



CHAPTER cxxi.

An Act for authorising the construction of a railway in Lancashire to be called the St. Helens and Wigan Junction Railway and for other purposes. A.D. 1885.
[22nd July 1885.]

WHEREAS the construction of the railway and works hereinafter described would be of public and local advantage:

And whereas the persons herein-after named with others are willing to carry the undertaking into execution and it is expedient that they be incorporated into a company and that the requisite powers be conferred upon them:

And whereas it is expedient that the Company and the other companies in that behalf in this Act mentioned be empowered to enter into and carry into effect traffic and other agreements as herein-after provided:

And whereas plans and sections showing the lines and levels of the railway authorised by this Act and also books of reference to the 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 were duly deposited with the clerk of the peace for the county palatine of Lancaster 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:

1. This Act may be cited as the St. Helens and Wigan Junction Railway Act 1885. Short title.

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Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (herein-after referred to as the Lands Clauses Acts) the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. John Leith Joseph Beecham Robert Goldthorp Brook Josiah Gaskell William Hampson Foster Joseph Bithel Leach and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the St. Helens and Wigan Junction Railway Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of land and other property for the purposes of this Act.

Power to make railway.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of

reference as may be required for that purpose. The railway herein-
before referred to and authorised by this Act is :

A railway 8 miles and 7·20 chains in length in the county of
Lancaster commencing in the borough of St. Helens and termi-
nating in the township of Lowton by a junction with the railway
of the Wigan Junction Railway Company.

6. The following provisions for the protection of the London
and North-western Railway Company (herein-after referred to as the
North-western Company) shall unless otherwise agreed between the
Company and the North-western Company apply and have effect :

For the pro-
tection of the
London and
North-
western
Railway
Company.

(1.) The Company in constructing the railway and works by this
Act authorised so far as the same affect the railways canals
lands or works of the North-western Company shall not deviate
from the lines and levels shown on the deposited plans and
sections to a greater extent than thirty feet laterally and two
feet vertically unless otherwise agreed upon between the Com-
pany and the North-western Company or otherwise expressly
provided for by this section and the said railway and works
shall be constructed according to plans and sections and specifi-
cations to be previously submitted to and reasonably approved
by Francis Stevenson or other the principal engineer for the
time being of the North-western Company and under the super-
intendence and in all respects to the reasonable satisfaction
of such engineer.

(2.) The Company shall carry their said railway (1) over the St.
Helens Railway near to the Gerard's Bridge Station (2) over the
Black Brook branch of the St. Helens Railway and (3) over the
North Union Railway by means of wrought-iron girder bridges
with wrought-iron flooring of clear spans of not less than fifty
feet measured on the square and with a clear headway through-
out in all cases of not less than fourteen feet six inches above
the present level of the upper surface of the rails of the respec-
tive railways at the points of crossing and the Company shall
for ever maintain such headway.

(3.) The Company shall carry their said railway (1) over the
Boardman's Bridge branch of the St. Helens Canal near Gerard's
Bridge Station (2) over the said canal near Parr Mill and (3)
over the Black Brook branch of the said canal by means of
wrought-iron girder bridges with wrought-iron flooring each
bridge to be of one clear span over the entire width of the canal
and towing paths at the respective points of crossing and with
a clear headway throughout in all cases of not less than fifteen

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feet above the top water level of the canal at the respective points of crossing and the Company shall for ever maintain such headway.

- (4.) If by reason of the construction of the railway and works by this Act authorised it shall become necessary to add to or alter the signal or signals upon the railways of the North-western Company the same shall be so added to or altered by that company and the reasonable expense thereof shall be repaid to them by the Company.
- (5.) In constructing and maintaining the railway or works by this Act authorised where the same affect the railways canals works or lands of the North-western Company the Company and their contractors servants agents or workmen shall not obstruct impede or interfere with the free and uninterrupted and safe user of the railways canals or other works of the North-western Company and if any such obstruction or interference shall take place the Company shall forfeit and pay by way of ascertained damages the sum of fifty pounds in the case of a railway and twenty-five pounds in the case of a canal for every hour during which such obstruction or interference shall continue.
- (6.) The Company shall at all times maintain all the works of the said crossings or affecting the North-western Company in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer of the North-western Company and if and whenever the Company fail so to do the North-western Company may make or do as well in and upon the lands of the Company or the lands required by them for the purposes of this Act as their own lands all such works and things as such engineer 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 their expenditure shall be repaid to the North-western Company by the Company and in default of payment may be recovered in any court of competent jurisdiction.
- (7.) The Company shall acquire only easements in and upon such of the works lands and property of the North-western Company as may be necessary for the crossings aforesaid and the North-western Company may and shall grant such easements accordingly. The amount to be paid for the acquisition of such easements shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

- (8.) The Company shall on demand pay to the North-western Company all reasonable expenses of the employment by the North-western Company during the construction of the works for and with respect to the crossings of or affecting the North-western Company of a sufficient number of inspectors and watchmen to be appointed by the North-western Company for watching their said railways canals and works with reference to and during the execution of the works of the Company and for preventing as far as may be all interference danger and accident from any of the operations or from the acts and defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise. A.D. 1885.
- (9.) The Company shall be responsible for and make good to the North-western Company all costs losses damages and expenses from time to time occasioned to the North-western Company or to the said railways canals or any other of their works and property or to the traffic on the said railways or canals or to any company or person using the same by reason of the execution or failure of the works by this Act authorised or by any act or omission of the Company or any of the persons in their employment or their contractors agents or others and the Company shall effectually indemnify and hold harmless the North-western 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.
- (10.) If any difference shall arise between the respective engineers of the Company and the North-western Company as to the reasonableness of the plans sections and specifications hereinbefore provided for such difference shall be referred to and be 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 Company or the North-western Company.
- (11.) If at any time the North-western Company shall purchase any mines and minerals under their railways canals or works for the support thereof at or near any of the points where the same shall be crossed by the railway by this Act authorised the Company shall repay to the North-western Company so much of the purchase money for such mines and minerals as shall be agreed upon between the Company and the North-western Company or in default of agreement as shall be deter-

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mined by arbitration in manner provided by the Railway Companies Arbitration Act 1859.

(12.) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the North-western Company otherwise than is herein expressly provided.

For the protection of the corporation of St. Helens.

7. For the protection of the mayor aldermen and burgesses of the borough of St. Helens (herein-after called the corporation) be it enacted as follows—

(1.) In this section “street” includes any public highway road bridge lane footway square court or passage whether a thoroughfare or not “the borough” means the borough of St. Helens “the town clerk” and “the borough surveyor” mean respectively the town clerk and the surveyor of the borough “span of bridges” means the span as measured on the square.

(2.) Before the Company shall break up cross or otherwise interfere with any street within the borough they shall give to the corporation notice thereof in writing and such notice shall be delivered to the town clerk at the town hall St. Helens not less than fourteen days before the works shall be commenced.

(3.) Before the Company shall commence any works within the borough which shall cause any temporary diversion of any street such diversion shall be approved of by the borough surveyor and the Company shall before commencing any such works at their own expense make such arrangements for the passage of traffic as the corporation shall require.

(4.) The provisions of sections 18 to 23 (both inclusive) of the Railways Clauses Consolidation Act 1845 shall extend and apply to the gas and water mains pipes and apparatus of the corporation and to the corporation in respect thereof as though the corporation were a gas and water company or society.

(5.) If by reason of the exercise by the Company of any powers granted them under this Act any additional gas mains water mains pipes sewers or drains or any increased lengths or capacity thereof respectively be rendered necessary the same shall be respectively provided laid and constructed by the corporation at the cost of the Company.

(6.) If by reason of the exercise by the Company of any powers granted to them under this Act the corporation shall at any time incur any additional cost in repairing or altering any gas mains water mains pipes or apparatus or any sewer or drain

such additional cost shall be repaid by the Company to the corporation.

- (7.) Before the Company interfere with any existing sewer or drain they shall to the reasonable satisfaction of the corporation and in accordance with plans and sections to be previously submitted and reasonably approved of by the corporation construct a sufficient substituted sewer or drain and connect the same with the sewer or drain so interfered with.
- (8.) If the Company construct any pier or abutment over any sewer of the corporation the Company shall if so required by the corporation construct and maintain a good and sufficient culvert thereover so as to afford access thereto for the purpose of repairs.
- (9.) Nothing in this Act shall interfere with the rights or powers of the corporation in relation to the making of new sewers and drains.
- (10.) Where the railway by this Act authorised crosses any street it shall be by means of a bridge the bridges to be constructed over the following streets—viz. Merton Bank Lane and Blackbrook Road shall have a span of not less than 42 feet and shall be of a height measuring from the surface of the street to the underside of the bridge of not less than 16 feet (except that where any bridge shall cross either of such last-mentioned streets in an oblique direction such bridge shall have a span of such a width as will be sufficient to leave an opening of not less than 42 feet measured at right angles with the street crossed) the bridge to be constructed as aforesaid over any other street shall have a span of not less width than the width of the street crossed and shall be of a height measured as aforesaid of not less than 16 feet (except that where any such bridge shall cross any street in an oblique direction such bridge shall have a span of such a width as will be sufficient to leave an opening of not less than the width of the street crossed measured at right angles with the direction of the said street).
- (11.) All such bridges shall be constructed and maintained by the Company as far as practicable water-tight that is to say they shall be sheeted or lined with iron and shall be spouted with a sufficient number of down spouts to carry off all water percolating through them and the percolating water shall be conducted by the Company into the nearest public sewer if such sewer is within one hundred feet of any such bridge but if not into a drain constructed by the Company for that purpose in order to prevent the water percolating as aforesaid flowing on

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the streets. If any of the said bridges shall be constructed by the Company of iron girders the Company shall adopt and use the best practicable and available means to deaden the noise arising from the traffic of the Company over such bridges.

- (12.) Whereas certain estate plans have been submitted to the said corporation by the Right Honourable Robert Tolver Baron Gerard and the trustees of the late Mr. William Penketh Cotham the owners of certain lands within the borough of St. Helens herein-after called the said landowners showing amongst others several intended streets to be laid out and formed upon the said lands and to be called Shaw Street Vincent Street Hardshaw Street Brynn Street Birchley Street Ashton Street Frederick Street and Garswood Street respectively and such plans have been duly approved of by the said corporation but the said streets have not for the entire length thereof yet been formed: And whereas the said railway will intersect the said intended streets and the portions thereof lying to the north of the said railway may be abandoned and the sites thereof appropriated to the purposes of the said railway: And whereas it is desired to preserve proper outlets to the said streets:

It is therefore enacted that—

- (A.) The Company shall construct and for ever maintain at the respective points where the said railway shall intersect the sites of the said intended streets to be called Shaw Street and Vincent Street bridges over each of the said intended streets 16 feet in height and of not less width than the width of the intended street intersected except that if either of such bridges shall cross the said intended streets respectively in an oblique direction such bridge shall have a span of such a width as will be sufficient to leave an opening of not less than the width of the street crossed measured at right angles with the direction of the street.
- (B.) The Company shall also in the event of the said intended streets to be called Frederick Street Ashton Street Birchley Street Brynn Street and Hardshaw Street being formed and extended in a northwardly direction beyond the site of the said railway when required by the corporation provide and for ever thereafter maintain bridges of the dimensions aforesaid at the points where the said railway shall intersect the said streets respectively.
- (C.) In the event of the portions of the said intended streets lying to the north of the said railway being abandoned and the sites thereof appropriated for the purposes of the said

railway the portions of the said intended streets lying to the south of the said railway shall have their outlet directly into the said intended street called Garswood Street or at the option of the said Company in some other street in lieu thereof which shall be made from College Street to the said intended street to be called Hardshaw Street in a line parallel with the said intended street called Garswood Street such substituted street to be provided and made by and at the expense of the Company, and according to the plans to be first approved by the corporation.

(13.) The Company shall when required by the corporation enclose with walls or suitable fencing all lands belonging to the Company not used in the construction of the railway in order to fence off the same respectively from the streets adjoining.

(14.) Whenever in the construction of a bridge within the borough under the powers of this Act over any street a recess is left in such street under such bridge the Company shall on the request of the corporation fence off or build up such recess.

(15.) All bridges and viaducts within the borough upon which the railway is carried and which are constructed under the powers of this Act and are not screened from the streets by buildings shall be constructed with parapets of not less than 10 feet above the level of the upper surface of the rails such parapets shall be composed of wood or iron or of such other material as may be approved of by the corporation or the borough surveyor for the time being.

(16.) The abutments and foundations of all bridges over any public streets shall be carried to such a depth below the surface thereof as to allow the corporation to reconstruct lay or repair any existing sewer watercourse main or other pipe.

(17.) Where any house or building is severed by the Company from other property the Company shall to the reasonable satisfaction of the corporation build up and secure the severed end of such house or building.

(18.) No street within the borough shall be deviated laterally without the approval in writing of the corporation under the hand of the town clerk and all alterations and diversions of streets shall be formed sewered drained channelled curbed paved flagged and completed and all streets the surface of which shall be disturbed by the Company shall be restored and the surface of the street on all railway bridges and the approaches thereto respectively shall be maintained and repaired

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from time to time to the reasonable satisfaction of the corporation and if the Company make default therein after receiving one week's notice in that behalf signed by the town clerk the corporation may execute the necessary work and recover the cost thereof from the Company in any court of competent jurisdiction.

(19.) All works to be executed by the Company under this section or in the borough shall be so executed at the cost in all respects of the Company in accordance with plans and sections to be approved of by the corporation under the hand of the town clerk and under the superintendence and to the reasonable satisfaction of the borough surveyor and the reasonable cost of such superintendence shall be paid by the Company to the corporation.

(20.) The Company and the corporation may enter into and carry into effect agreements for and with respect to the variation and mode of execution of any works to be done by the Company for the protection of the corporation and for the execution by the corporation of any such works and the acquisition of land therefor.

(21.) If any difference arise between the Company and the corporation touching anything that is to be done or not to be done under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the Board of Trade and the costs of the reference shall be borne as the said Board shall direct.

For the protection of
Lord Gerard.

8. For the protection of the estates of the Right Honourable Robert Tolver Baron Gerard his heirs and assigns who are in this section referred to as "the owner" the following provisions shall have effect unless otherwise agreed in writing between the owner and the Company :

(1.) Before the railway is opened for traffic the Company shall construct a railway station at St. Helens for passengers animals and goods on the plots numbered 1, 3 and 4 on the deposited plan in the township of Windle at the commencement of the railway and shall maintain and keep the same open for the use of the public so long as the railway is kept open for traffic. The land to be taken by the Company for the purposes of this station shall be the plot of land bounded on the north-westerly side by Gerard Street on the easterly and north-easterly sides by the boundary of Lord Gerard's land on the southerly side by the centre line of an intended new street

called Garswood Street which said plot of land is shown and coloured red upon the plan signed by Charles Douglas Fox engineer of the Company and Edward Garlick engineer of the owner.

- (2.) The Company shall whenever the owner gives them notice so to do and on such levels as he will fix make sewer level pave flag metal channel make good and complete that half of Garswood Street which is within the said plot coloured red on the said signed plan the owner at the same time to make sewer level pave flag metal channel make good and complete the other half of the said street co-extensive with the said plot coloured red.
- (3.) The Company shall within the limits of deviation shown upon the deposited plans construct or cause to be constructed two new streets one to be called Vincent Street and the other to be an extension of Garswood Street to meet Vincent Street each street to be fourteen yards wide and to be constructed in the lines and on the land shown and coloured blue upon the said signed plan and shall make sewer level pave flag metal channel make good and connect the same with the existing and intended streets and with the occupation road as shown on the said signed plan to the satisfaction of the corporation and dedicate the same to the use of the public.
- (4.) The Company shall construct a bridge for the purpose of carrying the railway over Vincent Street of such width as to leave thereunder a clear space of fourteen yards as shown and coloured blue on the said signed plan and of a clear height from the surface of the road of not less than sixteen feet for the whole of the said space of fourteen yards.
- (5.) The Company shall purchase and take the whole of the plot of land numbered 13 on the deposited plans in the said township of Windle on the south side of the railway and shall not interfere with the road leading from the plot of land numbered 12 on the said deposited plans in the same township to Gerard Street.
- (6.) In making the railway in front of Garswood Mansion at the point three miles six furlongs six chains on the deposited plans the Company shall lower the level of the rails of the railway five feet below the level of the rails as shown on the deposited sections and notwithstanding anything in the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 contained the Company shall not raise the level of the rails of the railway between the points three miles five furlongs and four miles four furlongs on the deposited plans above the levels of the rails of the railway as shown on the deposited sections

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- and between the said points and also at any other points where the railway adjoins the estate of the owner the Company shall not deviate the centre line of the railway from the line of the railway as delineated on the deposited plans.
- (7.) Between the points three miles five furlongs and four miles four furlongs on the deposited plans and on the northerly side of the railway the Company shall make an embankment to the height of twenty-six feet above the level of the rails with a slope farthest off the railway of four to one such embankment to be formed to the reasonable approval of the owner with the top soil taken from the cutting and then planted on the top and the slope farthest from the railway and for ever thereafter maintained and kept planted with shrubs and forest trees to the satisfaction of the owner.
- (8.) Before the railway is opened for traffic the Company shall construct a railway station at Lodge Lane near Ashton-in-Makerfield for passengers animals and goods and shall maintain and keep the same open for the use of the public so long as the railway is kept open for traffic.
- (9.) For the accommodation of the lands of the owner on either side of the railway the Company shall construct and maintain a girder bridge at the point five miles three furlongs six chains on the deposited plans of such a width as to leave thereunder a clear space of not less than thirty feet and of a clear height from the surface of the ground under the said bridge of not less than sixteen feet for the whole of the said space of thirty feet and shall construct suitable approaches to such bridge of the same width as the clear space under the said bridge and of an inclination not greater than one in twenty-five and the Company shall also construct two communication roads each of a width of not less than thirty-six feet from the highway called Goulborne Road through the plots of land numbered 100 and 102 on the deposited plans at such points as the owner may fix upon and shall drain macadamise and fence such roads on both sides and thereafter repair and maintain the same to the reasonable satisfaction of the owner for the accommodation and use of the owners and the occupiers of the said lands.
- (10.) Nothing in this section shall in any way prejudice or affect any rights of the owner under any provisions of any of the Acts of Parliament which are wholly or partially incorporated with this Act or otherwise howsoever.

Provisions
for the pro-

9. The following provisions for the protection and benefit of Joseph Evans of Haydock in the county of Lancaster colliery pro-

prietor or other the owner or owners for the time being of the collieries of the said Joseph Evans situate in the townships of Haydock Ashton Golborne Parr and Newton-le-Willows all in the county of Lancaster or of any of such collieries all of whom are in this section referred to and included in the expression "Joseph Evans" shall (save so far as may be from time to time otherwise agreed upon between the Company and Joseph Evans) have effect. In this section the expression "railway" means the railway by this Act authorised:

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Section of
Joseph
Evans.

- (1.) Before interfering with the sidings numbered 4 on the deposited plans the Company shall construct and completely finish fit for use substituted sidings upon a site near thereto commencing at a point to be fixed by Joseph Evans or his agent on the north side of the railway and connected on the south side thereof with Joseph Evans' railway sidings at the point where the sidings numbered 4 on the deposited plans are now connected. The new sidings shall be carried under the railway by an archway of a width of not less than twenty-one feet and of a height of not less than thirteen feet six inches. For the construction of the new sidings the Company may use the materials of the sidings numbered 4 so far as the same may be suitable and necessary.
- (2.) Before interfering with the roads numbered respectively 24 and 35 on the deposited plans the Company shall construct pave (or macadamise) channel sewer and completely finish fit for use on the south side of the railway a road of not less than ten yards in width connecting the road numbered 35 with the road numbered 24 and such new road until adopted by the road authority of the district shall be maintained by the Company.
- (3.) The Company shall if so required by Joseph Evans purchase the whole of the lands numbered 36 38 39 and 40 on the deposited plans.
- (4.) The Company shall construct a bridge for the purpose of carrying the sidings of Joseph Evans shown on the deposited plans situate between the lands numbered 37 and 42 and between the lands numbered 42 and 43 and also for carrying the cartway between the said sidings over the railway along or over the site of the present sidings and road and such bridge shall be constructed of a width not less than eighty feet between the fences thereof and the said sidings and road shall be respectively connected on each side of the railway by the Company so as to form continuous communications.

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- (5.) The Company shall construct a bridge for the purpose of carrying the siding numbered 44 on the deposited plans along its present site over the railway and such bridge shall be built in a line with the existing colliery railway. The Company shall also construct on the last-mentioned bridge a cartway on the east side of the last-mentioned siding to connect the land on the south side of the railway with that on the north side thereof and the bridge shall have a clear space between the fences thereof of not less than forty-four feet and the approaches thereto shall be on the level.
- (6.) The Company shall construct a bridge for the purpose of carrying the road numbered 46 on the deposited plans over the railway and such bridge shall have a clear space between the fences thereof of thirty-six feet and the approaches thereto shall not be steeper than one in forty.
- (7.) The three bridges to be constructed by the Company as herein-before mentioned shall be made of stone brick or iron.
- (8.) The Company shall construct and completely finish the following junctions points and sidings so as to afford to Joseph Evans communication between the railway and his colliery railways :
- (a.) At a point on the railway to be fixed by Joseph Evans or his agent between two miles two furlongs and two miles four furlongs marked on the deposited plans with sidings therefrom to the extent of the Company's land.
 - (b.) At a point on the railway to be fixed by Joseph Evans or his agent between five miles five furlongs and six miles marked on the deposited plans with sidings therefrom to the extent of the Company's land.
 - (c.) At a point on the railway to be fixed by Joseph Evans or his agent at about six miles marked on the deposited plans and the colliery known as Edge Green Colliery with sidings therefrom to the extent of the Company's land.
 - (d.) At a point on the railway to be fixed by Joseph Evans or his agent between four miles and four miles three furlongs marked on the deposited plans with sidings therefrom to the extent of the Company's land.
- (9.) The Company shall erect and work the necessary signals points junctions crossings and other works so as to render the said junctions and each of them available at all times for the purpose of carrying or forwarding inwards or outwards (subject to the byelaws and regulations for the time being of the Company so far as the provisions of this section do not provide to

the contrary) the traffic and waggons of Joseph Evans or any other person persons or company using his colliery railways and sidings or any of them by his permission.

- (10.) The Company shall pay the costs and expenses of working and maintaining the said junctions signals and other appliances if and so long only as Joseph Evans or any other such person persons or company as aforesaid shall send over each of the said junctions not less than ten thousand tons of coal or other traffic per annum or thirty thousand tons per annum over the whole or any one or more of the junctions.
- (11.) Whenever the Company shall interfere with any of the drains water pipes gas pipes sewers or culverts of Joseph Evans they shall make good all damage resulting from such interference and shall substitute new drains water pipes gas pipes sewers or culverts of equal efficiency with those interfered with.
- (12.) The Company shall not take impound or in any way interfere with any of the waters of any stream spring drain or watercourse by means whereof water is carried into the reservoirs of Joseph Evans or any substituted reservoir or reservoirs and if the Company shall in any way interfere with any such stream drain or watercourse the Company shall convey the waters thereof by substituted watercourses to be constructed to the reasonable satisfaction of Joseph Evans into the said reservoirs or any substituted reservoir or reservoirs or such of them as shall be fixed by Joseph Evans.
- (13.) If in the exercise of any of the powers of this Act the Company shall cut or lay bare any coal measures or strata overlying them the Company shall construct and maintain such drains or other works as will effectually prevent any surface water flowing by or in consequence of the acts aforesaid into the mines underlying or adjacent or into any colliery workings of Joseph Evans.
- (14.) Whereas the railway will pass between and divide Joseph Evans' Golborne Colliery and his Edge Green and Brynn Collieries therefore the Company shall whenever so requested in writing by Joseph Evans put in such points and crossings to the extent of the Company's land as will enable Joseph Evans to construct and for ever thereafter conveniently to use two branch railways to connect the said collieries in such a way that the traffic of Joseph Evans passing from Golborne Colliery to the Edge Green and Brynn Collieries and vice versâ shall cross the railway so as to get from one side to the other of the

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railway by means of all necessary points and crossings and so far as the works necessary for that purpose shall be on the land of the Company the Company shall make construct maintain and work all necessary points crossings and signals and Joseph Evans shall have power at all times to use the points crossings and signals and any intervening portion of the Company's railway necessary for such crossing subject to the byelaws and regulations of the Company for the time being in force but without being liable to any tolls charges or payment whatever.

(15.) All the accommodation works provided for by this section shall be made within the limits of deviation shown on the deposited plans or upon lands of Joseph Evans and according to plans and sections to be prepared by the Company to be submitted to and approved of by Joseph Evans or his agent before the work is commenced and such works shall be completed finished and maintained (subject to the provisions of this section) to the reasonable satisfaction of Joseph Evans and in case any difference shall arise the same shall be referred to arbitration as herein-after provided: Provided nevertheless that no approval given by Joseph Evans or his agent pursuant to the provisions of this sub-section shall in anyway affect lessen or remove the responsibility of the Company.

(16.) Nothing in this Act contained shall prejudice abridge or defeat the right of Joseph Evans or any of his lessees or tenants to compensation for land acquired from or injury occasioned to him them or any of them for or in consequence of the works of the Company provided that in estimating any compensation payable for injury occasioned to him or them or any of them in consequence of the works of the Company the accommodation or other works constructed or provided by the Company for his their or any of their protection shall be taken into account.

(17.) If any difference shall arise between the Company and Joseph Evans as to the manner of construction and carrying out of any of the works in this section mentioned the dispute shall from time to time be referred to and determined by an engineer to be agreed upon or failing agreement by an engineer to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

For the protection of the Ashton-in-

10. For the protection and benefit of the local board for the district of Ashton-in-Makerfield (in this section referred to as the local board and their district as the district) in relation to the

construction of the railway by this Act authorised and the works connected therewith the following provisions shall apply and have effect that is to say—

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Makerfield
Local Board.

The Company shall make construct and maintain for the use of the local board a bridge for the purpose of carrying their railway over an occupation road on the sewage farm of the local board numbered 95 or 97 on the deposited plans of a clear span of not less than 12 feet and with a headway of at least 14 feet above the centre of the road for 9 feet in width.

The road under the said bridge shall at all times so far as practicable be effectually protected from water droppings.

In altering the said occupation road for the purpose of carrying the same under the railway the Company shall so tail out the approaches thereof that the gradient may not be steeper on either side than 1 in 16 and the portion of road so altered shall at all times be maintained in a proper and efficient state and condition to the reasonable satisfaction of the engineer for the time being of the local board.

The Company shall at their own cost and expense make construct and maintain for the sole use and accommodation of the local board two new and improved syphons or culverts each of not less than 3 feet in diameter under the railway at points to be fixed by the board within Nos. 97 or 98 on the deposited plans sheet No. 3 for the purpose of carrying the sewage of the district under the said railway.

The Company shall at their own cost and expense lay down under the said railway two new iron pipes of not less than 12 inches diameter each for the purpose of carrying the drainage of the local board under the said railway such culverts and pipes to be constructed made and laid to the reasonable satisfaction of the engineer for the time being of the local board and to be at all times repaired maintained and kept in a proper and efficient state and condition by the Company at their own cost.

The Company shall make construct and maintain for the use of the local board a bridge for the purpose of carrying the occupation road and public footpath numbered 89 on the deposited plans sheet No. 3 either under or over the railway of such a width that the road over the same may be not less than 30 feet between the parapets or inside walls (as the case may be) and the approaches on either side shall be tailed out to such extent that the gradients may not be steeper than 1 in 30 and the portion of road so altered shall at all times be maintained in a proper and efficient state and condition to the reasonable satisfaction of the engineer for the time being of the local board.

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The provisions of sections 18 to 23 (both inclusive) of the Railways Clauses Consolidation Act 1845 shall extend and apply to the water and gas mains pipes and apparatus of the local board and to the local board in respect thereof as though the local board were a water or gas company or society.

Before the Company interfere with any sewer or drain they shall to the reasonable satisfaction of the local board or their engineer for the time being and at the cost of the Company and in accordance with plans and sections to be previously submitted to and reasonably approved of by the local board construct a sufficient substituted sewer or drain in all respects equal to the existing one and connect the same with the sewer or drain so interfered with.

The Company shall in the construction of the said railway and before the same is opened for traffic make construct and maintain on land acquired by them for that purpose at or near the point where the last-mentioned highway passes over the railway a suitable and convenient passenger animals and goods station with all necessary offices buildings signal-houses signals crossings and works and with all necessary and convenient entrances and exits to and from such highway.

In the event of any works or operations of the Company under this Act or the exercise of any of the powers herein contained interfering with or prejudicially affecting the present drainage of any property belonging to the local board or of any roads under their jurisdiction or the outfalls of such property or the passage or escape of flood water therefrom as freely as at present the Company shall at their own expense restore and make good such drainage roads or outfalls and provide for the passage or escape of such flood water as freely as at present to the reasonable satisfaction of the local board or their engineer for the time being. If the Company shall make default in so doing they shall pay the local board full compensation for any damage or injury sustained by them by or in consequence of such default. If any difference arise between the local board and the Company in relation to this section such difference shall be determined by an engineer to be agreed upon by the local board and the Company and in default of agreement by an engineer to be appointed on the application of either of the parties in difference by the President for the time being of the Institution of Civil Engineers and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall so far as they are applicable in that behalf extend and apply to every such reference.

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For the protection of the Haydock Local Board.

11. For the protection and benefit of the local board for the district of Haydock (in this section referred to as the local board and their district as the district) in relation to the construction of the railway by this Act authorised and the works connected therewith the following provisions shall apply and have effect that is to say:—

The Company shall make construct and maintain for the use of the local board a bridge for the purpose of carrying the public footpath No. 89 on the deposited plans over their railway such footpath to be extended and converted into a carriage road to the extent of the Company's lands and the said bridge to be of such a width that the road to be made over the same and the approaches thereto on both sides may be not less than thirty feet between the parapets and fences of such bridge and approaches and shall build a fence wall on each side of such approaches for the whole length thereof of not less than four feet six inches in height and shall construct parapets on each side of the said bridge of not less than 6 feet in height and the gradients of the said approaches shall not be steeper than 1 in 30.

The Company shall at their own cost pave metal flag kerb and channel so much of the said carriage road as shall have been interfered with or altered and shall at all times maintain the same in a proper and efficient state and condition and all such works shall be executed by the Company to the reasonable satisfaction of the engineer for the time being of the local board.

The Company shall make construct and maintain an iron girder bridge for the purpose of carrying the public road numbered 83 on the deposited plans sheet No. 3 over the railway the said bridge to be of such a width that the road over the same and the approaches thereto on both sides may be not less than thirty-six feet wide instead of the present width of thirty-three feet and shall build a fence wall on each side of such approaches for the whole length thereof of not less than four feet six inches in height and shall construct parapets on each side of the said bridge of not less than six feet in height and all the provisions contained in the previous sub-section shall apply and have effect to such bridge and the road over the same. The Company to have power to raise the level of the road over the said bridge five feet in height with approaches of not more than one in forty.

The Company shall make construct and maintain three iron girder bridges for the purpose of carrying (1) the public highway

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numbered 58 on the deposited plans sheet No. 2 (2) the occupation road and public footpath numbered 46 on the same sheet No. 2 and (3) the public highway No. 35 also on the same sheet over the railway the said bridges to be of such a width that the roads over the same respectively and the approaches thereto on both sides may be not less than 36 feet wide and all the provisions contained in the first part of this section shall apply and have effect to such bridges respectively and the roads over the same and the approaches thereto respectively.

The Company shall make construct and maintain two foot bridges each of the width of five feet at the least to carry the occupation roads numbered 14 and 24 respectively on the deposited plans sheet No. 2 over the railway such foot bridges to have easy and convenient approaches on both sides thereof and to be made and completed in accordance with plans and specifications to be first submitted to and reasonably approved by the local board or their engineer for the time being.

The Company shall make construct and maintain two bridges of iron stone or brick for the purpose of carrying the occupation road numbered 8 on the deposited plans sheet No. 1 and the footpath at the point one mile five furlongs on the same street under the railway such bridges to be respectively of the clear width of twenty-five feet with a headway of not less than fifteen feet for ten feet in width such bridges to be furnished with proper parapets or screens on both sides the full width of the said road and footpath and the abutment walls and not less than six feet high above the level of the railway the abutments of the said bridges to be parallel to the centre of the said road and footpath respectively. The road and footpath respectively under the said bridges shall at all times as far as practicable be effectually protected from water droppings.

The gradient of the said road numbered 8 shall be so arranged as not to be steeper than one in twenty and the portion of road and footpath so interfered with or altered shall at all times be maintained in a proper and efficient state and condition to the reasonable satisfaction of the engineer for the time being of the local board. The provisions of sections 18 to 23 (both inclusive) of the Railways Clauses Consolidation Act 1845 shall extend and apply to the water and gas mains pipes and apparatus of the local board and to the local board in respect thereof as though the local board were a water or gas company or society.

Before the Company interfere with any existing sewer or drain they shall to the reasonable satisfaction of the local board and at the cost of the Company and in accordance with plans and sections to be previously submitted to and reasonably approved of by the local board construct a sufficient substituted sewer or drain equal in all respects to the existing one and connect the same with the sewer or drain so interfered with and in the case of the bridge over the public highway No. 35 the Company shall at their own cost divert the sewage across such road to the road No. 24 on the deposited plans sheet No. 2 and the local board shall be entitled at all times hereafter to carry over the railway of the Company gas water and sewerage pipes at their own expense paying to the Company as compensation only such sum as would represent the compensation for such rights over the land now forming the site of the railway if such railway did not exist.

The Company shall in the construction of the said railway and before the same is opened for traffic make construct and maintain on land acquired by them for that purpose at or near the point numbered 36 on the deposited plans sheet No. 2 a suitable and convenient passenger animals and goods station with all necessary offices buildings signal-houses signals crossings and works and with all necessary and convenient entrances and exits to and from such highway.

In the event of any works or operations of the Company under this Act or the exercise of any of the powers herein contained interfering with or prejudicially affecting the present drainage of any property belonging to the local board or of any roads under their jurisdiction or the outfalls of such property or the passage or escape of flood water therefrom as freely as at present the Company shall at their own expense restore and make good such drainage roads or outfalls and provide for the passage or escape of such flood water as freely as at present to the reasonable satisfaction of the local board or their engineer for the time being. If the Company shall make default in so doing they shall pay the local board full compensation for any damage or injury sustained by them by or in consequence of such default.

If any difference arise between the local board and the Company in relation to this section such difference shall be determined by an engineer to be agreed upon by the local board and the Company and in default of agreement by an engineer to be appointed on the application of either of the parties in difference

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by the President for the time being of the Institution of Civil Engineers and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall so far as they are applicable in that behalf extend and apply to every such reference.

For the protection of the Golborne Parochial Committee.

12. For the protection of the roads and footpaths within the district of the Golborne Parochial Committee the following provisions shall have effect that is to say—

- (1.) The bridge carrying the railway over the highway known as Bank Street in the township of Golborne and numbered 103 on the deposited plans shall be a girder bridge with a span of not less than thirty-six feet and a height throughout of not less than sixteen feet and shall be constructed with approaches having a gradient not steeper than 1 in 40.
- (2.) The bridge carrying the highway known as Ashton Road in the said township of Golborne over the railway and numbered 128 on the deposited plans shall be constructed with approaches having a gradient not steeper than 1 in 40 and shall be thirty-six feet between the parapet walls thereof.
- (3.) The bridge carrying the railway over the highway known as the Wigan Road in the said township of Golborne and numbered 148 on the deposited plans shall be a girder bridge with a span of not less than thirty-two feet and a height throughout of not less than sixteen feet and shall be constructed with approaches having a gradient not steeper than 1 in 40.
- (4.) The footpaths in fields numbered 154 155 and 157 and 166 and 167 on the deposited plans in the said township of Golborne shall be carried under the railway by means of subways of not less than six feet wide throughout and a height of nine feet.
- (5.) The footpath in field numbered 173 on the deposited plans in the said township of Golborne shall be carried over the railway by means of a bridge of not less than four feet wide with proper approaches thereto.

For the protection of the Warrington District Highway Board.

13. For the protection of the roads and footpaths within the highway district of the highway board for the district of Warrington in the county of Lancaster the following provisions shall have effect that is to say :

- (1.) The Company shall construct and maintain the bridge carrying Slag Lane in the township of Lowton over the railway with approaches having gradients not more than 1 in 40 and there shall be thirty feet at least between the parapet

walls of such bridge and the approaches to such bridge shall be paved and finished in the same manner as the present road and the railway shall be well screened by the erection of a boarded fence seven feet in height for a sufficient distance from each corner of the bridge which distance shall be agreed on between the engineer to the Company and the surveyor to the highway board.

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- (2.) The footpaths in fields numbered 196 200 201 205 and 208 on the deposited plans in the said township of Lowton shall be carried over the railway by means of bridges of not less than four feet wide with proper approaches thereto.

14. With respect to the junction to be made between the railway by this Act authorised (herein-after referred to as "the junction") and the railway of the Wigan Junction Railway Company (herein-after called "the Wigan Company") the following provisions for the protection of that company and the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Sheffield Company") shall apply that is to say :—

For the protection of the Wigan Junction Railway Company and the Manchester Sheffield and Lincolnshire Railway Company.

- (1.) The junction shall be made at such point on the railway of the Wigan Company within the limits of deviation as the engineers for the time being of the Wigan Company and the Sheffield Company shall reasonably appoint.
- (2.) Any interference with the railway and works of the Wigan Company shall be made according to plans and sections approved of under the superintendence and to the reasonable satisfaction of the respective engineers for the time being of the Wigan Company and the Sheffield Company.
- (3.) The Company shall not purchase or take any lands belonging to the Wigan Company or the Sheffield Company for the purposes of the junction but the Company may purchase and take and the Wigan Company and the Sheffield Company may and shall sell and grant accordingly an easement or right of using the same for the purposes of the junction.
- (4.) Nothing in this Act contained shall be deemed to authorise the Company for the purposes of the junction to take or enter upon any lands belonging to the Wigan or the Sheffield Companies or to alter or interfere with the railway or any of the works of the Wigan Company or the Sheffield Company further or otherwise than is necessary for making the junction and intercommunication between the railways as shown on the deposited plans and sections in this Act referred to without the previous consent in writing of the Wigan Company and the Sheffield Company.

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- (5.) The Wigan Company or the Sheffield Company may from time to time erect such signals and conveniences incident to the junction either on their own lands or on the lands of the Company and may from time to time appoint and remove such watchmen switchmen or other persons as may be necessary for the prevention of danger to or interference with the traffic at and near the junction. The working and management of such signals and conveniences wherever situate shall be under the exclusive regulation of the Wigan Company and the Sheffield Company and all the expenses of erecting and maintaining those signals and conveniences and of employing those watchmen switchmen and other persons and all incidental current expenses shall at the end of every half year be repaid by the Company and in default thereof may be recovered from them in any court of competent jurisdiction.
- (6.) If any question or difference shall at any time arise between the Company and the Wigan Company or Sheffield Company touching any plans prepared by the Company for the construction of any of the works herein-before provided or as to the reasonableness or sufficiency of such plans or works the same shall be settled and determined by the respective engineers of the Company and the Wigan Company and the Sheffield Company or failing agreement by an engineer to be appointed by the President for the time being of the Institute of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive.
- (7.) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the Wigan Company or Sheffield Company otherwise than is herein expressly provided.

For protection of estate of trustees of Joseph Greenough deceased.

15. For the protection of the trustees acting in execution of the trusts of the will of Joseph Greenough deceased and their successors in title (herein-after referred to as the trustees) and their estate situate in township of Parr in the parish of Prescott in the county of Lancaster the following provisions shall have effect (that is to say) :—

- (1.) The Company shall carry the railway over the road No. 75 and the road No. 89 on the deposited plans for the said parish of Prescott by means of girder bridges.
- (2.) The bridge carrying the railway over the road No. 75 on the said plans shall be so constructed and maintained by the Company at all times as to leave a clear span or opening of at least thirty feet measured on the square and the Company shall

at their own expense lower the said road three feet from its present level to provide a clear headway throughout under the said bridge of at least fifteen feet and the Company shall complete and make good the said road to the satisfaction of the trustees.

- (3.) The bridge carrying the railway over the road No. 89 on the said plans shall be so constructed and maintained by the Company at all times so as to have a clear span or opening of at least thirty feet measured on the square and a clear headway of at least seventeen feet measured from the surface of the road to the underside of the girder of the said bridge for the entire span thereof.
- (4.) The Company shall make and keep the said bridges as far as reasonably practicable drop dry and the Company shall also efficiently pave drain and maintain drained the roads under the said bridges.
- (5.) The above works shall be constructed by the Company to the satisfaction in all respects of the trustees or any one appointed on their behalf and if any difference shall arise between the Company and the trustees the matter in difference shall be referred to and determined by an arbitrator to be on the application of either party appointed by the Board of Trade.

16. For the protection and benefit of the Haydock Park Company in this section referred to as the Haydock Company in relation to the construction of the railway by this Act authorised and the works connected therewith the following provisions shall apply and have effect that is to say:—

For the protection of the Haydock Park Company Limited.

The Company shall not purchase from the Haydock Company or occupy temporarily or permanently more of the land leased by the Haydock Company than is absolutely necessary for the construction of the railway as a double line with the necessary slopes and cess of 6 feet and in no case shall the centre line shown on the deposited plans be diverted to the southward either temporarily or permanently.

Before the railway is commenced in the land of the Haydock Company a good and substantial wall to the reasonable satisfaction of the Haydock Company shall be erected by the Company along the southern boundary of the railway from A to B on the plan signed by Thomas Stone on behalf of the Haydock Company and by Charles Douglas Fox on behalf of the Company in this section referred to as the said plan eight feet in height and from B to C on the said plan twelve feet in height.

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The railway for a length of one hundred and ten yards in such position as the Haydock Company may decide shall be so covered over and maintained by the Company as to prevent the escape of smoke and steam and the Company shall effectually fence their railway on the north side so as to prevent for this length the public seeing over the wall herein-before provided.

All trees taken down or removed by the Company shall be replanted or trees equivalent thereto planted in such place or places as the Haydock Company may point out for that purpose and a belt of plantation shall be planted by the Company to the reasonable satisfaction of the Haydock Company from B to C on the said plan such belt to be eight yards in width on the Haydock Company's side of the wall.

All soil and sods removed in the construction of the railway over the Haydock Company's leasehold shall belong to the Haydock Company and shall be deposited by the Company in such convenient part or parts of the Haydock Company's land adjacent to the railway as the Haydock Company shall point out for that purpose.

If in consequence of the construction of the railway and the working of the same the Haydock Company shall find it necessary to extend the straight six furlong course shown on the said plan in a southerly direction or to alter their existing coursing arrangements or in case they shall suffer any damage to their existing and contemplated arrangements for sporting racing and coursing upon their Haydock Park estate the Company shall compensate them therefor the amount of such compensation to be settled in case of difference by arbitration under the provisions of the Lands Clauses Consolidation Acts 1845 and 1860. The Haydock Company are to be compensated for their leasehold interest in any of their land taken by the Company in the usual way.

As to taking
houses of
labouring
classes.

17. (1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as

the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced;

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4.) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme under this section or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom;

Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose

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(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking ;

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment ;

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions if any as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that board under the Public Health Act 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector

and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector. A.D. 1885.

(11.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

18. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting 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 respectively. Power to take easements, &c., by agreement.

19. And whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise. Owners may be required to sell parts only of certain lands and buildings.

20. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the railway it may be Company empowered or may be required to

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underpin or
otherwise
strengthen
houses near
railway.

necessary to underpin or otherwise strengthen the same. Therefore the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1.) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2.) Each such notice if given by the Company shall be left on the premises to be underpinned or strengthened and if given by the owners and lessees thereof shall be sent to the principal office of the Company:
- (3.) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade:
- (4.) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5.) The cost of the reference shall be in the discretion of the referee:
- (6.) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:
- (7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall

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make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made within six months from the discovery thereof :

(8.) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act :

(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845 :

(10.) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

21. The capital of the Company shall be two hundred and ten thousand pounds in twenty-one thousand shares of ten pounds each. Capital.

22. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to be issued until one fifth paid.

23. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

24. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt clause in case of persons not sui juris.

25. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole seventy thousand pounds but no part thereof shall be borrowed until the whole capital of two hundred and ten thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has 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 Power to borrow.

A.D. 1885. thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

26. The mortgagees of the undertaking 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 seven thousand pounds in the whole.

Power to divide shares.

27. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

28. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) first in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of

29. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share

bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

A.D. 1885.
the profits of
the year
only.

30. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Half shares
to be regis-
tered and
certificates
issued.

31. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of
issue to be
stated in
certificates.

32. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of
preferred
shares.

33. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred
shares not to
be cancelled
or sur-
rendered.

34. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares
to be half
shares in
capital.

35. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all

Debenture
stock.

A.D. 1885. debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application
of moneys.

36. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First
ordinary
meeting.

37. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of
directors.

38. The number of the directors shall be six but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification
of directors.

39. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

40. The quorum of a meeting of directors shall be three and if the number of directors be reduced to three the number shall be two.

First
directors.

41. John Leith Joseph Beecham Robert Goldthorp Brook William Hampson Foster Joseph Bithel Leach and one other person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of
directors.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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

Lands for extraordinary purposes.

43. The powers of the Company 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 compulsory purchase of lands.

44. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of ten thousand four hundred and sixty pounds being five per centum upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the High Court of Judicature in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund: Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division of the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Deposit money not to be repaid except so far as railway is opened.

45. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice

Application of deposit.

A.D. 1885. — in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has 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 in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund 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 Chancery Division thinks fit to order on the application of the solicitor to 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 Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for
completion
of works.

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

Tolls:

47. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say):

For passen-
gers:

In respect of passengers conveyed on the railway:—

For every person conveyed in or upon any carriage the sum of twopence per mile; and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per mile:

And with respect to horses cattle carriages and goods as follows :— A.D. 1885.

For every horse mule and other beast of draught or burden two-
pence per mile : For cattle
goods &c.

For cattle the sum of one penny per head per mile :

For calves and pigs sheep and small animals one halfpenny each
per mile :

For every carriage threepence per mile :

For all dung compost and all sorts of manure lime limestone and
all undressed materials for the repair of public roads charcoal
pig and other iron stones for building pitching and paving
bricks tiles slates clay sand ironstone and iron ore and salt the
sum of one penny per ton per mile :

For all coal slack cannel coke culm and cinders the sum of three
farthings per ton per mile :

For sheet iron hoop iron and all other similar descriptions of
wrought iron three halfpence per ton per mile :

For sugar grain corn flour hides dyewoods Manchester packs
earthenware timber staves deals metals nails anvils vices and
chains the sum of twopence per ton per mile :

For cotton and other wools drugs and manufactured goods the
sum of two and a half pence per ton per mile :

For fish feathers canes cochineal household furniture hats shoes
toys and all other articles matters and things the sum of three-
pence per ton per mile.

48. The toll which the Company may demand for the use of
engines for propelling carriages on the railway shall not exceed one
penny per mile for each passenger or animal or for each ton of goods
in addition to the several other tolls or sums by this Act authorised
to be taken. Tolls for
propelling
power.

49. The following provisions and regulations shall apply to the
fixing of all tolls and charges payable under this Act (that is to
say) : Regulations
as to tolls.

For all passengers animals or goods conveyed on the railway for
a less distance than three miles the Company may demand tolls
and charges as for three miles : Short
distances.

For a fraction of a mile beyond three miles or beyond any greater
number of miles the Company may demand tolls and charges
on animals and goods for such fraction in proportion to the
number of quarters of a mile contained therein and if there be
a fraction of a quarter of a mile such fraction shall be deemed
a quarter of a mile and in respect of passengers every fraction
of a mile beyond an integral number of miles shall be deemed
a mile : Fractional
parts of a
mile.

A.D. 1885.

Fractional
parts of a
ton.

General
weight.

Weight of
stone and
timber.

Tolls for
small parcels
and articles
of great
weight.

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight :

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

50. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :

For the carriage of small parcels on the railway as follows :

For any parcel not exceeding seven pounds in weight three-pence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ;

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages :

For the carriage of single articles of great weight :

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons the Company may demand any such sum as they think fit not exceeding sixpence per ton per mile

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons the Company may demand such sum as they think fit.

51. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including the tolls for the use of the railway and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):

A.D. 1885.

Maximum
rates :
For passen-
gers :

For every passenger conveyed in a first-class carriage the sum of threepence per mile :

For every passenger conveyed in a second-class carriage the sum of twopence per mile :

For every passenger conveyed in a third-class carriage the sum of one penny per mile :

And with respect to the conveyance of horses cattle carriages and goods except such small parcels and single articles of great weight as herein-before mentioned the maximum rates of charge to be made by the Company for the conveyance thereof on the railways including the tolls for the use of the railways and waggons or trucks and locomotive power and every expense incidental to such conveyance except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other services incidental to the business or duty of a carrier where any such service is performed by the Company shall not exceed the following sums (that is to say) :—

For cattle
goods &c.

For every horse mule and other beast of draught or burden threepence per mile :

For cattle the sum of twopence per head per mile :

For calves and pigs one penny each per mile :

For sheep and small animals three farthings each per mile :

For every carriage fourpence per mile :

For all coal cannel culm coke and cinders the sum of one penny and one eighth per ton per mile :

For all slack conveyed any distance the sum of one penny per ton per mile :

For all dung compost and all sorts of manure lime limestone and all undressed materials for the repair of public roads charcoal stone for building pitching and paving all bricks tiles slates clay sand ironstone iron ore and salt the sum of one penny halfpenny per ton per mile :

For iron not damageable the sum of one penny farthing per ton per mile :

For damageable iron sheet iron hoop iron and all other similar descriptions of wrought iron the sum of twopence per ton per mile :

For sugar grain corn flour hides dyewoods Manchester packs earthenware timber staves deals metals hardware in packages

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or cases nails anvils vices and chains the sum of twopence halfpenny per ton per mile :

For cotton and other wools and manufactured goods the sum of threepence per ton per mile :

For fish feathers canes cochineal furniture hats shoes toys and all other articles matters and things the sum of threepence halfpenny per ton per mile.

The following regulations shall apply to such maximum rates and charges :—

The Company shall be at liberty to fix a minimum charge of ten shillings to be taken for each carriage and of five shillings for every horse conveyed upon the railway notwithstanding the charge for the distance for which such carriage or horse respectively may be conveyed according to the rates aforesaid may not amount to those sums :

The Company shall not be compellable to provide waggons or carriages for the conveyance of coal cannel slack culm coke or cinders but where such waggons or carriages are not provided by the Company a deduction of one eighth of a penny per ton per mile shall be made from the above rates of carriage for as many miles as the Company shall charge the said rates :

Where a waggon for the carriage of cattle or sheep shall be conveyed by one party the charge for any such waggon capable of containing and not containing more than six oxen or twenty-five sheep shall not exceed sixpence per mile.

Power to
Company to
charge for
warehousing
of goods, &c.

52. The Company in addition to any other tolls rates or charges which they can lawfully demand and recover may demand and recover for the warehousing and wharfage of goods (after due notice to the consignee and allowing a reasonable time for removal) or for any other extraordinary services performed by them not incidental to the business or duty of a carrier such reasonable sum or sums as they may think fit: But nothing herein contained shall extend or apply to coal cannel culm slack coke or cinders traffic where such traffic is delivered into the yards or sidings owned or rented by the consignor or consignee but where such coal cannel culm slack coke or cinders traffic is wharfed upon the sidings or yards belonging to and in the occupation of the Company the Company may charge a sum for the use of such siding or yard not exceeding threepence per ton in respect thereof and if the said traffic shall remain on the said siding or yard for a longer period than four days (Sundays Good Friday Christmas Day and bank holidays excepted) the Company may charge a further reasonable sum in respect thereof.

53. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

A.D. 1885.
Passengers
luggage.

54. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Terminal
station.

55. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Foregoing
charges not
to apply to
special trains.

56. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Company
may take
increased
charges by
agreement.

57. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Classification
tables to be
open for
inspection.
Copies to be
sold.

58. The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Terminal
charges if
any to be
specified on
application.

A.D. 1885.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

Power to enter into traffic arrangements.

59. The Company on the one hand and the Wigan Junction Railway Company and the Manchester Sheffield and Lincolnshire Railway Company or either of them on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect contracts and agreements for and with respect to the following purposes or any of them (that is to say):

The use of the railway or any part thereof;

The payments to be made and the conditions to be performed with respect to such use;

The interchange accommodation transmission conveyance and delivery of traffic coming from or destined for the railways of the contracting companies;

The levying fixing division and appropriation of the tolls fares rates charges receipts and revenues levied taken or arising from that traffic;

The rents payments allowances and rebates to be paid made or allowed by any of the contracting companies to the other or others of them for or on account of any of the matters to which the contract or agreement relates.

Tolls on traffic conveyed partly on the railway and partly on other railway.

60. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway or any part thereof by any other company the railway of the Company and of such other company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railway of such other company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railway of the Company and partly on the railway of such other company.

61. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the 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.

A.D. 1885.
Interest not to be paid on calls paid up.

62. The Company shall not out of any 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 the Company to construct any other railway or to execute any other work or undertaking.

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

63. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Provision as to general railway Acts.

64. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

A.D. 1885.

The SCHEDULE referred to in the foregoing Act.

Describing BUILDINGS and MANUFACTORIES of which portions only are
required by the Company.

Parish.	Number on deposited plan.
Prescot - - - - -	13
Winwick - - - - -	42

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