



CHAPTER cxi.

An Act to confer further powers upon the Liverpool St. Helens and South Lancashire Railway Company and for other purposes. A.D. 1897.
[15th July 1897.]

WHEREAS it is expedient that the Liverpool St. Helens and South Lancashire Railway Company (herein-after called "the Company") should be authorised to construct subject to the limitations and restrictions herein-after contained the railways and works herein-after described :

And whereas by the St. Helens and Wigan Junction Railway Act 1885 (herein-after called "the Act of 1885") the Company were authorised to make and maintain the railway in that Act described and to create and issue capital by stocks and shares to the amount of two hundred and ten thousand pounds and to borrow seventy thousand pounds :

And whereas by the St. Helens and Wigan Junction Railway Act 1886 (herein-after called "the Act of 1886") the Company were authorised to make and maintain certain additional railways and to create and issue further capital by stocks and shares to the amount of three hundred and forty thousand pounds and to borrow one hundred and thirteen thousand pounds :

And whereas under the powers of the Acts of 1885 and 1886 the Company have created and issued shares to the amount in all of two hundred and eighty thousand pounds as follows :—

	£
By ordinary shares	140,000
By 4 per cent. guaranteed shares	100,000
By 4 per cent. preference shares	40,000
In all	<u>£280,000</u>

And whereas under the powers of the Act of 1885 the Company have raised by debenture stock the sum of seventy thousand pounds bearing interest at the rate of four pounds per centum per annum

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A.D. 1897. but no money has been raised by borrowing under the powers of the Act of 1886 :

And whereas by the St. Helens and Wigan Junction Railway Act 1889 (herein-after called "the Act of 1889") it was provided that thenceforth the name of the Company should be the Liverpool St. Helens and South Lancashire Railway Company :

And whereas by the Manchester Sheffield and Lincolnshire and Liverpool St. Helens and South Lancashire Railway Companies Act 1894 the Company were authorised to raise and they have raised by the issue of debenture stock the further sum of fifty thousand pounds bearing interest at the rate of four pounds per centum per annum :

And whereas by the Act of 1889 the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Sheffield Company") were authorised to subscribe towards the undertaking of the Company a sum not exceeding one hundred thousand pounds and by the Manchester Sheffield and Lincolnshire Railway (Various Powers) Act 1891 the Sheffield Company were authorised to subscribe a further sum not exceeding twenty thousand pounds :

And whereas by virtue of the powers so granted to them the Sheffield Company have subscribed the said sums of one hundred thousand and twenty thousand pounds and they now hold guaranteed shares in respect of the said sum of one hundred thousand pounds and preference shares in respect of the said sum of twenty thousand pounds :

And whereas in the construction of the railways the Company have expended and contracted liabilities greatly in excess of the entire sum of four hundred thousand pounds so raised by means of shares and debenture stock as aforesaid and they are unable to raise any further capital under the Act of 1886 by the issue of the stocks and shares thereby authorised to enable them to pay off their existing liabilities to complete the railways now in course of construction and to construct the railways hereby authorised which are essential for the development and efficient working of the undertaking of the Company :

And whereas if the Company were authorised to raise by debenture stock the sum of one hundred and fifty thousand pounds they would be enabled to carry out and complete the undertaking authorised by the Acts of 1885 and 1886 and by this Act and to pay off and discharge the debts and liabilities already incurred by them for the purposes of their undertaking :

And whereas the Company have issued guaranteed and preference stocks to the amount of one hundred and forty thousand pounds

and the Sheffield Company are holders of those stocks to the amount of one hundred and twenty thousand pounds: A.D. 1897.

And whereas it is expedient that the Company should be authorised to abandon a portion of the railway authorised by the Act of 1885 situate between its commencement and the junction with Railway No. 4 authorised by the Act of 1886 and the whole of the Railway No. 3 authorised by the Act of 1886:

And whereas the cost of the works by this Act authorised will be less than the cost of the works by this Act authorised to be abandoned:

And whereas it is expedient that the time limited by the Manchester Sheffield and Lincolnshire Railway Act 1895 for the compulsory purchase of lands for and for the completion of the Railways Nos. 2 and 4 authorised by the Act of 1886 should be extended:

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Lancaster and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

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

1. This Act may be cited as the Liverpool St. Helens and South Lancashire Railway Act 1897. Short title.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part I. (relating to the construction of a railway) Part II. (relating to extension of time) of the Railways Clauses Act 1863 and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by any subsequent Acts are except where expressly varied by this Act incorporated with and form part of this Act. Incorporation of Acts.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be Interpretation.

A.D. 1897. something in the subject or context repugnant to such construction
And in this Act the expression—

“The Company” means the Liverpool St. Helens and South
Lancashire Railway Company;

“The railway” “the railways” means the railways and works
by this Act authorised;

“The Act of 1885” means the St. Helens and Wigan Junction
Railway Act 1885;

“The Act of 1886” means the St. Helens and Wigan Junction
Railway Act 1886;

“The Act of 1889” means the St. Helens and Wigan Junction
Railway Act 1889;

“The Act of 1895” means the Manchester Sheffield and
Lincolnshire Railway Act 1895;

And for the purposes of this Act the expression “superior
courts” or “court of competent jurisdiction” or any
other like expression in this Act or any Act wholly or
partially incorporated herewith shall be read and have
effect as if the debt or demand with respect to which the
expression is used were a simple contract debt and not a
debt or demand created by statute.

Power to
make
railways.

4. Subject to the provisions of this Act the Company may make
and maintain in the lines and according to the levels shown on the
deposited plans and sections the railways herein-after described
with all proper stations sidings approaches works and conveniences
connected therewith and may enter upon take and use such of the
lands delineated on the said plans and described in the deposited
books of reference as may be required for that purpose The
railways herein-before referred to and authorised by this Act are—

A Railway No. 1 one furlong 8·63 chains or thereabouts in
length in substitution for the railway and portion of railway
by this Act authorised to be abandoned wholly situate in the
borough of St. Helens in the parish of Prescott in the county
of Lancaster commencing by a junction with Railway No. 4
authorised by the Act of 1886 at or near a point on that
railway where it crosses Standish Street on the north-east side
of that street and terminating at the fence or wall which
separates the Gerard’s Bridge Chemical Works from the land
and works of Pilkington Brothers Limited at a point on that
wall twenty-six yards or thereabouts measured in an easterly
direction from the east corner of the reservoir numbered 989
on the Ordnance map of the borough of St. Helens sheet C 1
13 (scale $\frac{1}{2500}$):

A. Railway No. 2 one furlong 5·78 chains or thereabouts in length wholly situate in the borough of St. Helens in the said parish of Prescott commencing by a junction with the railway authorised by the Act of 1885 at or near a point seventy-four yards or thereabouts west of the bridge carrying that railway across Parr Mill Road and terminating at the south-east side of Sankey Brook at a point on that brook one hundred and four yards or thereabouts measured in a south-westerly direction from the point of junction of Rainford Brook with Sankey Brook. A.D. 1897.

5. The railways by this Act authorised shall for all purposes be and be deemed to be part of the undertaking of the Company. Railways to form part of Company's undertaking.

6. For the protection of the mayor aldermen and burgesses of the borough of St. Helens (herein-after called "the corporation") be it enacted as follows:— For protection of corporation of borough of St. Helens.

(1) In this section "street" includes any public highway road bridge lane footway square court or passage whether a thoroughfare or not "the borough" means the borough of St. Helens "the town clerk" and "the borough surveyor" mean respectively the town clerk and the surveyor of the borough "span of bridges" means the span as measured on the square :

(2) Before the Company shall break up cross or otherwise interfere with any street within the borough they shall give to the corporation notice thereof in writing and such notice shall be delivered to the town clerk at his office not less than fourteen days before the works shall be commenced :

(3) Before the Company shall commence any works within the borough which shall cause any temporary obstruction or diversion of any street or of part of any street such obstruction or diversion shall be approved of by the borough surveyor and the Company shall before commencing any such works at their own expense make such arrangements for the passage of traffic as the corporation shall require :

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

(5) If by means of the exercise by the Company of any of the powers granted by or under this Act any additional gas mains street lamps water mains pipes sewers or drains or any increased

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lengths or capacity of such gas mains water mains pipes sewers or drains respectively shall in the opinion of the corporation be rendered necessary the same shall be respectively provided laid erected and constructed by the corporation at the cost of the Company :

- (6) If by reason of the exercise by the Company of any powers granted to them under this Act the corporation shall at any time incur any additional cost in repairing or altering any gas mains water mains pipes or apparatus or any sewer or drain such additional cost shall be repaid by the Company to the corporation :
- (7) Before the Company interfere with any existing sewer or drain they shall to the reasonable satisfaction of the borough surveyor and in accordance with plans and sections to be previously submitted to and reasonably approved of by the corporation construct a sufficient substituted sewer or drain and connect the same with the sewer or drain so interfered with :
- (8) If the Company construct any pier abutment or embankment over any sewer or drain or over any gas or water main or pipe the Company shall if so required by the corporation and to their reasonable satisfaction construct and maintain a good and sufficient culvert thereover so as to afford access thereto for the purpose of relaying or repairs :
- (9) Nothing in this Act shall interfere with the rights and powers of the corporation in the relation to the making of new sewers and drains and to the laying of gas or water mains and pipes :
- (10) Where any of the railways by this Act authorised cross any street it shall be by means of a bridge and each such bridge shall be of a span of not less in any part than the full width of the street which it crosses and shall be of and for ever be maintained at a height throughout the whole of the span of not less than sixteen feet except that where any such bridge shall cross any such street in an oblique direction such bridge shall have a span of such a width as will be sufficient to leave an opening of not less width than the width of the street crossed measured at right angles with the direction of the said street and the angle of obliquity shall not be greater than forty-five degrees Provided also that the span of the bridge of the Railway No. 2 crossing the occupation road No. 3 on the deposited plans shall be not less than thirty feet Provided also that the height of sixteen feet aforesaid shall be measured

from the surface of the road as shown on the levels on the Ordnance plan for the borough of St. Helens marked "surveyed in 1891" and if from time to time owing to mining operations or otherwise the corporation in order to maintain the said level shall find it necessary to raise the surface of the said road under any bridge such bridge shall be raised to a corresponding extent so that the said height shall be preserved and maintained :

- (11) All such bridges shall be constructed and for ever maintained by the Company as far as may be practicable water-tight they shall be sheeted or lined with iron and shall be provided with sufficient troughs and down spouts to carry off all water such down spouts shall be properly connected under the direction and to the satisfaction of the borough surveyor with the nearest public sewer if such sewer is within one hundred feet of any such bridge but if not with a drain constructed by the Company for that purpose in order to prevent any water from such bridges flowing on to or over such sheets :
- (12) If any of the said bridges shall be constructed by the Company of iron girders the Company shall adopt and use the best practicable and available means to deaden the noise arising from the traffic of the Company over such bridges :
- (13) The said Railway No. 2 shall be carried over the Sankey Brook by means of an arch of a width of not less than fifteen feet and of a height of not less than twelve feet from the invert of the said brook and such invert shall for the whole width of the railway (including the embankments) be laid with nine-inch blue bricks in cement :
- (14) If in construction of Railway No. 2 the Company shall in accordance with the provisions of this Act interfere with the existing manhole at the junction of the sewer from Park Road with the intercepting sewer of the corporation and situate in Nos. 34 and 35 on the deposited plans the Company shall execute and do all such works as may in the opinion of the corporation be reasonably necessary for affording outside the lines of rail as efficient access to the said sewer as now exists :
- (15) The Company shall when required by the corporation enclose with walls or suitable fencing all lands belonging to the Company not used in the construction of the railway in order to fence off the same respectively from the streets adjoining :
- (16) Whenever in the construction of a bridge within the borough under the powers of this Act a recess is left in such

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- street under such bridge the Company shall on the request of the corporation fence off or build up such recess :
- (17) All bridges and viaducts within the borough upon which the railway is carried and which are constructed under the powers of this Act and are not screened from the streets by buildings shall be constructed with parapets of not less than ten feet above the level of the upper surface of the rail such parapets shall be composed of wood or iron or of such other material as may be approved of by the corporation :
- (18) The abutments and foundations of all bridges over any street shall be carried to such a depth below the surface thereof as to allow the corporation to re-construct lay or repair any existing sewer watercourse main or other pipes :
- (19) Where any house or building is severed by the Company from other property the Company shall to the reasonable satisfaction of the borough surveyor build up and secure the severed end of such house or building :
- (20) No street within the borough shall be deviated without the approval in writing of the corporation under the hand of the town clerk and all alterations and diversions of streets shall be formed drained sewerd channelled kerbed paved flagged provided with proper means for lighting and completed and all streets the surface of which shall be disturbed by the Company shall be restored and the surface of the street on all railway bridges and the approaches thereto respectively shall be maintained and repaired from time to time by the Company under the direction and to the reasonable satisfaction of the corporation and if the Company make default therein after receiving one week's notice in that behalf signed by the town clerk the corporation may execute the necessary work and recover the cost thereof from the Company in any court of competent jurisdiction :
- (21) All works to be executed by the Company under this section shall be so executed at the costs in all respects of the Company in accordance with plans sections and elevations to be first submitted to and under the superintendence and to the reasonable satisfaction of the corporation and the borough surveyor and the reasonable cost of such superintendence shall be paid by the Company to the corporation :
- (22) The Company and the corporation may enter into and carry into effect agreements for and with respect to the variation and mode of execution of any works to be done by the Company for the protection of the corporation and for the execution by

the corporation at the expense of the Company of any of such works and the acquisition of land therefor:

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- (23) If any difference arise between the Company and the corporation touching anything that is to be done or not to be done under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the Board of Trade and the costs of the reference shall be borne as the Board shall direct.

7. For the protection of the trustees acting in execution of the trusts of the will of Joseph Greenough deceased and their successors in title (herein-after referred to as "the trustees") and their estate situate in the township of St. Helens in the parish of Prescott in the county of Lancaster the following provisions shall have effect (that is to say):—

For protection of estate of trustees of Joseph Greenough deceased.

- (1) The Company shall carry the railway over the occupation road No. 3 on the deposited plans for the said parish of Prescott by means of a girder bridge:
- (2) The said bridge shall be so constructed and maintained by the Company at all times so as to have a clear span or opening of at least thirty feet measured on the square and a clear headway of at least eighteen feet measured from the surface of the road to the underside of the girder of the said bridge for the entire span thereof:
- (3) The Company shall make and keep the said bridge so far as reasonably practicable drop dry:
- (4) The above works shall be constructed by the Company to the reasonable satisfaction in all respects of the trustees or anyone appointed on their behalf and if any difference shall arise between the Company and the trustees the matter in difference shall be referred to and determined by an arbitrator to be on the application of either party appointed by the Board of Trade.

8. The Company shall abandon that portion of the railway authorised by the Act of 1885 situate between its commencement and the junction with Railway No. 4 authorised by the Act of 1886 and the whole of the Railway No. 3 authorised by the Act of 1886.

Power to abandon portion of railway and railway authorised by Acts of 1885 and 1886.

9. The abandonment by the Company under the authority of this Act of such portion of railway and 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

Compensation for damage to land by entry &c. for purposes of

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portion of
railway and
railway
abandoned.

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 Acts of 1885 and 1886.

Compensa-
tion to be
made in
respect of
portion of
railway and
railway
abandoned.

10. 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 railways authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land 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.

Application
of sections
26 27 and 28
of Act of
1886 (de-
posit fund).

11. The provisions of sections 26 27 and 28 of the Act of 1886 whereof the marginal notes are "Provisions as to deposit" "Deposit money not to be repaid except so far as railway is opened" and "Application of deposit" shall apply mutatis mutandis to the railways authorised by this Act as if they were expressly included in those sections and as if the railways authorised by this Act were for the purposes of sections 44 and 45 of the Act of 1885 part of the railway authorised by that Act and the railway deposit fund mentioned in those sections included five per centum upon the estimate in respect of the railways authorised by this Act.

Owners may
be required
to sell parts
only of
certain
lands and
buildings.

12. And whereas in the construction of Railway No. 1 hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the properties described in the schedule

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to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

13. 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 any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

14. The quantity of land to be taken by the Company by agreement under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in that Act or this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands so taken.

Lands for extraordinary purposes.

15. 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.

16. If the railways be 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 may be then completed.

Period for completion of works.

17. Subject to the provisions of Part III. of the Companies Clauses Act 1863 the Company may with the consent of the Sheffield Company signified in writing under their common seal from time to time raise by the creation and issue of debenture stock to be called "second debenture stock" any further sum not

Power to raise one hundred and fifty thousand pounds by debenture stock.

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exceeding in the whole one hundred and fifty thousand pounds bearing interest at a rate not exceeding four pounds per centum per annum. But notwithstanding anything contained in Part. III. of the Companies Clauses Act 1863 the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Certain unexercised money powers cancelled.

18. If and so far as the power by this Act granted for the creation and issue of debenture stock is exercised the unexercised powers of the Company to raise capital under the recited Acts or any of them by mortgage debentures or debenture stock shall not be exercised by the Company and are hereby cancelled.

For appointment of a receiver.

19. 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 or principal 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 undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Application of money.

20. All moneys raised under this Act shall be applied only for the purposes of this Act or of the Company's existing Acts to which capital is properly applicable.

Existing mortgages to have priority.

21. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages

granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. A.D. 1897.

22.—(1) The Company shall not under the powers of this Act or under the powers of the former Act extended by this Act purchase or acquire in any city borough or urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the former Act by which such purchase or acquisition was originally authorised as the case may be were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

Restrictions
on displacing
persons of
labouring
class.

- (A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after 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 Local Government Board for the carrying out of the scheme.

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

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

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

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have

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approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company 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 Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company 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 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

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

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment Provided also that the Local Government Board may at any time dispense with all or any

of the requirements of this subsection subject to such conditions (if any) as they may see fit. A.D. 1897.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 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 the Company for the purpose of any scheme under this section.

(9) The Local Government Board 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 the Local Government Board under the Public Health Act 1875.

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

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

(12) For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers, and

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Lancashire Railway Act, 1897.*

A.D. 1897. — 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.

Extension of time for completion of railway authorised by Act of 1885 except so far as abandoned.

23. The time limited by section 55 of the Act of 1895 for the completion of the railway authorised by and described in section 5 of the Act of 1885 except so much thereof as is by this Act authorised to be abandoned is hereby extended for two years from the twentieth day of July one thousand eight hundred and ninety-seven and on the expiration of that period those powers shall cease.

Extension of time for compulsory purchase of lands for and for completion of Railways Nos 2. and 4 authorised by Act of 1886.

24. The time limited by the Act of 1895 for the compulsory purchase of lands required for the purposes of and for the completion of the Railways Nos. 2 and 4 authorised by and described in section 4 of the Act of 1886 is (except for the compulsory purchase of the property known as the Lamb Inn numbered 89 and the property numbered 131 both in the parish of Prescott on the plans of Railway No. 4 deposited with reference to the Act of 1886) hereby extended for two years from the twentieth day of July one thousand eight hundred and ninety-seven and on the expiration of that period those powers shall cease.

Interest on calls not to be paid out of capital.

25. No interest or dividend shall be paid out of any loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of 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.

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

Provision as to general Railway Acts.

27. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during

this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels which the Company are authorised to take. A.D. 1897.

28. 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.

The SCHEDULE referred to in the foregoing Act.

PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN.

County and Parish.	Numbers on deposited Plans.
RAILWAY NO. 1.	
County of Lancaster borough of St. Helens parish of Prescott.	21 22.

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