



ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. ccvii.

An Act for incorporating the *Cheshire Lines Committee*, and for authorizing that Committee to make a new Road, and for other Purposes.

[15th *August* 1867.]

WHEREAS by the *Garston and Liverpool Railway Act*, 1861, 24 & 25 Viet. c. xxxv.
the *Great Northern and Manchester, Sheffield, and Lincolnshire Railway Companies* were authorized to provide Funds jointly and equally for the Construction of the *Garston and Liverpool Railway*, and all the Powers for the Construction and Management thereof were vested in a Joint Committee, and by the *Cheshire Lines Transfer Act*, 1865, the *Stockport and Woodley Junction Railway*, the *Stockport, Timperley, and Altrincham Junction Railway*, the *Cheshire Midland Railway*, and the *West Cheshire Railway*, and all the Transactions of the Four Companies empowered to construct those Railways, and all their Lands, Rights, Powers, Privileges, and Authorities, were absolutely transferred to and vested in the *Great Northern Railway Company* (in this Act referred to as the *Great Northern Company*) and the *Manchester, Sheffield, and Lincolnshire Railway Company* (in this Act referred to as the *Sheffield Company*) jointly and equally, and the Directors of the *Great Northern* and *Sheffield Companies* respectively were empowered to

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appoint

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appoint Four Persons, such Eight Persons to form a Committee, to be called the *Cheshire Lines Committee*, with Power (among other things) to appoint an Arbitrator, to determine Differences arising in the Committee: And whereas by the same Act it was enacted that from and after the Day of certain Payments therein directed to be made (which have been since made) by the *Midland Railway Company* (in this Act referred to as the *Midland Company*) that Company should be admitted to a joint Ownership in the Four Undertakings and in the *Ganston and Liverpool Railway*, and it was also enacted that all the Enactments of that Act (except those relative to the raising of additional Capital by the *Great Northern and Sheffield Companies*) should be read as though the Name of the *Midland Company* had been inserted in them together with the Names of the Two other Companies, and that the *Cheshire Lines Committee* should thenceforth consist of Nine Persons, of whom Three should be nominated by each Company: And whereas by the *Liverpool Central Station Railway Act, 1866*, the Undertaking and Powers of the *Liverpool Central Station Railway Company* were absolutely transferred to and vested in the *Sheffield, Great Northern, and Midland Companies* (in this Act referred to as the Three Companies), and it was provided that all the Powers, Authorities, and Rights by that Act vested in the Three Companies should be exercised on behalf of the Three Companies by the *Cheshire Lines Committee*, and in the Name of the Committee, save as therein excepted, and divers Provisions for those Purposes and Purposes connected therewith were in that Act made: And whereas by the *Cheshire Lines Act, 1866*, the Three Companies were empowered to take Lands and make Works for Station Purposes and new Streets and other Works at *Liverpool* and elsewhere, and the *Great Northern and Midland Companies* were admitted to a joint Ownership with the *Sheffield Company* in their *Godley and Woodley Branch Railway*, subject to Conditions which have been since fulfilled, and the Undertaking and Powers of the *Chester and West Cheshire Junction Railway Company*, under the *Chester and West Cheshire Junction Railway Act, 1865*, were absolutely transferred to and vested in the Three Companies, and it was provided that all the Powers, Authorities, and Rights by the Act now in recital vested in the Three Companies should be exercised on behalf of the Three Companies by the *Cheshire Lines Committee*, and in the Name of the Committee, save as therein excepted, and divers Provisions for those Purposes and Purposes connected therewith were in that Act made: And whereas by the *Manchester, Sheffield, and Lincolnshire Railway (Liverpool Extension) Act, 1866*, the *Great Northern and Midland Companies* were admitted to a joint Ownership with the *Sheffield Company* in the Railways and Works authorized by the *Manchester, Sheffield, and Lincolnshire Railway (Extension to Liverpool) Act, 1865*, subject to Conditions which

29 & 30 Vict.
c. ccxiv.

29 & 30 Vict.
c. cccli.

29 & 30 Vict.
c. exci.

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which have been since fulfilled, and it was provided that the Powers by the last-mentioned Act vested in the *Sheffield* Company in reference to the Undertaking thereby authorized should be exercised by the *Cheshire* Lines Committee, and divers Provisions for those Purposes and Purposes connected therewith were in that Act made: And whereas by the *Manchester, Sheffield, and Lincolnshire* Railway (New Lines) Act, 1866, the Three Companies were empowered to make the Railways therein described in connexion with the Railways authorized by the *Liverpool* Extension Act of 1865, and to execute other Works, and it was provided that all the Powers, Authorities, and Rights by the Act now in recital vested in the Three Companies should be exercised on their Behalf by the *Cheshire* Lines Committee, and in the Name of the Committee, save as therein excepted, and divers Provisions for those Purposes and Purposes connected therewith were made: And whereas it is expedient that the *Cheshire* Lines Committee be incorporated: And whereas the Construction of the Road in this Act described would be of great local and public Advantage: And whereas it is expedient that divers other Amendments or Extensions of the Acts relating to the Three Companies or to the *Cheshire* Lines Committee be made: And whereas the Objects aforesaid cannot be attained without the Authority of Parliament: And whereas Plans and Sections describing the Lines, Situations, and Levels of the intended Road, and a Book of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of Land in the Line of the proposed Road, or within the Limits of Deviation as defined on the Plans and describing those Lands, have been deposited with the Clerk of the Peace for the County of *Chester* (which are in this Act referred to as the deposited Plans, Sections, and Books of Reference): 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,)

29 & 30 Vict.
c. excii.

1. This Act may be cited as *The Cheshire Lines Act, 1867.*

Short Title.

2. The following Acts and Parts of Acts (as far as the same respectively are applicable for the Purposes and are not inconsistent with the Provisions of this Act) are hereby incorporated with this Act; namely, the Lands Clauses Consolidation Act, 1845; the Lands Clauses Consolidation Acts Amendment Act, 1860; and Part II. (relating to Extension of Time) of the Railways Clauses Act, 1863.

8 & 9 Vict.
c. 18. and 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

3. Terms to which Meanings are assigned by the Acts wholly or in part incorporated with this Act have in this Act the same respective Meanings; and the Expression "Court of competent Jurisdiction,"

Interpre-
tation of
Terms.

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diction," or any other like Expression in this Act or any Act incorporated wholly or in part with this Act, shall for the Purposes of this Act have Effect as if the Debt or Demand with respect to which that Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Expression "Superior Court" in this Act or any Act incorporated wholly or in part with this Act shall for the Purposes of this Act include any Court of competent Jurisdiction as defined in this Act; and the Expression "the Company" in the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Act, 1863, shall for the Purposes of this Act mean the *Cheshire Lines Committee* as incorporated by this Act.

Incorporation of Cheshire Lines Committee.

4. The Persons for the Time being constituting the *Cheshire Lines Committee* are hereby united into a Corporation for the Purpose of the Exercise of the Powers and Performance of the Duties for the Time being belonging to the *Cheshire Lines Committee* under this Act and the other Acts relating to that Committee, and for that Purpose the *Cheshire Lines Committee* is hereby incorporated by the Name of the *Cheshire Lines Committee*, and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property (which incorporated Committee is in this Act referred to as the Committee).

Power to make Road and Works and take Lands.

5. Subject to the Provisions of this Act and of the Acts incorporated wholly or in part with this Act, the Committee may make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections the Road in this Act described, with all proper Approaches, Works, and Conveniences connected therewith, and may enter on, take, and use such of the Lands described in the deposited Plans and Books of Reference as may be required for that Purpose.

Description of Road.

6. The Road referred to in the last foregoing Section, and authorized by this Act, is the following; that is to say,

A Road in the Parish of *Great Budworth* and County of *Chester*, commencing at a Point Five hundred and sixty-one Yards or thereabouts, measured in an Easterly Direction from the Junction of the public Road from *Davenham* to *Weaverham* in the County of *Chester*, and the public Road called *Hodge Lane* in the Township of *Winnington*, and terminating by a Junction with the Turnpike Road from *Chester* to *Northwich* in the County of *Chester* at a Point Eight hundred and ninety-six Yards or thereabouts, measured in an Easterly Direction from the Centre of the Junction of that Turnpike Road with the public Road from *Davenham* to *Weaverham*.

7. As

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7. As soon as the Committee have completed the said Road they shall stop up and discontinue such Portions of Two existing Roads or Highways shown on the deposited Plans in connexion with the intended new Road as lie between the Points on those Roads respectively marked on the deposited Plans with the Letters C and D and E and A respectively, and thenceforth all Rights of Way and other Rights and Easements over the Portions of those Roads or Highways so stopped up and discontinued shall be and the same are hereby extinguished.

Existing Roads to be discontinued.

8. Notwithstanding anything in this Act contained, it shall not be lawful for the Company, under the Powers of this Act, to purchase compulsorily any of the Lands and Hereditaments in the Parish of *Liverpool* belonging or reputed to belong to *Samuel Peck* and *Mary Ann Peck*, either as Freehold or Leasehold, and in the Occupation of the said *Samuel Peck* and *Mary Ann Peck*, and numbered respectively on the Parliamentary Plan 327, 328, 350, 351, 352, 354, 355, 356, in the said Parish of *Liverpool*.

For Protection of S. Peck and M. A. Peck of Liverpool.

9. The Three Companies respectively may apply for the Purposes of this Act any Money which they respectively are for the Time being authorized to raise independently of this Act, and which is not for the Time being required for the Purposes for which the same was authorized to be raised.

Power for Three Companies to apply Corporate Funds.

10. All Powers for the Appointment of a Receiver under any Act prior to this Act relative to the Three Companies respectively are hereby repealed, without Prejudice to any Appointment heretofore made or Proceedings now pending.

Repeal of Powers for Receiver.

11. The Mortgagees of the Three Companies respectively may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages created or issued or to be created or issued under the Powers of the several before-mentioned Acts, by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, 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.

Arrears may be enforced by Appointment of a Receiver.

12. Notwithstanding anything in any other Act, all Deeds, Contracts, and Proceedings made under or authenticated by the Corporate Seal of the Committee shall be legal and binding, without the Signatures of any of the Members of the Committee, and without the Seals of the Three Companies or any of them.

Effect of Deeds, &c. under Common Seal.

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Powers to
be exercised
by Com-
mittee.

13. Notwithstanding anything in the Acts enumerated in the First Schedule to this Act or in any other Act, all the Powers, Authorities, and Rights vested in the Three Companies by the several Acts so enumerated, and by the several Acts in those Acts referred to or forming Part thereof respectively, shall be exercised on behalf of the Three Companies by the Committee and in the Name of the Committee.

Partial
Repeal of
former Acts
as to Com-
mittee.

14. The Enactments described in the Second Schedule to this Act are hereby repealed, but this Repeal shall not affect the past Operation of any of those Enactments, or the Force or Operation of any Order or Regulation made or given, or the Validity or Invalidity of anything done or suffered, or any Right, Title, Obligation, or Liability accrued, or any Proceeding commenced, before the passing of this Act, nor shall anything in this Section interfere with the Institution or Prosecution of any Proceeding in respect of any Offence, Penalty, or Forfeiture committed or incurred before the passing of this Act.

Actions, &c.
against the
Committee.

15. All Actions, Suits, Indictments, and other Proceedings, at Law or in Equity, which if One Company had been exclusively authorized to execute the Acts enumerated in the First Schedule to this Act or any of them might have been brought or prosecuted by or against that Company, may be brought and prosecuted by or against the Committee; and any Summons, Demand, Writ, Notice, or other Proceeding, at Law or in Equity or otherwise, relating in any Manner to any Undertaking authorized by this Act or any of the Acts enumerated in the First Schedule to this Act, or relating in any Manner to any Act or Default of the Three Companies or either of them, under this Act or any of the last-mentioned Acts, shall, if served on the Committee at their principal Office, be valid and effectual.

Application
of Parts of
Companies
Clauses
Consolida-
tion Act, to
Committee.

16. The following Sections of the Companies Clauses Consolidation Act, 1845, incorporated with this Act, shall apply to the Committee; namely,

Section 97 with respect to the making of Contracts:

Section 98 with respect to the Entry of Proceedings:

Section 99 with respect to the Validity of Proceedings:

Section 100 with respect to Liability and Indemnity:

Sections 109 to 114, both inclusive, with respect to the Accountability of Officers:

And for the Purposes of this Act the Provisions of those Sections relative to the Company or to the Directors shall apply to the Committee and to the Members thereof.

17. All

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17. All Property and Rights of or to which the unincorporated *Cheshire Lines Committee*, or any Person on their Behalf, are or is seised, possessed, or entitled, at Law or in Equity, at the passing of this Act, shall be by virtue of this Act vested in the Committee as incorporated by this Act to the same Extent and for the same Estate and Interest as and for which the same respectively is and are at the passing of this Act vested in the unincorporated *Cheshire Lines Committee*, or any Person on their Behalf, and may be held, used, and enjoyed accordingly.

Property, &c. vested in incorporated Committee.

18. All Purchases, Sales, Conveyances, Grants, Assurances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act made, done, entered into, executed, or instituted by, with, or with reference to the unincorporated *Cheshire Lines Committee*, shall be as valid and effectual for, against, and with reference to the Committee as incorporated by this Act as if the same had been done, entered into, executed, or instituted by, with, or with reference to the incorporated instead of the unincorporated Committee, and all Conveyances, Assignments, and Assurances made to the *Stockport, Timperley, and Altrincham Junction*, the *Stockport and Woodley Junction*, the *Cheshire Midland*, and the *West Cheshire Railway Companies* respectively, prior to or since the passing of the *Cheshire Lines Transfer Act, 1865*, or to the *Great Northern and Sheffield Companies*, or to the Three Companies, in pursuance of that Act, shall enure to the Use of the said Committee, and the Land and Premises so conveyed, assigned, or assured shall vest in the said Committee, their Successors and Assigns.

Conveyances, &c. to be in force as to Company.

19. All subsisting Rates, Rents, and Charges at the passing of this Act due and payable, or accruing due and payable, to the unincorporated *Cheshire Lines Committee*, shall be payable to and may be collected, recovered, and enforced by the Committee as incorporated by this Act by the Means and under the Restrictions and Regulations by and under which they might have been collected, recovered, and enforced by the unincorporated Committee.

Rents, &c. to be paid.

20. All Debts due to the unincorporated *Cheshire Lines Committee*, or to any Person on their Behalf, with all Interest (if any) due or to accrue due, shall be paid to the Committee as incorporated by this Act, and shall be recovered by them; and all Debts due by the unincorporated Committee, with all Interest (if any) due or to accrue due, shall be paid by the incorporated Committee, and shall be recoverable from them.

Debts to be paid and received.

21. All

*The Cheshire Lines Act, 1867.*Officers
continued.

21. All Officers of and Persons employed by the unincorporated *Cheshire Lines Committee* in Office at the passing of this Act shall hold their respective Offices and Employments as if this Act had not been passed, and be deemed to be Officers of or Persons employed by the Committee as incorporated by this Act, and they, and their respective Sureties, shall be liable as if they respectively had been appointed and had become bound under this Act.

Saving
Rights and
Liabilities.

22. Notwithstanding the Incorporation of the *Cheshire Lines Committee*, and except as by this Act or otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the *Cheshire Lines Committee* shall remain as if that Committee had not been incorporated, and such Incorporation and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if that Committee had not been incorporated, and this Act had not been passed, would be incident to and consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the incorporated Committee shall to all Intents represent and be deemed a Continuation of the unincorporated Committee; and the Generality of this Enactment shall not be restricted by any of the other Provisions of this Act.

Saving for
Constitution
of Com-
mittee.

23. Except as in this Act expressly provided, nothing in this Act or in any Act incorporated wholly or in part with this Act shall affect the Provisions of the *Cheshire Lines Transfer Act, 1865*, relative to the Nomination and Appointment of the Committee, or their Powers and Authorities, or the Regulation of their Meetings, or the Appointment or Powers of the Arbitrator, and those Provisions shall continue to operate as if this Act had not been passed.

Powers for
compulsory
Purchases
limited.

24. The Powers of the Committee for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
Completion
of Works.

25. If the Road by this Act authorized be not completed within Five Years from the passing of this Act, then on the Expiration of that Period the Powers by this Act granted to the Committee for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

26. The

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26. The Time granted by the *Liverpool Central Station Railway Act, 1864*, for the compulsory Purchase of Lands is hereby extended so as to continue for the Period of Two Years after the passing of this Act. Extension of Time for Purchase of Lands.

27. The Time granted by the several Acts enumerated in the Third Schedule to this Act for the Construction and Completion of the Works thereby respectively authorized is hereby extended so as to continue for the respective Periods after the passing of this Act mentioned in such Schedule. Extension of Time for Construction of Works.

28. In consideration of the Liability of the *Great Northern* and *Sheffield* Companies to the Penalty imposed by the Fortieth Section of the *Cheshire Line Transfer Act, 1865*, Section 13 of the *West Cheshire Railway Act, 1862*, relative to the Deposit of Money therein mentioned, is hereby repealed, and the Court of Chancery shall, at any Time after the passing of this Act, (but without requiring the Production of a Certificate of the said Act of 1862 having passed,) order and direct (according to the Provisions of the Act 9th *Victoria*, Cap. 20.) the Repayment to the Committee or their Secretary of the Money deposited in respect of the said Act of 1862. Release of West Cheshire Deposit.

29. In consideration of the Liability of the Committee to the Penalty imposed by the Thirty-fourth Section of the *Liverpool Central Station Act, 1866*, the Bond dated the 23rd Day of *February* 1865, given by the *Liverpool Central Station Railway Company* and their Sureties to the Lords Commissioners of Her Majesty's Treasury, for securing the Completion of the *Liverpool Central Station Railway*, shall be deemed to be cancelled, and shall have no further Operation or Effect against the Company or the Sureties named in such Bond, and the said Lords Commissioners shall deliver up the said Bond to the Committee or their Secretary, without further Proof than the Production of this Act. Bond given to Treasury by Liverpool Central Station Railway Company to be deemed cancelled.

30. The Three Companies respectively shall not, out of any Money which they respectively are authorized to raise, 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 authorizing them respectively to construct any other Railway, or to execute any other Work or Undertaking. Deposits for future Bills not to be paid out of Capital.

31. Nothing herein contained shall be deemed or construed to exempt the Railways of the Three Companies respectively from the Provisions of any General Act relating to Railways, or the better [Local.] and Railways not exempt from Provisions of present and

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future General Acts.

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, authorized by any Act or Acts of the Three Companies respectively.

Expenses of Act.

32. 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 Three Companies in equal Shares.

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SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Powers transferred to Committee.

- Garston and Liverpool Railway Act, 1861.
 The Cheshire Lines Transfer Act, 1865.
 The Manchester, Sheffield, and Lincolnshire Railway (Extension to Liverpool) Act, 1865.
 The Manchester, Sheffield, and Lincolnshire Railway (Liverpool Extension) Act, 1866.
 The Manchester, Sheffield, and Lincolnshire Railway (New Lines) Act, 1866.
 The Liverpool Central Station Railway Act, 1866.
 The Cheshire Lines Act, 1866.

THE SECOND SCHEDULE.

Repeal.

The Cheshire Lines Transfer Act, 1865	-	Sections Fifteen and Sixteen.
The Manchester, Sheffield, and Lincolnshire Railway (New Lines) Act, 1866.		Sections Sixty-one and Sixty-two.
The Manchester, Sheffield, and Lincolnshire Railway (Liverpool Extension) Act, 1866.		Sections Sixteen and Seventeen.
The Liverpool Central Station Railway Act, 1866.		Sections Twenty-three, Thirty-one, and Thirty-two.
The Cheshire Lines Act, 1866	- -	Sections Forty-five and Forty-six.

THE

The Cheshire Lines Act, 1867.

THE THIRD SCHEDULE.

Extension of Time.

The West Cheshire Railways Act, 1861.	} Two Years.
The West Cheshire Railways Act, 1862.	
The Liverpool Central Station Railway Act, 1864.	
The Chester and West Cheshire Junction Railway Act, 1865.	} Five Years.
The Manchester, Sheffield, and Lincolnshire Railway (Extension to Liverpool) Act, 1865.	
The Manchester, Sheffield, and Lincolnshire Railway (New Lines) Act, 1866.	

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