



## CHAPTER lvi.

An Act for conferring further powers upon the Cheshire Lines Committee, and upon the three Companies represented upon that Committee; and for other purposes. A.D. 1877.

[28th June 1877.]

**W**HEREAS 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 upon the three Companies represented on that Committee, viz., the Manchester, Sheffield, and Lincolnshire Railway Company, the Great Northern Railway Company, and the Midland Railway Company, and that the Committee be authorised to execute the works herein-after described, and to enter upon, use, and hold the lands herein-after mentioned, and shown on the deposited plans referred to in this Act, for the purposes of those works, and for the general purposes of their undertaking: 30 & 31 Vict. c. ccvii.

And whereas it is expedient that the time limited by "The Cheshire Lines Act, 1872," for the construction of the works authorised by that Act should be extended: 35 & 36 Vict. c. lvii.

And whereas the Committee were by "The Cheshire Lines Act, 1866," required to construct certain works described in the eleventh section of that Act for the purpose of carrying Wellington Road in Liverpool over their railway and over Sefton Street: 29 & 30 Vict. c. cccli.

And whereas the works described in the eleventh section of "The Cheshire Lines Act, 1866," cannot be constructed without the acquisition of lands belonging to the Mersey Docks and Harbour Board, which that board are unwilling to part with; it is expedient, therefore, that the eleventh section of "The Cheshire Lines Act, 1866," should be repealed, and that other provisions in lieu thereof should be made as herein-after appearing:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas plans and sections describing the lines and levels of works authorised by this Act, and books of reference to those

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plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of lands in the lines of the proposed works, or within the limits of deviation as defined on the plans and describing those lands, and plans of the other lands by this Act authorised to be taken compulsorily, with like books of reference thereto, have been deposited with the clerk of the peace for the counties of Lancaster and Chester, and are in this Act respectively 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 authority of the same, as follows ; (that is to say,)

Short title.

1. This Act may be cited as "The Cheshire Lines Act, 1877."

Certain provisions of general Acts herein named incorporated.

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,)

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

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the matters following ; (that is to say,) 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 of the Company on mortgage or bond, the conversion of the borrowed money into capital, the consolidation of the shares into stock, the general meetings of the Company, and the exercise of the right of voting by the shareholders, the making of dividends, the giving of notices, and the affording access to the special Act by all parties interested :

The Railways Clauses Consolidation Act, 1845 :

Parts I. and II. of the Railways Clauses Act, 1863, relating respectively to the construction of a railway and to extension of time :

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

Interpretation of terms.

3. In this Act—

"The Sheffield Company" means the Manchester, Sheffield, and Lincolnshire Railway Company :

“The Great Northern Company” means the Great Northern Railway Company: A.D. 1877.

“The Midland Company” means the Midland Railway Company:

“The three Companies” means the Manchester, Sheffield, and Lincolnshire Railway Company, the Great Northern Railway Company, and the Midland Railway Company:

“The Committee” means the Cheshire Lines Committee:

“The corporation” means the mayor, aldermen, and burgesses of the borough of Liverpool:

Terms 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 common 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 expressions “the railway” and “the undertaking” shall mean respectively the railway and the undertaking by this Act authorised; “the promoters of the undertaking” and “the Company” shall mean and apply to the Committee.

4. Subject to the provisions of this Act, the Committee may enter on, take, and use, for the purposes of the railway and other works authorised by this Act, all or any of the lands and buildings delineated on the deposited plans thereof, and described in the deposited books of reference thereto, except so much of the said lands or buildings as belongs to the Mersey Docks and Harbour Board; and they may enter on, take, and use, for the general purposes of their undertaking, all or any of the following lands and buildings delineated on the deposited plans, and described in the deposited books of reference; that is to say,

Power for  
Committee  
to take lands  
referenced.

Certain lands and buildings situate and being in the several townships of Allerton, Much Woolton, Speke, and Halewood, all in the parish of Childwall, in the county of Lancaster, lying and adjoining the north-easterly side of the Liverpool Extension Railway of the Committee:

Certain other lands and buildings situate in the township of Halewood aforesaid, on the south side of the Liverpool Extension Railway, and near to Wood Road or Workhouse Lane:

Certain other lands and buildings situate in the township of Halewood aforesaid, on the north side of the Liverpool Extension Railway, and between the points where Railways Nos. 3

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and 4 authorised by the Cheshire Lines Act, 1874, join that railway respectively :

Certain other lands situate in the township of Halewood aforesaid, situate in Sutton's Lane, and abutting upon and on the east side of Railway No. 3 authorised by the Cheshire Lines Act, 1874 :

Certain lands and buildings situate in the parish or extra-parochial place of Toxteth Park, in Grafton Street, Wellington Road, and Berisford Street, within the borough of Liverpool, in the county of Lancaster :

Certain other lands and buildings situate in Heaton Norris, in the parish of Manchester, in the county of Lancaster, and lying and being on the north and south sides of the Stockport and Timperly Branch of the railway of the Committee :

Certain other lands and buildings situate in Deansgate, in the parish of Manchester aforesaid, and bounded by Great Bridge-water Street on the north-east, and by Owen's Court on the north-west :

Certain other lands and buildings situate in the township of Poulton-cum-Fearnhead, in the parish of Warrington, in the county of Lancaster, and lying and abutting upon the north side of the Liverpool Extension Railway :

Certain other lands situate in the township of Great Sankey, in the parish of Prescott, in the county of Lancaster, lying and being on the southerly side of the Liverpool Extension Railway :

Certain other lands situate in the parish of Mobberley, in the county of Chester, situate on the westerly side of the Cheshire Midland Branch of the railway of the Committee, and abutting on the north side of the public highway leading to the Mobberley Station on that Railway :

Certain other lands situate in the township of Cuddington, in the parish of Weaverham and county of Chester, lying and being on the north-easterly side of the road leading to the Cuddington Station on the West Cheshire Branch Railway of the Committee.

For the protection of the corporation of Manchester.

5. The provisions contained in the ninth section of the Cheshire Lines Act, 1875, for the protection of the mayor, aldermen, and citizens of the city of Manchester shall (so far as they are applicable) extend and apply to any lands within the city of Manchester which the Committee may acquire under this Act.

For the protection of John Ireland Blackburne.

6. Nothing in this Act contained shall in any way authorise or empower the Committee to take, enter upon, use, or interfere with

any lands or buildings belonging to John Ireland Blackburne otherwise than by agreement. A.D. 1877.

7. The Committee shall not, under the authority of this Act, take, enter upon, or use otherwise than by agreement any lands belonging or reputed to belong to the Earl of Derby or other person for the time being entitled in possession to the estates of the said Earl in the county of Lancaster, except the lands numbered on the deposited plans 26, 29, 30, 34, 35 in the parish of Childwall, and parts not exceeding together one and a half acres of statute measure of the lands No. 25 and 27 in the same parish, and the lands numbered 131 in the parish of Walton-on-the-Hill.

Limiting the lands to be taken belonging to the Earl of Derby.

8. The railway and works by this Act authorised shall be carried under Stanley Road, and under the sidings numbered on the deposited plans of that railway 133 in the parish of Walton-on-the-Hill, in such a manner as not to alter the existing level of that road or the said sidings, and shall be so constructed as not to interfere with the road of sixty feet wide provided for by the thirtieth section of the Cheshire Lines Act, 1874, and numbered on the said deposited plans 104 in the said parish of Walton-on-the-Hill.

For protection of the Earl of Derby.

9. Except as is herein expressly provided, nothing in this Act contained shall in any way alter, abridge, prejudice, or affect any of the powers, rights, and privileges granted or reserved to the Earl of Derby or other person entitled as aforesaid, or of the said Committee under and by virtue of the Cheshire Lines Act, 1874, or certain articles of agreement dated the thirteenth day of March one thousand eight hundred and seventy-six, and made between the Honourable Charles James Fox Stanley and the Right Honourable Edward Baron Skelmersdale of the first part, the Right Honourable Edward Henry Earl of Derby of the second part, and the Cheshire Lines Committee of the third part.

Saving of rights of Earl of Derby.

10. Notwithstanding anything in this Act contained, it shall not be lawful for the Committee to take, enter upon, or use otherwise than by agreement any lands in the parish of Childwall belonging to John Pattison Ellames, except such as are shown on a plan signed by Elias Dorning on behalf of the said John Pattison Ellames, and William George Scott on behalf of the Committee, and which lands are in the said plan coloured 'pink'; and the Committee shall, within three months from the passing of this Act, execute the compulsory powers hereby given to them for acquiring those lands, and not afterwards.

For the protection of John Pattison Ellames.

11. Nothing in this Act contained shall authorise the Committee to acquire any lands or other property in the parish of Walton-on-

For protection of the Lancashire

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and York-  
shire Railway  
Company.

the-Hill on the west side of the main line of the Lancashire and Yorkshire Railway, or to take, use, enter upon, or interfere with the railway and stations of the Lancashire and Yorkshire Railway Company, or any part thereof, or any of the lands and buildings or other property of that company now belonging to them, or which they have, under any Act of Parliament already passed, power to acquire by compulsion; and nothing in this Act contained shall alter, prejudice, or affect the powers or privileges of the said Lancashire and Yorkshire Railway Company.

Power to  
make and  
maintain new  
railway.

**12.** Subject to the provisions of this Act, the Committee may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway in this section described, with all proper stations, sidings, approaches, works, and conveniences connected therewith:

A railway, one mile eight chains and sixty hundredths of a chain in length, commencing in the township of Kirkdale, in the parish of Walton-on-the-Hill, in the county of Lancaster, by a junction with Railway No. 5 authorised by the Cheshire Lines Act, 1874, and now in course of construction, and terminating in a plot of land in Sandhills Lane, in the parish of Walton-on-the-Hill.

For the pro-  
tection of the  
corporation  
of the  
borough of  
Liverpool.

**13.** In constructing the railway by this Act authorised, the Committee shall conform to and observe the following regulations and restrictions; that is to say,

1. Whenever, by the appropriation or destruction of property under this Act authorised, any water mains or pipes laid for the supply of such property, except pipes inside such property, shall be rendered unnecessary, the Committee shall pay the corporation the cost of laying an equivalent length of water mains or pipes, and the cost of the works required for the discontinuance of such water mains or pipes rendered unnecessary, as shall be estimated by the water engineer; and the water mains and pipes so rendered unnecessary shall be the property of the Committee:
2. The water mains and pipes, and the flags, paving stones, and such other materials of the streets stopped up and appropriated by the Committee as the corporation shall require, shall belong to the corporation, and may be removed by them accordingly:
3. If, by reason of the construction of the works authorised, it shall be necessary temporarily to interrupt or interfere with any sewer or drain, the Committee shall, before interfering with the same, make all such provisions with respect to the sewerage during the execution of the works as shall be satis-

factory to the corporation, and shall immediately after the completion thereof restore, reconstruct, and reinstate such sewer or drain to the like satisfaction :

4. When any existing sewer or drain, new or substituted sewer or drain, or altered sewer or drain, shall be so situated that convenient access thereto may by manhole be obtained through the property or works of the Committee, the Committee shall, when required by the corporation, make and maintain such access, and the corporation shall, by their officers, workmen, and servants, be at liberty at all times to use the same for any purpose for which it may be necessary : Provided always, that no such access shall be so made as to interfere with the use of the railway :
5. If, by reason of the execution of any of the powers of this Act, or by the alteration of the main outfall sewers as hereinafter provided, the corporation shall necessarily incur any costs in altering any existing sewer or drain, the Committee shall pay to the corporation such additional cost, and the same may be recovered, in default of payment, in any court of competent jurisdiction :
6. Except as by this Act expressly provided, nothing in this Act shall prejudice or affect any powers or rights of the corporation with respect to laying down, altering, repairing, or maintaining in a reasonable manner, on or under any lands acquired or to be acquired by the Committee, of any sewer or drain :
7. Before interfering with, obstructing, or breaking up any street, road, passage, or place within the borough authorised to be stopped up, the Committee shall give to the corporation seven days notice in writing, and the works affecting the same shall be done under the direction of the borough engineer :
8. Where the surface of any street, road, passage, or place has been interfered with or disturbed by the Committee in constructing the works or performing the operations by this Act authorised, the Committee shall well and sufficiently, and to the satisfaction of the corporation, restore the surface so interfered with or disturbed, and shall maintain in efficient repair the said surface for twelve months to the like satisfaction :
9. If, by reason of the execution of the Committee's works, whether during their construction or at any time afterwards, any subsidence shall take place in any public street, passage, or place, the same shall be restored and kept in good repair by the Committee, to the satisfaction of the corporation, for twelve calendar months :

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10. Except as by this Act is specially authorised, the Committee shall not, without the consent of the corporation, signified in writing under the hand of the town clerk, in any street, road, passage, or place within the borough, construct any works or perform any operations which may interfere with the traffic along such street, road, passage, or place :
11. Every bridge or viaduct intended to carry and continue any street, road, or passage over the railway shall be constructed to the satisfaction of the corporation ; and each bridge shall be of the full width between the parapets of the street, road, or passage which it is intended to carry and continue over the railway, including the footpaths thereof, and shall have proper provisions (to the like satisfaction) for carrying the water and gas mains, and so as to admit of ready access thereto ; and the parapet walls of every such bridge, and the parapet walls over the ends of tunnels, shall be of not less than seven feet in height, and to the reasonable satisfaction of the corporation :
12. The Committee shall not take or interfere with any part of the lands within the borough of Liverpool numbered 133 and 134 on the deposited plans and books of reference otherwise than by acquiring an easement for and constructing their railway by means of a covered way or tunnel under No. 133 :
13. In constructing the railway by this Act authorised, the Committee shall not, without the consent of the corporation, alter the existing level of Sandhill's Lane or Stanley Road, or Westminster Road or Commercial Road, nor interfere with the same by constructing any shaft or opening therein :
14. The corporation shall give their consent, so far as they lawfully can, to the stopping up by the Committee of the portions of Hawkshaw Street and Holme Street within the limits of deviation shown on the deposited plans :
15. In case the Committee at any time make any opening into Sandhills Lane on the north side thereof, for the loading or unloading of goods, they shall, before using such opening, set back their frontage to the said street for a space of ten feet for the whole distance along which such doors or openings are made, in order that carts and other vehicles may stand therein while receiving or delivering goods at the said doors, or waiting to receive or deliver goods, without obstructing the existing roadway or street :
16. The provisions of the Cheshire Lines Act, 1866, section 12, sub-sections 2, 3, 5, 6, 7, and 12, respectively, shall apply to the works authorised by this Act in the borough of Liverpool,



and as regards water mains and pipes in the district of the Liverpool Corporation Waterworks; and in the application of the said provisions for the purposes of this Act "the three Companies" shall mean the Committee:

17. Wherever by this Act it is provided that anything may be done with the consent or approval of the corporation, or shall not be done without such consent or approval, such consent or approval may be given subject to such lawful conditions and provisions as the corporation think fit to make, and the giving of such consent or approval shall not prejudice any right of the corporation (except as may be provided thereby) or of any other person to compensation under the provisions of this Act or the incorporated Acts:

18. The Committee shall from time to time pay to the corporation and the parish of Liverpool all sanitary and other municipal or parochial rates leviable by or payable to the said corporation and parish respectively 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 Committee until the Committee's works are completed and assessed to such municipal and parochial rates respectively; and the amount of such rates payable by the Committee shall be computed 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:

19. Nothing herein contained shall prejudice or affect the rights or liabilities of the corporation and of the Committee respectively under section 35 of "The Cheshire Lines Act, 1874."

14. The eleventh section of the Cheshire Lines Act, 1866, is hereby repealed, and in lieu of the provision in that section contained the following provisions shall apply; (that is to say,)

The Committee, within eighteen months after the passing of this Act, shall construct, and shall at all times thereafter maintain, a good and sufficient footbridge with approaches, so as to form a communication in the line of Wellington Road from Grafton Street to Sefton Street over the railways which cross Wellington Road; and the said footbridge and approaches shall be constructed and maintained as follows; (that is to say,)

(I.) The footbridge shall throughout its length be of a clear width between the parapets of not less than fifteen feet, and there shall be no greater gradient at any part thereof than one in seventeen:

With respect to a bridge at Wellington Road, Toxteth Park.

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- (II.) At the Sefton Street end there shall be double approaches of the clear width of twelve feet each; at the Grafton Street end there shall be either double approaches of a clear width of twelve feet each, or a single approach of fifteen feet clear width :
- (III.) The approaches shall consist of steps of twelve inches tread and six inches rise, and with such landings as the corporation may require, and shall be constructed with proper retaining walls and parapet walls to their satisfaction :
- (IV.) The parapets or girders of the footbridge shall be of such height and construction as the corporation approve :
- (V.) In case the approaches at the Grafton Street end are situate short of the junction of Wellington Road with Grafton Street, a paved roadway of not less than fifteen feet clear width, and of a gradient not exceeding in any part one in seventeen, shall be retained or constructed and maintained by the Committee from Grafton Street to the approaches at the Grafton Street end :
- (VI.) The footbridge and its approaches, and the paved roadway last mentioned, shall at all times be kept in good repair by the Committee to the reasonable satisfaction of the corporation :
- (VII.) The said footbridge, approaches, and roadway shall be lighted, at the expense of the Committee, by sufficient gas lamps, to be approved from time to time by the corporation, on both sides thereof; the lamps shall be so placed that there shall not on either side of the said bridge, approaches, and roadway be a greater interval than thirty-six feet between any lamp and any other lamp on the same side, and there shall be a lamp at the foot and at the top of each approach; every lamp shall burn not less than four cubic feet of gas per hour whilst lighted, and shall be kept lighted during the same hours as the lamps in the adjoining streets belonging to the corporation :
- (VIII.) The whole of the above-mentioned works shall be constructed on lands belonging to or to be acquired by the Committee :
- (IX.) Subject to the provisions of this section, the footbridge and approaches shall be constructed according to a plan agreed upon and signed by the respective engineers to the corporation and the Committee :
- (X.) In case the Committee make default in obeying any of the provisions of this section they shall be liable to a penalty not exceeding five pounds for every day during which such default continues :

(XI.) The Committee shall, within eighteen months after the passing of this Act, acquire and take the properties Nos. 2 to 20 inclusive on the deposited plans in the township of Toxteth Park.

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15. The Committee shall at their own expense alter or reconstruct the Bankhall outfall sewer and the Sandhills outfall sewer, where the said sewers respectively are or will be crossed by the existing or proposed railways of the Committee, in the following manner :

With respect to Bankhall and Sandhills outfall sewers.

(I.) The said Bankhall outfall sewer and the said Sandhills outfall sewer shall respectively be lowered so that the crown thereof shall not at any point be less than three feet below the underside of the sleepers of the railways :

(II.) The said sewers, as altered or reconstructed, shall not have a less fall or gradient respectively than one in one hundred and sixty at any part :

(III.) The said sewers shall in other respects be altered or reconstructed to the satisfaction of the corporation, and in lines to be approved by them, and shall be of not less capacity than at present :

(IV.) The Committee may, with the consent of the corporation, deviate from the lines and levels shown on the deposited plans and sections to the extent necessary for carrying into effect the provisions of this section :

(V.) The Committee shall not interfere with either of the said existing sewers until they have either altered or reconstructed such sewers in accordance with the provisions of this section, or provided a substitute to the satisfaction of the corporation.

16. It shall be lawful for the Committee and the corporation from time to time to agree for providing on lands belonging to the Committee accommodation for the receipt and loading of manure and other refuse matter to be removed from the said borough, and for the carriage or forwarding of the same over the railways of the Committee, and on the terms and conditions on which the same shall be carried and conveyed.

Removal of manure from the borough of Liverpool.

17. For the protection of the Company of Proprietors of the Canal Navigation from Leeds to Liverpool (hereafter in this Act called the Leeds and Liverpool Canal Company), the following provisions shall have effect ; (to wit,)

Provisions for the Leeds and Liverpool Canal Company.

(A.) The railway shall be carried under the canal and towing-path, works and lands, of the Leeds and Liverpool Canal Company, in the line and at the point of crossing shown by the

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centre line on the deposited plans, or within a lateral deviation of fifty feet on either side of that line, and (unless with the consent of the Leeds and Liverpool Canal Company under their common seal) not elsewhere :

- (B.) In carrying the railway under the canal, towing-path, works, and lands of the Leeds and Liverpool Canal Company, the Committee shall not, otherwise than by agreement with the Leeds and Liverpool Canal Company, deviate from the levels or mode of construction shown on the deposited sections :
- (C.) The Committee shall not purchase or take any land of the Leeds and Liverpool Canal Company, but the Committee may purchase and take, and the Leeds and Liverpool Canal Company may and shall sell and grant accordingly, an easement or right of using the land required for the construction of the railway (with not more than four lines of rail) in the line shown on the deposited plans :
- (D.) The tunnel and any other work to be made for the purpose of carrying the railway under the canal and towing-path of the Leeds and Liverpool Canal Company shall be constructed according to plans, sections, and specifications, (showing fully the mode of construction and materials to be used,) which shall be submitted to and approved in writing under his hand by the engineer of that Company not less than one month previous to the work being commenced :
- (E.) Nothing herein contained shall prevent the Committee from entering upon the lands and works of the Leeds and Liverpool Canal Company when and for such periods as may be necessary for the fulfilment of the Committee's obligations under this section :
- (F.) The Committee shall, at their own expense, maintain the said tunnel or other work in perfect repair at all times, unless they abandon the railway or the portion thereof which passes under the canal, and in either of those cases they shall (if required so to do by the Leeds and Liverpool Canal Company, but not otherwise) remove or fill up, to the satisfaction of the engineer of that company, the said tunnel or other work at their own expense :
- (G.) The Committee shall make good all damage that may be occasioned to the works or property of the Leeds and Liverpool Canal Company by the construction, renewal, or want of repair of any of the Committee's works, but—
- (a.) In every case of pressing necessity, and
- (b.) In every other case, if for seven days after notice in writing thereof given to the Committee by the Leeds and

Liverpool Canal Company, the Committee neglect to proceed with due diligence to make good such damage,— the Leeds and Liverpool Canal Company may, if they think fit, make good the damage, and the amount expended by them in so doing shall be repaid to them by the Committee :

- (H.) If and whenever, by any act or omission of the Committee, the traffic upon any part of the canal or towing-path shall be obstructed or rendered dangerous to boats, barges, or other vessels navigating or using the canal, the Committee shall pay to the Leeds and Liverpool Canal Company, as or by way of ascertained damages, the sum of fifty pounds for every day during which the obstruction or danger shall continue, and so in proportion for any less time than a day :
- (I.) Provided that nothing in this Act contained shall prevent the Leeds and Liverpool Canal Company, or any owner of boats or barges, from recovering from the Committee (in addition to the ascertained damages herein-before mentioned) any special damages that may be sustained by the Leeds and Liverpool Canal Company, or such owner, in consequence of the stoppage or hindrance of the traffic upon the canal, or in consequence of any works to be executed by the Committee, or by the Leeds and Liverpool Canal Company for the Committee, under the provisions herein-before contained, or by reason of any water oozing or escaping from the canal, or on account of any other act or omission of the Committee :
- (K.) If and whenever any damages or other sums payable by the Committee to the Leeds, and Liverpool Canal Company, or to such owner as aforesaid, are not paid on demand made on the secretary or clerk of the Committee, the same may, together with costs of suit, be recovered against the Committee in any court of competent jurisdiction :
- (L.) All questions and differences which may at any time arise between the Committee and the Leeds and Liverpool Canal Company as to the construction or effect of sub-sections A., B., C., D., E., or F. of this section, or the performance, observance, non-performance, or non-observance of any of the provisions thereof, or any matters connected therewith or consequent thereon, shall be determined by an arbitrator to be appointed by the Committee and the Leeds and Liverpool Canal Company, or (if for fourteen days after the question or difference arises those two parties do not agree upon an arbitrator) by the Board of Trade, upon the application in writing of both or either of these parties, and the decision of every such arbitrator (by whomsoever appointed) shall be binding and con-

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clusive upon both the parties in difference, and the costs of the arbitration shall be in his discretion :

(M.) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the rights, privileges, property, powers, or authorities of the Leeds and Liverpool Canal Company.

For the protection of the London and North-western Railway Company.

**18.** The following provisions for the protection of the London and North-western Railway Company shall be binding on the Committee, and they shall perform the same and comply therewith :

- (1.) The Committee shall carry the railway over the tunnel of the Bootle Branch Railway of that company at the proposed crossing thereof, according to the line of the railway as shown on the deposited plans, as also the Railway No. 5 authorised by the Cheshire Lines Act, 1874, by a flat girder bridge, with one clear span of not less than twenty-five feet measured on the square, and with a clear headway for its entire length of not less than sixteen feet, measured from the surface of the rails of the said Bootle Branch Railway, and by not exceeding in all four lines of rails; and all the works for such crossing, as well as those provided for in sub-sections 2 and 3 of this section, shall be carried out and executed according to plans and specifications to be reasonably approved by and under the superintendence and to the satisfaction of the principal engineer of that company, and in all things at the expense of the Committee, and by and in such means and manner only as not to interfere with the free, uninterrupted, and safe user of the railway of that company, or the working, conduct, or passage of the traffic thereon :
- (2.) If it shall at any time appear to such engineer of that company that any further or other works or appliances are required to prevent injury happening to the said tunnel, owing to or in consequence of the railway being carried over the same, the Committee will, immediately on being thereunto required in writing under the hand of such engineer, make and execute the same at their expense :
- (3.) In lieu and instead of the provisions contained in sub-section 3 of section 41 of the Cheshire Lines Act, 1874, the Committee shall, before interfering with the existing ventilating shaft of the said tunnel, remove a portion of the arch thereof immediately north-west of the Railway No. 5 authorised by the Cheshire Lines Act, 1874, for a space of four hundred square feet in a triangular shape, and shall at all times thereafter leave the above-mentioned area as an open space

for ventilating the said tunnel; and the Committee shall also construct in the face of the retaining wall which they are now constructing obliquely across the said tunnel on the north-east side of the railway by this Act authorised, and beneath the soffit of the arch of the said tunnel, an open space equal in area to not less than fifty square feet, and which space shall at all times be kept open for the purpose of ventilating the said tunnel:

- (4.) The Committee shall at all times maintain the bridge or other works by which the railway shall be so carried over the said tunnel, and also any further or other works which may be required under sub-sections 2 and 3 of this section, in substantial repair and good order, and effectually drain the same, to the reasonable satisfaction in all respects of such engineer; and if and whenever the Committee fail so to do, that company may make or do, in and upon as well the lands of the Committee as their own lands, all such works and things as that company may reasonably think requisite in that behalf, and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to that company by the Committee, and in default of payment may be recovered as aforesaid from the Committee, with full costs:
- (5.) The Committee shall not in any case, without the previous consent in writing under the common seal of that company, take, use, enter upon, or interfere with the railway, works, lands, or property at any time belonging to or in the possession or under the power of that company, except only such part or parts thereof respectively as it shall be necessary for the Committee to take, use, enter upon, or interfere with for making and maintaining the bridge and other works by which the railway is so to be carried over the said tunnel, and except also so far as it shall be necessary to use, enter upon, or interfere with, for making and constructing the openings for ventilating the said tunnel, as provided for in sub-section 3 of this section:
- (6.) With respect to any such last-mentioned railway, works, lands, or property which the Committee are by this Act authorised to take, use, enter upon, or interfere with respectively, they shall not purchase and take the same, but they may purchase and take, and that 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 Committee might purchase and take the same:

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(7.) The Committee shall, on demand, pay to that company all reasonable expenses of the employment by that company, during the construction of the works affecting the railway of that company and the said tunnel and ventilating shaft, of a sufficient number of inspectors and watchmen, to be appointed by that company, for watching their railway and tunnel, and the works thereof, with reference to and during the execution of such works of the Committee, and for preventing, as far as may be, all interference, danger, and accident from any of the operations or from the acts or defaults of the Committee or their contractors, or any person or persons in the employment of the Committee or their contractors, with reference thereto, or otherwise; and the Committee shall also, on demand, pay to that company the cost of any alterations of or additions to, including maintenance of, any signals which that company may from time to time find necessary to erect owing to the said crossing over the said tunnel:

(8.) The Committee shall be responsible for, and make good to that company, all costs, losses, damages, and expenses from time to time occasioned to that company or to the said tunnel or any other of their works and property, or to the traffic on their railway, or to any company or person using the same, or otherwise, by reason of the execution or failure of any of the works of the Committee, or incidental thereto, or by any act or omission of the Committee or any of the persons in their employment, or their contractors or others; and the Committee shall effectually indemnify and hold harmless that company from all claims and demands upon or against them by reason of any such execution or failure, or of any such act or omission as aforesaid:

(9.) If any difference shall arise between the respective engineers of the Committee and of that company as to the reasonableness of such plans and specifications, such difference shall be referred to and determined by an engineer to be mutually nominated by such respective engineers, or, failing agreement, to be appointed by the President of the Institution of Civil Engineers, on the application of the Committee or of that company:

(10.) Nothing in this Act contained shall extend to prejudice or alter or take away any of the rights, privileges, or powers of that company otherwise than is herein expressly provided.

Power to  
make other  
works.

19. 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, A.D. 1877.

(1.) The stopping up and discontinuance as public roads, highways, or footpaths of the undermentioned portions of roads and footpaths respectively; that is to say,

(a.) So much of the public footpath in the township of Allerton, in the parish of Childwall, in the county of Lancaster, leading from Brunt Lane towards Garston, as lies between the point where that footpath joins or leads out of Brunt Lane near to Short Butts Farm, and the point where that footpath crosses the southerly boundary fence of the Liverpool Extension Railway of the Committee:

(b.) So much of a public footpath in the township of Halewood, in the parish of Childwall, in the county of Lancaster, leading from a certain road or highway called Macket's Lane, past a farm known as Lyons House Farm, to a certain other road or highway called Sutton's Lane, as lies between the westerly side of Railway No. 4 authorised by the Cheshire Lines Act, 1874, and the easterly side of Railway No. 3 authorised by that Act, and as crosses those railways respectively:

(c.) So much of the footpath in the township of Fazakerley, in the parish of Walton-on-the-Hill, in the county of Lancaster, near to Fazakerley Farm, leading from Rice Lane, in the said township of Fazakerley, to Long Lane in the same township, as lies between the west side of Railway No. 5 authorised by the Cheshire Lines Act, 1874, and the point where that footpath joins Long Lane aforesaid:

(d.) So much of a certain street or highway in the parish or extra-parochial place of Toxteth Park within the borough of Liverpool, in the county of Lancaster, as lies between the junction of that street with Grafton Street, and the easterly side of the Garston Branch of the railway of the Committee:

(2.) The making of a new footpath, commencing at the point where the existing footpath before mentioned as being in the township of Fazakerley enters the north-east corner of a certain field shown on the deposited plans of Railway No. 5 authorised by the Cheshire Lines Act, 1874, and numbered 16 in the parish of Walton-on-the-Hill aforesaid, and terminating at a point in Long Lane aforesaid, distant 210 yards or thereabouts, measured in a northerly direction along that

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lane from the point where the existing footpath enters that lane :

- (3.) The alteration or diversion of the line of so much of a certain road or highway situate in the said township of Allerton, called Brunt Lane, as extends from the southern corner of the outbuildings of a certain farmhouse there, known by the name of Short Butts Farm, and terminates at the north end of the bridge which carries that road over the said Liverpool Extension Railway near to the Hunts Cross Junction of the Allerton Branch of the railway.

Footpath in Fazakerley not to be stopped up till new footpath made.

**20.** The Committee shall not stop up the footpath in the township of Fazakerley until the new footpath in that township has been made and opened to the public.

Vesting of stopped up roads, &c. in Committee.

**21.** On the Committee stopping up, in pursuance of this Act, any roadway, street, or footpath, all rights of way and other rights and easements over such portions of the respective roadway, street, or footpath as are so stopped up shall be by virtue of this Act extinguished, and the site of those portions shall vest absolutely in the Committee, so far as the same are respectively bounded on both sides by lands of the Committee.

Railway to be part of undertaking of Committee.

**22.** The Committee may demand and receive, for and in respect of the railway hereby authorised, the same tolls and charges as they are now empowered to receive in respect of their existing undertaking, and the railway shall in all respects be part of the undertaking of the Committee.

Powers for compulsory purchases limited.

**23.** 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.

Period for completion of works.

**24.** 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.

Houses of labouring classes.

**25.** 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. A.D. 1877.

**26.** Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice; and the Company may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands and dwellings, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise.

Company to procure accommodation for persons of the labouring class to be displaced.

**27.** 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 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 Act with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid, respectively.

Power to take easements, &c. by agreement.

**28.** 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 the third section 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

Imposing penalty unless railway be opened.

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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 specified 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.

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

**29.** 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 conferred upon the Committee by this Act of taking property for the purposes of such 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; 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 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 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.

Application of capital by Committee.

**30.** The Committee may apply for the purposes of this Act any moneys under their control or at their disposal, and which are not required by them for the purposes for which the same were authorised to be raised.

**31.** The Sheffield Company may from time to time apply towards the execution of the purposes of this Act, and for the general purposes of the undertaking of the Committee, any money which they are for the time being, independently of this Act, authorised to raise, and which is not required for the purposes for which it was authorised to be raised.

A.D. 1877.  
Power for Sheffield Company to apply authorised capital.

**32.** In addition to such share capital as the Sheffield Company are for the time being, independently of this Act, authorised to raise, they may from time to time, by virtue and for the purposes of this Act, and for the general purposes of the undertaking of the Committee, raise such sums as they think requisite, not exceeding in the whole the sum of four hundred thousand pounds.

Power for Sheffield Company to raise additional share capital.

**33.** The additional share capital by this Act authorised to be raised by the Sheffield Company shall be raised by the creation and issue of new shares or new stock, ordinary or preference, or partly ordinary and partly preference, as that Company from time to time think fit.

Mode of raising additional share capital.

**34.** Except as by this Act is otherwise provided, the additional share capital to be created by the Sheffield Company under this Act, and the shares therein, and the holders of those shares respectively, shall be entitled and subject to the same powers, rights, privileges, and liabilities in all respects as if that new capital were part of the ordinary share capital of that Company existing at the passing of this Act, and those shares were shares in that ordinary capital.

New shares to be subject to same provision as shares existing.

**35.** In addition to any sum which the Sheffield Company are for the time being, independently of this Act, authorised to raise by mortgage, they may from time to time borrow on mortgage any sums not exceeding in the whole the sum of one hundred and thirty-three thousand pounds.

Power to Sheffield Company to borrow.

**36.** The Great Northern Company may apply towards the execution of the purposes of this Act any money which they are already authorised to raise, and which is not required by them for the purposes for which the same was authorised to be raised, and may for the purposes of this Act and for the general purpose of the undertaking of the Committee from time to time raise, in addition to the sums of money which they are already authorised to raise, any further sums, not exceeding in the whole four hundred thousand pounds, by the creation of new shares or stock in their undertaking, which shares or stock shall form part of the general capital of the Company, and may be issued at such price (being not less than the nominal value thereof) and upon such other terms and conditions as may be determined on by three fourths at

Great Northern Company may apply funds and raise additional capital.

A.D. 1877. — least of the votes of shareholders present in person or by proxy at any extraordinary general meeting of that Company convened with due notice of the object.

Privileges may be attached to new shares.

**37.** The Great Northern Company may, with the consent of three fourths at least of the votes of their shareholders present personally or by proxy at any extraordinary general meeting convened with due notice of the object, attach to all or any of the shares or stock to be created under the powers of this Act a preferential dividend, and may also attach to the said shares or stock a condition that the same may be redeemed, upon conditions to be stated in the resolutions creating the same, and to be notified on the certificates of such shares or stock; and for the purpose of redeeming the same, or any part thereof, that Company may create and issue from time to time fresh ordinary or preference shares.

As to dividends for first half year.

**38.** If in the first half of any year commencing on the first day of January there be profits applicable for the purposes of dividend upon the ordinary shares or stock of the Great Northern Company, after satisfying the dividend and arrears of dividend (if any) due upon any other preference shares or stock of that Company previously created and issued, and also the dividend for such half year on the shares, preference shares or stock, to be created and issued under the powers of this Act, that Company may declare a dividend for such half year on such ordinary shares or stock.

Votes of proprietors of such shares.

**39.** The proprietors of any shares or stock to be issued by the Great Northern Company under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of that Company.

Power to Great Northern Company to borrow.

**40.** The Great Northern Company may from time to time under the powers of this Act borrow any additional sum of money, not exceeding one hundred and thirty-three thousand pounds, either by mortgage of their undertaking, or by the issue of debenture stock, in pursuance of the powers and subject to the limitations and restrictions contained in the Great Northern Railway Company's Increase of Capital Act, 1863, and in this Act.

Power to Midland Railway Company to create new capital.

**41.** The Midland Company may raise for the purposes of this Act, and for the general purposes of the undertaking of the Committee, by the creation and issue of new shares, such amount of capital as they think fit, not exceeding four hundred thousand pounds, and such new shares may be either ordinary or preferential, or part ordinary and part preferential, as that Company may from time to time determine.

42. If at any time of the creation of new shares under this Act the then existing ordinary consolidated stock in the Midland Company be at a premium or of greater actual value (according to the market price thereof in the city of London) than the nominal value thereof, such new shares shall be of such amounts (not other than an integral number of pounds sterling) per share as will allow the same to be conveniently apportioned amongst the then holders of all shares or stock in that Company (other than and except shares or stock to which any guaranteed or preferential dividend of a fixed amount without further participation in the profits of that Company shall have been assigned) in proportion to the number of shares or amount of stock held by them respectively; and such new shares may be either of one class or of different classes, and the directors of that Company may from time to time (but subject to the provisions of this Act) fix the amounts and terms of payment of the calls on the new shares created under the powers of this Act; and every holder of shares or stock in that Company at the time of such creation as aforesaid, other than and except as aforesaid, shall, in such proportion as aforesaid, be entitled to an allotment of the new shares according to the provisions of this Act; and no holder of any shares or stock entitled to a fixed amount of dividend without further participation in the profits of that Company shall be entitled to any apportionment of any such new shares.

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As to amount  
and issue of  
new shares.

43. The Midland Company may from time to time, if they think fit, attach to all or any new shares or any class of new shares created under the powers of this Act any total or partial, permanent or temporary, restriction of the rights of voting and other qualifications of the holders thereof.

Votes in  
respect of  
new shares.

44. All shares of the same class created by the Midland Company under this Act shall confer like privileges, and shall bear like dividends or interest, and be subject to like restrictions (if any).

Shares of  
same class to  
have like  
privileges.

45. All new shares created by the Midland Company under this Act shall vest in and belong to the then shareholders who shall accept the same, and pay the first instalment thereon to the amount and at the time which shall be fixed by the directors, and specified in the letter offering the new shares.

Vesting or  
other dis-  
position of  
new shares.

46. If any shareholder of the Midland Company for one month after such offer of new shares fail to accept the same, and pay the first instalment called for in respect thereof, then that Company may authorise the directors to dispose of the same in such manner as they may deem most for the advantage of that Company.

Shares not  
accepted  
may be dis-  
posed of by  
the Midland  
Company.

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Qualification  
of new shares.

47. Except as by or under the powers of this Act otherwise provided, all new shares issued by the Midland Company under the powers of this Act shall, in proportion to the aggregate amount from time to time paid up on the new shares held by the same person at the same time, entitle the respective owners thereof to the same dividends and profits, and confer on them the like qualifications and the like rights of voting, as the like amount paid up on existing shares or stock of that Company (other than and except as aforesaid): Provided always, that, unless otherwise determined by the meeting sanctioning the new shares, no person shall be entitled to vote in respect of any of the new shares to which a fixed or preferential dividend or other special advantages shall be assigned.

Power to  
Midland  
Company to  
raise capital  
under any  
other Act  
and this Act  
by new  
shares of one  
class.

48. If by any other Act passed [in the present session of Parliament, whether before or after the passing of this Act, the Midland Company be authorised to raise any capital by new shares, then, subject to the provisions of the other Act and this Act respectively, that Company, if they think fit, may raise by the creation and issue of new shares of one and the same class all or any part of the aggregate capital which they are by the other Act and this Act respectively authorised to raise by the creation and issue of new shares.

Saving rights  
of existing  
preference  
shareholders.

49. This Act or anything therein contained shall not prejudice or affect any preference or priority in the payment of interest or dividend on any other shares or stock which shall have been granted by the Midland Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, or any dividend on any Midland Railway debenture stock.

Midland  
Company  
may create  
and issue  
stock in lieu  
of shares.

50. The Midland Company may raise by the creation of stock the money which they are by this Act or by any other Act passed in the present session of Parliament, whether before or after the passing of this Act, authorised to raise by the creation of shares or any part thereof. The Midland Company may create and issue such stock either wholly or partially as ordinary or wholly or partially as preferential stock, as they may think fit.

New shares  
or stock  
of Midland  
Company  
raised under  
this Act and  
any other  
Acts of past

51. Subject to the provisions of any Act already passed by which the Midland 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, whether before or after the passing of this Act, by which that Company may be authorised to raise capital by new shares or stock, that 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 Acts and this Act respectively authorised to raise by means of new shares or stock.

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or present sessions may be of same class.

**52.** The Midland Company may, in respect of the additional capital of four hundred thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage for the purposes of this Act, and for the general purposes of the undertaking of the Committee, any sum not exceeding in the whole one hundred and thirty-three thousand pounds.

Power to Midland Company to borrow.

**53.** The three Companies respectively shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid up in respect thereof.

Shares not to vest until one-fifth part paid up.

**54.** The three Companies respectively shall not borrow any money under this Act until shares for so much of their respective 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 they respectively 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 thereof 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 three Companies respectively 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 are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if the said capital is raised by means of shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; upon production to such justice of the books of the three Companies respectively, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid in reference to such capital has been given, which certificate shall be sufficient evidence thereof.

Restriction on borrowing powers.

**55.** All mortgages granted by the three Companies respectively before the passing of this Act shall, during their continuance, but subject to the provisions of the Acts under which such mortgages

Existing mortgages to have priority.

A.D. 1877.

were respectively granted, have priority over any mortgage granted by them respectively 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 three Companies respectively.

Repealing provisions of former Acts with respect to appointment of a receiver.

**56.** Every provision in any Act passed before the present session of Parliament whereby the three Companies respectively are authorised to raise by borrowing money for the purposes of their respective undertakings, with respect to the appointment of a receiver for enforcing payment by the three Companies respectively 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.

Power to enforce arrears by appointment of a receiver.

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

Power to create and issue debenture stock.

**58.** The three Companies respectively may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything herein contained, the interest of all debenture stock at any time after the passing of this Act created by the three Companies respectively shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the three Companies respectively, and shall have priority over all principal moneys secured by such mortgages.

Application of money.

**59.** All money raised by the three Companies respectively under this Act by shares or stock, or by borrowing, or by debenture stock, shall be applied to the purposes of this Act, and not otherwise.

Extension of time for construction of works authorised by Cheshire Lines Act, 1872.

**60.** The time limited by the Cheshire Lines Act, 1872, for the construction of the works authorised by that Act is hereby extended for a period of three years from the twenty-seventh day of June one thousand eight hundred and seventy-seven.

For protection of Post Office telegraphs.

**61.** If in the execution of the works by this Act authorised the Committee desire to alter, remove, or otherwise interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, and not situate upon the railway

of the Committee, or works connected therewith, the following provisions for the protection of Post Office telegraphs shall apply; (that is to say,) A.D. 1877.

Before the Committee alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus, the Committee shall give to the Postmaster General one calendar month's previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto; and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Committee, give the Committee notice of his intention so to do, he may execute, at the cost of the Committee, and thereafter at his own expense maintain, the works specified in the Committee's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due despatch in the execution thereof, and not interfering with or obstructing the use of the railway. If at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Committee, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster General, along substituted wires, to be provided by the Committee at their own expense, to the satisfaction in all respects of the Postmaster General.

(Notice to be given before interfering with telegraphs.)

Subject to the provisions of this section, the Committee shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster General, causing any interruption of or impediment to postal telegraphic communication; and the Committee shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues. The amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Committee to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, on behalf of the Postmaster General, as a penalty is recoverable from the Committee.

(Compensation by Committee to Postmaster General, and penalty.)

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(Saving for  
Telegraph  
Act and  
agreements.)

Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General or of the Committee under or by virtue of the Telegraph Act, 1868, or any agreement between the Committee and the Postmaster General.

Interest not  
to be paid on  
calls paid up.

**62.** The three Companies 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 this Act shall not prevent either Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

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

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

Railway not  
exempt from  
provisions of  
present and  
future gene-  
ral Acts.

**64.** Nothing in this Act shall exempt the three Companies or the 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 the maximum rates of fares and charges, or of rates for small parcels.

Expenses of  
Act.

**65.** 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.