

[54 & 55 VICT.]

*Liverpool, St. Helens, and South  
Lancashire Railway Act, 1891.*

[Ch. cxv.]



### CHAPTER cxv.

An Act to extend the time for the compulsory purchase of lands for certain railways authorised by the St. Helens and Wigan Junction Railway Act 1885 and the St. Helens and Wigan Junction Railway Act 1886 and to provide for the issue of preference or guaranteed shares or stock and for other purposes. A.D. 1891.

[21st July 1891.]

**W**HEREAS by the St Helens and Wigan Junction Railway Act 1885 and the St. Helens and Wigan Junction Railway Act 1886 (in this Act respectively referred to as the Act of 1885 and the Act of 1886) the St. Helens and Wigan Junction Railway Company were empowered to make the railways in the county of Lancaster therein respectively described :

And whereas by the St. Helens and Wigan Junction Railway Act 1889 (in this Act referred to as the Act of 1889) the name of the St. Helens and Wigan Junction Railway Company was changed to the Liverpool St. Helens and South Lancashire Railway Company and that Company is in this Act referred to as the Company :

And whereas by the Act of 1889 the time limited for the acquisition of lands for and for the completion of the railways authorised by the Acts of 1885 and 1886 was extended :

And whereas a considerable portion of the authorised railways has been constructed and it is expedient that the time limited for the acquisition of lands for the purpose of the railways and works authorised by the said Acts should be extended as by this Act provided :

And whereas the Manchester Sheffield and Lincolnshire Railway Company have in accordance with the provisions of the Act of 1889 and the agreement scheduled thereto subscribed the sum of one hundred thousand pounds towards the undertaking of the Company :

And whereas it is expedient that the Company should be empowered to issue all or any part of the share capital authorised

A.D. 1891. by the Act of 1886 as guaranteed or preference capital as by this Act provided:

And whereas it is expedient to amend the Acts of 1885 and 1886 as in this Act mentioned:

And whereas the objects aforesaid cannot be attained 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:—

Short title.

1. This Act may be cited as the Liverpool St. Helens and South Lancashire Railway Act 1891.

Incorporation of enactments.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 and Part II. (relating to additional capital) of the Companies Clauses Act 1863 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act:

Extension of time for purchase of land.

3. The powers conferred upon the Company for the compulsory purchase of lands for the purposes of the railways authorised by the Act of 1885 and the Act of 1886 are hereby extended and may be exercised by the Company until but not after the twentieth day of July one thousand eight hundred and ninety-three.

Providing for release of deposit funds.

4. Section 45 of the Act of 1885 and section 28 of the Act of 1886 are hereby repealed and in lieu thereof the provisions hereinafter contained shall have effect as fully and effectually as if they had been specifically enacted in the Act of 1885 and the Act of 1886 in lieu of the first mentioned sections. The provisions herein-before referred to are as follows viz.:—

If the Company do not previously to the expiration of the periods respectively limited for the completion of the railways complete and open the same for the public conveyance of passengers then and in every such case the deposit funds or so much thereof respectively 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 railways respectively 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



A.D. 1891.  
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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 High Court may seem fit and if no such compensation is payable or if a portion of the deposit funds has been found sufficient to satisfy all just claims in respect of such compensation then the deposit funds or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the person or persons to whom the same has been assigned or to such person or persons as they may appoint Provided that until the deposit funds respectively have been repaid or re-transferred to the person or persons aforesaid or have 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 person or persons aforesaid.

**5.** Section 17 (As to taking houses of labouring classes) of the Act of 1885 and section 18 (As to taking houses of labouring classes) of the Act of 1886 shall apply in regard to the extension of time for the compulsory purchase of the lands authorised to be taken by those Acts respectively except that the first sub-section of each of those enactments shall be read and have effect as if in each case the fifteenth day of December one thousand eight hundred and ninety were therein inserted as well as the fifteenth day of December one thousand eight hundred and eighty-four or the fifteenth day of December one thousand eight hundred and eighty-five as the case may be.

As to taking  
houses of  
labouring  
classes.

**6.** Notwithstanding anything contained in section 13 of the Act of 1886 or any other provision in that Act or in the Act of 1885 the Company may if they think fit construct the railway station at Ashton-in-Makerfield on the west side of Lodge Lane instead of on the east side as provided by the said section 13.

As to Ashton  
railway sta-  
tion.

**7.**—(1) Notwithstanding anything contained in the Act of 1886 the Company may raise all or any part of the capital authorised by that Act either by the issue of ordinary shares or stock or preference shares or stock or partly by ordinary shares or stock and

Power to  
raise prefer-  
ence shares  
and stock.

A.D. 1891. — partly by preference shares or stock. Provided nevertheless that the Company shall not unless with the consent in writing of the Manchester Sheffield and Lincolnshire Railway Company raise under the provisions of this Act a greater sum than forty thousand pounds in the whole in preference shares or stock and subject as aforesaid the Company may issue the remainder of the capital authorised by the Act of 1886 at such times and on such terms and conditions as the Company may from time to time think fit:

(2) Nothing in this Act contained shall in any way prejudice or affect the rights and interests of the Manchester Sheffield and Lincolnshire Railway Company under the agreement scheduled to the Act of 1889.

Provision as  
to general  
Railway  
Acts.

8. Nothing in this Act contained shall exempt the Company or the railway of the Company 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 to be taken by the Company.

Costs of Act.

9. 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.

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