentioned.

Tolls &c.
for new
railways &c.

7. In altering for the purposes of the deviation of the Daventry and Leamington Railway the road numbered on the deposited plans 3 in the parish of Braunston the Company may make the same of any inclination not steeper than one in nine.

Inclination
of a certain
road.

8. The Company may make the arch of the bridge for carrying the Ashbourne and Buxton Railway as authorised to be altered by this Act over the road numbered on the deposited plans of that railway referred to in the London and North Western Railway Act 1890 85 in the parish of Ashbourne of any height not less than fourteen feet and of any span not less than twenty feet.

Height and
span of a
certain
bridge.

A.D. 1893.

Power to
divert roads
as shown on
deposited
plans.

9. The Company may divert and alter in the manner shown upon the deposited plans and sections 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 Company 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 Company.

Company
not liable to
repair surface
of road level
of which is
not per-
manently
altered.

10. 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 which shall be carried over the new railways deviations or widening by this Act authorised or any of them by a bridge or bridges unless the level of such road is permanently altered.

For the pro-
tection of the
Brownhills
Local Board.

11. In constructing and maintaining the railway to Five Ways by this Act authorised the following provisions for the protection of the Brownhills Local Board (herein-after referred to as "the local board") shall apply and have effect viz. :—

- (1) The bridges for carrying the proposed railway under the roads numbered 7 and 9 in the parish of Norton-under-Cannock shall be constructed of the full width of the existing roads at the respective points of crossing and so as not in any way to alter or diminish the present width of the said roads at the said points of crossing :
- (2) The said bridges shall be girder bridges and shall be constructed so as to allow at any time of the laying in or through the same of sewers drains and other pipes not exceeding nine inches in diameter :
- (3) The Company shall construct and maintain on both sides of the said bridge substantial parapets or close screens of the height of five feet :
- (4) The said roads shall not during the construction of the said bridges or during any subsequent repairing thereof be unnecessarily obstructed or interfered with All works in any way affecting the said road shall be done under the superintendence

and to the reasonable satisfaction of the engineer of the local board : A.D. 1893.

- (5.) If any difference arise between the local board and the Company touching this section or anything arising thereunder such difference shall be settled by an engineer to be agreed upon between the parties or failing agreement to be appointed by the president of the Institution of Civil Engineers on the application in writing of either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.

12. With respect to the construction of the railway at Sheffield by this Act authorised the following provisions shall (unless otherwise agreed between the Company and the Midland Railway Company herein-after called "the Midland Company") apply and have effect:— For the protection of the
Midland
Railway
Company.

- (1) The Company shall not without in every case the previous consent of the Midland Company under their common seal take use enter upon or interfere with any land railway siding or other work belonging to that Company except only so far as shall be necessary for the purpose of making and maintaining the said railway and the works connected therewith as the same are according to this Act to be constructed :
- (2) With respect to any land of the Midland Company which the Company is by this Act authorised to use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Midland Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same :
- (3) The crossing of the said railway over the Midland Company's main line of railway and over their Nunnery Colliery Branch shall be effected at such points within the limits of deviation shown on the deposited plans and in such manner and according to such mode of construction as shall be reasonably approved of by the principal engineer for the time being of the Midland Company or in case of difference as shall be determined by arbitration as herein-after provided :
- (4) The bridge carrying the said railway over the Midland Company's said main line shall be constructed of a span of fifty-two feet with a clear headway throughout of not less

A.D. 1893.

than fourteen feet six inches and the bridge carrying the said railway over the Midland Company's said Nunnery Colliery Branch shall be constructed of a span of not less width than twenty-six feet with a clear headway throughout of not less than fourteen feet six inches:

- (5) The said railway where the same will be made upon or across or will otherwise interfere with any railway siding or other work belonging to the Midland Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be previously reasonably approved by the principal engineer for the time being of the Midland Company who shall report within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided:
- (6) The Company shall bear and on demand pay to the Midland Company the expense of the employment by that Company during the execution of any work affecting any railway siding or other work of that Company of a sufficient number of inspectors watchmen and signalmen to be appointed by that Company for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employ of the Company or of their contractors with reference thereto or otherwise:
- (7) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors or otherwise any railway siding or other work of the Midland Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Midland Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction And if any interruption shall be occasioned to the traffic of or upon any such railway siding or other work of the Midland Company by reason of any of the matters or causes aforesaid the Company shall pay to the Midland Company all costs and expenses to

which that Company may be put as well as full compensation to be recoverable with full costs by that Company from the Company in any court of competent jurisdiction :

- (8) The Company shall at all times maintain the bridges openings or other works by which their railway is carried over the railways sidings or other works of the Midland Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of that Company And if and whenever the Company fail so to do the Midland Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as that Company reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by the Midland Company from the Company in any court of competent jurisdiction :
- (9) If in the opinion of the Midland Company or in case of difference between them and the Company of an arbitrator to be appointed as herein-after provided it shall be necessary for the Midland Company to purchase or pay compensation for any minerals required to be left unworked for the protection and safety of any works constructed under the powers of this Act or for any additional minerals beyond those which but for this Act would have been required to be so left unworked then the Company shall on demand pay to the Midland Company all costs and expenses incurred by them in relation to any such purchase or payment of compensation and the amount of such costs and expenses or as the case may be the amount of the additional costs and expenses shall in case of difference be determined by arbitration as herein-after provided :
- (10) If any difference shall arise between the Company and the Midland Company as to the true intent and meaning of this enactment or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

13. The Company shall from time to time afford at any station to be erected by them in connection with the railway at Sheffield by this Act authorised and upon and over the said railway all proper and sufficient facilities for the reception accommodation forwarding interchange and delivery of all merchandise traffic except coal

Facilities to be afforded to traffic of Manchester Sheffield and Lincolnshire Railway Company.

A.D. 1893.

passing or intended to pass to or from the railway at Sheffield by this Act authorised from or to the railway of the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Sheffield Company") and shall from time to time duly receive all such traffic in all respects as though the same were the own proper traffic of the Company :

If at any time hereafter it shall become necessary to alter extend or enlarge the said station by reason or in consequence of the amount of traffic of the Sheffield Company having to be accommodated thereat such alteration extension or enlargement shall be carried out by the Company but in all things at the cost and expense of the Sheffield Company :

The facilities to be afforded shall include through rates and the forwarding of through waggons and trucks over their said railway and such other arrangements and facilities as may be reasonably required by the Sheffield Company for the purposes aforesaid :

The payments to be made by the Sheffield Company for the facilities aforesaid and the amount or division of any through rate as well as the nature and extent of the facilities to be afforded in compliance with the provisions of this section and any question as to the necessity of any alteration extension or enlargement of the said station as aforesaid shall in case of difference be determined by arbitration in accordance with the provisions of the Railway Companies Arbitration Act 1859.

For the
protection of
the Duke of
Norfolk.

14. For the protection of The Most Noble Henry Duke of Norfolk his heirs appointees and assigns (in this section included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the Company and the owner have effect (that is to say) :—

- (1) Except so far as necessary for enabling the Company to carry the railway at Sheffield by this Act authorised under the property numbered on the deposited plans 12 in the parish of Sheffield in accordance with the provisions of this section nothing in this Act shall prejudice or affect the indenture bearing date the eighteenth day of December one thousand eight hundred and ninety-one and expressed to be made between the said Henry Duke of Norfolk of the one part and the Company of the other part or release the Company from or modify or affect any obligations or stipulations imposed upon or affecting them by or under such indenture or deprive the owner of any rights reserved to him thereby :

A.D. 1893.

(2) In constructing the said railway at Sheffield between the points respectively distanced two furlongs and three furlongs from its commencement the Company shall not deviate from the line and levels shown on the deposited plans and sections and the said railway shall between those points be constructed according to such detailed plans sections and specifications as shall be reasonably approved in writing by the engineer of the owner before the construction of the said portion of railway is commenced. Provided always that if the said engineer shall for the space of one month neglect or refuse to approve the said detailed plans sections and specifications or shall disapprove the same then the said portion of railway shall be constructed according to such detailed plans sections and specifications as shall be approved by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers on the application of either the owner or the Company :

(3) Notwithstanding anything in this Act the Company shall not under the powers of this Act acquire any greater right or interest in the said property numbered 12 on the deposited plans than an easement or right of constructing maintaining and using at all times the said railway at Sheffield under that property (herein-after called "the Nunnery Colliery railway tunnel") and for the purpose of assessing the compensation to be paid to the owner in respect of such easement or right the acquisition thereof shall be deemed to be a purchase and taking of lands otherwise than by agreement within the meaning of the Lands Clauses Acts and the amount of such compensation shall in case of difference be ascertained in the manner provided by those Acts accordingly :

(4) The Company shall not interfere with or alter the Nunnery Colliery railway tunnel or obstruct or interfere with the free uninterrupted and safe user thereof or the passage of traffic through the same except at such reasonable times as may be necessary for the actual construction of the said portion of railway and as may be arranged with the persons for the time being entitled to the user of the said tunnel and before commencing the construction of the said portion of railway shall underpin strengthen and otherwise support the Nunnery Colliery railway tunnel in such manner as may be requisite and necessary for the safety thereof and of the traffic passing through the same to the reasonable satisfaction of the engineer of the owner :

A.D. 1893.
—

- (5) The Company shall at all times maintain the said railway at Sheffield under the Nunnery Colliery railway tunnel in substantial repair and good order and condition to the reasonable satisfaction of the engineer of the owner and if and whenever the Company fail so to do the owner may make and do as well within and upon the works and lands of the Company as within and upon his own works and lands all such works matters and things as may be requisite in that behalf and the sum from time to time certified by the engineer of the owner to be the reasonable amount of the costs incurred by the owner in respect thereof shall be repaid to the owner by the Company and in default of repayment may be recovered with full costs of suit from the Company in any court of competent jurisdiction :
- (6) If any obstruction or interference with the free passage of traffic through or the safe user of the railway through the Nunnery Colliery railway tunnel be caused by or during the construction of the said railway of the Company or by the maintenance or want of maintenance thereof the Company shall pay to the owner and to his lessees and tenants all costs or expenses to which he or they may thereby be put and shall make full compensation for any loss or inconvenience sustained by him or them by reason of such obstruction or interference the amount of such costs expenses and compensation to be recovered with full costs in any court of competent jurisdiction :
- (7) The Company shall not in constructing the said railway at Sheffield interfere to a greater extent than is absolutely necessary with the Sewer No. 1 referred to in the said indenture and before interfering therewith in any way shall provide in such manner as the owner may reasonably require for carrying the water and drainage flowing through the same under the railway :
- (8) Before the Company interfere with the present access across the property numbered 137 on the deposited plans and leading from Wharf Street to Navigation Hill they shall in lieu thereof construct and complete to the reasonable satisfaction of the owner a suitable occupation road of not less than twenty-four feet in width in the line and according to the levels shown on the plan and section signed by Michael Joseph Ellison on behalf of the owner and Francis Stevenson on behalf of the Company between the points marked A and B on the said plan And the Company shall not purchase the freehold

of any portion of the land coloured brown on such plan including the site of such road : A.D. 1893.

- (9) The Company shall bear and on demand pay to the owner all costs of the owner in connection with the approval of any detailed plans sections or specifications of the said railway between the said points or as to the said Sewer No. 1 or as to the said substituted road and of any documents matters or things relating thereto and of the inspections of the works of the Company between the said points and of the said sewer and substituted road or works connected therewith respectively :
- (10) Any difference which may arise between the owner or his lessees or tenants on the one hand and the Company on the other hand under this section the determination whereof is not otherwise provided for shall be determined by an arbitrator 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 arbitrator shall be final and binding and the costs of such arbitration shall be in the discretion of the arbitrator.

15. In the execution of the works and exercise of the powers in the city of Birmingham by this Act authorised the following provisions for the protection and benefit of the mayor aldermen and citizens of the city of Birmingham (in this section called "the Corporation") shall have effect (that is to say) :—

For the protection of the Corporation of Birmingham.

- (1) Nothing in this Act contained shall authorise or empower the Company to permanently narrow the width of Monument Road Cope Street or Shakespeare Road but the Company shall be at liberty to construct under the surface of the said streets or roads such bridge abutments retaining walls and other works as they may consider necessary for the purposes of the said widening :
- (2) The provisions of the Railways Clauses Consolidation Act 1845 contained in the sections eighteen to twenty-three inclusive shall subject to the provisions of this Act extend and apply to the water and gas mains pipes and apparatus of the Corporation and to the pipes or mains for the supply of compressed air and to the electric lighting mains and pipes laid down by or with the consent of the Corporation and whenever in those sections the words "company" or "society" are used the same shall for all the purposes of this Act be held to extend to and include the Corporation and the word "street" in this

A.D. 1893.

section shall have the same meaning as that assigned to it by the Public Health Act 1875 :

- (3) The Company shall not break up any street or interfere with any sewer drain or watercourse or any gas or water main pipe or apparatus of the Corporation or any compressed air main or pipe or any electric lighting main or pipe until they shall have given to the town clerk three clear days' notice in writing of their intention to commence the intended works accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Company so far as they affect the streets sewers drains watercourses gas and water mains compressed air or electric lighting mains pipes and apparatus proposed to be interfered with :
- (4) Where the surface of any street has been interfered with or disturbed by the Company in constructing the works or exercising the powers by this Act authorised the Company shall well and sufficiently and to the satisfaction of the Corporation restore the surface of the street so interfered with or disturbed and shall keep the same in efficient repair for one year from such restoration :
- (5) Whenever it may be necessary to intercept or interfere with any existing sewer or drain the Company shall before intercepting or interfering with such existing sewer or drain construct according to a plan to be reasonably approved of by the Corporation another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be intercepted or interfered with and in such manner as shall be reasonably approved by the Corporation :
- (6) Whenever the water or gas mains pipes or apparatus of the Corporation or the compressed air or electric lighting mains pipes or apparatus shall be severed or interfered with in the execution of any of the powers of this Act and whenever it is necessary for maintaining the supply of water gas compressed air or electric light to lay additional mains or pipes such additional mains or pipes shall previous to the severance or interference be laid by the Corporation at the expense of the Company :
- (7) If by reason of the execution of any of the powers of this Act the Corporation shall necessarily incur any cost in altering

any existing sewer drain gas or water main compressed air or electric lighting main pipe or apparatus the Company shall repay to the Corporation such additional cost :

- (8) If by reason of the execution of any of the powers of this Act any increased length of sewers drains gas or water mains compressed air or electric lighting mains or pipes or any additional apparatus shall become necessary the same shall be forthwith constructed and laid by the Company according to such plan and section and in such reasonable manner as shall be approved by the Corporation :
- (9) The Company shall construct and maintain on each side and for the full length of every bridge carrying any street over the railway and works a substantial parapet or close screen not less (except with the consent of the Corporation) than eight feet in height above the level of the footway on such bridge :
- (10) The Company shall construct a close screen not less than eight feet in height (except with the consent of the Corporation) along the boundary of the railway where the existing boundary wall abutting on any street is altered for the purposes of the proposed widening :
- (11) The parapets or screens on all public road bridges made by the Company shall not be used for the posting of bills or other advertising purposes on the sides of such parapets or screens facing such public road :
- (12) The Corporation and the Company 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 :
- (13) The Company shall from time to time pay to the Corporation all 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 respectively shall be acquired by the Company until the Company's works are completed and assessed to such rates and the amount of such rates payable by the Company 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 Provided always that the Company shall not be charged with or be liable to the payment of any such rates upon any building or property which or part of which is required for the making of a new street or the widening or improving of an existing street as provided by this Act :

A.D. 1893,

(14) Any difference which may arise between the Corporation and the Company 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 determined in the manner prescribed in the Railways Clauses Consolidation Act 1845 with reference to the settlement of disputes by arbitration.

For the protection of the Birmingham Canal Company.

16. For the protection of the Company of Proprietors of the Birmingham Canal Navigations the following provisions shall have effect:—

(1) The Company shall before commencing the widening and extension of the bridge or archway by means of which the railway and works of the Company are carried over part of the Old Birmingham and Wolverhampton Canal of the Company at the Eyre Street Junction in the city of Birmingham and the works connected with such widening and extension or any of them give to the Birmingham Canal Company at least seven days' notice in writing of their intention so to do specifying therein the particular works and matters to be constructed done and performed in pursuance thereof and the order in which the same are intended to be constructed done and performed:

(2) The widening and extension of the said bridge or archway and the works connected therewith shall be constructed made and completed at the expense of the Company in a good substantial and workmanlike manner and to the reasonable satisfaction of the engineer for the time being of the Birmingham Canal Company and according to plans sections and specifications to be previously reasonably approved of by him Provided always that during the construction of the said works and at all future times during any repairing raising rebuilding or reconstruction thereof by the Company the engineer for the time being of the Birmingham Canal Company with requisite assistants and workmen shall have free access to the said works and full permission to inspect the workmanship and materials thereof respectively:

(3) The clear opening or span of the arch of the aforesaid widening and extension over and across the canal works and property of the Birmingham Canal Company between the walls or abutments thereof shall be of such width on the square as shall be equal to and sufficient to clear and leave unobstructed at the point of crossing the whole navigable waterway of the canal and a space of not less than eight feet

A.D. 1893.

wide on the south-east side thereof for a towing-path and the spring of the arch or soffit of the girders for the whole length of crossing over the said canal works and property of the Birmingham Canal Company shall commence at a point not being less than seven feet six inches above the present surface-level of the towing-path of the said canal and the under side of the middle of the arch shall not be less than ten feet above the top water-level of the said canal :

- (4) 'The Company shall at their own expense and at all times for ever after the widening and extension of the said bridge and works shall have been completed keep the same and all future works to be erected or made respectively in lieu thereof (and which shall be at the same respective places in the like respective directions and of the like dimensions and capacity as are herein-before severally mentioned) together with all works belonging to or connected therewith respectively (which said widening and extension and all works belonging to or connected therewith respectively are herein-after referred to as "the extension and works") in good and complete repair to the reasonable satisfaction of the engineer for the time being of the Birmingham Canal Company and in case of any want of repair to the extension and works and whether such want of repair shall arise from the sinking of such extension and works or any part or parts thereof respectively or from any other cause whatsoever and upon notice in writing thereof being given by the Birmingham Canal Company or their clerk to the Company then the Company shall within the space of ten days after such notice commence the repairs or as the case may require the raising or rebuilding or reconstruction of the extension and works which shall be out of repair or such part or parts thereof as it shall for the time being be requisite to repair raise or rebuild or reconstruct and proceed therein with all reasonable expedition until such repairing raising or rebuilding or reconstruction shall be wholly completed And if the Company shall fail to commence the same within the said space of ten days or proceed therein with all reasonable expedition as aforesaid it shall be lawful for the Birmingham Canal Company to make all such repairs to any such extension or works or any part or parts thereof and to raise or rebuild or reconstruct the same or such part or parts thereof respectively as shall be necessary in such manner as they may think proper and so far only as may be necessary for that purpose at such time and times as they shall

A.D. 1893.

think fit by themselves their engineer for the time being and his assistants with contractors workmen and others to enter and come and remain upon the land railways and property of the Company and to bring and lay thereon such materials effects and things as may be required for the purpose and all the costs and expenses which the Birmingham Canal Company may reasonably sustain expend or be put to in and about the repairing rebuilding or reconstructing the extension and works and otherwise in reference thereto shall be repaid by the Company to the Birmingham Canal Company upon demand and the Birmingham Canal Company may sue for and recover from the Company the amount of such costs and expenses as aforesaid together with full costs of suit in the Supreme Court of Judicature :

(5) It shall not be lawful for the Company or any person in the execution of this Act to alter the course of the said canal or the towing-paths thereof or of any space reserved or intended as a towing-path or paths thereof or to obstruct the course or supply of the water in or to the said canal or in any manner to impede the navigation thereof or the access thereto or to any wharf or wharves adjoining or near thereto or to injure any of the banks or other works of or belonging to the said canal And it shall not be lawful for the Company (except for the purpose of constructing the extension and works) to take or interfere with the said canal or any of the lands of the Birmingham Canal Company or to make any lateral deviation from the course or direction of the extension and works or either of them as delineated on the said plans so deposited as aforesaid by which deviation any of the lands wharves warehouses buildings locks side-ponds towing-paths bridges reservoirs feeders or other works of any kind of the Birmingham Canal Company shall be taken used or damaged without the consent in writing of the Birmingham Canal Company under their common seal first had and obtained :

(6) If by or by reason or in execution of any of the works by this Act authorised or by reason of the mode of construction or of the bad state of repair of such works or by any act or omission of the Company or of any of their agents or servants it shall happen that the said canal or the towing-paths thereof or any of them or any of the works connected therewith shall be so injured or obstructed that boats or other vessels using the same with their usual and accustomed loads shall be obstructed impeded or delayed in their passage along

the said canal or shall not be able to pass freely along the same then and in such case the Company shall pay to the Birmingham Canal Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of such obstruction or impediment such costs expenses and compensation to be recoverable by the Birmingham Canal Company with full costs in any court of competent jurisdiction :

A.D. 1893.

- (7) Provided always that nothing herein contained shall extend to prevent the Birmingham Canal Company or any other company or person using their canals from recovering against the Company any special further or other damages that may be sustained by the Birmingham Canal Company or any other such company or person on account of any act or default of the Company in respect of which any sum or sums in the nature of liquidated damages is or are hereby imposed or made payable beyond the amount thereof.

17. Notwithstanding anything in this Act contained or shown on the deposited plans the Company shall not except by agreement enter upon take or use the properties respectively numbered on those plans 65 66 68 70 and 73 in the parish of Birmingham or any of them.

Company not to take certain lands except by agreement.

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

Period for completion of new railways.

19. If the Company fail within the period limited by this Act to complete the new railways and deviation by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the uncompleted railway or railways or deviation other than the railway to Five Ways and the railway at Sheffield is or are completed and opened for the public conveyance of passengers or until the last-mentioned railways are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of such railway or railways or deviation and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as

Penalty imposed unless new railways opened within the time limited.

A.D. 1893. the penalty provided in section three of the Railway and Canal Traffic Act 1854:

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit named in such warrant or order and shall not be paid thereout except as hereinafter provided:

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted railway or railways or deviation by unforeseen accident or circumstances beyond their control. Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalty
for non-
completion
of railways.

20. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or railways or deviation in respect of which the penalty has been incurred or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of such railway or railways or deviation and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit:

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or if the railway or railways or deviation in respect of which the penalty has been incurred or any part thereof has been abandoned be paid to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

21. The Company may and shall abandon the construction of so much of the Daventry and Leamington Railway authorised by the London and North Western Railway Act 1890 as will be rendered unnecessary by the construction of the deviation and alteration of that railway by this Act authorised.

A.D. 1893.
Abandonment of part of authorised Daventry and Leamington Railway.

22. The abandonment by the Company under the authority of this Act of the said portion of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the London and North Western Railway Act 1890.

Abandonment not to affect right to compensation for damage to land by entry &c. for purposes of work abandoned.

23. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said portion of railway the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of work abandoned.

24. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans make the new footpaths and alterations of footpaths and bridle road herein-after described with all proper works and conveniences connected therewith respectively and may exercise the other powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say) :—

Power to Company to make new footpaths and other works.

They may in the parish of Grandborough in the county of Warwick in connection with the Company's authorised

(Footpath at Grandborough.)

A.D. 1893.

Daventry and Leamington Railway now in course of construction stop up and discontinue so much of the footpath in the field numbered 10 in the said parish on the plans deposited in respect of the said railway with the clerk of the peace for the said county as lies between the southern side of the said railway and the bridle road in the field numbered on the said plans 9 in the said parish and in lieu thereof they may make a new footpath along the southern side of and adjoining the said railway :

(Stockton
bridle road.)

They may in the parish of Stockton in the county of Warwick in connection with the same railway alter and divert so much of the bridle road in the field numbered on the said plans 11 in the said parish as extends from a point one hundred and fifty yards or thereabouts east to a point sixty yards or thereabouts west of the centre line of the said railway as shown upon the said plans and stop up and discontinue so much of the said bridle road as is proposed to be diverted :

(Footpath at
Buxton.)

They may in the township of Fairfield in the parish of Hope in the county of Derby stop up and divert so much of the public footpath which crosses by a bridge over the Company's Buxton Branch Railway five hundred and twenty yards or thereabouts north of Hogshaw Lane Buxton as extends for a distance of ninety yards or thereabouts south-east of the said bridge :

(Footpath at
Wigan.)

They may in the township and parish of Wigan in the county of Lancaster stop up and discontinue so much of the footpath which passes along the west side of the Company's North Union Railway as extends for a distance of two hundred and seventy yards or thereabouts northward from Park Road Wigan and in lieu thereof they may make a new footpath on the west side of and adjoining the said railway as authorised to be widened.

Power to
Company to
acquire
additional
lands &c.

25. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may from time to time enter upon take use and appropriate for the purpose of extending the stations sidings warehouses coal wharves depôts and other accommodation of the Company for mineral goods and cattle traffic and for other purposes connected with their undertaking the lands herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto and may execute the works and exercise the powers herein-after mentioned and so far as such works are shown upon the deposited plans and sections in accordance with those plans and sections (that is to say) :—

A.D. 1893.

In the county of London—

Certain lands in the parish of Saint Leonard Shoreditch lying on the south side of and adjoining Pearson Street and on the west side of and adjoining Ormsby Street: (Lands at Shoreditch.)

Certain other lands in the same parish lying on the north side of and adjoining Dunloe Street and on the west side of and adjoining Ormsby Street:

Certain other lands in the same parish lying on the south side of and adjoining Dunloe Street opposite the last-mentioned lands:

Certain lands in the parish of Saint Mary Stratford-le-Bow lying on the west side of and adjoining the North London Railway and south-east of and adjoining Tredegar Road Bow: (Lands at Old Ford.)

Provided that nothing in this Act shall authorise the Company to erect any building on the street level of the piece of land numbered on the deposited plans 3 in the parish of Saint Leonard Shoreditch:

In the county of Buckingham—

Certain lands in the parish of Steeple Claydon lying on the north side of and adjoining the Company's Bletchley and Oxford Railway at or near the Claydon Station: (Lands at Claydon.)

In the county of Northampton—

Certain lands in the parishes of Roade Courteenhall and Milton lying on the east side of and adjoining the Company's Bletchley Northampton and Rugby Railway at and north of the Roade Cutting and extending seven hundred yards or thereabouts south and one thousand one hundred yards or thereabouts north from Courteenhall Bridge: (Lands at Roade Cutting.)

Certain other lands in the said parish of Courteenhall lying between and adjoining the Company's London and Birmingham Railway and their Bletchley Northampton and Rugby Railway two hundred and twenty yards or thereabouts north-west of the said bridge:

Certain lands in the parishes of Milton and Wootton lying on both sides of and adjoining the said railway and extending five hundred and fifty yards or thereabouts south of the bridge carrying that railway over the road from Blisworth to Northampton: (Lands at Milton and Wootton.)

Certain lands in the parish of Harlestone lying on the south side of and adjoining the Company's Bletchley Northampton and Rugby Railway one thousand six hundred yards or (Lands at Harlestone.)

A.D. 1893.

thereabouts east of Althorp Park Station and six hundred and fifty yards or thereabouts north-west of Co-operative Farm Harlestone :

In the county of Warwick—

(Lands at Hampton-in-Arden.)

Certain lands in the parish of Hampton-in-Arden lying on the south-west side of and adjoining the Company's London and Birmingham Railway at or near Hampton-in-Arden Station :

(Lands at Nuneaton.)

Certain lands in the parish of Nuneaton lying on the north-east side of and adjoining the Company's South Leicestershire Railway at or near its junction with the Company's Trent Valley Railway and on both sides of and adjoining Oaston Road Nuneaton :

In the county of Leicester—

(Lands at Hinckley.)

Certain lands in the parish of Hinckley lying on the north side of and adjoining the Company's South Leicestershire Railway and extending for a distance of two hundred and fifty yards or thereabouts west of the bridge carrying the said railway over the public road from Lutterworth to Hinckley at the western end of Hinckley Station and the Company may extend the said bridge for a distance of ten yards or thereabouts in a northerly direction :

(Lands at Croft.)

Certain lands in the parish of Croft lying on the south side of and adjoining the Company's South Leicestershire Railway and west of and adjoining the road which passes over the said railway at Croft station :

In the county of Stafford—

(Lands at Tipton.)

Certain lands in the parish of Tipton lying on the south side of and adjoining the branch of the Birmingham Canal from Bloomfield Basins to Prince's End and east of and adjoining the Company's property near to the said Bloomfield Basins :

(Lands at Spring Vale.)

Certain lands in the parish of Sedgley lying on the north-east side of and adjoining the Company's Stour Valley Railway and eight hundred yards or thereabouts north-west of Deepfields and Coseley Station :

(Lands at Monmore Green.)

Certain lands at Monmore Green in the township and parish of Wolverhampton lying on the east side of and adjoining the Company's Stour Valley Railway and extending for five hundred yards or thereabouts north of the Bilston Road at Monmore Green Station :

Certain other lands in the same township and parish lying on the east side of and adjoining the said railway and south of

and adjoining the said road and the Company may construct over the said road a new bridge on the east side of and near to or adjoining the existing bridge carrying the said railway over the said road : A.D. 1893.

Certain lands in the parish of Castle Church lying on the south-west side of and adjoining the Company's Grand Junction Railway at Stafford Station : (Lands at Stafford.)

Certain other lands in the same parish lying on the north-east side of and adjoining the said railway and south-east of and near to Newport Road Stafford :

In the county of Chester—

Certain lands in the townships of Wharton and Moulton in the parish of Davenham lying on the north-east side of and adjoining the Company's Grand Junction Railway between a point four hundred and twenty yards or thereabouts south-east of Winsford Junction and the public road which passes under the said railway at the Newbridge Salt Works : (Lands at Winsford.)

In the county of Salop—

Certain lands in the parish of Stokesay lying on the east side of and adjoining the public road leading from Craven Arms to Newington and south of Newington Terrace : (Lands at Craven Arms.)

Certain other lands in the same parish lying on the west side of and adjoining the Shrewsbury and Hereford Railway and south of and near to Craven Arms Station :

In the county of Lancaster—

Certain lands in the townships of Bedford and Atherton in the parish of Leigh lying on the south-east side of and adjoining the Company's Leigh and Bedford Station and on the west side of Dukinfield Street : (Lands at Leigh and Bedford Station.)

Certain other lands in the said township of Atherton lying on the east side of and adjoining Princess Street at its junction with East Bond Street south of and near the said station :

Certain lands in the township and parish of Liverpool lying between Jervis Street and Trowbridge Street and south of and adjoining the Company's property on the south side of Bronte Street : (Lands at Bronte Street Liverpool.)

Certain lands in the township and parish of Liverpool and in the township of West Derby in the parish of Walton-on-the-Hill situate over and on both sides of the Company's Waterloo Tunnel between Crown Street near its junction with Sherdley Street and Minshull Street near its junction with Paddington : (Lands at Waterloo Tunnel.)

A.D. 1893.

(Lands at
Walton.)

Certain lands in the township and parish of Walton-on-the-Hill lying on the north side of and adjoining the Company's Edge Hill and Bootle Railway at Walton Station :

In the West Riding of the county of York—

(Lands at
Marsden.)

Certain lands in the township of Marsden-in-Huddersfield in the parish of Huddersfield lying on the south side of and adjoining the Company's Huddersfield and Manchester Railway and between that railway and the Company's Huddersfield Canal south-east of and near to Marsden Station :

Certain other lands in the same township [and parish lying between and adjoining the said canal and the River Colne near to and north of Clough Lee Mill :

(Lands at
Engine
Bridge
Hudders-
field.)

Certain lands in the township and parish of Huddersfield lying on the north side of and adjoining the Huddersfield Canal and the Company's property on the west side of Chapel Hill Huddersfield :

(Lands at
Cleck-
heaton.)

Certain lands in the township of Gomersall in the parish of Birstal lying on the south-west side of and adjoining certain lands which the Company are authorised to acquire for the purposes of their Heaton Lodge and Wortley Railway and on the southern side of and adjoining Spen Lane Cleckheaton opposite Spen Flour Mill :

In the county of Cumberland—

(Lands at
Harraby
Carlisle.)

Certain lands in the township of Botchergate in the parish of Saint Cuthbert Carlisle lying on the north side of and adjoining the Company's locomotive works and south and east of and adjoining the Carlisle Waterworks Reservoir :

In the county of Monmouth—

(Lands at
Sirhowy.)

Certain lands in the parish of Bedwellty lying on the northern side of and adjoining the Ebbw Vale Steel and Iron Company's siding which joins the Company's Sirhowy Railway near to and south-east of Sirhowy Station and at or near the said junction :

(Lands at
Abernant—
Ancient
Druid.)

Certain other lands in the same parish lying on the west side of and adjoining the Company's Sirhowy Railway one hundred yards or thereabouts south of Ancient Druid and between that railway and the public road now in course of construction between Tredegar Hollybush and Argoed :

In the county of Flint—

(Lands at
Nannerch.)

Certain lands in the township of Trelan in the parish of Nannerch lying on the north side of and adjoining the Mold

and Denbigh Railway and on the east side of and adjoining the road which crosses the said railway on the level at the Sun Crossing : A.D. 1893:
—

In the county of Carnarvon—

Certain lands in the parish of Eglwys Rhos otherwise Llanrhos lying on both sides of and adjoining Victoria Drive near Llandudno Junction Station and between the Chester and Holyhead Road and the road leading therefrom to Deganwy and Llandudno : (Lands at Llandudno Junction.)

Certain other lands in the same parish lying on the north-west side of and adjoining the said Chester and Holyhead Road west of and near to the level crossing of that road by the Company's Llandudno Branch Railway.

26. Any buildings erected on any land in the metropolis acquired under this Act (except such buildings or parts of buildings as may be used for the purposes of railway works or a station) shall be subject to the provisions of the Acts relating to buildings in the metropolis. Buildings to be subject to the Metropolitan Building Acts.

27. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Wolverhampton (in this section called "the Corporation") shall unless otherwise agreed in writing between the Corporation and the Company have effect (that is to say):— For the protection of the Corporation of Wolverhampton.

(1) The new bridge authorised to be constructed by the Company over Bilston Road shall be a girder bridge of not less span and headway than the existing bridge :

(2) The Company shall line the walls under the existing bridge of the Company over Bilston Road as are above the level of two feet six inches from the roadway with white glazed bricks or tiles and shall also face the similar portions of the walls of the new bridge in a like manner and shall maintain the same so lined clear and uncovered and in good condition and the Company shall erect or affix one lamp under the new bridge in such place as the Corporation may direct and shall keep the same lighted during the same hours as the nearest public lamps are kept lighted at their own expense :

(3) The existing and new bridges of the Company over Bilston Road shall be constructed and maintained so as to prevent as far as practicable the dripping of water :

(4) In the construction of the new bridge aforesaid carrying the Company's widened railway over Bilston Road and in laying

A.D. 1893.

down the rails thereon the Company shall use the best reasonably practicable means for deadening the noise caused by the traffic passing over the bridge :

(5) The Company shall so alter the existing bridge carrying their railway over Bilston Road as to deaden as far as reasonably practicable the noise caused by the traffic passing over that bridge and in order to strengthen the bridge so as to bear the additional weight of material necessary for that purpose they may place supporting columns under the bridge in one of the methods following to be selected by the Corporation (that is to say) :—

(A) The Company may erect three columns in a line in the centre of the road under the bridge ; or

(B) They may erect three columns on each footpath next to the kerb on each side of the road :

(6) The base of each such column shall be circular and shall not exceed three feet in diameter :

(7) If the method of support (A) herein-before referred to is adopted the Company shall relay the tramway under the bridge as a double line in such position and with such junctions as may be reasonably approved of by the Corporation and the Company shall at the request of the Corporation set back the footpath under the bridge to such extent as the Corporation may require and the Company shall reinstate and make good the roadway and footpath broken up or interfered with for the purpose aforesaid to the reasonable satisfaction of the Corporation :

(8) In the event of any difference arising between the Corporation and the Company in respect of the execution of any works or the doing of any act or thing provided for by this section the same shall be settled by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers upon the request of either party.

For protect-
ing salt
works.

28. The Company shall not nor shall any person authorised or employed by them or acquiring title from them sink for raise or get any brine or rock salt in or out of the lands which by this Act they are authorised to acquire in the parish of Davenham in the county of Chester or any part thereof except what may be necessarily raised or gotten in the construction of railway works thereon nor shall they convey or authorise or permit to be conveyed any brine in any pipe trough sough or like work in upon over or under any part of the said lands.

A.D. 1893.

29. The powers of the Company 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.

30. And whereas the Company have purchased certain lands in the parish of Wolverton in the county of Buckingham delineated on the deposited plans and described in the deposited books of reference and lying on the south side of and adjoining Stratford Road Wolverton and between that road and the south-western end of Green Lane Therefore the said purchase is hereby confirmed and notwithstanding anything contained in the Lands Clauses Acts the Company may from time to time sell lease or dispose of all or any part of the lands in the parish of Wolverton in the county of Buckingham which they are by this Act authorised to acquire to such persons and for such purposes for the use occupation benefit or welfare of the employés of the Company and upon such terms and conditions as they may think fit.

Power to sell lands at Wolverton.

31. The Company may in constructing the bridle road and footpaths and other works by this Act authorised deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of any of the said works shown on the deposited sections to any extent not exceeding three feet.

Power to deviate in construction of new road &c.

32. The Company shall not stop up any road or footpath by this Act authorised to be stopped up until they shall have completed to the satisfaction of two justices and opened to the public the diversion of such road or footpath or the new road or footpath (if any) as the case may be by this Act authorised to be made in lieu of the road or footpath so to be stopped up Provided that the Company shall before applying to such justices for their certificate that such road or footpath is completed to their satisfaction give seven days' notice in writing of their intention to apply for the same to the road authority of the district in which such road or footpath is situate :

Roads not to be stopped up till substituted roads completed.

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

A.D. 1893. — 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.

Provisions as to repair of new roads &c.

33. The bridle road and footpaths to be made under the authority of this Act (except the stone iron or other structure carrying the bridle road over the railway which structure shall unless otherwise agreed be repaired and maintained by and at the expense of the Company) shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads streets and footpaths within the townships or parishes in which such bridle road and footpaths will be situate are from time to time liable to be repaired or maintained:

Provided always that nothing in this section shall relieve the Company from any obligation to repair and maintain any road or footpath or any part thereof made or deviated for the purposes of the new railways and deviations alterations and widening of railways by this Act authorised which they would be bound to repair and maintain under the provisions of the Railways Clauses Consolidation Act 1845.

Extinguishment of rights of way.

34. All rights of way over or along the several roads footpaths courts passages thoroughfares or highways or portions thereof which shall under the provisions of the section of this Act the marginal note of which is "Power to Company to make new footpaths and other works" be diverted stopped up and discontinued and over any of the lands which shall be purchased or acquired under the compulsory powers of this Act shall be and the same are as from the diversion stopping up purchase or acquisition thereof respectively by this Act extinguished.

Vesting in Company of site and soil of portions of roads &c. stopped up.

35. The site and soil of the several roads footpaths courts passages thoroughfares or highways or portions thereof by this Act authorised to be diverted stopped up and discontinued and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company for the purposes of their undertaking subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

36. Subject to the provisions of this Act the Company and the Great Western Company or either of them with the consent of the other may from time to time enter upon take use and appropriate for the purpose of extending the station siding warehouse coal wharf depôt mineral goods and other accommodation of the said companies and for other purposes connected with their joint undertakings the lands herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):—

In the county of Chester—

Certain lands in the township and parish of Frodsham lying on the south-east side of and adjoining the Birkenhead Railway at the south-west end of the viaduct carrying that railway over the River Weaver: (Lands at Frodsham.)

Certain lands in the township and extra-parochial chapelry of Birkenhead lying on the west side of and adjoining the Birkenhead Railway and between Bridge Street and Cleveland Street: (Lands at Birkenhead.)

In the county of Carmarthen—

Certain lands in the parish of Llanwrda lying on the north-west side of and adjoining the Vale of Towy Railway at Llanwrda Station. (Lands at Llanwrda.)

37. The powers of the Company and the Great Western Company 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 by Company and Great Western Company.

38. The Company and the Great Western Company may enter into and carry into effect agreements with respect to the purchase holding and user of the lands which by this Act they are authorised to acquire and with respect to the payment and contribution to be made by each of them towards the costs charges and expenses incurred in respect thereof. Power to Company and Great Western Company to make agreements.

39. Subject to the provisions of this Act the Shropshire Union Company may enter upon take use and appropriate to the purposes of their undertaking the lands herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):— Power to Shropshire Union Company to acquire lands.

Certain lands in the parish of Stoke-upon-Trent in the county of Stafford lying between and adjoining the Trent and Mersey Canal and Copeland Street and on the south-east side of and adjoining the Newcastle-under-Lyme Branch of the said canal: (Lands at Stoke.)

A.D. 1893.

Certain other lands in the same parish lying on both sides of and adjoining the North Staffordshire Railway and between the road which passes under the said railway at the north-west end of Stoke Station and the bridge which carries the said railway over the Trent and Mersey Canal four hundred yards or thereabouts north-west of the said road.

Period for compulsory purchase of lands by Shropshire Union Company.

40. The powers of the Shropshire Union Company 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.

Power to Portpatrick Joint Committee to execute works at Stranraer.

41. Subject to the provisions of this Act the Portpatrick Joint Committee may in the lines shown on the deposited plans and according to the levels shown on the deposited sections relating thereto make execute and maintain the following works and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for the purposes thereof or in connection therewith (that is to say) :—

They may in the parishes of Inch and Stranraer in the county of Wigtown and in or on the bed or soil of Loch Ryan ex adverso the said parishes or one of them widen extend and enlarge so much of the East Pier at Stranraer as extends seaward from a point thereon five hundred and forty yards or thereabouts measured in a north-westerly direction from the bridge carrying the public road along the shore of Loch Ryan over the Portpatrick Railway near the south-eastern end of the said pier and may dredge deepen and improve the bed or soil of Loch Ryan aforesaid adjoining the said pier and within a distance of two hundred and fifty yards therefrom and in connection therewith may alter and extend the existing railway on the said pier and lay additional rails thereon and may make and execute all proper and necessary roads approaches landing places works and conveniences in connection therewith.

Widening &c. to be part of existing pier.

42. Subject to the provisions of this Act the widening extension and enlargement of the said pier and the works connected therewith shall for all purposes including the demanding levying and recovery of tolls rates dues and charges be part of the East Pier at Stranraer referred to in the Portpatrick Railway Act 1877.

Period for compulsory purchase of lands by Portpatrick Joint Committee.

43. The powers of the Portpatrick Joint Committee 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.

44. The agreement between the Portpatrick Joint Committee and the four companies and the Town Council of the Royal Burgh of Stranraer as set forth in the first schedule to this Act is hereby confirmed and made binding upon the parties thereto and all the provisions of the Portpatrick Railway Act 1877 which are inconsistent with the provisions of the said agreement are hereby repealed.

A.D. 1893.

Confirming
scheduled
agreement.

45. 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 Company or to the Company and the Great Western Company or to the Shropshire Union Company or to the Portpatrick Joint Committee as the case may be any easement servitude right or privilege (not being an easement or servitude 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.

46. The Portpatrick Joint Committee 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 Committee 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 Committee and the amount of such costs and charges shall be a debt due from the Committee to the Crown and shall be recoverable accordingly with costs.

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

47. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Portpatrick Joint Committee on in or over through or across tidal lands or tidal water or of the intended site

Survey of
works by
Board of
Trade.

A.D. 1893. of any such work the Committee shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Committee to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Committee.

Abatement
of work
abandoned
or decayed.

48. If a work constructed by the Portpatrick Joint Committee under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Committee and the amount of such expense shall be a debt due from the Committee to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Committee.

Lights on
works.

49. The Portpatrick Joint Committee shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve :

If the Committee fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Joint
Committee
to exhibit
lights.

50. The Portpatrick Joint Committee shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Northern Lighthouses shall from time to time direct :

If the Committee fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Provisions
against
danger to
navigation.

51. In case of injury to or destruction or decay of the pier or works or any part thereof the Portpatrick Joint Committee shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Committee shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

52. Whereas John Alexander Agnew Wallace of Lochryan is or is reputed to be heritably vested under rights derived from the Crown in the sole privilege of all oyster scalps in the Loch of Lochryan Therefore the Joint Committee shall in dredging deepening and improving the bed or soil of Lochryan aforesaid carry on their operations in such way and manner as to cause the least possible injury to the oyster beds in the said loch and none of the material dredged shall be allowed to return to the loch but all such material shall either be carried ashore and deposited above high-water mark or shall be carried outside of the said loch and precipitated into the open sea at a sufficient distance from the loch to prevent such material from returning to the loch Provided that nothing herein contained shall in any way prejudice or affect any claim which may arise to the said John Alexander Agnew Wallace in consequence of the operations of the Joint Committee.

A.D. 1893.

For the
protection
of John
Alexander
Agnew
Wallace of
Lochryan.

53.—(1) None of the Companies who are by this Act authorised to acquire lands by compulsion or agreement shall under the powers of this Act purchase or acquire in any parish in the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or in any other city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more 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—

Restrictions
on displacing
persons of
labouring
class.

(A) Shall have obtained the approval of the central authority as herein-after defined 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 central authority shall after inquiry deem necessary having regard to the number of persons on or after that date 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 central authority for the carrying out of the scheme.

(2) The approval of the central authority to any scheme under this section may be given either absolutely or conditionally and after the central authority have approved of any such scheme they

A.D. 1893. 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 central authority 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 central authority 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 central authority out of the High Court.

(5) If any of the said 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 penalty shall be recoverable by the central authority 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 any 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 any 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) Any of the said 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 any of the said 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 central authority 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) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolitan Management Act 1855 and any Act or Acts amending those respective Acts.

(9) 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 railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by any of the said Companies for the purpose of any scheme under this section.

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

(11) The Company shall pay to the Secretary of State for the Home Department any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

A.D. 1893.

(12) 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.

(13) 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 any of the said Companies and for which houses no substitutes have been or are directed to be provided by any scheme approved by the central authority 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 central authority 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 central authority they might have been sufficient to accommodate.

(14) The Portpatrick Joint Committee shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the central authority ten or more houses which were not so occupied on the said fifteenth day of December but have been subsequently so occupied.

(15) For the purposes of this section the expression "labouring class" includes mechanics artisans 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. And the expression "central authority" means as regards the metropolis the Secretary of State for the Home Department as regards Scotland the Secretary for Scotland and as

regards England and Wales exclusive of the metropolis the Local Government Board. A.D. 1893:

54. The time limited by the London and North Western Railway Act 1888 for the construction and completion of the Standedge New Tunnel by that Act authorised is hereby extended for a period of three years from the seventh day of August one thousand eight hundred and ninety-three and sections thirteen and fourteen of that Act so far as the same relate to or affect the said tunnel shall be read and construed accordingly except that no part of any penalty to be incurred in respect of the said tunnel under those sections shall be forfeited to Her Majesty but all sums of money to be recovered by way of penalty under the said sections shall (subject to the application thereof in payment of compensation or for the benefit of creditors as provided by the said section fourteen) be repaid to the Company :

Extension of time for construction of Standedge New Tunnel.

If the said Standedge New Tunnel be not completed within the said period of three years then on the expiration of that period the powers by the said Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

55. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold sell and dispose of any superfluous lands connected with the railways or situate in the parish respectively described or mentioned in the Second Schedule to this Act are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act.

Extending time for sale of certain superfluous lands of Company.

56. Notwithstanding anything contained in the Lands Clauses Acts the Company may sell and dispose of or otherwise deal with for the purposes of their undertaking in such manner as they may think fit any lands which have been acquired by them for the purposes of the Llanelly Station Railway authorised by the London and North Western Railway (New Lines and Additional Powers) Act 1876 and authorised to be abandoned by the London and North Western Railway Act 1890.

Power to sell lands acquired for Llanelly Station Railway.

57. From and after the passing of this Act the name of the Joint Committee of the Company and the Midland Company

Change of name of Ashby and

A.D. 1893. constituted under the London and North Western Railway (Ashby and Nuneaton Lines) Act 1867 shall be "the London and North Western and Midland Joint Committee" instead of their present name of "the Ashby and Nuneaton Railway Joint Committee" The said Committee are herein-after in this Act referred to as "the said Joint Committee."

Nuneaton
Railway
Joint Com-
mittee.

Delegation
of powers
to Joint
Committee.

58. The Company as regards the New Street Station at Birmingham and the southern approaches thereto including all or such part as may be agreed between the Company and the Midland Company of the works at Birmingham defined in and authorised by the London and North Western Railway (New Railways) Act 1892 (all of which are herein-after in this Act included in the expression "the New Street Station") and the Midland Company as regards the Enderby Branch may respectively from time to time delegate to the said Joint Committee the supervision and control of all or any part of the said works at Birmingham and the Enderby Branch respectively and the maintenance management and use of the New Street Station and the Enderby Branch subject as regards the New Street Station to the provisions of the said Act and of the memorandum of agreement set forth in the Second Schedule thereto and as regards both the New Street Station and the Enderby Branch subject to such terms and conditions as may be from time to time agreed upon between the Company and the Midland Company.

Joint user of
New Street
Station.

59. From and after the passing of this Act the New Street Station shall subject to the provisions of the London and North Western Railway (New Railways) Act 1892 continue to be vested in the Company solely but the Midland Company shall have the right of user thereof upon the terms upon which they have heretofore been entitled to the right of user of the existing station and the approaches thereto under the several agreements relating thereto or upon such other terms as may be from time to time agreed between the said Companies.

Power to
Shropshire
Union
Company to
supply gas
at Ellesmere
Port.

60. The Shropshire Union Company may from time to time supply at and near Ellesmere Port gas not required for their own purposes to any local board or sanitary authority and to any company or person and may recover the rents or sums of money from time to time payable in respect of any such supply Provided always that the Company shall not by virtue of the powers hereby conferred upon them be deemed to be a company empowered by Act of Parliament to supply gas within the meaning of section three of the Gas and Water Works Facilities Act 1870.

A.D. 1893.

As to sub-
scription to
Stranraer
and Larne
steam
vessels.

Conversion
of debenture
stocks.

61. The Company may contribute for the purposes of any steamboats provided under the Portpatrick Railway (Steamboats) Act 1864 for the purpose of carrying on communication between Stranraer and Larne any sums not exceeding in the whole thirty thousand pounds.

62. As from the fifteenth day of July one thousand eight hundred and ninety-three the four per centum debenture stock of the Company shall by the authority of this Act be converted into three per centum debenture stock of the Company :

On or before the first day of October one thousand eight hundred and ninety-three the Company shall create and register in the name of each holder of their said four per centum debenture stock such a nominal amount of three per centum debenture stock as will yield an amount of interest or dividend thereon equal to the amount of interest or dividend yielded by the said existing four per centum debenture stock in lieu of which the three per centum debenture stock is so issued and they may create and issue London and North Western Railway three per centum debenture stock accordingly :

After the said first day of October one thousand eight hundred and ninety-three the Company shall issue to every holder of their four per centum debenture stock free of charge for so doing a certificate for and representing such an amount of three per centum debenture stock as such holder is entitled to under the foregoing provision :

Provided always that until the issue of such new certificates the existing certificates of four per centum debenture stock and the holders thereof shall bear and possess the same rights and advantages as they would have had and possessed if this Act had not passed But when such new certificates are issued the existing certificates shall be deemed to be cancelled :

Provided also that the Company shall not be required to issue any new certificate unless and until the existing certificate in substitution for which it is issued is given up to be cancelled or is proved to the satisfaction of the Company to have been lost or destroyed :

Provided further that notwithstanding anything in this section contained no holder of four per centum debenture stock shall become entitled under this Act to any fractional part of a pound of three per centum debenture stock but in every case in which any such holder would but for this enactment have become entitled to a fractional part of a pound of three per centum debenture stock the Company may at their option pay to such holder such a sum in

A.D. 1893.

cash as shall be equal to the market value of such fractional part or receive from such holder such a sum in cash as will make up the amount of stock to be issued to him to an integral number of pounds :

All three per centum debenture stock issued to holders of four per centum debenture stock under the powers of this section shall be held subject to the same trusts and obligations as those upon or to which the stock in respect of which such three per centum debenture stock is issued was immediately before the date of conversion held or subject and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting any such four per centum debenture stock and every deed or other instrument or testamentary disposition of or affecting such stock shall take effect with reference to the whole or a proportionate part of the stock so substituted therefor as the case may be.

Trustees &c.
may accept
new stock.

63. Trustees executors and administrators may accept any three per centum debenture stock created and issued under the authority of this Act in substitution for any debenture stock converted under the authority of this Act and may hold dispose of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the stock for which such three per centum debenture stock was substituted.

Power to
Company
to raise
additional
money by
creation of
shares or
stock.

64. The 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 the Company) by the creation and issue of shares or stock such capital as they shall think necessary not exceeding six 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 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.

Shares of
Company not
to be issued
until one-
fifth part
thereof shall
have been
paid up.

65. The 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.

Except as
otherwise
provided
new capital

66. The capital created by the 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 Company and those shares and that stock were shares and stock in that ordinary capital.

A.D. 1893.
—
of Company
to be subject
to same
incidents as
ordinary
capital.

67. Every person who becomes entitled to any shares or stock created by the Company under this Act shall in respect of the same be a holder of shares or stock in the 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.

Dividends
on new
shares or
stock of the
Company.

68. The holders of the shares or stock created by the 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 the Company as prescribed by the London and North Western Railway (Consolidation) Act 1846 as amended by subsequent Acts :

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

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 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.

69. Subject to the provisions of any Act already passed by which the 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 Company may be authorised to raise capital by new shares or stock the 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.

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

70. The Company may in respect of the additional capital of six 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 two hundred thousand pounds

Power to
Company
to borrow.

A.D. 1893.

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 any 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 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 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 :

Upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

71. Every provision in any Act passed before the present Session of Parliament whereby the 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 the 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 :

The mortgagees of the 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.

A.D. 1893.

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

Company
may create
debenture
stock.

73. All mortgages or bonds granted or to be granted by the Company under the authority of any former Act relating to the 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 Company by virtue of this Act:

Existing
mortgages
of Company
to have
priority.

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

74. All moneys raised by the 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.

Application
of moneys
by the
Company.

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

Receipt to
Company in
case of
persons not
sui juris.

76. The 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 the 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
Company
to apply
corporate
funds to
purposes
of Act.

A.D. 1893.

Great
Western and
Shropshire
Union Com-
panies may
apply cor-
porate funds.

77. The Great Western Company and the Shropshire Union Company respectively may from time to time apply for or towards all or any of the purposes of this Act in which they are interested to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Expenses of
Portpatrick
Committee
and applica-
tion of funds
by four
companies.

78. All expenses incurred by the Portpatrick Joint Committee in carrying out the works by this Act authorised to be executed by them shall subject to and in accordance with the provisions of the Portpatrick and Wigtownshire Railways (Sale and Transfer) Act 1885 be borne and defrayed by the four companies in equal shares and the four companies respectively may from time to time apply to the purposes aforesaid any moneys belonging to them respectively and any moneys from time to time raised or authorised to be raised by them respectively and which are not by any of the Acts relating to the four companies made applicable to any special purpose or which being so made applicable are not required for the special purpose.

Interest not
to be paid
on calls
paid up.

79. No interest or dividend shall be paid out of any share or loan capital which the 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 Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

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

Saving rights
of the Crown
in the
foreshore.

81. Nothing contained in this Act shall authorise the Company or the Portpatrick Joint Committee 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.

82. Nothing contained in this Act shall extend or operate to authorise the taking using or entering upon or in any manner interfering with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or the taking away prejudicing or diminishing any estate right privilege power or authority vested in or enjoyed or exerciseable by Her Majesty Her heirs or successors in right of Her said duchy. Saving rights
of the Duchy
of Lancaster.

83. Nothing in this Act shall be deemed to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster-General and the Company made in pursuance thereof any large number of telegraphic messages of the Company free of charge than he would have been bound to transmit had this Act not become law. Saving rights
of Post-
master-
General.

84. Nothing in this Act contained shall exempt the Company or the Great Western Company or the Shropshire Union Company or the Portpatrick Joint Committee 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 the said Companies and Committee. Provision as
to general
Railway
Acts.

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

A.D. 1893.

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

MINUTE OF AGREEMENT between the Portpatrick and Wigtownshire Joint Committee (herein-after called "the Joint Committee") and the London and North Western Railway Company the Midland Railway Company the Caledonian Railway Company and the Glasgow and South Western Railway Company (herein-after called "the four companies") of the first part and the Magistrates and Town Council of the Royal Burgh of Stranraer (herein-after called "the town council") of the second part.

WHEREAS by the Portpatrick Railway Act 1877 (herein-after called "the Act of 1877") the pier on the east side of the harbour of Stranraer and the rails laid thereon and all works lands and property connected therewith (herein-after called "the East Pier") and all property rights and privileges and interests therein or connected therewith which immediately before the passing of said Act were vested in the town council as such or as commissioners of the harbour of Stranraer or as to which the town council were in anywise entitled in connection with the East Pier were subject to the provisions of the said Act transferred to and vested in the Portpatrick Railway Company to the same extent and for the same estate and interest in all respects as the same were previously to the passing of the said Act held by or vested in the town council and became part of the undertaking of the Portpatrick Railway Company which undertaking was by the Portpatrick and Wigtownshire Railways (Sale and Transfer) Act 1885 sold and transferred to and vested in the four companies jointly for their joint and equal use and benefit And whereas by the Act of 1877 the Portpatrick Railway Company were empowered to levy on and in respect of all steam vessels arriving at or departing from the East Pier and sailing between Stranraer and Larne or any other port or harbour in Ireland and carrying any passengers animals or goods which had been conveyed or were intended to be conveyed on the Portpatrick Railway or any part thereof and on and in respect of all animals and goods shipped unshipped or transhipped at the East Pier and having been conveyed or being intended to be conveyed on the Portpatrick Railway or any part thereof and for and in respect of the use of cranes weighing machines and sheds at the East Pier for such goods any rates not exceeding the rates specified in the schedule to said Act and they were also empowered to levy at the East Pier any petty customs which

A.D. 1893.

might be exigible for the time on animals and goods landed or shipped at the East Pier and having been conveyed or being intended to be conveyed on the Portpatrick Railway or any part thereof And whereas a Bill is proposed to be introduced by the London and North Western Railway Company in the ensuing Session of Parliament for an Act inter alia to empower the joint committee and the four companies to widen extend and enlarge the East Pier and to make other provisions in relation thereto And whereas by the Act of 1877 certain rights and powers in the management and control of the East Pier and the levying and collection of rates thereon were reserved to the town council And whereas the parties for the purpose of arranging their respective rights have met and agreed as follows Therefore the parties have agreed and do hereby agree as follows viz. :—

First.—Whereas by section ten of the Act of 1877 it is provided that the Portpatrick Railway Company should from and after the passing of that Act and for ever thereafter pay to the town council an annuity of five hundred pounds and that at two terms in the year Whit Sunday and Martinmas by equal portions with interest during the non-payment thereof at the rate of five per centum per annum nothing herein contained shall in any way prejudice affect or diminish the rights of the town council thereunder and the joint committee and the four companies shall continue to pay to the town council the said annuity of five hundred pounds payable to them as provided in said Act and in the Portpatrick and Wigtownshire (Sale and Transfer) Act 1885.

Second.—Whereas by section sixteen of the Act of 1877 there is reserved the right of the town council under the Burgh Harbours (Scotland) Act 1853 to levy rates on and in respect of vessels arriving at or departing from the East Pier other than and except steam vessels arriving at or departing from the East Pier and sailing between Stranraer and Larne or any other port or harbour in Ireland and carrying passengers animals or goods which have been conveyed or are intended to be conveyed on the Portpatrick Railway or any part thereof and on and in respect of animals and goods shipped in or landed from such first-mentioned vessels or shipped in or landed from the said steam vessels and not having been conveyed and not being intended to be conveyed on the Portpatrick Railway or any part thereof And by the said Act it is further provided that the harbour master and other officers and servants appointed by the town council shall have free access to and over the East Pier for the purpose of collecting the said rates and nothing in said Act contained should take away or limit the right theretofore possessed by the town council or its officers to levy dues and customs which may be exigible by them at the East Pier and also that the harbour master appointed by the town council shall have power to berth and remove all vessels arriving at or departing from the East Pier except the said steam vessels provided that such vessels shall not interfere with or obstruct the said steam vessels in arriving or lying at or departing from the East Pier And the harbour master and other officers and servants appointed by the town council shall have free access to and over the East Pier for the purpose of berthing removing or entering all vessels except the said steam vessels The town council abandon renounce and discharge the rights so reserved to them to levy rates on and in respect of vessels animals and goods

A.D. 1893.

and the rights and powers conferred on their harbour master and other officers and servants appointed by them and the joint committee and the four companies shall have the sole and exclusive right and power of levying rates on and in respect of all vessels of whatever kind arriving at or departing from the East Pier and on and in respect of all animals and goods shipped unshipped or transhipped at the East Pier and for and in respect of the use of cranes weighing machines and sheds at the East Pier for such goods and also all petty customs which may be exigible for the time on all such animals and goods and the joint committee and the four companies shall also have the sole and exclusive management of the East Pier and the harbour master appointed by them shall have the sole and exclusive power of berthing and removing all vessels arriving at or departing from the East Pier.

Third.—The joint committee and the four companies shall pay to the town council the sum of one hundred pounds sterling per annum and that at two terms in the year Whit Sunday and Martinmas by equal portions with interest during the non-payment thereof at the rate of five per centum per annum and the first payment of a proportionate part of the said sum from the date of the passing of the Act to the term of Martinmas eighteen hundred and ninety-three shall be made at the said term of Martinmas and the first half-yearly payment of said sum shall be made at the term of Whit Sunday eighteen hundred and ninety-four for the half-year preceding and so on thereafter.

Fourth.—In the event of the rates dues and petty customs levied by the joint committee and the four companies in any year ending Whit Sunday on and in respect of vessels animals and goods which but for this agreement would have been levied by the town council as herein-before recited exceeding the sum of one hundred pounds one moiety of the excess of such rates dues and petty customs shall be paid by the joint committee and the four companies to the town council at the term of Whit Sunday in each year with interest at the rate foresaid from said term during the non-payment commencing the first payment at the term of Whit Sunday eighteen hundred and ninety-four for the period preceding that term and the next payment at the term of Whit Sunday eighteen hundred and ninety-five for the year preceding and so on thereafter For the purpose of ascertaining the amount of such surplus the joint committee and the four companies shall cause to be kept regular accounts of all receipts of the said rates dues and petty customs collected by them and shall permit the town clerk or any other party duly authorised by the town council to have free access to and to inspect such accounts relating to such rates dues and customs at all reasonable times.

Fifth.—The joint committee and the four companies shall not without the consent of the town council alter the scale of rates and dues leviable on and in respect of vessels goods and animals which but for this agreement would have been leviable by the town council as herein-before recited And the town council shall not without the consent of the joint committee and the four companies alter the scale of rates and dues leviable at the other parts of the harbour of Stranraer herein-after called the West Harbour and on and in respect of vessels arriving at or departing therefrom and on and in respect of animals and goods shipped unshipped or transhipped thereat.

Sixth.—The joint committee and the four companies so far as they lawfully may shall not allow or permit the use of the East Pier by vessels of any description conveying passengers or goods not arriving by or destined for the railway provided said vessels can obtain sufficient harbour accommodation at the West Harbour for the due loading or discharging of such passengers or goods. In the event of any vessel not having sufficient water to enter the West Harbour it will be entitled to harbour accommodation at the East Pier for the purposes of partial discharge prior to final discharge at the West Harbour. And in the event of any vessel not having sufficient water at the West Harbour to complete the loading at a stated hour it will be entitled to the like accommodation at the East Pier. Provided that in the opinion of the harbour master appointed by the joint committee or the four companies under section fifteen of the Act of 1877 there shall be sufficient accommodation at the East Pier for such vessels without causing any delay interruption or inconvenience to the steam vessels belonging to or running in connection with the railways of the joint committee and the four companies or to the receipt or despatch of the traffic to or from said steam vessels. The dues on vessels carrying traffic not arriving by or destined for the railway and using both piers shall be divided equally one moiety to the joint committee and the four companies and the other moiety to the town council so that said vessels shall not pay double dues. The joint committee and the four companies shall not divert or disturb the traffic at said West Harbour nor compete for said traffic in any way directly or indirectly and all questions as to what may constitute competition for or diversion of such traffic shall be settled by the sheriff of Dumfries and Galloway or his substitute on a summary application by the town council and the said sheriff shall have power to order the joint committee and the four companies to repay or refund to the town council all dues collected by them from the traffic so found to have been diverted.

Seventh.—Whereas by section forty-three of the Act of 1877 it is provided that the town council and the community of Stranraer shall have right of road in common with the Portpatrick Railway Company and all companies and persons lawfully working or using their railway or any part thereof along the railway embankment to the East Pier in manner therein provided. And whereas the exercise of such right of road by the town council and community interferes with the working and use of the said railway and the management of the traffic at and in connection with the East Pier and it is proposed that such right of road should be discontinued the town council for themselves and so far as they lawfully may for the community agree to renounce and abandon said right of road and to the repeal of the said recited section of the Act of 1877.

Eighth.—The joint committee and the four companies shall pay the expenses of promoting and carrying through the said Act confirming this Agreement and carrying its provisions into effect including the expenses which may be incurred by the town council with reference to the adjustment of this agreement and clauses of the said Act.

Ninth.—All necessary clauses in the said Act for the purpose of carrying out the provisions of this Agreement shall be adjusted by the parties and in the event of any difference arising between the parties regarding the adjustment of

A.D. 1893.

said clauses or in relation thereto such difference shall be submitted and referred to Charles Alfred Cripps Esquire Q.C.

Tenth.—This Agreement shall take effect as from the date of the said Act confirming the same receiving the Royal Assent and shall continue in perpetuity.

Eleventh.—This Agreement is made subject to such alterations as Parliament may think fit to make therein and shall be scheduled to and confirmed by the said Act and is conditional on the passing of the said Act confirming the same Should any alteration be made in this Agreement by Parliament which in the opinion of Charles Alfred Cripps Esquire Q.C. is material upon a reference to him by the parties either of the parties may withdraw therefrom The town council shall by every means in their power support the Bill confirming this Agreement and carrying its provisions into effect.

In witness whereof these presents written on this and the six preceding pages of stamped paper by William James Clarke clerk to the said Caledonian Railway Company in their solicitor's office in Glasgow are executed in duplicate as follows (videlicet) They are subscribed by John Gibb and David Logan two and a quorum of the magistrates and by William Black town clerk all of and as representing the said Magistrates and Town Council of the Royal Burgh of Stranraer and sealed with the common seal of that burgh all at Stranraer on the sixteenth day of December eighteen hundred and ninety-two before these witnesses John Bradford and Adam Kerr Torbett both clerks to the said William Black They are subscribed by Oscar Leslie Stephen and John Pares Bickersteth two of the directors and by Thomas Houghton secretary all of the said London and North Western Railway Company for and on behalf of that Company and sealed with the common seal of said Company all at London on the thirteenth day of April eighteen hundred and ninety-three before these witnesses Walter Robert Haywood railway official twenty-four King Henry's Road London and Joseph Griffiths Bellamy railway clerk six Seneca Road Thornton Heath London They are subscribed by George Ernest Paget and Robert Andrew Allison two of the directors and by James Williams secretary all of the said Midland Railway Company for and on behalf of that Company and sealed with the common seal of said Company all at Derby on the eighteenth day of May and year last mentioned before these witnesses Arthur Geach Beale solicitor of twenty-eight Great George Street Westminster and William Nelson Cleave solicitor's clerk of twenty-eight Great George Street aforesaid They are subscribed by David Guthrie and James Finlayson two of the directors and by Frank Heys Gillies secretary all of the said Glasgow and South Western Railway Company for and on behalf of that Company and sealed with the common seal of said Company all at Glasgow on the twenty-third day of the month and year last-mentioned before these witnesses John McKerrow Hair and James Currie Marshall both clerks to the said Glasgow and South Western Railway Company in their head office in Glasgow They are subscribed by Hugh Brown and John Cowan two of the directors and by John Blackburn secretary all of the said Caledonian Railway Company for and on behalf of that Company and sealed with the common seal of said Company all at Glasgow on the twenty-sixth day of the month and year last mentioned before these

witnesses John Johnstone Haining and John Tully Clarke both clerks to the said Caledonian Railway Company in their secretary's office in Glasgow And they are subscribed by Benjamin Nicholson and Miles MacInnes two of the directors and by John Thomson secretary all of the said Portpatrick and Wigtownshire Joint Committee for and on behalf of that Committee and sealed with the common seal of said Committee as follows (videlicet) They are subscribed by the said Benjamin Nicholson and John Thomson and sealed with said common seal all at Carlisle on the thirty-first day of the said month and year last mentioned before these witnesses Robert McIntyre Thomson railway clerk and John Jardine accountant both of Carlisle and by the said Miles MacInnes at London on the second day of June and year last mentioned before these witnesses the said Walter Robert Haywood and William Howard railway official five Serpentine Road Park Village East London declaring that this testing clause from and after the words "In witness whereof" is written by John Liddell apprentice to Henry Bremner Neave writer Glasgow.

A.D. 1893.

JOHN BRADFORD

Witness.

ADAM KERR TORBETT

Witness.

W. R. HAYWOOD

Witness Euston.

JOS. G. BELLAMY

Witness.

ARTHUR G. BEALE

Witness.

W. N. CLEAVE Witness.

J. M. HAIR Witness.

JAS. C. MARSHALL

Witness.

JOHN GIBB Magistrate.

DAVID LOGAN

Magistrate.

WM. BLACK

Town Clerk.

O. L. STEPHEN.

J. P. BICKERSTETH.

T. HOUGHTON.

G. E. PAGET.


R. A. ALLISON.

J. WILLIAMS.


DAVID GUTHRIE.

JAS. FINLAYSON.

F. H. GILLIES.


 Seal of
the Burgh of
Stranraer.


 Seal of the
London and
North Western
Railway
Company.


 Seal of the
Midland Railway
Company.


 Seal of the
Glasgow and
South Western
Railway
Company

A.D. 1893.

J. J. HAINING Witness.

HUGH BROWN Dr.

JOHN COWAN Dr.

J. TULLY CLARKE

Witness.

J. BLACKBURN
Secretary.

ROBERT M. THOMSON

Witness.

BEN. NICHOLSON.


JOHN JARDINE Witness.


MILES MACINNES.

W. R. HAYWOOD Witness.

JOHN THOMSON
Secretary.

W. HOWARD Witness.


 Seal of the
Caledonian
Railway
Company.


 Seal of the
Portpatrick and
Wigtownshire
Joint
Committee.

SECOND SCHEDULE.

SUPERFLUOUS LANDS.
RAILWAYS.

Birmingham Wolverhampton and Stour Valley.

Edge Hill and Bootle and Bootle Extension.

Grand Junction Railway.

London and Birmingham.

Northampton and Peterborough.

South Staffordshire Railway.

Denton and Saddleworth Railway.

PARISH.

Parish of All Saints Poplar county of Middlesex.

 Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

 And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.