



CHAPTER xxxiii.

An Act to empower the St. Helens and Wigan Junction Railway Company to make new railways and for other purposes. [25th September 1886.]

A.D. 1886.  
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WHEREAS by the St. Helens and Wigan Junction Railway Act 1885 (in this Act called the Act of 1885) the St. Helens and Wigan Junction Railway Company (in this Act called the Company) were incorporated and empowered to make the railway in the county of Lancaster therein described and it is expedient that the Company be empowered to construct the railways by this Act authorised and to divert a portion of the railway authorised by the Act of 1885:

And whereas the Company have not under the powers of the Act of 1885 created or issued any debenture stock or granted any mortgage:

And whereas plans and sections showing the lines and levels of the railways and works 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 1886. Short title.

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Incorpora-  
tion of  
general  
Acts.

2. The following enactments so far as they are applicable to the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act namely:—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act called the Lands Clauses Acts):

The Railways Clauses Consolidation Act 1845:

Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The making of dividends;

The giving of notices; and

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

The Companies Clauses Act 1863 (except so much of Part II. thereof as relates to preference shares or stock and except Part IV. thereof relating to change of name).

Interpreta-  
tion of  
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction and the expression "the authorised railway" means the railway authorised to be constructed by the Act of 1885 the expression "the railway" or "the railways" means the railways and diversion of authorised railway by this Act authorised the expression "the undertaking" means the undertaking of the Company as authorised by the Act of 1885 and this Act and 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. A.D. 1886.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways 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 deposited plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act will be wholly situate in the county of Lancaster and are as follows: Power to  
make  
railways.

Railway No. 1 (4 furlongs 6·40 chains in length) situate in the township of Lowton commencing by a junction with the railway of the Wigan Junction Railways Company and terminating by a junction with the authorised railway.

Railway No. 2 (6 furlongs 8·20 chains in length) being a diversion of a portion of the authorised railway commencing in the township of Haydock by a junction with the authorised railway and terminating in the same township by a junction with the authorised railway.

Railway No. 3 (8·80 chains in length) situate in the township of Windle commencing by a junction with the authorised railway at its commencement and terminating at the fence which runs from the northern end of Stanley Street to the southern corner of the building situated in the north-eastern corner of Albert Street.

Railway No. 4 (3 furlongs 3·50 chains in length) situate in the township of Windle commencing by a junction with the authorised railway and terminating at or near to the intersection of the eastern boundary of College Street and the north-eastern boundary of Corporation Street.

Railway No. 5 (9 miles 1 furlong 2·60 chains in length) commencing in the township of Windle in the parish of Prescot at the termination of Railway No. 4 and terminating in the township of Fazakerley and parish of Walton-on-the-Hill by a junction with the existing railway of the Cheshire Lines Committee.

Railway No. 6 (5 furlongs 8·10 chains in length) situate in the parish of Walton-on-the-Hill commencing in the township of Fazakerley by a junction with Railway No. 5 and terminating in the township of West Derby by a junction with the last-mentioned existing railway of the Cheshire Lines Committee.

A.D. 1886. Provided that nothing in this Act contained shall authorise the Company to enter upon take and use any of the lands numbered 3 4 5 6 7 8 9 15 16 17 18 19 and 20 in the deposited plans and books of reference belonging or reputed to belong to David Gamble without his consent.

Power to cross certain roads on the level.

5. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of Railway No. 5 carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next hereinafter mentioned (that is to say) :—

No. on Deposited Plan.	Parish.	Description of Road.
604	Prescot - - -	Public road.
45	Walton-on-the-Hill -	Public road.

Provided that the Company shall not work or use the railway across the said roads unless and until they shall have constructed the foot-bridges over the same hereinafter in this Act provided for.

Provision in regard to lands taken in Ashton Heath.

6. Notwithstanding anything in this Act contained the Company shall not enter upon and take any part of the lands numbered 14 on the deposited plans of the township of Ashton-in-Makerfield in the parish of Winwick forming part of Ashton Heath unless and until the Company shall have acquired other lands adjoining to the heath in quantity one third more than the land to be taken by the Company in a situation to be approved of by the local board for the district in which the heath is situate.

The lands so to be acquired by the Company adjoining to Ashton Heath shall be thrown into and form part of the heath and shall be vested in the owner for the time being of the heath subject to the common and other rights now enjoyed over or in respect of that heath.

The lands so to be added to the heath shall be fenced and the existing boundary fences removed so far as necessary and the surface formed to the satisfaction of the local board at the cost of the Company.

The quantity of land to be taken from the heath shall not exceed three and a half acres.

7. The following provisions shall unless otherwise agreed apply for the protection of the London and North-western Railway Company herein-after referred to as "the North-western Company":

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

(1.) In making and maintaining Railway No. 5 by this Act authorised where the same is intended to be carried across and adjoining the culvert by which the St. Helen's Canal of the North-western Company is supplied with water from the Sprays Brook and where the said railway is proposed to be carried close to and adjoining the weir and sluice on the said brook the same shall be constructed only in accordance with plans and sections 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.

(2.) Nothing in this Act contained shall authorise the Company to alter or interfere with the said culvert weir or sluice without the consent of the North-western Company under their common seal and if by reason of any act default or omission of the Company their servants agents contractors or any person employed by them any damage or injury shall be caused to the said culvert weir or sluice or any water shall leak escape or run to waste therefrom the Company shall forthwith repair and make good the same under the superintendence and to the reasonable satisfaction of the said Francis Stevenson or other the principal engineer for the time being of the North-western Company and in case of any neglect or default of the Company it shall be lawful for the North-western Company to do the same and to recover any costs or expenses incurred thereby from the Company and the Company shall pay to the North-western Company as and by way of liquidated damages twenty shillings for every reasonably estimated one thousand cubic feet of water which shall have so escaped leaked or run to waste and in the same proportion for any greater or less quantity but nothing herein contained shall extend to prevent the North-western Company from recovering beyond the amount of such liquidated damages any other or special damages which they sustain by reason or in consequence of any of the matters aforesaid and the North-western Company may recover any such costs expenses or damages in any court of competent jurisdiction.

(3.) Any dispute or difference under this section shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859.



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For protection of  
Lancashire  
county  
justices.

8. If the Company shall take any bridge belonging to or under the control of the justices of the peace for the county palatine of Lancaster herein-after called "the justices" or shall so interfere with any such bridge as to render its reconstruction necessary for the safety and convenience of the public using the same then and in every such case the following provisions shall have effect namely:—

(1.) In place of the bridge so taken or interfered with the Company shall build a new bridge with sufficient waterway according to plans to be reasonably approved by the county bridgemaister and shall complete the same to his reasonable satisfaction in all respects and as soon as shall be reasonably practicable.

(2.) The Company shall bear and pay to the justices any extra cost or expense which may be incurred by the justices in the maintenance of such substituted bridge.

(3.) The Company shall indemnify the justices and the inhabitants of the hundred in which any bridge so taken or interfered with is situate against all claims for damage (if any) occasioned to any person by any act or omission of the Company in such taking or interference or in the building of the substituted bridge or otherwise in the execution of any of the powers of this Act so far as relates to any such bridge as aforesaid and the Company shall be responsible for all damage (if any) so occasioned.

(4.) If any difference arise between the justices and the Company in relation to this section such difference shall be determined by an engineer to be agreed upon by the justices 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 Board of Trade 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 cor-  
poration of  
Liverpool.

9. In constructing and maintaining the works by this Act authorised and in exercising any of the powers by this Act conferred upon the Company the Company shall observe perform and fulfil the following provisions stipulations and conditions viz.:—

(1.) Where Railway No. 5 crosses the Rivington aqueduct or line of pipes of the Liverpool Corporation the Company shall if required by the corporation construct a walled passage or culvert under the said railway provided with all necessary

manholes drains and means of approach and of sufficient height and width to admit the pipes already laid and to enable the same to be examined repaired or renewed.

- (2.) All such works as aforesaid shall be executed and at all times hereafter maintained at the expense of the Company and shall be executed under the superintendence and to the reasonable satisfaction of the water engineer of the corporation and according to plans sections and specifications submitted to and approved of in writing by such engineer before any such works are commenced.
- (3.) If the engineers of the corporation and of the Company differ concerning the said plans sections and specifications or concerning the execution of the said works every such difference shall be referred to and determined by an engineer to be appointed in case of difference by the President for the time being of the Institution of Civil Engineers on the application of the corporation or of the Company and the costs of and incidental to any such reference or determination shall be in the discretion of such referee engineer.
- (4.) The Company shall not be entitled to acquire any of the lands in which the corporation are entitled to the right or easement of laying their said aqueduct or line of pipes except subject to the rights of the corporation in such lands respectively anything in this Act to the contrary notwithstanding.
- (5.) If by reason of the construction maintenance or working of the railway or the failure of any of the works connected therewith or herein-before provided for the Corporation shall sustain any damage or injury or incur any liability the Company shall make full compensation in respect thereof and the same shall be recoverable in any court of competent jurisdiction.

Wherever any railway by this Act authorised shall cross a public road in which the corporation are empowered to lay pipes for the supply of water the Company shall in constructing such railway make provision for the future laying of such water pipes to the reasonable satisfaction of the water engineer of the corporation.

**10.** In constructing the Railways No. 5 and No. 6 by this Act authorised the following provisions for the protection of the local board for the district of West Derby (in this section called the local board) shall apply (namely) :—

For the protection of the West Derby Local Board.

- (1.) The Company shall not except with the previous consent in writing of the local board take or acquire more of the land belonging to the local board and which is numbered upon

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the deposited plans 76 in the parish of Walton-on-the-Hill than is absolutely necessary for the construction of the line of Railway No. 5 by this Act authorised as shown by the centre line as laid down upon the deposited plans or as near thereto as practicable And the Company shall not except with the previous written consent of the local board be entitled to take or acquire any part of the said land other than that part thereof which is delineated on the map or plan which is identified by being signed by Sir Charles Metcalfe Baronet the Company's resident engineer and by Messrs. Layton and Steel the local board's solicitors and whereon the same is surrounded by black lines and the aggregate quantity of which land is 1 rood and 16 perches or thereabouts.

- (2.) Nothing in this Act contained or otherwise shall authorise the Company to construct Railway No. 6 by this Act authorised over along or through any part of the said land except that limited portion thereof which they are (as herein-before mentioned) authorised to take or acquire.
- (3.) If in the construction of Railway No. 5 it shall be found necessary to deviate from the centre line as shown on the said deposited plans between the highways therein numbered 54 and 61 in such a manner as to interfere with or alter the existing course of the brook known as Sugar Brook the Company shall at their own expense and before interfering with such brook make on the north side of the said railway and within the limits of deviation a free and open course for the same brook of the same width and level as the present course and to the satisfaction in all respects of the surveyor for the time being of the local board and so that the flow of water in and along such brook shall not be in any way impeded or interfered with and further shall at the like expense restore and make good to the like satisfaction all sewers carriers and drains which may be interfered with or intercepted.
- (4.) The Company shall not take or acquire nor enter upon or in any way interfere with any of the lands of the local board and forming part of their sewage farm in the township of Fazakerley and parish of Walton-on-the-Hill until they shall have granted and conveyed to the local board by way of exchange for the said lands other lands adjoining the said farm and so as to form part thereof of at least equal extent and value to the land so taken acquired entered upon or interfered with by them And the Company shall at their own expense and to the satisfaction of the solicitors of the local board make



out a good title to the land to be so conveyed by way of exchange to the local board and shall pay all the costs charges and expenses of the local board's solicitors of and incidental to such title and conveyance Provided that the land numbered 76 upon the deposited plans shall not for the purposes of this sub-section be held to form part of the said sewage farm. A.D. 1886.

- (5.) In the event of Railway No. 5 by this Act authorised being carried across the highway or road numbered 45 in the parish of Walton-on-the-Hill on the said deposited plans on the level the Company shall before such railway shall be opened for traffic at their own expense construct and at all times maintain to the satisfaction of the local board a fit and proper footbridge for passengers over such railway.
- (6.) The Railway No. 6 by this Act authorised shall be carried over the highways or roads numbered 92 and 98 in the parish of Walton-on-the-Hill on the said deposited plans by means of bridges having in each case a clear width or roadway of 40 feet between the abutments thereof and the descents to carry the said roads under such bridges respectively shall respectively have a gradient not steeper than one in forty.
- (7.) The Railways Nos. 5 and 6 shall be carried over the highways or roads numbered 50 54 61 and 79 in the said parish of Walton-on-the-Hill on the said deposited plans by means of bridges having in each case a clear width or roadway between the abutments thereof of thirty-six feet and the descents to carry the said roads respectively under the said bridges shall respectively have a gradient not steeper than 1 in 40.
- (8.) Whenever the surface of any of the several highways or roads herein-before mentioned or any other highways or roads within the district of the local board shall be altered or interfered with the same shall be reconstructed and made good by and at the expense of the Company with materials equal in all respects to those now in use on the said roads and to the reasonable satisfaction of the said surveyor for the time being of the local board.
- (9.) If and whenever the railways numbered 5 and 6 are or either of them shall be carried over any main sewer sewage pipes or drain belonging to or under the control of the local board the said sewer pipes or drain shall be replaced by and the Company shall at their own expense construct in lieu thereof a sewer or a drain of at least equal dimensions and of equally good construction with a manhole on each side of the railway for the purposes of inspection.

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(10.) If at any time hereafter it shall be necessary for the proper and sufficient drainage of the district of the local board to construct sewers or drains across or under the Railways Nos. 5 and 6 or either of them the Company shall afford every reasonable facility for the construction of such sewers or drains and these works shall be carried on and constructed to the reasonable satisfaction of the engineer for the time being of the Company.

(11.) Whenever in constructing either of the Railways Nos. 5 and 6 by this Act authorised it may be necessary to interrupt or interfere with any existing sewer or drain belonging to or vested in the local board the Company shall before interrupting or interfering with such sewer or drain construct according to a plan to be approved of by the surveyor for the time being of the local board and the engineer for the time being of the Company or in case of difference as shall be approved of by an engineer to be appointed on the request of either party by the President for the time being of the Institution of Civil Engineers another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be interrupted or interfered with and such new or substituted sewer shall be connected by and at the expense of the Company with any existing sewers or drains which may be interrupted or interfered with in such manner as shall be approved of in manner aforesaid.

(12.) The Company shall provide and maintain and at all times keep open a suitable station for passengers and goods at a point on the Railway No. 5 at or in close proximity to the road or highway numbered 54 on the said deposited plans or in some other convenient place within the district of the local board and the Railways Nos. 5 and 6 shall not nor shall either of them be opened for traffic until such station shall have been provided.

**11.** For the protection of the public roads and footpaths within the district of the highway board of the Sefton district in the county of Lancaster the following provisions shall have effect that is to say:—

(1.) In this section “the board” means the highway board of the Sefton district and “the district surveyor” means the district surveyor for the time being of the board.

(2.) The Company shall not commence any works which shall cause any temporary diversion of or otherwise interfere with the traffic on any public road or footpath in the district of

the board without first obtaining the approval of the board and the Company shall before commencing any such works at their own expense make such arrangements for the passage of traffic as the board shall require.

- (3.) In the construction of the railway numbered 6 on the deposited plans the Company shall not in any way interfere with the lane called Strawberry Lane in the township of Fazakerley and such lane shall be deemed to be altogether outside the limits of deviation of the said Railway No. 6.
- (4.) The Company shall construct a bridge of stone brick or iron for carrying Strawberry Lane aforesaid over the railway numbered 5 in the deposited plans with approaches having gradients not more than one in thirty 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 feet wide The Company 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 shall pave channel and kerb the road over the said bridge and the approaches thereto a space of seven feet in width on the west side of the said road and approaches being set apart and well cindered as a footwalk.
- (5.) At the point eight miles five furlongs and two chains from the commencement of Railway No. 5 and at the point one furlong and two chains from the commencement of Railway No. 6 the Company shall provide for the use of the public iron girder over-bridges to carry the existing footpath shown on the deposited plans over the last-mentioned railways Each such footbridge shall be at least six feet in width in the clear with steps beginning at the existing level of the ground consisting of twelve inch treads and six inch risers with suitable handrails.
- (6.) At the point eight miles one furlong and five chains from the commencement of Railway No. 5 the Company shall provide for the use of the public an iron girder over-bridge to carry the existing public footpath shown on the deposited plans over the railway such bridge to be at least six feet in width in the clear with steps beginning at the existing level of the ground consisting of twelve inch treads and six inch risers with suitable handrails.
- (7.) If the works of the Company shall interfere with or prejudicially affect any of the plats or culverts in Lower Lane in the said township of Fazakerley or in Ainsworth's Lane and Horn



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House Lane in the township of Kirkby the Company shall from time to time make good all damage done to the same or any of them or shall at the option of the board construct new plats or culverts of such strength position and dimensions as the board shall consider necessary or proper.

- (8.) If the said Railway No. 5 shall cross the said lanes called Lower Lane Ainsworth's Lane and Horn House Lane or any of them in the district of the board and where the said Railway No. 5 shall cross Ribblers Lane in the said township of Kirkby the Company shall carry the said railway over each of the said lanes by means of an iron girder bridge with wrought-iron flooring and each such bridge shall have a span of not less than thirty feet and shall be of a height measuring from the surface of the lane to the underside of the bridge of not less than sixteen feet except in the case of the bridge over Ribblers Lane the height of which from the surface of the lane to the underside of the bridge shall be not less than seventeen feet and except that where any bridge shall cross any of such last-mentioned lanes 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 thirty feet measured at right angles with the lane crossed.
- (9.) Every bridge to be constructed over any lane road or footpath as provided by this section shall be constructed and maintained by the Company as far as practicable water-tight that is to say it shall be fitted or lined with iron down spouts fixed and maintained so as effectually to prevent any water percolating on to the surface of any such lane road or footpath.
- (10.) If the works directed or authorised by this section shall interfere with or prejudicially affect the drainage of any roads or footpaths in the district of the board or the passage or escape of water therefrom the Company shall effectually drain such roads or footpaths or provide for the passage and escape of water therefrom as the case may require and in constructing any drain the Company shall use proper street gratings and cesspools.
- (11.) All works to be executed by the Company under this section shall be executed at the cost in all respects of the Company and in accordance with plans and sections to be first approved of by the board and under the superintendence and to the reasonable satisfaction of the district surveyor.
- (12.) The Company shall at their own expense at all times hereafter maintain and repair to the satisfaction of the board all works executed by them under this section and if the Company shall make default in any such maintenance or repair the board

may on giving one month's notice to the Company execute the necessary work and recover from the Company the amount of the expenses thereof with full costs of suit and interest on the amount of such expenses at the rate of five per cent. per annum by action in any court of competent jurisdiction or at the option of the board in a summary manner.

(13.) The Company shall make good to the board all costs losses charges damages and expenses which the board may incur or sustain by reason of any act or omission on the part of the Company in the execution of the powers of this Act and the board may recover the same with full costs of suit in any court of competent jurisdiction.

12. With respect to the junctions to be made between the railway by this Act authorised (hereinafter referred to as "the junction") and the respective railways of the Wigan Junction Railways Company (herein-after called "the Wigan Company") and the Cheshire Lines Committee (herein-after called "the committee") the following provisions for the protection of the Wigan Company the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Sheffield Company" who by statutory authority work the railway of the Wigan Company) and the committee respectively shall apply that is to say:—

For the protection of the Wigan Junction Railways Company the Manchester Sheffield and Lincolnshire Railway Company and the Cheshire Lines Committee.

(1.) The junction shall be made at such point on the railway of the Wigan Company or of the committee as the case may be within the limits of deviation as the respective engineers for the time being of the Sheffield Company and the committee shall reasonably appoint.

(2.) Any interference with the railway and works of either the Wigan Company or the committee shall be made according to plans and sections approved of and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Sheffield Company so far as relates to the railway of the Wigan Company and of the engineer for the time being of the committee so far as relates to the railway of that committee.

(3.) The Company shall not purchase or take any lands belonging either to the Wigan Company or the Sheffield Company or the committee for the purposes of the junction but the Company may purchase and take and the Wigan Company and the Sheffield Company and the committee respectively may and shall sell and grant accordingly an easement or right of using the same for the purposes of the junction.

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- (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 either to the Wigan or the Sheffield Companies or the committee or to alter or interfere with the railway or any of the works of those companies or the committee 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 or the committee as the case may be.
- (5.) The Wigan Company or the Sheffield Company or the committee 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 or of the committee as the case may be 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 or between the Company and the committee 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 Sheffield Company if the difference is between those two companies and by the respective engineers of the Company and the committee if the difference is between the Company and the committee 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 or the committee otherwise than is herein expressly provided. A.D. 1886.

**13.** 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 : For the protection of Lord Gerard.

(1.) Before the authorised railway is opened for traffic the Company shall construct a railway station on the east side of Lodge Lane near Ashton-in-Makerfield the main entrance of which for passengers animals and goods shall be on the south side of the railway and the Company shall maintain and keep the same open for the use of the public so long as the railway or any part thereof is kept open for traffic and shall make and maintain a siding from the railway as far as their boundary fence and the owner shall have the right to continue this siding into his land numbered 15 16 and 17 on the deposited map in the township of Ashton-in-Makerfield and the owner and his tenants shall have the right to use it in connexion with the railway at all times.

(2.) In making and passing the railway under Lodge Lane aforesaid the width of that lane between the side fences thereof is not to be lessened and the level of the roadway is not to be altered.

(3.) The Company shall within 12 months from the passing of this Act purchase from the owner the land coloured blue on the plan signed by Sir Charles Douglas Fox the engineer of the Company and Edward Garlick engineer of the owner but should the owner elect to have the siding mentioned in sub-section 9 of this section on a portion of the triangular plot of land marked F on the said plan then the Company shall not be required to take any portion of the said plot marked F.

(4.) The Company shall take the land for and make sewer flag channel pave and make good the half of Frederick Birchley and Tolver Streets and subject as herein-after provided also the half of Standish Street fronting the said plot of land F and shall make sewer flag channel pave and make good Standish Street and Strickland Street so far as they interfere with the same (subject as aforesaid) and shall maintain and keep in repair the said streets and half streets until such streets and half streets are taken by the corporation of St. Helens into their own management all which streets are

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- shown upon the said signed plan. Provided that in the event of the Company not acquiring the said plot marked F on the said plan as mentioned in sub-section 3 then they shall not be required by the owner to make sewer flag channel pave or make good those portions of the streets which adjoin the said plot F except where the approach is made by lowering Standish Street so as to pass that street under the railway.
- (5.) The Company shall make a bridge under the railway for the continuation of Strickland Street of such width as to leave a clear street space thereunder of 14 yards wide and 16 feet high from the surface of the road. Such space to be in the direction of the street marked on the signed plan. The Company shall also make a similar bridge for Standish Street but having a clear roadway of 50 feet wide and the street shall be made quite straight from M to N on the same plan.
- (6.) The inclination of the roadway of Standish Street and Strickland Street where altered for passing them under the railway shall not be greater than 1 in 30 nor shall any of the intended streets or alterations of streets exceed that inclination.
- (7.) The Company shall to the reasonable satisfaction of the owner lower all the other streets and the adjoining building land to correspond with the streets which have to be lowered to be passed under the railway and may use in making the railway the material which will have to be removed in performing these works.
- (8.) The Company shall continue Tolver Street into Corporation Street and shall make sewer level pave flag channel make good and complete and thereafter repair and maintain the same.
- (9.) The Company shall make (or cause to be made) sewer level pave flag channel and make good. Curved Street from the point C on the signed plan to and to join Strickland Street at the point D on the said plan and also Strickland Street from the said point D to and from thence along that street to the point B on the said plan and shall complete the same before the railway is open for traffic and afterwards maintain and keep in repair the same streets and works the level of the street at C and at B to be fixed by the owner.
- (10.) The owner shall have the right to lay down one railway siding to join the rails or sidings of the Company at such a point as he may select in his building land at St. Helens shown on the signed plan and the owner and his tenants

shall have the right to use such siding in connexion with the railway. A.D. 1886.

- (11.) The station at St. Helens shall be on the land coloured blue on the said plan but extending slightly beyond it to Corporation Street.
- (12.) All sewers interfered with by the works of the Company are to be made good or new sewers substituted and the Company are to make all new sewers required and any difference between the Company and the owner with respect to the sewers intended new sewers and sewerage or any interference therewith or the maintenance and repairs thereof is to be referred to the surveyor for the time being of the borough of St. Helens except as to the cost of sewerage and sewers which is in all cases to be paid for by the Company.
- (13.) At the crossing of Railway No. 5 over the brook at about 5 furlongs 7 chains on the deposited plan and section the Company shall make a culvert at such level and with such size of opening for the passage therethrough of the water of the brook as may be reasonably required by the owner.
- (14.) The Company shall provide make and maintain for the use of the owner and his tenants a street or road of 14 yards wide commencing at one of the existing streets in St. Helens and terminating on the south-west side of the railway at such place and level as the owner may reasonably require in the close of land numbered 553 on the deposited map or as an alternative shall make and maintain to the reasonable satisfaction of the owner a bridge over the railway having a roadway 36 feet wide with approach roads thereto of the same width and of no greater inclination than 1 in 30 at a point about 6 furlongs 6 chains on the deposited plan and section of Railway No. 5.
- (15.) Should the bridge mentioned in the last sub-section not be made the Company shall make complete and maintain for the use of the owner and his tenants a level crossing 12 feet wide at No. 555 on the deposited map.
- (16.) The Company shall make a bridge for carrying the highway called Kiln Lane over Railway No. 5 with a roadway 12 yards wide and the line of the bridge shall be a continuation straight of Kiln Lane and the inclination of the approach roads of such bridge shall not be altered from those shown on the deposited cross sections thereof and also shall make a bridge for carrying the highway called Bleak Hill Lane over the railway similar to that over Kiln Lane and with similar restrictions.



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- (17.) Before the Railway No. 5 is opened for traffic the Company shall construct a railway station on the west side of Bleak Hill Lane for passengers animals and goods and shall maintain and keep the same open for the use of the public whenever and so long as the same railway or any part of it is kept open for traffic and the owner shall have a right to make a siding connexion between his adjoining land and one of the sidings of the Company in the said station yard and the Company is to maintain such siding where it is within the land acquired by them and the owner and his tenants shall have the right to use the same in connexion with the railway.
- (18.) For the accommodation of the lands of the owner the Company shall construct and maintain a bridge with approaches at 1 mile 3 furlongs 2 chains on the deposited plan and section of Railway No. 5 for the purpose of carrying an intended road over the railway and the roadway over and the approaches to such bridge shall each have a clear width of ten yards and an inclination not greater than one in thirty.
- (19.) The Company shall provide a level crossing at 1 mile 6 furlongs 8 chains on the deposited plan and section of Railway No. 5 and shall when in the opinion of the owner the development of the estate shall require it and on 9 months notice being given to them by the owner construct and maintain over the railway a bridge 30 feet wide with approach roads thereto of the like width and of not greater inclination than one in thirty.
- (20.) All approach roads to bridges and the roads over or under the bridges are to be made repaired and maintained by the Company to the reasonable satisfaction of the owner.
- (21.) The owner and his tenants shall have the right to use at all times after construction the streets half streets bridges roads over and under bridges approaches level crossings sewers and continuations and deviations of streets and roads referred to in sub-sections 4 5 7 8 9 12 13 14 15 16 17 18 and 19 The Company shall within one year from the passing of this Act elect to purchase or not to purchase from the owner the plots of land or either of them coloured respectively yellow and brown on the said plan.
- (22.) The Company shall from time to time when presented to them for the purpose convey to and from the railway and the respective sidings of the owner all traffic of or intended for the owner or his tenants in waggons.

(23.) The culverts for carrying water and sewage under the railway are to be constructed and maintained by the Company and at such places and of such dimensions and at such depths below the ground as the owner may reasonably require.

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(24.) 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 except that in regard to accommodation works the provisions of this section shall be taken into consideration.

(25.) Nothing in this section shall authorise the Company to execute any works except upon lands delineated on the deposited plans and described in the deposited books of reference or upon lands belonging to the owner nor to take any lands not included in the above except by agreement.

(26.) Sub-sections 1 2 3 4 and 8 of section 8 (for the protection of Lord Gerard) of the Act of 1885 and any other provisions of that section rendered unnecessary by or inconsistent with this section are hereby repealed.

14. 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:—

For the  
protection  
of the  
corporation  
of St.  
Helens.

(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 his office not less than 14 days before the works shall be commenced.

(3.) Before the Company shall commence any works within the borough which shall cause any temporary obstruction or diversion of any street or of part of any street such obstruction or 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.) Subject to the provisions of this Act 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

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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 of the powers granted by or under this Act any additional gas mains street lamps water mains pipes sewers or drains or any increased lengths or capacity of such gas mains water mains pipes sewers or drains respectively shall in the opinion of the corporation be rendered necessary the same shall be respectively provided laid erected 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 borough surveyor and in accordance with plans and sections to be previously submitted to 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 abutment or embankment over any sewer or drain or over any gas or water main or pipe the Company shall if so required by the corporation and to their reasonable satisfaction construct and maintain a good and sufficient culvert thereover so as to afford access thereto for the purpose of relaying or repairs.
- (9.) Nothing in this Act shall interfere with the rights and powers of the corporation in relation to the making of new sewers and drains and to the laying of gas or water mains and pipes.
- (10.) Where any of the railways by this Act authorised cross any street it shall be by means of a bridge The bridges to be constructed over the following streets viz. Corporation Street College Street Baldwin Street and Boundary 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 Provided that where any bridge shall cross any street in an oblique direction the angle of obliquity shall not be greater than 45 degrees and 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 at the point 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 at the point 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 and the angle of obliquity shall not be greater than 45 degrees except with respect to the bridges crossing Napier Street and Kirkland Street in which case the angle of obliquity shall not be greater than 60 degrees).

- (11.) All such bridges shall be constructed and for ever maintained by the Company as far as may be practicable water-tight they shall be sheeted or lined with iron and shall be provided with sufficient troughs and down spouts to carry off all water such down spouts shall be properly connected under the direction and to the satisfaction of the borough surveyor with the nearest public sewer if such sewer is within 100 feet of any such bridge but if not with a drain constructed by the Company for that purpose in order to prevent any water from such bridges flowing on to or over such streets.
- (12.) 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.
- (13.) Whereas it is proposed to erect a station at or near to the point of junction of Corporation Street and College Street in the said borough in lieu of the station originally intended to be built by the Company as mentioned in section 8 sub-section 1 of the St. Helens and Wigan Junction Railway Act 1885 and to enable the Company to do so the more effectually it is also proposed to stop up divert or otherwise interfere with the intended streets enumerated in section 7 sub-section 12 of the said St. Helens and Wigan Junction Railway Act 1885 and to substitute other streets in lieu of certain of such intended streets as shown upon a certain plan deposited with the said corporation and signed on behalf of Lord Gerard and the trustees of William Penketh Cotham deceased by Edward Garlick and Herman Walmesley respectively and sealed with the common seal of the Company. And whereas the provisions contained in

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the said section 7 sub-section 12 of the said Act are consequently now unnecessary :

It is therefore enacted that—

- (A.) So much of the *St. Helens and Wigan Junction Railway Act 1885* as is contained in section 7 sub-section 12 is hereby repealed.
- (B.) The Company shall construct and for ever maintain at the respective points where the said railway shall intersect the sites of the intended streets to be called *Strickland Street* and *Standish Street* as shown upon the said plan 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. Provided that if at any time hereafter the whole of *Strickland Street* lying to the north of the said railway is abandoned by the said landowners and *Shaw Street* is made to terminate at the point D on the said plan the Company shall be released from the obligation to construct and maintain the said bridge over *Strickland Street* aforesaid.
- (c.) The Company shall at their own expense and to the reasonable satisfaction of the corporation efficiently light and keep lighted by night and by day the portion of *Standish Street* over which the bridge required to be constructed by the foregoing clause of this section shall be erected and shall at their like expense lay down and connect all such pipes and erect and fix all such lamps and apparatus and execute and do all such other works and things as may be necessary for that purpose.
- (14.) 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.
- (15.) Whenever in the construction of a bridge within the borough under the powers of this Act 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.

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(16.) 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 ten 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 by the corporation.

(17.) The abutments and foundations of all bridges over any street 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.

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

(19.) No street within the borough shall be deviated 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 drained sewerd channelled curbed paved flagged provided with proper means for lighting 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 from time to time by the Company under the direction and 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.

(20.) Where the Railway No. 5 by this Act authorised crosses the Windle Brook near to Wilson Street in the said borough it shall be by means of a bridge of such a span as will leave an opening on the south-westerly side of the brook of not less than twenty feet and on the north-easterly side of not less than ten feet measuring at right angles from the centre of the brook at the point crossed and the foundations of such bridge shall be carried to a depth of not less than seven feet below the level of the bed of the brook at the point crossed.

(21.) Nothing in this Act contained shall be deemed to authorise the Company to take use or in any way interfere with the sluice and reservoir which have been constructed by the corporation in the said Windle Brook at or near to Sprays Bridge in the said borough nor to interfere with the said brook in any manner



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as to cause any diminution or obstruction in the flow of its waters.

- (22.) The line of the said Railway No. 5 by this Act authorised shall not where the same crosses the land of the corporation and which is numbered upon the deposited plans 28 in the township of Knowsley in the parish of Huyton except with the consent of the corporation be deviated in a northerly direction from the line of the said railway as shown upon the deposited plans and the Company shall purchase and take from the corporation if so required by them the whole or any portion of the said land of the corporation lying on the southerly side of the said railway and notwithstanding anything in this Act contained the Company shall not be entitled to acquire except by agreement any lands of the corporation lying on the northerly side of the said railway.
- (23.) Where the said Railway No. 5 crosses the said lands of the corporation at Knowsley the Company shall erect and for ever maintain a suitable fence wall or walls to effectually fence off the said railway from the lands of the corporation.
- (24.) The Company shall construct and completely finish to the satisfaction of the corporation a siding with proper points and crossings from the said Railway No. 5 to the boundary of the corporation land at Knowsley aforesaid and at a point to be fixed by the corporation.
- (25.) The Company shall at their own expense erect and work the necessary signals points junctions crossings and other works so as to render the said siding 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 of the corporation (whether in their own waggons or in those of other persons).
- (26.) The Company shall subject to the payment of the authorised tolls and charges deliver all such waggons trucks and carriages whether loaded or unloaded over and along the said siding as may be required by the corporation.
- (27.) Whereas the corporation have under the powers conferred upon them by the Saint Helens (Corporation) Water Act 1882 constructed and laid an aqueduct or line of pipes from the shaft or well at their pumping station situate in the said township of Knowsley a portion of which aqueduct or line of pipes is constructed and laid along Moss Lane in the last named township And whereas under the provisions of this Act it is intended to divert Moss Lane aforesaid and the said portion of aqueduct or

line of pipes will be interfered with by reason of such diversion and of the construction of the said Railway No. 5 by this Act authorised And whereas it hath been agreed between the Company and the corporation that so much of the said portion of aqueduct or line of pipes as lies between the points B and D upon the plan and section signed by Sir Charles Metcalfe Baronet the resident engineer to the Company and Donald Macdonald Ford Gaskin the water engineer of the corporation shall be taken up and removed by the corporation and that in lieu thereof the corporation shall construct and lay an aqueduct or line of pipes from the point E to the point D on the said plan and so as to connect the severed portions of the existing aqueduct or line of pipes of the corporation :

Now be it enacted—

- (A.) The Company shall make and construct and for ever maintain to the satisfaction of the corporation under the said Railway No. 5 at right angles therewith and of the entire width thereof at the point where the said intended aqueduct or line of pipes between the points E and D on the said plan intersects such railway a culvert of not less than six feet wide by six feet high with proper and sufficient manholes.
- (B.) The Company shall at their own expense purchase and acquire all such lands not belonging to the corporation as may be required for the proposed intended aqueduct or line of pipes to be laid between the points E and D.
- (C.) When the said culvert shall have been constructed and made and the said lands shall have been purchased and acquired by the Company the Company shall afford every reasonable facility for allowing the corporation to lay the said intended main in the said culvert and upon the lands so acquired and purchased by the Company as aforesaid as well as on the lands of the corporation between the points E and D on the said plan and to connect the same with the existing aqueduct at those points respectively and the corporation shall take up and remove the aqueduct or line of pipes in Moss Lane between the points B and D on the said plan.
- (D.) All costs damages and expenses incurred or sustained by the corporation in or incident to the laying and connecting of the said aqueduct or line of pipes between the points E and D and in and incident to the taking up



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and removing the aqueduct or line of pipes in Moss Lane shall be borne by the Company.

(28.) The corporation shall have full liberty power and authority at all times upon giving to the Company twenty-four hours previous notice in writing of their intention so to do to enter upon the lands of the Company in the parishes of Huyton and Walton-on-the-Hill and the townships or extra parochial places of Croxteth Park and Simonswood and to break up the ground and soil when necessary for the purpose of examining renewing altering or repairing any aqueduct or pipes belonging to them and laid in or under any such lands and without being answerable either to the Company or to any of their tenants or to any other person or company claiming through under or in trust for them for any damages that may be caused thereby.

(29.) Notwithstanding anything in this Act contained Moss Lane aforesaid shall be left open and unobstructed from the point where it will join the proposed diverted road at the northerly end thereof to the point where such lane will be intersected by the said Railway No. 5 by this Act authorised.

(30.) The corporation shall have full liberty power and authority at all times upon giving twenty-four hours notice in writing as aforesaid to enter upon any of the lands of the Company for the purpose of laying and maintaining any pipes which they may be required by either the Earl of Derby or the Earl of Sefton to lay and maintain under the provisions of the Saint Helens (Corporation) Water Act 1882 and the Corporation shall not be answerable to the Company or any person for any damage that may be caused thereby.

(31.) The Company shall pay to the corporation the amount of any additional costs and expenses they may from time to time incur or be put to in the laying and maintaining of any pipes so laid by them under the provisions of the said Water Act by reason of the said pipes having to be laid and maintained under the said Railway No. 5 by this Act authorised.

(32.) The corporation may from time to time lay and maintain mains or pipes along or under the road and bridge to be constructed by the Company under the powers of this Act in deviation of Moss Lane aforesaid and in the construction of the said road and bridge the Company shall make all proper and necessary provisions and shall afford every facility for the laying and maintaining of such mains or pipes along or under the said road and bridge.



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(33.) All works to be executed by the Company under this section or in the borough shall be so executed at the costs in all respects of the Company in accordance with plans sections and elevations to be first submitted to and approved 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.

(34.) 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 at the expense of the Company of any of such works and the acquisition of land therefor.

(35.) 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 Board shall direct.

**15.** 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 Number 2 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 Ashton-in-Makerfield Local Board.

The Company shall make construct and maintain for the use of the local board and the inhabitants at large a bridge for the purpose of carrying the public footpath numbered 10 on the deposited plans over their railway such footpath to be diverted extended and converted into a carriage road for the whole of the length of the approaches herein-after mentioned and the said bridge shall 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 30 feet wide between the parapets and fences of such bridge and approaches and they shall build a fence wall on each side of such approaches for the whole length thereof of not less than 4 feet 6 inches in height and shall construct parapets on each side of the said bridge of the height of not less than 6 feet and the gradients of the said approaches shall not be steeper than 1 in 30.

The Company shall so far as they can by consent construct beyond the limits of deviation shown on the said deposited

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plans so much of the said approaches as may be necessary to afford the aforesaid gradients and if they fail to obtain the necessary consent or consents they shall when next applying for parliamentary powers endeavour to obtain compulsory powers to make the said approaches.

The Company shall at their own cost pave metal flag kerb and channel the said road and approaches 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.

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 floodwater 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 floodwater 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 to 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.

For the  
protection  
of the  
Haydock  
Park  
Company  
Limited.

**16.** For the protection and benefit of the Haydock Park Company Limited in this section referred to as the Haydock Company in relation to the construction of Railway No. 2 by this Act authorised and the works connected therewith the following provisions shall apply and have effect that is to say:—

(1.) The Company shall not come with the centre line of their railway nearer to the land leased by the Haydock Company than is shown by the centre line of railway marked on the plan signed by Sir Charles Douglas Fox on behalf of the Company



and by Mr. Thomas Stone on behalf of the Haydock Company in this section referred to as the said plan.

(2.) The Company shall rebuild and maintain to the reasonable satisfaction of the Haydock Company in a substantial manner the westerly portion of the existing boundary wall of the Haydock Company from the point A to the point B on the said plan. The stone already forming the existing boundary wall between the points A and B to be used as far as it will go for the purpose and the remainder of the wall from A to B to be raised up in brickwork to the same height and the same in every respect as the existing boundary wall shown on the said plan from B to C.

(3.) If it should be found that the said wall so to be erected as aforesaid from A to B and the already existing portion of the boundary wall from B to C on the said plan be an insufficient screen for the protection of the Haydock Company the Company shall raise and maintain the whole length of the wall from A to C on the said plan or such portions thereof as may be found necessary so as to prevent any nuisance from the use of the Company's line by the escape of smoke and steam or otherwise in such a way as to startle horses.

(4.) In the event of the Haydock Company and the Company not agreeing as to what extent such additional raising of the wall may be required such difference shall be settled by arbitration.

(5.) The Company shall erect and for ever maintain on the bridge and approaches thereto crossing the railway at 3 miles 5 chains a fence or screen for such a length and of such a height or some alternative work to be agreed upon between the Haydock Company and the Company as shall effectually prevent a view of the existing coursing ground of the Haydock Company being obtained by passengers on foot or in or upon conveyances using such bridge and approaches.

(6.) The said fence screen or alternative work shall be erected and completed before the said bridge or approaches is or are used by the public.

17. In the event of Railway No. 5 by this Act authorised being carried across the highway or road numbered 604 in the parish of Prescott on the said deposited plans on the level the Company shall before such railway shall be opened for traffic at their own expense construct and at all times maintain a fit and proper footbridge for passengers over such railway.

Company to  
construct  
footbridge  
in parish of  
Prescot.



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As to taking  
houses of  
labouring  
classes.

18. (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 of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(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 sub-section 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.



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(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.

(11.) For the purposes of this section the expression "labouring class" includes mechanics artizans 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.

Power to take easements &c. by agreement.

**19.** 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 rent-charges 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.

Lands for extraordinary purposes.

**20.** 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 five acres.

Period for compulsory purchase of lands.

**21.** 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.

Company to abandon portion of authorised railway.

**22.** The Company shall (if they construct Railway No. 2) abandon the construction of such portion of the authorised railway as will be rendered unnecessary by the construction of Railway No. 2 by this Act authorised.



**23.** The abandonment by the Company under the authority of this Act of the said portion of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1885.

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Compensation for damage to land by entry &c. for purposes of portion of railway abandoned

**24.** Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the portion of railway by this Act authorised to be abandoned the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to such contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation for non-completion of contracts in respect of portion of railway abandoned.

**25.** The railways shall for all purposes whatever (including the demanding and recovering of tolls rates and charges) form part of the railway and undertaking of the Company.

Railways to form part of Company's railway.

**26.** Whereas the estimated expense of Railway No. 2 (amounting to the sum of fifteen thousand four hundred and sixty-five pounds) is less than the estimated expense of the portion of the authorised railway by this Act to be abandoned and it is expedient that Railway No. 2 should for the purposes of sections 44 and 45 of the Act of 1885 be deemed to be part of the authorised railway Therefore for the purposes of the said sections 44 and 45 Railway No. 2 shall be deemed to be part of the authorised railway and the railway deposit fund mentioned in the said sections shall be deemed to include five per centum upon the amount of the estimate in respect of Railway No. 2 Provided always that for the purposes of the said sections 44 and 45 the period limited for the completion of the authorised

Provisions as to deposit.

A.D. 1886. railway shall be deemed as regards Railway No. 2 to be the period of five years from the passing of this Act but nothing in this section shall prejudice or alter any right of any owner or occupier of lands or other persons injuriously affected or any creditors to or over the railway deposit fund.

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

27. 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 seventeen thousand pounds being five per centum upon the amount of the estimate in respect of the railways (other than Railway No. 2) has been deposited with the Paymaster-General for and on behalf of the Supreme 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 and for the purposes of this and the next following section the expressions the railway or the railways shall apply only to Railways No. 1 No. 3 No. 4 No. 5 and No. 6 by this Act authorised) 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 railways 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.

Application of deposit.

28. 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



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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 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.

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

Period for completion of works.

**30.** The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole three hundred and forty thousand pounds by the issue of new ordinary shares but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless

Power to raise additional capital.



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New shares to be subject to the same incidents as other shares or stock.

**31.** The capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the capital of the Company authorised by the Act of 1885 and the new shares were shares in that capital. The capital in new shares so created shall form part of the capital of the Company.

Dividends on new shares.

**32.** Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Receipt clause in case of persons not sui juris.

**33.** 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.

Extending to additional capital provisions of Act of 1885 as to dividing shares.

**34.** The provisions contained in sections 27 to 34 both inclusive of the Act of 1885 with reference to the division of the shares in the capital by that Act authorised into half shares shall extend and apply to the shares in the additional capital by this Act authorised as if the same had been re-enacted in this Act with reference thereto.

Power to borrow.

**35.** The Company may in respect of the additional capital of three hundred and forty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one hundred and thirteen thousand pounds but no part thereof shall be borrowed until the whole of the said additional capital 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 additional 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 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 or 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 certificate shall be sufficient evidence thereof.

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**36.** Section 26 of the Act of 1885 with reference to the appointment of a receiver is hereby repealed and the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

For appointment of a receiver.

**37.** 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 and of all mortgages at any time created and issued or granted by the Company under the Act of 1885 or this Act 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.

Debenture stock.

**38.** The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they are by the Act of 1885 authorised to raise and which may not be required for the purposes of that Act.

Power to apply funds.

**39.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of the Act of 1885 and this Act to which capital is properly applicable.

Application of moneys.

**40.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other 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.

Interest not to be paid on calls paid up.

**41.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any

Deposits for future Bills

A.D. 1886. not to be paid out of capital. 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.

Provision as to general railway Acts. **42.** 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.

Costs of Act. **43.** 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.