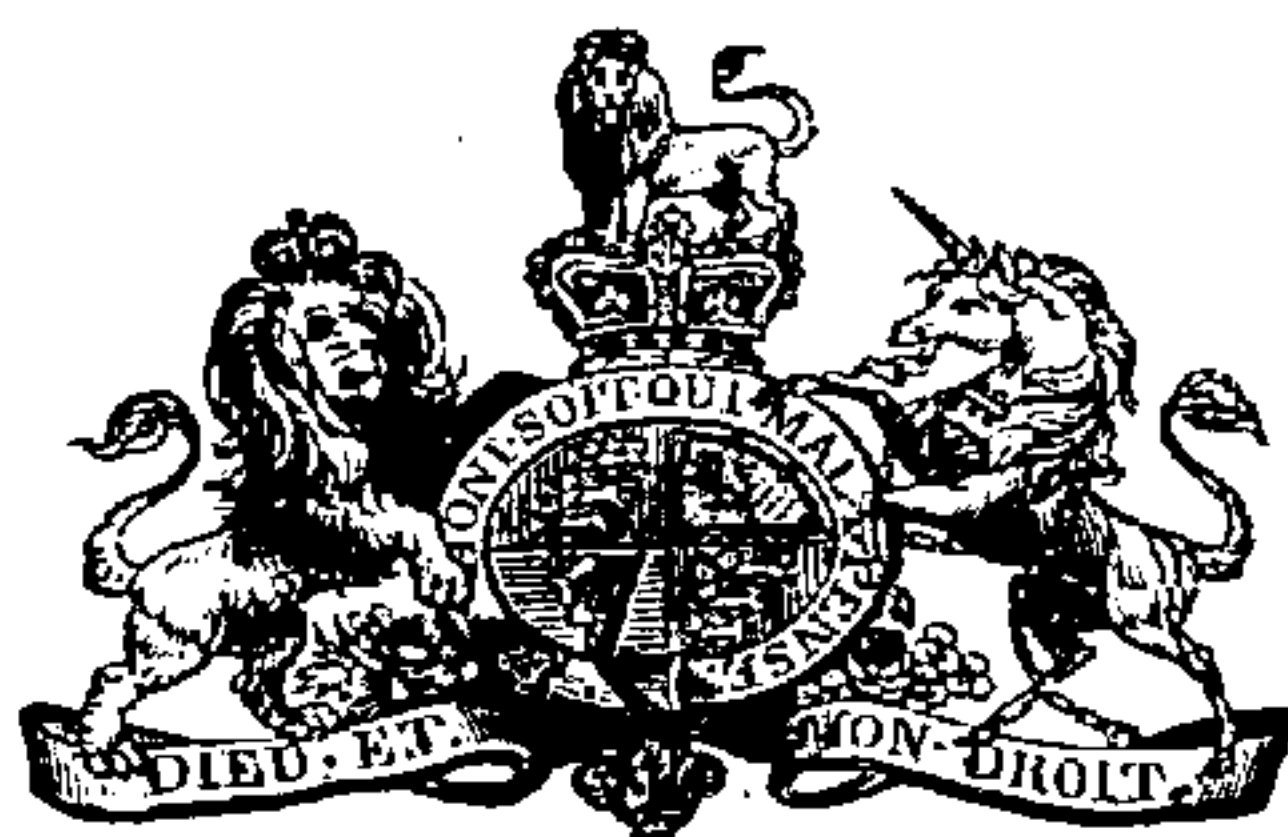




CHAPTER cliii.

An Act for conferring further powers on the Cheshire Lines Committee ; and for other purposes. A.D. 1873.
[21st July 1873.]

WHEREAS it is expedient that further powers in various respects be conferred upon the Cheshire Lines Committee (herein-after called the Committee) incorporated by the Cheshire Lines Act, 1867, and that they be authorised to enter upon, take, and use the lands herein-after mentioned for the purposes of the works authorised by this Act, and for the general purposes of their undertaking :

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also books of reference to such plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, and plans of other lands by this Act authorised to be taken, with like books of reference thereto, have been duly deposited with the respective clerks of the peace for the counties of Lancaster and Chester, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

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

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

1. This Act may be cited as The Cheshire Lines Act, 1873.

Short title.

2. The following enactments (as far as the same respectively are applicable for the purposes of and not varied by or inconsistent with this Act) are hereby incorporated with this Act (namely) :

Provisions of general Acts herein named incorporated.

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

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The Railways Clauses Consolidation Act, 1845 :

Part I. of the Railways Clauses Act, 1863, relating to the construction of a railway.

Interpretation of terms.

3. In this Act the several terms and expressions to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, and in this Act, and for the purposes of this Act in any enactments incorporated with this Act the term "court of competent jurisdiction," shall have effect as if the debt or demand with respect to which it is used was a simple contract debt and not a debt or demand created by statute; and the term "superior court" shall include any court of competent jurisdiction; the expression "the railway" shall mean the railway by this Act authorised; "the promoters of the undertaking" and "the Company" shall mean and apply to the Committee.

Power to Committee to take lands referenced.

4. Subject to the provisions of this Act the Committee may enter on, take, and use such of the lands described in the deposited plans and books of reference as they require for purposes of works authorised by this Act, or other purposes of the undertaking belonging to or under the management of the Committee, but as regards any lands they may require for the purposes of the railway herein-after described the Committee may only enter on, take, and use the same by agreement.

Power to committee to make and maintain new railway.

5. Subject to the provisions of this Act the Committee may make and maintain in and according to the lines and levels shown on the deposited plans and sections the railway and works in this section described, with all proper stations, approaches, works, and conveniences connected therewith; (that is to say,)

A railway (No. 1.) three furlongs, three chains, and twenty-five links in length, commencing in the township of Marston in the parish of Great Budworth in the county of Chester by a junction with the railway of the Committee authorised by The Cheshire Lines Transfer Act, 1865, and therein described as railway No. 2. and terminating near the salt works of the Victoria Salt Company (Limited) in the township of Wincham in the parish of Great Budworth aforesaid.

Description of other works.

6. Subject to the provisions of this Act the Committee may execute, in and according to the lines and levels shown on the deposited plans and sections the works in this section described, with all proper approaches and conveniences connected therewith; (that is to say,)

(1.) The stopping up wholly or in part of the following streets or roads and highways in the township and parish of Man-

chester; (that is to say,) so much of Fleet Street as lies between the junction of that street with Lower Mosley Street and the point where Bishopsgate Street joins Fleet Street aforesaid, and so much of Lombard Street as lies between Lower Mosley Street and the point where Bishopsgate Street intersects Lombard Street:

- (2.) The stopping up of the public footpath in the parish of Warrington in the county of Lancaster leading from School Brow into Battersby Lane, and the substituting in lieu thereof a new footpath commencing in School Lane aforesaid at the south-east corner of the yard or playground of the Warrington Free Grammar School and terminating in Battersby Lane at the south-east corner of and adjoining the bridge carrying the Liverpool Extension Railway belonging to the Committee over Battersby Lane aforesaid:
- (3.) The stopping up of so much of the public footpath leading from Broadheath Road in the parish of Bowdon in the county of Chester to a house and premises called Timperley Lodge, in the occupation of George Smith, as lies between the boundary fence on the south-east side of the railway No. 2. authorised by the Manchester, Sheffield, and Lincolnshire Railway Extension to Liverpool Act, 1865, and the point where the said footpath terminates at or near Timperley Lodge aforesaid.

7. So soon as the whole of the property abutting upon both sides of the portions of Fleet Street and Lombard Street in Manchester aforesaid hereby authorised to be stopped up has been acquired by the Committee, all rights of way and other rights and easements over such portion of Fleet Street and Lombard Street as are hereby authorised to be stopped up shall be extinguished, and the respective sites thereof shall vest absolutely in the Committee.

Vesting of stopped-up roads in Manchester in Committee.

8. In executing the powers granted to the Committee with reference to the lands by this Act authorised to be taken and used, and the streets to be stopped up within the city of Manchester, for the purposes of the undertaking belonging to or under the management of the Committee, the following provisions for the protection of the mayor, aldermen, and citizens of the city of Manchester, herein-after referred to as "the corporation," shall apply; (that is to say,)

For protection of the corporation of Manchester.

- (a.) All buildings or works to be erected upon any land authorised to be acquired by the Committee, and which shall abut upon or run alongside of any street in the said city, shall be built or constructed according to a front elevation to the reason-

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able satisfaction of the corporation, or in case of difference, to the reasonable satisfaction of a surveyor to be appointed by the Board of Trade on the application of either party :

- (b.) The lamp pillars, flap, paving stones, curbs, grids, sewers, drains, water, gas, and other pipes or apparatus under the control of the corporation, together with such portion of the road materials as the corporation may think fit, in any street which shall be stopped up or absorbed wholly or in part by the Committee under the powers of this Act, shall remain and be the property of the said corporation, if they think fit to remove and take the same away :
- (c.) The cost of constructing, providing, and laying any new sewers, drains, mains, pipes, or apparatus in substitution for those which may be rendered useless by such alteration, shall be repaid to the corporation by the Committee on demand :
- (d.) Whenever, in execution of the powers in this Act contained, it shall be necessary to alter or interfere with any of the sewers or drains, or any of the gas, water, or other mains or pipes, or apparatus belonging to the corporation, such alteration or interference shall be carried out by and under the direction of the said corporation, but at the expense in all respects of the said Committee :
- (e.) The Committee shall not, without the consent of the corporation, in any part or to any extent whatever stop up, obstruct, or interfere with either temporarily or permanently, Great Bridgwater Street, Lower Mosley Street, Great Mount Street (between Lower Mosley Street and the westerly side of Redford Street), Redford Street, and Windmill Street, all in the city of Manchester.

New street and continuation of street for corporation of Manchester.

9. The Committee shall form, sewer, pave, and otherwise complete to the satisfaction of the corporation, a new street, of an uniform width of sixteen yards, in a direct line from South Street to Albion Street in the township of Manchester, as shown and coloured red on the ordnance plan, signed by James Gascoigne Lynde on behalf of the corporation and by Chas. Sacré on behalf of the Committee, and shall also in like manner make and form or continue, as also shown and coloured red on the said ordnance plan, Watson Street, of an uniform width of fourteen yards, from Windmill Street to Great Bridgwater Street in the said township of Manchester.

Vesting of footpaths in Committee.

10. On the Committee stopping up in pursuance of this Act the said several public footpaths in the parishes of Warrington and Bowdon aforesaid, all rights of way and other rights and easements

over such portions of the respective footpaths as are so stopped up, shall be by virtue of this Act absolutely extinguished. A.D. 1873.

11. The Committee may apply for the purposes of this Act any money under their control or at their disposal, and which is not required by them for other authorised purposes. Application of capital by Committee.

12. The railway shall for the purposes of tolls, rates, and other purposes, be deemed part of the undertaking of the Committee. Railway to be part of undertaking of Committee.

13. The power 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. Powers for compulsory purchase limited.

14. The railway shall be completed within five years from the passing of this Act, and if the same shall not be completed within that period, then on the expiration thereof the powers of this Act granted to the Committee for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed. Period for completion of works.

15. Subject to the provisions in The Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of The Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Committee may, in the construction of the railway, carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned; (that is to say,) Power to cross certain road on the level.

No. on Plan.	Parish.	Township.	Description of Road.
8	Great Budworth -	Wincham - -	Public.

16. The Committee 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 they shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention to take the same. Houses of labouring classes.

17. 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 Power to take easements, &c. by agreement.

A.D. 1873. Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Committee any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid.

Compensation to William Hamer.

18. The Committee shall pay to William Hamer the amount actually expended by him and his late firm of Hamer and Davis in the construction and maintenance of the railway or siding connecting his works with the railway of the Committee, and the Committee shall construct a good and sufficient siding for the connexion and accommodation of those works with the railway by this Act authorised; and thereupon the Committee shall remove the existing level crossing over the road numbered 8 on the deposited plans in the parish of Great Budworth and township of Wincham. The said William Hamer shall permit the Committee to connect the salt works of Messrs. Parkes Brothers with the railway by this Act authorised; and if any land in which the said William Hamer is interested shall be required for the purpose, the said Committee shall compensate him for the value of his leasehold interest therein, and any difference which may arise between the Committee and the said William Hamer concerning the matters aforesaid shall be determined by an arbitrator to be agreed on between the parties, or in default of such agreement, to be nominated on the application of either party by the Board of Trade.

Imposing penalty unless railway be opened.

19. If the Committee fail within the period limited by this Act to complete the railway, the Committee shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and open 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 works; and the said penalty may be applied for by any landowner or other person claiming to be compensated 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 three of the Railway and Canal Traffic Act, 1854; and 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 Court of Chancery in England in the bank 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 Committee was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control: Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control. A.D. 1873.

20. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Committee by this Act, 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 Court of Chancery in England may seem fit; and 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 or transferred to or ~~for~~ the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England 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 court, if the Committee is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Committee, or be otherwise applied as part of the assets of the Committee for the benefit of the creditors thereof.

Providing for application of penalty in compensation to parties injured by non-completion of railways.

21. Nothing in this Act shall exempt any railway by this Act authorised 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 rates of fares and charges, or of rates for small parcels.

Railway not exempt from provisions of present and future general Acts.

[Ch. cliii.] *The Cheshire Lines Act, 1873.* [36 & 37 VICT.]

A.D. 1873.

Expenses of
Act.

22. The costs, charges, and expenses preliminary to, and of, and incidental to the preparing of, applying for, and obtaining, and passing of this Act, shall be paid by the Committee.

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