



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccxciv.

An Act to empower the *London and North-western Railway Company* to make divers Branch Railways in the County of *Lancaster*; and for other Purposes. [22d July 1847.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway or Tram-road from the Town of Liverpool to the Town of Manchester, with certain Branches therefrom, all in the County of Lancaster*, whereby certain Persons were united into a Company and made One Body Corporate, by the Name and Style of "*The Liverpool and Manchester Railway Company*," and were empowered to make a Railway, with Branches, from *Liverpool* to *Manchester*: And whereas Two other Acts were passed in the Eighth and Ninth Years of the Reign of Her present Majesty, the one intituled *An Act for enabling the Liverpool and Manchester Railway Company to extend and enlarge the said Railway, and to make certain Branch Railways, and for amending and enlarging the Powers of the several Acts relating to the said Railway*; and the other intituled *An Act for consolidating the Bolton and Leigh, the Kenyon and Leigh Junction, the Liverpool* 7 G. 4. c. 49.
8 & 9 Vict. c. 123.
8 & 9 Vict. c. 198.

[*Local.*] 48 I and

and Manchester, *and* Grand Junction Railway Companies: And whereas an Act was passed in the Session of Parliament, 1845, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature*, which Act is called "The Lands Clauses Consolidation Act, 1845:" And whereas another Act was passed in the same Session, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways*, which Act is called "The Railway Clauses Consolidation Act, 1845:" And whereas another Act was passed in the last Session of Parliament, intituled *An Act to consolidate the London and Birmingham, Grand Junction, and Manchester and Birmingham Railway Companies*, under which the *London and North-western Railway Company* was incorporated: And whereas it is expedient that the said *London and North-western Railway Company* should be authorized to make the Branch Railways herein-after described: And whereas it is also expedient that some of the Powers and Provisions of the said recited Acts should be altered or amended, and further Powers granted to the said Company, but the several Purposes aforesaid 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, That the said Lands Clauses Consolidation Act, 1845, and the said Railway Clauses Consolidation Act, 1845, shall, as far as the same are applicable and are not modified by this Act or inconsistent with the Provisions thereof, be incorporated with and form Part of this Act, and be held to apply to the Railways and Works by this Act authorized to be made.

8 & 9 Vict.
c. 18.8 & 9 Vict.
c. 20.9 & 10 Vict.
c. 204.Provisions of
8 & 9 Vict.
cc. 18. and
20. extended
to this Act.Extending
Provisions of
London and
North-west-
ern Railway
Acts to this
Act.

Short Title.

Railways
and Works to
be made ac-
cording to

II. And be it enacted, That all the Powers and Provisions contained in the said recited Acts relating to the *London and North-western Railway*, so far as the same are now unrepealed, and except such of them or such Parts thereof respectively as are by this Act or by any Statute expressly repealed, altered, or otherwise provided for, and except such of them as are inconsistent with the Provisions of this Act, shall, where applicable to the Objects and Purposes of this Act, extend and be construed to extend thereto, and to the Railways and Works hereby authorized to be made, and to the several Matters and Things hereby authorized to be done, as fully and effectually as though the same Powers and Provisions were repeated and re-enacted in this Act, and had formed Part thereof with reference to the said Railways and Works, Matters and Things to be made and done hereunder.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and legal Documents of every Description, it shall be sufficient to use the Expression "The *Widnes and Prescott Brook Colliery Branches Act, 1847.*"

IV. And whereas Plans and Sections of the Railways showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees,

Lessees, and Occupiers, of the Lands through which the same respectively are intended to pass, have been deposited with the Clerks of the Peace for the Counties respectively within which the same will be made; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, and subject also to the Powers of Deviation contained in the said Railways Clauses Consolidation Act, it shall be lawful for the said Company to make and maintain the said Railways and Works upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

deposited Plans.

V. And be it enacted, That the Railways to be made under the Authority of this Act shall be the following; (that is to say,) firstly, a Railway or Railways commencing by a Junction with the *Saint Helen's and Runcorn Gap* Railway in or near a certain Field belonging to Mr. *John Johnson* in the Township of *Widnes* in the Parish of *Prescot*, and terminating by a Junction with a Line of Railway authorized by an Act passed in the last Session of Parliament from *Huyton* to *Warrington*, called the *Huyton and Warrington* Branch of the *London and North-western* Railway, in or near a certain Field, Number 216 on the Parliamentary Plan of the said *Huyton and Warrington* Branch, in the Township of *Cuerdley* in the same Parish of *Prescot*, which said Railway and other Works will pass from, in, through, or into, or be situate within the several Parishes, Townships, and extra-parochial or other Places following, or some of them; (that is to say,) *Widnes* otherwise *Widnes-cum-Appleton*, *Farnworth*, *Ditton*, *Upton*, *Penketh*, *Cuerdley*, and *Prescot*, all in the County of *Lancaster*; secondly, a Railway or Railways commencing by a Junction with the herein-before mentioned *Huyton, Prescot, and Saint Helen's* Branch of the *London and North-western* Railway, in or near a Field Number 30 on the Parliamentary Plan of the same Railway in the Township of *Whiston* in the Parish of *Prescot*, and terminating at or near the *Prescot Brook* Colliery in the Township of *Knowsley* in the Parish of *Prescot*, which said Railway and other Works will pass from, in, through, or into, or be situate within the several Parishes or Townships and extra-parochial or other Places following, or some of them; (that is to say,) *Prescot*, *Whiston*, *Knowsley*, and *Huyton*, all in the County of *Lancaster*; and the said several Railways and Works when made shall be Part of the Undertaking of the said *London and North-western* Railway Company, and as such subject to the Provisions of the said recited Acts and of this Act.

Line of Railways. Widnes Branch.

Prescot Brook Colliery Branch.

VI. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Twenty Acres, in addition to the Lands which they are authorized to take for such Purposes under the Authority of the said recited Acts or any of them.

Land for extraordinary Purposes.

VII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act, shall not

Period for compulsory Purchase of Lands.
be

be exercised after the Expiration of Three Years from the passing of this Act.

Period for
Completion
of Works.

VIII. And be it enacted, That the said Railways and Works hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said former Acts granted to the Company for executing the same, shall cease to be exercised except as to so much of the same as shall then be completed.

Inclination
of certain
Roads.

IX. And be it enacted, That as regards the Roads marked as herein-after mentioned on the said Plan and Book of Reference deposited as aforesaid, it shall be lawful for the Company to make the Rates of Inclination of such Roads respectively when altered as follows; (that is to say,)

A Highway numbered 22 in the Township of *Widnes* in the Parish of *Prescot*, One in Twenty:

A Highway numbered 2 in the Township of *Cuerdley*, in the Parish of *Prescot*, One in Twenty.

Regulating
Junction
with St.
Helen's
Railway.

X. And be it enacted, That the Junction hereby authorized to be made with the *Saint Helen's* Railway, and all such Openings in the Ledges or Flanches of such Railway as may be necessary or convenient for effecting such Junction, shall be made under the Direction and Superintendence, and to the reasonable Satisfaction of the Engineer for the Time being of the *Saint Helen's* Canal and Railway Company.

Company
not to take
Property or
interfere
with the
Works of
St. Helen's
Canal and
Railway
Company
without Con-
sent.

XI. And be it enacted, That it shall not be lawful for the *London and North-western* Railway Company, or for any other Person in execution of this Act, either permanently or temporarily to enter upon, take, or use any of the Land or Property of the said *Saint Helen's* Canal and Railway Company, or in any Manner to alter, vary, or interfere with the said *Saint Helen's* Canal and Railway, or any of the Works appertaining thereto respectively, save only for the Purpose of effecting the Junction hereby authorized in manner aforesaid, without the Consent in Writing of the said Company.

Saving the
Rights of
St. Helen's
Canal and
Railway
Company.

XII. And be it enacted, That except as herein specifically provided, nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *Saint Helen's* Canal and Railway Company respectively, but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament are hereby expressly saved and reserved.

Capital.

XIII. And be it enacted, That after Shares for the whole of the Capital in Shares by the recited Acts authorized to be raised shall have been subscribed for or taken up, and One Half thereof shall have been paid up, it shall be lawful for the said Company to raise, for the Purposes of this Act, the Sum of Thirty-one thousand Pounds.

XIV. And

XIV. And be it enacted, That all the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by the Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital; shall be held applicable to the borrowing by the said Company of the Monies hereby authorized to be raised by them, and to the Conversion thereof into Capital: Provided always, that it shall not be lawful for the said Company to borrow on Mortgage for the Purposes of this Act, any Sum or Sums of Money which, together with such Sums as may be due and owing by the said Company on Mortgage of their Undertaking at the Time of the borrowing of such Sum or Sums of Money, would amount to more than One Third of the then Capital of the Company in Shares and Stock.

Provisions of 8 & 9 Vict. c. 16. as to borrowing Money to apply to this Act.

XV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Interest not to be paid on Calls paid up.

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

Deposits for future Bills not to be paid out of the Company's Capital.

XVII. And whereas Part of the Lands which may be required for the Purposes of this Act belong to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster*; be it enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being to agree with the said Company for the absolute Sale in Fee Simple of the Lands or any Part thereof, of or belonging to Her said Majesty in right of Her said Duchy, which shall be required for the Purposes of this Act, at or for such Price or Compensation in Money, and upon such Terms and Conditions as shall be settled and agreed upon between the said Chancellor and Council and the said Company, and upon Payment of such Price or Compensation by any Deed or Writing under the Seal of the Duchy in the Name of Her said Majesty, Her Heirs and Successors, to convey the same Lands and the Fee Simple and Inheritance thereof to the said Company, their Successors and Assigns, for the Purposes of this Act, and the Purchase Money or Consideration for the same

Authorizing Sale of Lands belonging to the Duchy of Lancaster, and providing for Application of Purchase Money.

Lands shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same either shall and may be invested in the Purchase of Bank Annuities, according to the Powers and Provisions contained or referred to in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy under the therein recited Acts, or the same or any Part thereof may, either without any previous Investment, or after such, and either alone or together with any other Monies which shall for the Time being have arisen or shall hereafter arise from the Sale of Lands and Hereditaments Part of the Possessions of the said Duchy, be laid out according to the Provisions of an Act passed in the Fifty-seventh Year of His said Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable Henry Hale Viscount Gage and the Commissioners of His Majesty's Woods and Forests and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown*, or the said Monies, and also any other Monies, whether previously invested or not, or any Part thereof respectively, may be laid out in the Purchase of Lands which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held, with any Possession of the said Duchy, as the Chancellor and Council for the Time being of the said Duchy shall direct by any Order or Orders in that Behalf; and the said Chancellor and Council shall, for the Purposes of this Act, have and be entitled to all such Powers and Provisions in reference to the Monies (if any) so invested in Bank Annuities, and so to be laid out and invested as aforesaid, as under or by virtue of the said recited Act of the Fifty-seventh Year of King *George* the Third they are entitled to, concerning any Sums or Funds of or belonging to the Duchy of *Lancaster* in the same Act particularly mentioned or referred to, and the Lands and Hereditaments (if any) so purchased on behalf of the said Duchy as aforesaid, shall be conveyed and assured to the Use of Her Majesty, Her Heirs and Successors, in right of Her said Duchy of *Lancaster*, and shall vest in Her said Majesty, Her Heirs and Successors, in the same Right and as fully and effectually as the Lands to be conveyed to the said Company were vested in Her immediately before such Conveyance, and be held with the like Incidents and be subject to the same Application to all Intents and Purposes as the said Lands so to be conveyed to the said Company were held by Her immediately before such Conveyance; and every such Conveyance to the Use of Her Majesty, Her Heirs and Successors, may be in the Form in the First Schedule to this Act annexed, or as near thereto as may be; and every Deed or Writing whereby any Lands, Hereditaments, Estate, Right, or Interest shall be conveyed or assured by the said Chancellor and Council of Her said Majesty's Duchy of *Lancaster* by virtue of the Powers of this Act, being enrolled in the Court of the Duchy Chamber of *Lancaster* within Three Calendar Months from the Date thereof, shall be

The Enrolment of all Deeds of Conveyance of Lands belonging to the Duchy of Lancaster.

be effectual to vest in the said Company the Lands, Hereditaments, and Premises thereby expressed to be granted, conveyed, or assured, any thing contained in the Act passed in the First Year of Her Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household, and the Honour and Dignity of the Crown*, or in any other Act to the contrary in anywise notwithstanding.

13 W. 3. &
1 Anne, c. 7.

XVIII. And be it enacted, That all Costs, Charges, and Expences connected with the passing of this Act shall be paid by the said Company, or the Directors thereof, out of the first Monies which shall come to their Hands after the passing hereof.

Expences of
Act.

XIX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the last Session of Parliament intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the said last Session of Parliament, intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company so far as the same shall be applicable thereto.

Railway
Company
to be subject
to the Pro-
visions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85., and
9 & 10 Vict.
cc. 57. & 105.

XX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, 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 authorized by the said recited Acts or this Act.

Railway to
be subject to
Provisions
of future
general Acts.

XXI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

Saving
Rights of
the Crown
and the
Duchy of
Lancaster.

XXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

FIRST

FIRST SCHEDULE.

THESE are to witness, that in consideration of the Sum of £
paid to *A. B.* of _____ by *C. D.*, the Receiver General of the
Revenues of the Duchy of Lancaster, on behalf of Her Majesty, he
the said *A. B.* doth by these Presents grant, convey, and assure unto
the said *C. D.*, his Heirs and Assigns, all that _____ to have
and to hold the same unto the said *C. D.*, _____ his Heirs and
Assigns, to the Use of Her said Majesty, Her Heirs and Successors,
in right of Her said Duchy.

In witness, &c.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.