

[42 & 43 VICT.] *London and North-western Railway* [Ch. cxvii.]
(*New Railways*) Act, 1879.



CHAPTER cxvii.

An Act for empowering the London and North-western Railway Company, and that Company and the Furness Railway Company jointly, to construct new Railways; and for other purposes. A.D. 1879.
[3d July 1879.]

WHEREAS it is expedient that the London and North-western Railway Company (in this Act called the Company), and the Company and the Furness Railway Company jointly, should respectively be empowered to make the new railways by this Act authorised, and to acquire for the purposes of this Act the lands and buildings in this Act mentioned or referred to, and to raise capital for those purposes :

And whereas plans and sections showing the respective lines and levels of the railways by this Act authorised, 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 above referred to and by this Act authorised to be acquired, were duly deposited with the clerks of the peace 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 Company should be empowered to make agreements with the Nantyglo and Blaina Iron-works Company, Limited (in this Act called the Blaina Company), with respect to the working and use by the Company of the railways of the Blaina Company :

And whereas the Cwm Bargoed Junction Railway by this Act authorised will be connected with the railways or tramways of the Dowlais Iron Company, and it would conduce to the more efficient working of traffic passing over the Cwm Bargoed Junction and the railways or tramways of the Dowlais Iron Company if provision were made in relation thereto as in this Act contained :

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A.D. 1879. — 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 (New Railways) Act, 1879.

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

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

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

The Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) of the Railways Clauses Act, 1863 ;

8 & 9 Vict.
c. 16.

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 nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money ;

The conversion of the borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company ;

The making of dividends ;

The giving of notices ;

The provision to be made for affording access to the special Act by all parties interested ;

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

26 & 27 Vict.
c. 118.

Interpretation of terms.

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

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

wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute. A.D. 1879.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines shown on the deposited plans and according to the levels shown on the deposited sections, the new railways herein-after described, with all proper stations, sidings, 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 that purpose. Power to
Company to
make new
railways.

The new railways herein-before referred to and authorised by this Act to be constructed by the Company are—

(1.) The Denton and Saddleworth Railways :

No. 1 (one mile three furlongs three chains and fifty links in length), commencing in the township and parish of Ashton-under-Lyne, in the county of Lancaster, by a junction with the Stockport and Guide Bridge Railway of the Company, and terminating in the same township and parish by a junction with the Manchester, Sheffield, and Lincolnshire Railway :

No. 2 (six miles four furlongs six chains and twenty links in length), commencing in the township and parish of Ashton-under-Lyne, in the county of Lancaster, by a junction with the Manchester, Sheffield, and Lincolnshire Railway, and terminating in the township of Saddleworth, in the parish of Rochdale, in the west riding of the county of York, by a junction with the Huddersfield and Manchester Railway of the Company : Provided always, that the Company shall not within the limits of deviation construct the said railway in the parish of Mottram-en-Longdendale westward of the red line shown on a copy of the deposited plans signed by the Right Honourable Lord Blachford, the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred :

(2.) The Cwm Bargoed Junction (five furlongs four chains and twenty links in length), to be wholly situate in the parish of Merthyr Tydfil, in the county of Glamorgan, commencing by a junction with the Dowlais Extension Railway of the Company, and terminating by a junction with the most easterly siding of the Dowlais Iron Company, situate near the top of the Old Cwm Bargoed Incline.

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Tolls on new railways.

5. With respect to tolls and charges, and for all other purposes whatever, the new railways shall be part of the Company's undertaking :

Provided always, that the Company shall not demand any higher tolls, rates, and charges than the following ; (that is to say,)

In respect of the Denton and Saddleworth Railways, the tolls, rates, and charges authorised by 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," the London and North-western Railway (Additional Powers) Act, 1872, the London and North-western Railway (New Lines and Additional Powers) Act, 1876, and the London and North-western Railway (Joint and Various Powers) Act, 1877 :

35 & 36 Vict.
c. lxxxvii.

39 & 40 Vict.
c. lxxx.

40 & 41 Vict.
c. xci.

And in respect of the Cwm Bargoed Junction, the tolls, rates, and charges authorised by the Merthyr, Tredegar, and Abergavenny Railway Act, 1859.

22 & 23 Vict.
c. lix.

Inclinations of certain roads altered for Denton and Saddleworth Railway (No. 2)

6. In altering for the purposes of the Denton and Saddleworth Railway (No. 2) the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively ; (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
190	Mottram-en-Longdendale -	Public road -	1 in 7.
140	Rochdale -	Public road -	1 in 15.

Span of a certain bridge on Denton and Saddleworth Railway (No. 2).

7. The Company may make the arch of the bridge for carrying the Denton and Saddleworth Railway (No. 2) over the road next herein-after mentioned of any span not less than the span herein-after mentioned ; (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.	Span.
142A	Ashton-under-Lyne -	Public street -	24 feet.

Owners may be required to sell parts only of

8. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of the lands, buildings, or manufactories shown on the deposited plans will be sufficient for

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the purposes of the Company, 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 persons interested in the lands, buildings, or manufactories described in the First Schedule to this Act, and whereof parts only are required for the purposes of the Company, may (if such portions can in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation under that Act be severed from the remainder of the said 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 or other parties interested therein by severance or otherwise, or that may arise to the remainder of the premises in consequence of portions thereof being taken.

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certain lands
and build-
ings for new
railways.

9. If in the construction of the Denton and Saddleworth Railway, No. 2, the Company shall take any part of the building now used as a smithy, forming part of the property numbered on the deposited plans 18, in the parish of Mottram-en-Longdendale, belonging or reputed to belong to George Gimson and known as the Staley Ironworks, then, notwithstanding anything in this Act contained, the Company shall and they are hereby required to purchase the whole of the said property, unless otherwise agreed between the Company and the owner or owners thereof for the time being.

For the pro-
tection of
Mr. George
Gimson.

10. The Company shall not purchase or take under the powers of this Act any part of the property belonging or reputed to belong to Robert Hyde and Company, Limited, and coloured green on the plan signed by Basil Thomas Woodd, Esquire, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, except with the previous consent in writing of the owner or owners for the time being of the said property.

For the pro-
tection of
Messieurs
Robert Hyde
& Company,
Limited.

11. Nothing in this Act shall empower the Company to purchase or take the lands numbered on the deposited plans relating to the Denton and Saddleworth Railway (No. 2) 55A and 63, in the parish of Mottram-en-Longdendale, without the consent in writing of John Henry Gartside and Company, Limited, or other the owner or owners of the said lands.

For the pro-
tection of
John Henry
Gartside &
Company,
Limited.

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Power to
grant ease-
ments to
Company.

12. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege (not being an easement of water) required for the purposes of this Act in, over, or affecting lands, and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, easements, rights, and privileges as aforesaid respectively.

Notice to be
given of
taking houses
of labouring
classes by
Company.

13. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Company to
procure ac-
commodation
for persons
of the labour-
ing classes to
be displaced.

14. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice.

The Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase lands by agreement, and may on any such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands and buildings.

For protec-
tion of the
corporation
of Man-
chester.

15. In constructing the Denton and Saddleworth Railways and the works connected therewith, the following provisions for the protection of the corporation of Manchester (in this section called the corporation) shall be binding upon the Company and the corporation respectively, and full effect shall be given thereto:

(1.) The Company shall, as regards the lands of the corporation included in the deposited plan and book of reference, acquire an easement only therein:

(2.) The Company shall not alter the level or position of or in any manner interfere with the main pipe of the corpora-

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tion in Audenshaw, in the parish of Ashton-under-Lyne. A.D. 1879.
The railways and works shall be carried over the said main pipe by means of a horizontal girder bridge at least nine feet six inches wide between the side walls or abutments thereof. No part of such bridge shall be placed at less distance than sixteen inches above the upper outer surface of the said main pipe, and such distance or space of sixteen inches shall be left entirely free from any works of the Company :

- (3.) The corporation shall forthwith, on being required by the Company in writing so to do, make a tunnel or subway enclosing the said main pipe under the said railway of such length and dimensions as they may think necessary, with a good and sufficient drain therefrom; and the Company shall not, until the said tunnel or subway shall have been completed, enter upon any land of the corporation or construct any works whatever across such main pipe :
- (4.) The corporation shall also be at liberty, at any time after the construction of the said railway, to construct a tunnel similar to that herein-before described on either side or on both sides of the tunnel herein-before required to be made, for the purpose of receiving any line or lines of additional main pipe or pipes :
- (5.) The Company shall from time to time on demand pay to the corporation the cost incurred by them in making the tunnel and drain herein-before required to be made, and also the other tunnel or tunnels herein-before mentioned, and shall also at their own cost provide and convey to the corporation such additional land as may be necessary for the purpose of constructing such other tunnel or tunnels and drain :
- (6.) The corporation shall not be liable for and shall be indemnified by the Company against all damage and injury which may by the breaking, bursting, or leaking of or escape of water from the said main pipe or pipes be caused to the said railway and works connected therewith, and the traffic thereon, and the persons and property being conveyed on or using such railway, and all actions, suits, costs, and damages in respect thereof.

16. In constructing the Denton and Saddleworth Railway, No. 1, in the district of the Local Board of Audenshaw, the Company shall be subject to the following conditions for the protection of the local

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tion of the
Audenshaw
Local Board

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- (1.) The Company shall construct the bridges for carrying Cock Lane, Guide Lane, and Mount Pleasant Street respectively over the said railway so that there shall be a clear space throughout between the parapets of not less in the case of Cock Lane and Mount Pleasant Street than thirty-six feet, and in the case of Guide Lane forty-two feet, and shall construct on either side of each such bridge a parapet not less than seven feet in height :
- (2.) The Company shall not alter the level of the present roadways or footways in Cock Lane, Guide Lane, and Mount Pleasant Street, and whenever the sanitary authority or the owners of adjoining lands shall pave and flag the same streets near to or adjoining the said bridges, the Company shall pave and flag in like manner and for ever maintain the surface of the respective roadways and footways over such bridges to the reasonable satisfaction of the surveyor of the sanitary authority :
- (3.) The Company shall make and for ever hereafter maintain a footbridge over the said railway where the same will cross a footpath shown on the deposited plans between the points marked thereon as five furlongs and six furlongs respectively from the commencement of the said railway, and such bridge shall be made of such proper and suitable character and materials, and of such width and height, and with such steps and approaches, as shall be agreed upon by the said surveyor and the chief engineer for the time being of the Company ; and the Company shall at their own expense provide and maintain a gas lamp at the southern end of the said steps or approaches, or as near thereto as shall be practicable, and shall keep the same lighted at such times and in such manner as the public lamps within the said district are usually lighted, and the Company shall also provide a gas lamp at the northern end of the said steps if the said surveyor shall reasonably require the same to be provided, and the Company shall also light the same in manner herein-before provided for the lamp on the southern side ; and the Company shall not stop up nor interfere with the said footpath between the north-western side of the said railway and the bridge carrying the same over the Stalybridge branch of the Manchester, Sheffield, and Lincolnshire Railway until they have provided an

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equally convenient communication between Shepley Street, numbered on the deposited plans 114, in the parish of Ashton-under-Lyne, and the street on the north side of the said Stalybridge branch, with which the said footpath now communicates :

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- (4.) The Company shall from time to time and at all time hereafter afford to the sanitary authority, at the cost of the said authority, all reasonable facilities for altering, deepening, enlarging, removing, and re-laying any such sewers or drains, culverts, or works as well as for constructing at the like expense any additional sewers, drains, culverts, or works of any other kind necessary and proper to be done by the sanitary authority which may be found necessary or which the said authority may reasonably require to be done; provided that all such works of any kind shall be executed under the superintendence and to the reasonable satisfaction of the chief engineer for the time being of the Company.

17. Where any of the works to be done under or by virtue of this Act in connexion with the Denton and Saddleworth Railway, No. 1, shall or may pass over, under, or by the side of, so as to interfere with any river, sewer, drain, watercourse, river wall, defence, or work under the jurisdiction or control of the mayor, aldermen, and burgesses of the borough of Ashton-under-Lyne (in this section called "the corporation"), the Company shall not commence such works until they shall have given to the corporation fourteen days notice in writing of their intention to commence the same by leaving such notice at the office of the town clerk of the said borough, with plans, elevations, sections, and other necessary particulars of the construction of the said works, and until the corporation shall have signified their reasonable approval of the same, unless the corporation fail to signify such approval or their disapproval or other directions within fourteen days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid, and the Company shall comply with and conform to all reasonable directions and regulations of the corporation in the execution and subsequent maintenance of the said works, and shall provide by new, altered, or substituted works, in such manner as the corporation may reasonably require for the proper protection of and for preventing injury or impediment to the rivers, sewers, drains, river wall and other works herein-before referred to by or by reason of the said intended works or any part thereof, and shall save harm-

For protec-
tion of
corporation
of Ashton-
under-Lyne.

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A.D. 1879. less the corporation against all and every the expense to be occasioned thereby, and all such works shall be done by or under the direction, superintendence, and control of the surveyor, engineer, or other officer or officers of the corporation, as the case may be, at the costs, charges, and expenses of the Company, and all costs, charges, and expenses which the corporation may be put to by reason of the works of the Company, whether in execution of works, the preparation or examination of plans or designs, superintendence, or otherwise by the officers of the corporation shall be paid to the corporation by the Company on demand; and when any new, altered, or substituted work as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall be as fully and completely under the direction, jurisdiction, and control of the corporation as any sewers or works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the rights, powers, or authorities vested or to be vested in the corporation, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed; provided that any dispute arising under this section shall be referred to an arbitrator to be appointed, on the application of either party, by the President for the time being of the Institution of Civil Engineers, whose decision shall be final.

For protection of the Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Joint Committee.

33 & 34 Vict.
c. cxxxi.
38 & 39 Vict.
c. lxvii.

18. For the protection of the Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Joint Committee (in this section called the joint committee), and of the mains, works, and property vested in them by the Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Acts, 1870 and 1875, the following provisions shall apply and have effect:

(1.) Whenever by reason of the exercise of any powers conferred on the Company by this Act any of the water mains or pipes of the joint committee shall be severed or interfered with, all such water mains and pipes as shall be necessary for maintaining the supply of water shall previous to the severance or interference be laid by the joint committee at the expense of the Company:

(2.) If by reason of the execution of any of the powers of this Act any increased length of water mains or pipes shall become necessary, the same shall be laid down by the joint committee, at the expense of the Company, upon such plan and in such manner as shall be reasonably approved in writing by or on behalf of the joint committee:

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(3.) Whenever by the appropriation or destruction of property under this Act within the district supplied by the joint committee any water mains or pipes laid for the supply of such property (except pipes inside such property) shall be rendered unnecessary, the Company shall pay to the joint committee the cost of providing and laying an equivalent length of water mains or pipes, and the cost of the works required for the discontinuance of any water mains or pipes so rendered unnecessary, as such cost shall be estimated by the engineer for the time being of the joint committee, and the water mains and pipes so rendered unnecessary shall be the property of the Company :

(4.) If by reason of the execution of any of the powers of this Act the joint committee shall at any time necessarily incur any cost in altering any existing main or pipe, the Company shall repay to the joint committee such cost, and the same and any other sums of money by this section made payable to the joint committee by the Company may be recovered in default of payment in any court of competent jurisdiction :

(5.) The provisions of the Railways Clauses Consolidation Act, 1845, contained in the sections 18 to 23 inclusive shall, subject to the provisions of this section, apply to the water mains and pipes of the joint committee, 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 joint committee.

19. In the construction of the Denton and Saddleworth Railway, No. 2, the following provisions for the protection of the corporation of Stalybridge (in this section called the corporation) shall be observed and have effect :

For protection of the corporation of Stalybridge.

(1.) Before the Company proceed to stop up, use, or appropriate the site of Arch Street, Stalybridge, they shall make the new street proposed to be made in substitution thereof within the limits shown upon the deposited plans, which new street shall, including the footpath, be twelve yards in width at the least, and the surface thereof shall be made of uniform gradients from Market Street or Wood Street to Spring Street, and from Spring Street to Cross Queen Street, the carriageway to be formed with rubble bottom nine inches thick, with nine inches of broken

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stone laid thereon, and with channels on each side one foot wide paved with rock sets, and with one footpath on the south side thereof eight feet wide, curbed, made, and flagged, and in other respects the said street shall be formed, sewered, and drained to the reasonable satisfaction of the surveyor of the corporation for the time being, and from and after the completion of the said new street the corporation shall have the same rights over such new street as they have at present over Arch Street :

- (2.) Such new street when constructed shall be maintained and kept in repair by and at the expense of the Company for the period of six months from the date of its completion :
- (3.) The Company shall from time to time pay to the corporation all sanitary and other municipal rates leviable by or payable to the corporation upon the respective assessments of any lands or property shown upon the deposited plans, or a proportion of such rates respectively, from the time such lands or property respectively shall be acquired by the Company until the Company's works are completed and assessed to such municipal rates, and the amount of such rates payable by the Company shall be computed (until such completion and re-assessment) 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 liable to the payment of any such rates upon any lands, 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 :
- (4.) The Company in constructing the bridge over Market Street shall be bound by the following conditions :
 - (a.) The bridge shall be so constructed that the centre line of the archway shall correspond with the centre line of Market Street at the point of crossing :
 - (b.) The bridge shall be constructed on girders so as to leave a roadway (including footpath) for the whole length thereof of at least forty-five feet in width, with a clear headway of nineteen feet at least, measured from every part of the surface of the street, and in no case shall the present inclination of Market Street be altered

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or the present surface of the road be lowered at any part thereof: A.D. 1879.

(c.) The bridge shall be made as far as practicable watertight:

(d.) The parapet of the bridge and of the arches crossing Wood Street to Spring Street inclusive on the southerly side of the railway shall be not less than eight feet in height above the level of the rails:

(e.) The Company shall, immediately on the completion of the bridges crossing Market Street, Wood Street, and Spring Street, respectively provide and fix at their own cost and charge two lamps on the south side and one lamp on the north side of the bridge crossing Market Street, and one lamp on the south side of the two bridges crossing Wood Street and Spring Street, and such lamps shall thereafter be kept in repair and lighted with gas nightly by and at the expense of the Company from sunset to sunrise:

(5.) The Company shall not commence any of the works for making the bridge under Stamford Street until they shall have given to the corporation twenty-one days notice in writing of their intention so to do by leaving such notice at the office of the town clerk of the borough of Stalybridge, and the Company shall comply with and conform to all reasonable directions and regulations of the corporation for the prevention of any obstruction or inconvenience to the traffic or passing of foot passengers, carriages, horses, cattle, or vehicles during the construction of the said works:

(6.) The parapet of the said last-mentioned bridge shall be not less than seven feet in height above the surface of the road:

(7.) The Company in constructing the bridge over Knowl Street shall be bound by the following conditions:

(a.) The bridge shall be constructed on girders, so as to leave a roadway for the whole length thereof of at least forty-two feet in width, with a clear headway of sixteen feet at least, measured from every part of the surface of that portion of the road over which the bridge is constructed, and in no case shall the present inclination of the road be altered or the present surface of the road be lowered at any part thereof:

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(b.) The bridge shall be made as far as practicable water-tight :

(c.) The parapet on each side of the bridge shall be not less than eight feet in height above the level of the rails.

For protec-
tion of Moss-
ley local
board of
health.

20. In the construction of the Denton and Saddleworth Railway, No. 2, the following provisions for the protection of the local board of health for the district of Mossley shall be observed and have effect :

- (1.) When and so soon as the Company shall have constructed in the field numbered on the deposited plans relating to the said railway 85, in the parish of Mottram-en-Longdendale, an accommodation road and bridge for the Earl of Stamford and Warrington, the public footpath which now passes along the northern side of that field shall be diverted by the Company along that road :
- (2.) The public footpath which extends from Holland Street, in Mossley, to the field numbered on the said plans 89, in the said parish, shall be diverted by the Company along the eastern side of the said railway :
- (3.) The public footpath which passes through the field numbered on the said plans 170, in the said parish, shall be diverted by the Company along the eastern side of the said railway into Micklehurst Road, and they may stop up and discontinue as a public highway so much of the said footpath as lies on the west side of the said railway :
- (4.) The public bridle road which passes through the field numbered on the said plans 187, in the said parish, shall be carried over the said railway at right angles by a bridge not less than twenty feet in width between the parapets :
- (5.) The public carriage road in the said parish, called Calf Lane, shall be carried over the said railway by a bridge not less than thirty feet in width between the parapets :
- (6.) The bridges for carrying the said railway over the public carriage roads called Egmont Road, Staley Road, and Micklehurst Road shall respectively be of not less than the dimensions shown on the deposited sections of the said railway, with parapets not less than six feet in height, and the said bridges shall, as far as practicable, be kept drop dry :
- (7.) The Company in constructing the diversion of the Huddersfield Canal shown on the deposited plans shall leave a space of not less than eighteen feet in width between the

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diverted canal and the River Tame for the construction of a road : A.D. 1879.

(8.) The bridge for carrying the said railway over Holland Street shall be of a span of not less than thirty-six feet, with a clear headway throughout of not less than eighteen feet :

(9.) Whenever it may be necessary to interrupt or interfere with any existing sewer or drain of the said local board, the Company shall, before interrupting or interfering with such existing sewer or drain, construct, according to a plan to be reasonably approved of by the said local board, another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be interrupted or interfered with, and such sewer or drain, or substituted sewer or drain, shall be connected by and at the expense of the Company with any existing sewer or drain which may be interrupted or interfered with, and in such manner as shall be reasonably approved by the said local board :

(10.) Any difference which may arise between the Company and the said local board as to the true intent and meaning of this section, or the mode of giving effect thereto, shall be determined by arbitration in the manner prescribed by the Railway Companies Arbitration Act, 1859, and for the purposes of such arbitration the said local board shall be deemed to be a railway company.

22 & 23 Vict.
c. 59.

21. In constructing the Denton and Saddleworth Railways, Nos. 1 and 2, under the railways and upon the lands of the Manchester, Sheffield, and Lincolnshire Railway Company (herein-after called the Sheffield Company), the following provisions shall apply and be obligatory upon the Company :

For protec-
tion of Man-
chester, Shef-
field, and
Lincolnshire
Railway
Company.

(1.) The Company shall in constructing their line of railway, so far as the same affects the lands and works, whether constructed or authorised only of the Sheffield Company, construct the same according to a plan and section already agreed upon and signed by Charles Sacré, the engineer of the Sheffield Company, and Francis Stevenson, the engineer of the Company, and not in any other line or according to any other plan or section whatever, without the previous consent in writing of the Sheffield Company under their common seal first obtained :

(2.) The Company shall carry Railway No. 1 under the authorised Denton branch of the railway of the Sheffield Com-

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pany at the point shown on the said plan by means of a bridge of not less than fifty feet on the square between the parapets thereof, and shall construct such bridge contemporaneously with the construction of the other portions of the said Railway No. 1, whether the said branch of the Sheffield Company shall have been completed or not :

- (3.) The said bridge under the said authorised Denton branch of the Sheffield Company, and also the tunnel and bridge shown on the said plans and sections, by means of which the said Railway No. 1 shall be carried under the railway and sidings and intended reverse curve herein-after mentioned of the Sheffield Company, shall be constructed according to plans and specifications to be reasonably approved by and to be executed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Sheffield Company, and in all things at the expense of the Company :
- (4.) The Company shall, if required by the Sheffield Company, at the expense of that company build and construct, contemporaneously with the construction of their tunnel under the railways and sidings of the Sheffield Company, the abutments or piers of an intended bridge for carrying an intended reverse curve or junction railway between the Sheffield Company's main line and their Ashton branch over the River Tame at the point shown on the plan herein-before referred to, and according to plans and sections to be prepared by the engineer for the time being of the Sheffield Company :
- (5.) The Company shall not, without the consent in writing of the Sheffield Company, take, enter upon, or use any of the lands of the Sheffield Company lying between Railway No. 1 authorised by this Act and the Company's Ashton branch, except so much only as shall be necessary for the construction and maintenance of a double line of railway, and according to the plans and sections herein-before referred to, but the Company shall purchase and take from the Sheffield Company all lands belonging to them and lying between the proposed line of railway and the River Tame as lately diverted by the Sheffield Company, the price and compensation to be paid by the Company to the Sheffield Company for the lands so to be taken

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and used by them as aforesaid, failing agreement, to be settled and determined in the manner provided by the Lands Clauses Consolidation Act, 1845, with reference to the purchase and taking of lands otherwise than by agreement :

(6.) The junction of Railway No. 2 with the railway of the Sheffield Company shall be made at the point shown on the deposited plans, or at such other point as the engineers of the two companies may mutually agree upon, or, failing agreement, as may be determined by an engineer to be appointed, on the application of either party, by the President for the time being of the Institution of Civil Engineers, and the several provisions contained in the Railways Clauses Act, 1863, relating to junctions shall apply to the said junction of Railway No. 2, and also to the junction of Railway No. 1 with the railway of the Sheffield Company, so far as those provisions are not inconsistent with the special provisions herein contained for the protection of the Sheffield Company :

(7.) During the construction of the works by this Act authorised under and adjoining the railway of the Sheffield Company, the Company will bear and on demand pay to that company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their said railway with reference to and during the execution of the intended works, and for preventing as far as may be all interference, obstruction, danger, and accident which may arise from any of the operations of the Company, or from acts or defaults of the contractors or of any person or persons in their employment or otherwise :

(8.) The Company shall at all times maintain the bridge, tunnel, and other works by which the railways by this Act authorised shall be so carried under the railway of the Sheffield Company in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of the Sheffield Company, and if and whenever the Company fail so to do, the Sheffield Company may make or do in and upon as well the lands of the Company as their own lands such repairs, and the sum from time to time certified by such engineer, being the reasonable amount of such expenditure, shall be repaid to the Sheffield Company by the Company, and in default of payment may be

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recovered by them from the Company with full costs in any court of competent jurisdiction :

- (9.) The Company and their contractors, agents, servants, or workmen shall not in constructing or repairing the railway and works under the railway of the Sheffield Company obstruct, impede, or interfere with the free and uninterrupted and safe use of the railway or other works of the Sheffield Company or any traffic thereon, and if any such obstruction or interference shall be caused or take place contrary to this enactment, the Company shall forfeit and pay to the Sheffield Company, by way of ascertained damages, the sum of fifty pounds for every hour during which such obstruction or interference shall continue :
- (10.) Notwithstanding anything in this Act contained, the Company shall be responsible for and make good to the Sheffield Company all costs, losses, damages, and expenses which may be occasioned to that company, or to any of the works or property thereof, or to the traffic thereon, or otherwise, by reason of the execution or failure of the said railways and the works in connexion therewith, or of any act or omission of the Company, or of any of the persons in their employ, or of their contractors or others ; and the Company will effectually indemnify and hold harmless the Sheffield Company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission :
- (11.) With respect to so much of the railway, works, lands, or property of the Sheffield Company under which the Company are by this Act authorised to construct Railway No. 1, in the manner shown on the said plan and section, by means of a tunnel and bridge, the Company shall not purchase and take the same, but they may purchase and take, and the Sheffield 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 :
- (12.) If by reason of the making of the railway it shall become necessary to add to or alter the signal or signals upon the railway of the Sheffield Company, the same shall be so added to or altered by that company, and the reasonable expense thereof shall be repaid to them by the Company :
- (13.) Nothing in this Act contained shall extend to prejudice, alter, or take away any of the rights, privileges, or powers

of the Sheffield Company otherwise than is herein expressly provided. A.D. 1879.

22. Whereas the Cwm Bargoed Junction Railway will form a junction with a siding of the Dowlais Iron Company, and will pass through lands belonging to or reputed to belong to and occupied by that company, and on and under which they have mining rights, and are now and from time to time will be carrying on mining and other operations in connexion with their ironworks: Therefore, the following provisions shall have effect: For protection of
Dowlais Iron
Company.

- (1.) The Cwm Bargoed Junction Railway shall not, without the consent in writing of the Dowlais Iron Company, terminate otherwise than by a junction with the most easternly siding of the Dowlais Iron Company, situate near the top of the old Cwm Bargoed incline, as shown on the deposited plans of the Cwm Bargoed Junction Railway, and the provisions contained in sections 9, 10, 11, and 12 of the Railways Clauses Act, 1863, shall apply to the making of the junction between the Cwm Bargoed Junction Railway and the said siding, and the incidents of that junction and that siding shall be considered a railway within the meaning of those provisions:
- (2.) In constructing the Cwm Bargoed Junction Railway over the Pantywaun Railway of the Dowlais Iron Company, the Company shall not, without the consent in writing of the Dowlais Iron Company, deviate from the centre line thereof as shown upon the deposited plans, and shall construct and maintain the bridge for carrying the Cwm Bargoed Junction Railway over the Pantywaun Railway in accordance with those plans and sections, and so that the clear span of the bridge shall not be less than twenty-four feet throughout, and the clear height from the level of the rails on the Pantywaun Railway to the under side of the arch shall not be less than twelve feet throughout:
- (3.) The tramway of the Dowlais Iron Company authorised by this Act to be diverted shall not, without the consent in writing of the Dowlais Iron Company, be diverted otherwise than in accordance with the deposited plans and sections, and the bridge for carrying the Cwm Bargoed Junction Railway over the tramway when diverted shall be in accordance with those plans and sections, and so that the clear span of the bridge shall not be less than eight feet, with a clear headway throughout of not less than nine feet above the level of the trams on the said tramway.

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And the Company shall not in any manner obstruct the free use of and traffic over the existing tramway until the diverted portion thereof to be substituted for the existing tramway is constructed and completed to the satisfaction of the Dowlais Iron Company :

- (4.) The Company shall not take, use, or enter upon any more of the lands from time to time belonging to or occupied by the Dowlais Iron Company for the purposes of the Cwm Bargoed Junction Railway than is absolutely necessary for the width of the proposed line of railway, and the cuttings, embankments, fences, viaducts, and arches thereof respectively. The right of mining under the site of the Cwm Bargoed Junction Railway and the works connected therewith or incident thereto, so far as the same rights are now vested in the Dowlais Iron Company, shall be exerciseable by that company, according to the provisions in that behalf of the Railways Clauses Consolidation Act, 1845 :
- (5.) Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, alter, or prejudice any of the estates, interests, rights, powers, privileges, or authorities of the Dowlais Iron Company :
- (6.) The expression "Dowlais Iron Company" in this Act means and includes Sir Ivor Bertie Guest, Baronet, his heirs and assigns, and the trustees or trustee for the time being acting in the execution of the trusts of the will of Sir Josiah John Guest, Baronet, deceased, according to their respective estates and interests.

Lands for extraordinary purposes of Company.

23. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed ten acres.

Period for compulsory purchase of lands by Company.

24. The powers of the Company for the compulsory purchase of lands under the powers of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of new railways.

25. If the Denton and Saddleworth Railways or the Cwm Bargoed Junction are or is 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 railways or railway not completed, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as is then completed.

Imposing penalty unless new

26. If the Company fail within the period limited by this Act to complete the Denton and Saddleworth Railways or the Cwm

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Bargoed Junction, 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 railways or railway are or is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways or railway in respect of which the penalty has been incurred.

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railways
opened.

The said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railways or railway in reference to which the penalty has been incurred in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act, 1854.

17 & 18 Vict.
c. 31.

Every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General, on behalf of the Chancery Division of the High Court of Justice, in the bank and to the credit named in such warrant or order, and shall not be paid thereout except as herein-after provided.

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted railways or railway 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.

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

Application
of penalty
for non-com-
pletion of
new rail-
ways.

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If no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Chancery Division, if the Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Power to
Company
and Furness
Railway
Company to
make joint
railways.

28. Subject to the provisions of this Act, the Company and the Furness Railway Company jointly, or either of them with the consent of the other, may, in the lines and according to the levels shown on the deposited plans and sections relating thereto, make the joint railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference relating thereto as may be required for the purpose, and may exercise the other powers herein-after mentioned.

The joint railways herein-before referred to and authorised by this Act are—

(1.) Two railways at Moor Row :

No. 1 (seven furlongs five chains in length), commencing in the parish of Egremont, in the county of Cumberland, by a junction with the Whitehaven, Cleator, and Egremont Railway, and terminating in the same parish by a junction with the Egremont branch of that railway :

No. 2 (two furlongs one chain in length), to be situate wholly in the said parish of Egremont, commencing by a junction with the Whitehaven, Cleator, and Egremont Railway, and terminating by a junction with No. 1 :

(2.) The Gillfoot branch (two furlongs one chain forty links in length), to be situate wholly in the said parish of Egremont

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mont, commencing by a junction with the said Egremont branch, and terminating at the south-west side of the turnpike road leading from Egremont through Bigrigg to Whitehaven, near the Egremont Cemetery.

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29. With respect to tolls and charges, and for all other purposes whatever, the joint railways shall be part of the Whitehaven, Cleator, and Egremont Railway of the Company and the Furness Railway Company.

Tolls, &c. on joint railways.

30. And whereas, in the exercise by the Company and the Furness Railway Company of the powers of this Act, it may happen that portions only of the lands, buildings, or manufactories shown on the deposited plans will be sufficient for their purposes, and that such portions may be severed from the remainder of the said properties without material detriment thereto :

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

Therefore, notwithstanding section 92 of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the lands, buildings, or manufactories described in the Second Schedule to this Act, and whereof parts only are required for the purposes of the Company and the Furness Railway Company, may (if such portions can, in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation under that Act, be severed from the remainder of the said properties without material detriment thereto) be required to sell and convey to the Company and the Furness Railway Company the portions only of the premises so required, without those companies being obliged or compellable to purchase the whole or any greater portion thereof, those companies paying for the portions required by them, and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

31. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company and the Furness Railway Company any easement, right, or privilege (not being an easement of water) required for the purposes of this Act in, over, or affecting lands, and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, easements, rights, and privileges as aforesaid respectively.

Power to grant easements to Company and Furness Company.

32. The quantity of land to be taken by the Company and the Furness Railway Company for the extraordinary purposes men-

Lands for extraordinary purposes of

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Company
and Furness
Company.

Period for
compulsory
purchase of
lands for
joint rail-
ways.

Period for
completion
of joint rail-
ways.

Imposing
penalty un-
less joint
railways
opened.

tioned in the Railways Clauses Consolidation Act, 1845, shall not exceed two acres.

33. The powers of the Company and the Furness Railway Company for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

34. If the joint railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company and the Furness Railway Company for making and completing those railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

35. If the Company and the Furness Railway Company fail within the period limited by this Act to complete the joint railways, those companies shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the joint railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the joint railways.

The said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the joint railways in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 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 and with the privity of Her Majesty's Paymaster General, on behalf of the Chancery Division of the High Court of Justice, in the bank and to the credit named in such warrant or order, and shall not be paid thereout except as herein-after provided.

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company and the Furness Railway Company were prevented from completing or opening the joint railways 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-com-

36. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London

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Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the joint railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company and the Furness Railway Company by this Act of taking property for the purposes of the joint railways, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit.

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—
pletion of
joint rail-
ways.

If no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Chancery Division, if the Company or the Furness Railway Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid to such receiver or to the liquidator or liquidators of the insolvent company, or be otherwise applied as part of the assets of that company for the benefit of the creditors thereof.

37. The Company may make and carry into effect agreements with the Blaina Company and other parties interested in the private railways and lands in the occupation of the Blaina Company as lessees thereof with respect to the working and use by the Company of the said railways: Provided always, that no agreement made under this section shall alter, vary, prejudice, or affect the terms, covenants, conditions, or stipulations of any lease of or including the said railways or of the lands on which the same have been made, or any rights of the Marquess of Abergavenny or other the person or persons for the time being owning or entitled to the rents and profits of the premises included in any such lease under or by virtue thereof: Provided also, that no such agreement shall be so made as to take away, alter, or prejudicially affect any rights of

Power to
Company
and Blaina
Company to
make agree-
ments.

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A.D. 1879. James Barnes, George Barnes, and William Barnes, their heirs, sequels in estate, executors, administrators, and assigns, under any agreement or deed entered into or made before the passing of this Act, and to which the Blaina Company are parties.

Agreements with Dowlais Company as to use of railways, &c. of the latter.

38. The Company may make and carry into effect contracts and agreements with the Dowlais Iron Company with respect to the use by the Company of the railways or tramways of the Dowlais Iron Company, or of such parts or part thereof as may be agreed upon between them.

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

39. The Company from time to time may raise for the purposes of this Act, by the creation and issue of shares or stock, such capital as they shall think necessary, not exceeding five hundred and forty thousand pounds, exclusive of the capital which they are or may be authorised to raise by 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.

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

Except as otherwise provided, new capital of Company to be subject to same incidents as ordinary capital.

41. The capital created by the Company under this Act, and the shares or stock therein and the holders thereof respectively (except any capital and 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.

Dividends on new shares or stock of Company.

42. Every person who becomes entitled to a share or any 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.

Votes and qualifications in respect of new

43. The holders of the shares or stock created 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

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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 their Act of Incorporation :

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—
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.

44. 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 of
Company
raised under
this Act and
other Acts
may be of
same class.

45. If any money is payable to a holder of shares or stock in the Company 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
clause in case
of persons
not sui juris.

46. The Company may, in respect of the additional capital of five hundred and forty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage for the purposes of this Act any sum not exceeding in the whole one hundred and eighty thousand pounds in manner following; (that is to say,) in respect of each sum of one hundred and eighty thousand pounds (part of the said additional capital of five hundred and forty thousand pounds), any sum not exceeding in the whole sixty thousand pounds; but no part of any such sum of sixty thousand pounds shall be borrowed until shares for so much of the respective portion of capital in respect of which it is authorised 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 such respective portion of 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

Power to
Company to
borrow on
mortgage.

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A.D. 1879. — separate share in such respective portion of capital 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 such respective portion of 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 paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, or assigns, and also, if the said capital is raised by shares, that such persons or corporations, or their executors, administrators, 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 for mortgages of Company.

47. 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 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.

Company may create debenture stock.

48. 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 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.

Existing mortgages of Company to have priority.

49. All mortgages or bonds granted or to be granted under the authority of any former Act relating to the Company shall, during the continuance thereof, and subject to the provisions of the Acts

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under which such mortgages or bonds were respectively granted, have priority over any mortgages granted by virtue of this Act; and 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. 1879.

50. All moneys raised by the Company under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied only to the purposes of this Act.

Application of moneys raised by Company.

51. The Company may apply to the purposes of this Act 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 Acts relating to the Company, 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.

52. The Furness Railway Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, from time to time raise for the purposes of this Act any additional capital not exceeding in the whole thirty thousand pounds, and such additional capital may be issued, at the option of the Furness Railway Company, either as ordinary shares or stock or preference shares or stock, or wholly or partially by any one or more of those modes respectively, but the Furness Company shall not issue any share of less nominal amount than ten pounds.

Power to Furness Company to raise additional capital.

53. The Furness Railway Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares of Furness Company not to be issued until one fifth paid up.

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

Except as otherwise provided, new shares or stock of Furness Company to be subject to same incidents as other shares or stock.

55. Every person who becomes entitled to new shares or stock issued by the Furness Railway Company under this Act shall in respect of the same be a holder of shares or stock in the Furness

Dividends on new shares or stock of Furness Company.

[Ch. cxvii.] *London and North-western Railway* [42 & 43 VICT.]
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A.D. 1879. Railway 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 to the whole amount of such stock, as the case may be.

Power to
Furness
Company to
borrow on
mortgage.

56. The Furness Railway Company may, in respect of the additional capital of thirty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sums not exceeding in the whole ten thousand pounds; but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Furness Railway 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 such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital 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 said additional capital as is to be raised by means of stock is fully paid up, and the Furness Railway 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 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, so far as the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Furness Railway Company, or 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.

Repealing
provisions of
former Acts
of Furness
Company
with respect
to appoint-
ment of a
receiver.

57. Every provision in any Act passed before the present session of Parliament whereby the Furness Railway 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 Furness Railway 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.

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58. The mortgagees of the Furness Railway 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. 1879.
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For appointment of a receiver in respect of mortgages of Furness Company.

59. All mortgages and bonds granted by the Furness Railway Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing thereof, and subject to the provisions of the Acts under which the same are respectively granted, shall during the continuance of such mortgages and bonds have priority over any mortgages to be granted by virtue of this Act, and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Furness Railway Company.

Former mortgages of Furness Company to have priority.

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

Power for Furness Company to create debenture stock.

61. All moneys raised by the Furness Railway Company under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied only to the purposes of this Act to be executed by them; and they may apply to those purposes any of the moneys which they now have in their hands, or which they have power to raise under any of the Acts relating to them, and which may not be required for the purposes to which those moneys are by any such Acts made specially applicable.

Application of moneys raised by Furness Company under this Act.

62. The Company and the Furness Railway Company respectively shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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 that company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

Interest not to be paid on calls paid up.

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

63. The Company and the Furness Railway Company respectively shall not, out of any moneys 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 or the Furness Railway Company to construct any other railway, or to execute any other work or undertaking.

Company
not exempt
from pro-
visions of
present or
future gene-
ral Railway
Acts.

64. Nothing in this Act contained shall exempt the Company and the Furness Railway Company respectively or their 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, authorised to be taken by the Company and the Furness Railway Company respectively.

Expenses of
Act.

65. 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.

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SCHEDULES referred to in the foregoing Act.

A.D. 1879.

THE FIRST SCHEDULE.

Describing LANDS, BUILDINGS, and MANUFACTORIES of which
 Portions only are required by the Company.

Parish.	Number on deposited Plans.
Ashton-under-Lyne - - - - -	178.
Mottram-en-Longdendale - - - - -	18, 40, 45, 113.
Rochdale - - - - -	52.

THE SECOND SCHEDULE.

Describing LANDS, BUILDINGS, and MANUFACTORIES of which
 Portions only are required by the Company and the Furness
 Railway Company.

Parish.	Number on deposited Plans.
Egremont - - - - -	61, 62.

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