# CHAPTER cxxxii.

An Act for conferring further powers upon the Lancashire and Yorkshire Railway Company and the London and North-western Railway Company in respect of their Preston and Wyre Railway and for other purposes. A.D. 1884.

[14th July 1884.]

WHEREAS the undertaking of the Preston and Wyre Railway Harbour and Dock Company is vested in the Lancashire and Yorkshire Railway Company and the London and North-western Railway Company (in this Act called "the two Companies") in the proportion of two-third parts thereof in the Lancashire and Yorkshire Railway Company and one-third part thereof in the London and North-western Railway Company and the said undertaking is managed by a committee appointed by the two Companies and called "the committee of management" and it is expedient that the two Companies should be empowered to widen and improve the portion in this Act described of the Preston and Wyre Railway and to alter the roads and execute the other works and acquire the lands and exercise the other powers in this Act mentioned in connexion with the said railway:

And whereas plans and sections showing the lines and levels of the widening of railway and other works by this Act authorised and plans of the lands by this Act authorised to be acquired and appropriated and also books of reference 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 of Lancaster and are hereinafter referred to as the deposited plans sections and books of reference:

And whereas since the said plans and sections were deposited it has been found that the alteration of the levels of Lea Road herein-

A.D. 1884.

after referred to would be more conveniently effected by carrying that road under the Preston and Wyre Railway instead of (as shown on the deposited plans and sections) over that railway and an amended plan and section of such altered levels with a book of reference to such plan have been deposited with the clerk of the peace for the county of Lancaster and the same are herein-after referred to as "the amended plan section and book of reference:"

Additional capital and application of funds.

And whereas it is expedient that the two Companies should respectively be empowered to raise additional capital and to apply their funds as by this Act authorised:

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

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

Short title.

**1.** This Act may be cited for all purposes as the Lancashire and Yorkshire and London and North-western Railway Companies (Preston and Wyre Railway) Act 1884.

Incorporation of general Acts.

**2.** The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

**3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expressions "the railway" and "the widening" mean respectively the widening and improvement of the Preston and Wyre Railway by this Act authorised and the works connected therewith:

The expression "the Lancashire and Yorkshire Company" means the Lancashire and Yorkshire Railway Company and the expression "the North-western Company" means the London and North-western Railway Company:

The expression "the two Companies" means the Lancashire and Yorkshire Company and the North-western Company:

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 for the purposes of

this Act 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.

Two Companies may execute widening.

**4.** Subject to the provisions of this Act the two Companies may in the lines and according to the levels and in the manner shown on the deposited plans and sections widen and improve and maintain the portion of their Preston and Wyre Railway herein-after mentioned and lay down additional lines of railway thereon or in connexion therewith and for the purposes of such widening and improvement the two Companies in addition to any other lands which they are by this Act authorised to acquire may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for the purposes aforesaid and may stop up such roads and footpaths as are shown upon the said plans as intended to be stopped up:

The widening and improvement of the Preston and Wyre Railway herein-before referred to and authorised by this Act commences in the township of Preston in the parish of Preston by a junction with the Lancaster and Carlisle line of the London and North-western Railway at a point about two hundred yards measured in a south-easterly direction along the said railway from the bridge carrying Pedder Street over that railway and terminates in the township of Kirkham in the parish of Kirkham by a junction with the Preston and Wyre Railway at a point about two hundred and twenty yards measured in a westerly direction along the said Preston and Wyre Railway from the centre of the public road level crossing at Kirkham Station. Provided always that notwithstanding anything contained in this Act and the deposited plans to the contrary the two Companies shall take no part of the properties numbered 218, 219, 220, 221, 222, 223 and 224 respectively in the township of Lea Ashton Ingol and Cottam belonging or reputed to belong to Joseph Eccles.

Tolls.

For the purposes of tolls rates and charges and for all other purposes whatever the widening shall be deemed to be a part of the Preston and Wyre Railway.

Lands for extraordinary purposes.

**5.** The quantity of land to be taken by the two Companies for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed four acres.

Power to the two Companies to execute other works.

**6.** Subject to the provisions of this Act the two Companies may make and maintain in the lines and according to the levels shown on the deposited plans and sections or on the said amended plan

A.D. 1884.

and section as the case may be the works herein-after described and may exercise the powers herein-after mentioned and may for the purposes aforesaid make such alterations in the levels of the roads and footpaths affected thereby as are shown upon the deposited plans and sections or upon the amended plan and section as the case may be and may stop up such roads and footpaths as are shown upon the said plans as intended to be stopped up and in addition to any other lands which they are by this Act authorised to acquire may enter upon and 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 those purposes making compensation in accordance with the Lands Clauses Consolidation Act 1845 to all parties injuriously affected by the exercise of the powers contained in this section:

(1.) They may in the township of Lea Ashton Ingol and Cottam in the parish of Preston:

(*a.*) Alter the levels of Lea Road leading from Preston to Saint Michael's-on-Wyre by carrying the same under the Preston and Wyre Railway as shown on the said amended plan and section such alteration of levels commencing at a point about 115 yards north of the centre of the level crossing by such road of the said railway and terminating at a point about 180 yards south-west of the centre of the said level crossing:

(*b.*) Alter the levels of a certain bye-road known as Dargenson Lane forming a part of Lea Road aforesaid leading from Lea Village to Saint Michael's aforesaid by carrying such road over the Preston and Wyre Railway such alteration of levels commencing in and out of the said road at a point about 92 yards north-east of the centre of the level crossing by such road of the said railway and terminating in that road at a point about 90 yards south-west of the centre of the said level crossing:

(2.) They may in the township of Clifton-with-Salwick in the parish of Kirkham:

(*c.*) Alter the levels of Salwick Lane leading from Clifton to Saint Michael's-on-Wyre aforesaid by carrying the same over the Preston and Wyre Railway such alteration of levels commencing at a point about 140 yards north of the centre of the level crossing by such lane of the said railway and terminating at a point about 95 yards south of the centre of the said level crossing:

(3.) They may in the township of Treales Roseacre and Wharles in the said parish of Kirkham:

(*d.*) Alter the levels of Spen Lane leading from Treales to Kirkham by carrying the same under the Preston and Wyre Railway such alteration of levels commencing at a point about 100 yards north of the centre of the level crossing by such lane of the said railway and terminating at a point about 130 yards south of the centre of the said level crossing:

(*e.*) Alter the levels of Treales Lane leading from Treales to Kirkham aforesaid by carrying the same over the Preston and Wyre Railway such alteration of levels commencing at a point about 90 yards north of the centre of the level crossing by such lane of the said railway and terminating at a point about 180 yards south of the centre of the said level crossing:

And the crossings of the Preston and Wyre Railway on the level by the said several roads are hereby abolished and the two Companies may stop up and extinguish all rights of way over the said railway by such said roads:

(4.) They may at Kirkham in the said parish of Kirkham:

(*f.*) Divert the public road leading from Weeton to Kirkham (herein-after called "the Kirkham Road") such diversion commencing in the township of Medlar-with-Wesham by a junction with the Kirkham Road at a point about 75 yards north-west of the junction of Garstang Road with that road and terminating in the township of Kirkham by a junction with the same road at a point about 210 yards southward of the centre of the level crossing by that road of the Preston and Wyre Railway:

(*g.*) Abolish the crossing of the Preston and Wyre Railway on the level at the Kirkham Station by the Kirkham Road and stop up and extinguish all rights of way over the said railway at the said level crossing. And the site and soil of so much of the Kirkham Road as extends from a point 32 yards north-east of the centre of the said level crossing to a point 20 yards south-west thereof shall be and is by this Act vested in the two Companies. Provided always that the two Companies shall not abolish the said level crossing unless and until they shall have done the following acts and things (that is to say):

(1) Made formed and paved with an inclination not greater than 1 in 11 the portion of Wesham Back Lane between the Kirkham Road and the diversion of that road by this Act authorised;

(2) Made formed and paved with an inclination not greater than 1 in 16 a new road in continuation of Porter Street between the Kirkham Road and the said diversion thereof;

A.D. 1884.

(3) Made formed and paved with an inclination not greater than 1 in 18 a new road in continuation of Rawlinson Street between the Kirkham Road and the said diversion thereof;

(4) Made widened formed and paved with an inclination not greater than 1 in 11 Segar Street from the Kirkham Road to and so as to form a junction with the said diversion of that road;

(5) Made a footpath for foot passengers with an inclination not greater than 1 in 8 between the south end of the bridge by which the said diversion will be carried over the railway and the Kirkham Road opposite the east end of Richards Street.

For the protection of the Corporation of Preston.

**7.** For the protection of the mayor aldermen and burgesses of the borough of Preston (in this section referred to as "the corporation") the following provisions shall have effect (that is to say):

(1.) In this section "the borough" means the borough of Preston "the borough surveyor" means the surveyor of the borough;

(2.) Between the eastern side of Water Lane and the western side of Cannon Hill no portion of the widening or the works connected therewith shall extend beyond 30 feet on either side of the centre line of railway shown on the deposited plans;

(3.) The two Companies may alter Saint Mark's Road so as to have an uniform width throughout of not less than 32 feet and so as to have a footway only on the south-western side thereof and shall fence off the north-eastern side of the said street from the property of the two Companies by a wall of at least 5 feet in height of such materials and style and with an iron railing along the top thereof not less than 2 feet in height and of such a style as the borough surveyor shall reasonably approve and the two Companies shall not on the piece of land situate at the junction of Saint Mark's Road with Water Lane and numbered on the deposited plans 109 in the parish of Preston build or place or permit to be built or placed any building erection or thing except a passenger station and the conveniences connected therewith and a signal cabin or cabins: Provided always that the two Companies shall be at liberty to build the retaining wall for retaining Saint Mark's Road underneath the site of the said road but so as not to interfere permanently with the width of the said road as before mentioned;

(4.) The widened portion of the bridge carrying the railway over Water Lane shall have the same span throughout as the existing bridge and the soffit of the arch of the widened bridge

shall not be lower than the soffit of the arch of the existing bridge;

(5.) The two Companies shall remove the two piers supporting the three westernmost arches of the viaduct crossing Waterloo Road and the arches between the same and shall carry the existing railway and the widened portion thereof over Waterloo Road by a skew girder bridge having throughout a span measured on the square of not less than 62 feet and a clear headway throughout of not less than 12 feet 6 inches measured from the level of the roadway to the under part of the girders and shall continue of the same width throughout the existing footway on the south-eastern side of Cannon Hill along the southern abutment of the said bridge so as to join the existing footway on the southern side of Tulketh Brow and shall widen Tulketh Brow on the north-eastern side through the properties numbered on the deposited plans 124 and 125 in the parish of Preston in a straight line from a point 50 feet north of the boundary wall of the property of the two Companies opposite the western end of the existing parapet of the viaduct to a point 50 feet north of the widened viaduct on the east side of the said property numbered 124 and except as aforesaid the two Companies shall not in any way interfere with Tulketh Brow;

(6.) The two Companies shall widen on each side and for the whole length thereof the bridge which carries Ashton Long Lane (otherwise Fylde Road) over the railway so that the bridge as widened shall for the whole length thereof be not less than 36 feet wide between the parapets;

(7.) The widening of the railway where it crosses Cottam Lane shall be made wholly on the northern side thereof and the widened portion shall be carried over the said lane by a girder bridge;

(8.) All bridges and viaducts upon which the railway as widened is carried and which are constructed or altered under the powers of this Act and are not screened from the streets by buildings shall be constructed with parapets of not less than 7 feet above the level of the upper surface of the rails;

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

A.D. 1884.

(10.) If the two Companies construct any pier or abutment over any sewer of the corporation they shall if so required by the corporation construct and maintain a good and sufficient culvert thereover so as to afford access thereto for the purpose of repairs;

(11.) All bridges for carrying the railway as widened over public roads or streets shall be constructed and maintained as far as reasonably practicable watertight;

(12.) Whenever in the construction of a bridge under the powers of this Act over any street a recess is left in such street under such bridge the two Companies shall on the request of the corporation fence off or build up such recess;

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

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

(15.) If by reason of the exercise by the two Companies of any powers granted them under this Act the corporation shall at any time incur any additional cost in repairing or altering any water-main pipe or apparatus or any sewer or drain such additional cost shall be repaid by the two Companies to the corporation;

(16.) Before the two Companies interfere with any existing sewer or drain they shall to the reasonable satisfaction of the corporation and in accordance with plans and sections to be previously submitted and reasonably approved of by the corporation construct a sufficient substituted sewer or drain and connect the same with the sewer or drain so interfered with: Provided always that if the corporation fail to signify their approval or disapproval of the said plans and sections within two months after the same shall have been submitted to them they shall be deemed to have approved thereof;

(17.) All widenings alterations and diversions of streets shall be formed drained channelled kerbed paved flagged and com-

pleted and all streets the surface of which shall be disturbed by the two Companies shall be restored to the reasonable satisfaction of the corporation;

(18.) All works to be executed by the two Companies under this section shall be so executed at their cost in all respects;

(19.) The two Companies 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 two Companies for the protection of the corporation and for the execution by the corporation of any such works and the acquisition of lands therefor;

(20.) If any difference arise between the two Companies and the corporation touching anything 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 president for the time being of the Institution of Civil Engineers and the costs of the reference shall be borne as he shall direct.

For protection of the Earl of Derby.

**8.** For the protection of the Right Honourable the Earl of Derby his heirs sequels in estate and assigns all of whom are in this section referred to as "the owners" the following provisions shall unless otherwise agreed upon between the owners and the two Companies and notwithstanding anything shown on the deposited plans or contained in this Act have effect:—

(1.) The two Companies shall construct a bridge with approaches thereto having inclinations not greater than 1 in 20 either over or under the Preston and Wyre Railway and the widening thereof by this Act authorised at some point to be agreed upon between the engineer of the two Companies and the agent of the owners in lieu of the existing occupation level crossing at the distance of 5 miles 2 furlongs 7 chains or thereabouts from the commencement of the said widening as shown on the deposited plans;

(2.) The two Companies shall construct a bridge with similar approaches either over or under the said railway and widening at some point to be agreed upon as aforesaid in lieu of the two existing occupation level crossings at the distance of 5 miles 4 furlongs 8 chains and 5 miles 5 furlongs 5 chains or thereabouts from the commencement of the said widening as shown as aforesaid;

A.D. 1884.

(3.) The two Companies shall construct a bridge with similar approaches either over or under the said railway and widening in lieu of the existing occupation level crossing at the distance of 6 miles 4 chains or thereabouts from the commencement of the said widening as shown as aforesaid;

(4.) If the owners obtain the consent of the owner of the property on the south side of the said railway the two Companies shall construct a bridge with similar approaches either under or over the said railway and widening in lieu of the existing occupation level crossing at the distance of 7 miles 1 furlong 1 chain or thereabouts from the commencement of the widening as shown as aforesaid;

(5.) The land necessary for the approaches to all the said bridges whether over or under the railway shall be provided by Lord Derby at his own cost;

(6.) Upon the completion of the said bridges the existing level crossings for which they are respectively substituted shall be abandoned and all rights over the same shall be extinguished;

(7.) In case the two Companies shall interfere with the present siding on the south side of the Preston and Wyre Railway near to and on the east side of Treales Lane in the township of Treales the two Companies shall provide and maintain for the owners another convenient siding at some place near the site of the present siding to be approved of by the owners;

(8.) If any difference arise between the two Companies and the owners in relation to anything to be done under this section such difference shall be determined by an arbitrator to be agreed on between the parties or in default of agreement to be appointed on the application of either of the parties by the president for the time being of the Institution of Civil Engineers.

**For the protection of John Talbot Clifton.**

**9.** For the protection of John Talbot Clifton of Lytham Hall his heirs sequels in estate and assigns all of whom are in this section referred to as "the owners" the following provisions shall unless otherwise agreed upon between the owners and the two Companies and notwithstanding anything shown on the deposited plans or contained in this Act have effect:

(1.) The two Companies shall construct and maintain a sufficient bridge with proper approaches having gradients of not more than 1 in 20 to carry over the Preston and Wyre Railway and

the widening each of the two occupation roads which connect lands of the owners in the township of Clifton with Salwick and now cross the Preston and Wyre Railway on the level;

(2.) The land necessary for the approaches to the said bridges shall be provided by the owners at their own cost;

(3.) Upon the completion of the said bridges the existing occupation level crossings for which they are respectively substituted shall be abandoned and all rights over the same shall be extinguished.

For the protection of the estate of William Assheton Cross deceased.

**10.** For the protection of the trustees acting in the execution of the trusts of the will of William Assheton Cross deceased and their successors in title (herein-after referred to as "the trustees") and their estates known as the Valentine House and Cottam Hall Estates respectively situate in the township of Lea Ashton Ingol and Cottam in the parish of Preston and county of Lancaster the following provisions shall have effect (that is to say):

(1.) The two Companies shall in the widening of the railway at the under bridge at 1 mile 7 furlongs 7 chains on the deposited plans build a continuation of such bridge so that the clear height of the arch of the continued portion of such bridge shall be not less than 14 feet from the surface of the road and the width of the arch shall be such as to leave thereunder a clear space of not less than 20 feet and the descent made in the road in order to carry the same under the widened bridge shall not be more than 1 foot in 20 feet and after the railway has been widened under the powers of this Act the existing portion of such under bridge and the existing road thereto shall be made of the like height width and descent as herein-before provided for the continuation of such bridge and the whole of the roadway under such bridge and the approaches thereto shall be hereafter efficiently drained metalled and maintained by the two Companies. Provided that the trustees shall provide and maintain the drainage for the road when lowered;

(2.) The two Companies shall construct a bridge either under or over the railway and the widening thereof and make proper approaches to the bridge at a point to be fixed by the trustees or their agent for the time being between a point 2 miles and 2 miles 2 furlongs 5 chains on the deposited plans and such bridge whether an under or an over bridge shall have a clear roadway between the abutments and also the fences thereof and on the approaches thereto of not less than 25 feet and if such bridge shall be an under bridge the clear height of the

A.D. 1884.

arch from the surface of the road shall be not less in any place than 15 feet above the surface of the road and the width of the arch shall be such as to leave thereunder a clear space of not less than 25 feet and the descent of the approach road to be made in order to carry the same under the bridge or the ascent to carry the approach road over the bridge shall not be more than 1 foot in 20 feet and the roadway under or over the bridge and the approaches thereto shall be efficiently drained and metalled by the two Companies: Provided always that the trustees shall at their own expense provide the necessary land for constructing the approaches to the said bridge outside the limits of deviation shown on the deposited plans;

(3.) When and so soon as the two Companies shall have built the said bridge and made the approaches thereto then it shall be lawful for the two Companies and they are hereby empowered to close the two level crossings situate at the points respectively marked 2 miles 2 furlongs and 3 chains and 2 miles 1 furlong and 35 links on the deposited plans;

(4.) The two Companies shall reconstruct and lay the existing culvert at the point marked 2 miles 2 furlongs 5 chains on the deposited plans 3 feet deeper than it is at present laid both under the present and under the widened portion of the railway so that the adjoining lands may be efficiently drained and the two Companies shall also make good by new tile drains all drains damaged or interfered with by the execution of the works by this Act authorised;

(5.) Nothing in this Act contained shall authorise the two Companies to take or acquire any more land of the trustees than is absolutely required for the purposes of the widening of the railway by this Act authorised;

(6.) If the two Companies and the trustees differ concerning the execution of any works to be carried out under the provisions of this Act every such difference shall be settled by an engineer to be appointed by the engineers of the parties in difference or if they cannot agree on such appointment then by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers on the application of either party.

For the protection of Jane Birley widow and her successors in title.

**11.** The following provisions for the protection of the estate in the townships of Medlar-with-Wesham and Kirkham in the county of Lancaster of Jane Birley widow (who and whose heirs and assigns and successors in title is and are included in the expression "the

owner" whenever employed or referred to in this section) shall have effect (that is to say):

(1.) The two Companies without the written consent of the owner shall not take any portion of the lands belonging or reputed to belong to the owner within the said townships or either of them shown on the deposited plans except the site for the diverted portion of the public road herein-after more particularly mentioned shown on the deposited plans and the piece of land coloured red on a map signed by Edward Garlick on behalf of the owner and by William Hunt on behalf of the two Companies and mentioned or referred to in the 41st section of the Lancashire and Yorkshire Railway Act 1883 and the land of the owner to be taken by the two Companies shall be used for the purposes of the said diverted road and station extension only and not for goods or mineral sidings or the erection of a public-house;

(2.) The diverted public road from Weeton to Kirkham where it passes through the estate of the owner shall be made according to the line width and level shown on the deposited plans and sections and the two Companies notwithstanding the limits of deviation shown on the deposited plans shall not deviate therefrom without the written consent of the owner first had and obtained;

(3.) The two Companies shall at their own cost construct and complete an archway for a private road for the use of the owner to enable the owner to obtain access from the present road leading from Kirkham to Weeton into the said estate at a point near the Kirkham Station of the two Companies to be selected by the owner such archway shall be of not less than 30 feet wide and the depth of the diverted road including the girders to make the arch over the private road shall not exceed 3 feet from the surface of the diverted road as shown on the deposited sections to the under side of the girders in order to leave the remainder of the height of the archway open for the private road and shall construct for the use of the owner a private road of 6 feet wide and not to rise more than 1 foot vertical to 8 feet horizontal commencing from a point at or near the said archway when constructed and terminating at or near the intended booking office of the two Companies at Kirkham Station.

(4.) The two Companies shall at their own cost build with dry rockwork with stone to be obtained from Longridge to the

A.D. 1884.

reasonable satisfaction of the owner the eastern slope of the diverted portion of the said public road where it passes through and borders on the land of the owner with the exception of the opening of the said archway and the said slope when completely finished as aforesaid and the frontage thereof to the diverted road shall be the property of the owner;

(5.) The two Companies shall at their own cost during the construction of the diverted portion of the said public road through the estate of the owner erect a substantial close-boarded fence 6 feet 6 inches high of a temporary character to fence off the said estate from such road during its construction and as soon as the diversion of the said public road has been completed and finished shall erect and build a substantial permanent stone fence of 6 feet 6 inches in height along the side of the said diverted road next to the estate of the owner and at the top of the said rockwork slope and the design of such stone fence shall be reasonably approved of by the owner. The said stone fence when completely finished shall be the property of the owner;

(6.) Nothing in this section contained shall prejudice or abridge the right of the owner to be paid and compensated for all land or property belonging to the owner taken or injuriously affected by the two Companies under or by the exercise of the powers of this Act or the powers contained in the Lancashire and Yorkshire Railway Act 1883 nor shall anything in this section contained operate to bind the owner to compensate any tenant or occupier who now holds or occupies any land belonging to the owner to be taken by the two Companies under the powers of this Act (or the said Act of 1883 or either of them) but such tenant or occupier shall be paid such compensation as he may be entitled to by the two Companies;

(7.) Nothing in this section contained shall restrict the owner as owner of lands adjoining the railways of the two Companies from the benefit of any provisions of this Act or any Act incorporated therewith requiring the two Companies to make and maintain proper and sufficient works for the accommodation of the owners and occupiers of lands adjoining the railway.

**For the protection of John Turner his heirs and assigns.**

**12.** Notwithstanding anything shown on the deposited plans or contained in this Act the Company shall not enter upon take or use except with the consent of John Turner his heirs or assigns a greater quantity of the land numbered on the deposited plans 298 in the

township of Lea Ashton and Cottam than a strip not exceeding thirty feet in width along and adjoining the northern boundary of the existing railway and the Company shall continue across the widened railway the existing level crossing from the said field numbered 298 to the field numbered on the said plans 299 in the said township or the Company may with the consent in writing first had and obtained of the said John Turner his heirs or assigns but not otherwise construct an occupation bridge over the said railway when widened in lieu of such level crossing.

Owners may be required to sell parts only of certain lands and buildings.

**13.** And whereas in the construction of the widening and other works by this Act authorised and otherwise in the exercise of the powers of this Act it may happen that portions only of the lands buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto;

Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the judgment of the jury arbitrator or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the two Companies the portions only of the premises so required without the two Companies being obliged or compellable to purchase the whole or any greater portion thereof the two Companies paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Power to owners to grant easements.

**14.** Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the two Companies any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

Notice to be given of taking houses

**15.** The two Companies shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly

A.D. 1884.

of labouring classes by two Companies.

or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the two Companies shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Two Companies to procure accommodation for persons of labouring classes to be displaced.

**16.** Before taking in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers who may for the time being be occupiers of any house or part of any house which the two Companies are by this Act authorised to acquire the two Companies shall (unless the two Companies and such persons otherwise agree) procure sufficient accommodation elsewhere for such persons: Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice:

The two Companies may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase by agreement such further lands as may be necessary for such purpose and may on such lands erect labouring class dwellings and may let or otherwise dispose of such lands and dwellings and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

Power to deviate.

**17.** The two Companies may in constructing the alterations and diversions of roads and other works by this Act authorised deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet but not so as to increase the rate of inclination of any road as shown on the said sections except as regards the Kirkham Road herein-before referred to the alteration of which may be of any inclination not greater than 1 in 32.

Substituted road to be maintained by road authority.

**18.** Where under the powers of this Act the two Companies have altered or diverted any road or have constructed a new road in the stead of one already subsisting every altered or diverted and new and substituted road shall be maintained and repaired by the same body or persons as are now liable to the repair and maintenance of the existing road or the road for which such new road is substituted and the two Companies may agree with any such body or person concerning such construction and maintenance: Provided

that the structure of every bridge shal be repaired and maintained by the two Companies.

Power to make agreements with road authorities.

**19.** The two Companies may enter into and carry into effect agreements with the parties having the charge management or control of any road or footpath proposed to be altered diverted or stopped up under the powers of this Act with reference to such alteration diversion or stopping up or to any new or substituted road or footpath or any matter incidental to the exercise of the powers of this Act in relation thereto.

As to vesting of site and soil of portions of road &c. stopped up.

**20.** Subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway the site and soil of the portions of roads and footpaths stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the two Companies are or if and when under the powers of this Act they become the owners of the lands on both sides thereof be wholly and absolutely vested in them and they may appropriate the same to the purposes of the Preston and Wyre Railway.

Extinguishment of rights of way.

**21.** All rights of way over or along the roads footpaths or other highways or portions thereof which shall under the provisions of this Act be stopped up and all rights of way over any of the lands which shall under the compulsory powers of this Act be purchased or acquired shall be and the same are hereby extinguished.

Period for compulsory purchase of lands.

**22.** The powers of the two Companies for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers of committee of management of Preston and Wyre Railway.

**23.** The committee of management appointed by virtue of the Lancashire and Yorkshire and London and North-western Railways (Preston and Wyre Railway Dock and Harbour Vesting) Act 1849 shall have and may exercise with regard to the construction maintenance and management of the widening and the alterations and diversions of roads by this Act authorised and the purchase of lands for the purposes of this Act all the powers and authorities conferred upon the said committee with regard to the undertaking transferred by the same Act as fully as though the same had respectively formed part of the undertaking so transferred Provided that all lands which have been acquired or contracted for by the two Companies for or which may be used for the purposes of this Act shall be applicable to the purposes and subject to the provisions of this Act and all the provisions contained in the said Act of 1849 with relation to the undertaking transferred by that Act

A.D. 1884.

shall so far as they are applicable apply to the widening and the alterations and diversions of roads as fully as though the same had formed part of the said undertaking.

Rights of the two Companies inter se not to be affected.

**24.** Nothing in this Act contained shall directly or indirectly alter or affect the rights liabilities or obligations of each of the two Companies as between themselves with respect to the undertaking of the Preston and Wyre Company.

Power to Lancashire and Yorkshire Company to raise additional money by creation of shares.

**25.** The Lancashire and Yorkshire Company from time to time may raise for the purposes of this Act by the creation and issue of shares such capital as they shall think necessary not exceeding one hundred and sixty-two thousand pounds exclusive of the capital which they are or may be authorised to raise by any other Act or Acts of Parliament And the Lancashire and Yorkshire Company may create and issue such shares either wholly or partially as ordinary or wholly or partially as preferential shares as they may think fit and the clauses and 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 and the merger and re-issue of forfeited shares:

The remedies of the creditors of the Company against the shareholders:

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

The conversion of borrowed money into capital:

The consolidation of shares into stock: and

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

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act and shall extend and apply to the Lancashire and Yorkshire Company and to the additional capital which they are by this Act authorised to raise.

Shares not to be issued by Lancashire and Yorkshire

**26.** The Lancashire and Yorkshire Company shall not issue any share created under the authority of this Act nor shall any share

vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Company until one-fifth part paid up.

**27.** Except as by or under the powers of this Act otherwise provided the new shares issued by the Lancashire and Yorkshire Company under the powers of this Act shall in proportion to the aggregate amount thereof from time to time held by the same person at the same time entitle the respective holders thereof to the same dividends and profits and confer on them the like qualifications and the like right of voting as the like amount of existing ordinary or preferential shares or stock of the Lancashire and Yorkshire Company.

Qualifications of new shares of Lancashire and Yorkshire Company.

**28.** The Lancashire and Yorkshire Company may raise by the creation of stock the money which they are by this Act or any other Act passed in the present session of Parliament whether before or after the passing of this Act authorised to raise by the creation of shares or any part thereof and they may create and issue such stock either wholly or partially as ordinary or wholly or partially as preferential stock as they may think fit And all the provisions of this Act with respect to the shares by this Act authorised to be created by the Lancashire and Yorkshire Company and the holders thereof shall so far as applicable apply to the stock created by them under the authority of this present enactment and the respective holders thereof as fully and effectually as if those provisions were re-enacted in respect of that stock and the respective holders thereof.

Lancashire and Yorkshire Company may create and issue stock in lieu of shares.

**29.** Subject to the provisions of any Act already passed by which the Lancashire and Yorkshire Company are authorised to raise capital by new shares or stock and to the provisions of this Act and of any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Lancashire and Yorkshire Company may be authorised to raise capital by new shares or stock the Lancashire and Yorkshire Company if they think fit may raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock But nothing in this Act contained shall empower the Lancashire and Yorkshire Company to issue stock to be paid up by instalments.

New shares or stock raised by Lancashire and Yorkshire Company under this Act and any other Act of this session may be of same class.

**30.** If any money is payable to a holder of shares or stock created by the Lancashire and Yorkshire Company under this Act being a minor idiot or lunatic the receipt of the guardian or committee of

Receipts from holders of Lancashire and Yorkshire shares or stock

A.D. 1884.

his estate shall be a sufficient discharge to the Lancashire and Yorkshire Company.

in case of persons not sui juris.

Power to Lancashire and Yorkshire Company to borrow.

**31.** The Lancashire and Yorkshire Company may in respect of the additional capital of one hundred and sixty-two thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding fifty-four thousand pounds but such power to borrow shall not be exercised by them until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the said Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the said Company have proved to such justice as aforesaid before he so certifies that such shares or stock (as the case may be) were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares 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 said 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.

Power to Lancashire and Yorkshire Company to create debenture stock.

**32.** The Lancashire and Yorkshire Company may from time to time 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 at any time after the passing of this Act created and issued by that Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by that Company and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages of Lancashire and York-

**33.** All mortgages or bonds granted under the authority of any former Act relating to the Lancashire and Yorkshire Company and which shall be in force at the time of the passing of this Act

shall during the continuance thereof but subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages to be granted by them by virtue of this Act and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by that Company.

shire Company to have priority.

Power to Lancashire and Yorkshire Company to apply corporate funds to purposes of Act.

**34.** The Lancashire and Yorkshire Company may apply to the purposes of this Act being purposes to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Lancashire and Yorkshire Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to North-western Company to raise additional money by creation of shares.

**35.** The North-western Company from time to time may raise for the purposes of this Act by the creation and issue of shares such capital as they shall think necessary not exceeding eighty-one thousand pounds exclusive of the capital which they are or may be authorised to raise by any other Act or Acts of Parliament and the North-western Company may create and issue such shares either wholly or partially as ordinary or wholly or partially as preferential shares as they may think fit and the clauses and 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:

The conversion of the borrowed money into capital:

The consolidation of shares into stock:

The general meetings of the Company:

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;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act and shall extend and apply to the North-western Company

A.D. 1884.

and to the additional capital which they are by this Act authorised to raise.

Shares not to be issued by North-western Company until one-fifth paid up.

**36.** The North-western Company shall not issue any share created under the authority of this Act nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Except as otherwise provided new shares created by North-western Company to be subject to same incidents as ordinary shares.

**37.** The share capital created by the North-western Company under this Act and the shares therein and the holders of those shares respectively except any share capital and shares therein to which a preferential dividend is attached and the holders of those shares respectively shall be subject and entitled to the same powers provisions forfeitures liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing ordinary share capital of the North-western Company and those shares were shares in that ordinary capital.

Dividends on new shares created by North-western Company.

**38.** Every person who becomes entitled to a share created by the North-western Company under this Act shall in respect of the same be a shareholder in the North-western Company and shall be entitled to a dividend either preferential or ordinary as the case may be 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.

Votes and qualifications in respect of shares created by North-western Company.

**39.** The holders of the shares created by the North-western Company under this Act shall have rights of voting and qualifications in respect thereof on the principle that each sum of one hundred pounds paid up in respect of the shares held by any such holder shall be deemed equivalent to one original share of one hundred pounds in the capital of the North-western Company as prescribed by their Act of Incorporation:

Provided that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up:

Provided also that (unless otherwise specified in any resolution of the North-western Company) no person shall be entitled to vote in respect of any share created under this Act to which a preferential dividend shall be assigned.

North-western Company may create and issue stock in lieu of shares.

**40.** The North-western Company may raise by the creation of stock the money which they are by this Act or by any other Act passed in the present session of Parliament whether before or after the passing of this Act authorised to raise by the creation of shares or any part thereof:

The North-western Company may create and issue such stock either wholly or partially as ordinary or wholly or partially as preferential stock as they may think fit. And all the provisions of this Act with respect to the shares by this Act authorised to be created by that Company and the holders thereof shall so far as applicable apply to the stock created under the authority of this present enactment and the respective holders thereof as fully and effectually as if those provisions were re-enacted in respect of that stock and the respective holders thereof.

New shares or stock raised by North-western Company under this Act and any other Act of this session may be of same class.

**41.** Subject to the provisions of any Act already passed by which the North-western Company are authorised to raise capital by new shares or stock and to the provisions of this Act and of any other Act passed in the present session of Parliament whether before or after the passing of this Act by which that Company may be authorised to raise any capital by new shares or stock they may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock. But nothing in this Act contained shall empower the North-western Company to issue stock to be paid up by instalments.

Receipts from holders of North-western shares or stock in case of persons not sui juris.

**42.** If any money is payable to a holder of shares or stock created by the North-western Company under this Act being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to that Company.

Power to North-western Company to borrow.

**43.** The North-western Company may in respect of the additional capital of eighty-one thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking for the purposes of this Act any sum not exceeding in the whole twenty-seven thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the said Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the

A.D. 1884.

said additional capital as is to be raised by means of stock is fully paid up and the said Company have proved to such justice as aforesaid before he so certifies that such shares or stock (as the case may be) were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same:

Upon production to such justice of the books of the said 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.

For appointment of a receiver by mortgagees of North-western Company.

**44.** Every provision in any Act passed before the present session of Parliament whereby the North-western Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by that Company of arrears of principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision:

The mortgagees of the North-western Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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.

North-western Company may create debenture stock.

**45.** The North-western Campany 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 at any time after the passing of this Act created and issued by that Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by that Company and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages of North-western Company to have priority.

**46.** All mortgages or bonds granted or to be granted by the North-western Company under the authority of any former Act relating to that Company shall during the continuance thereof but subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mort-

gages granted by them by virtue of this Act And nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the said Company.

Power to North-western Company to apply corporate funds to purposes of Act.

**47.** The North-western Company may apply to the purposes of this Act being purposes to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares stock debenture stock or mortgage by virtue of any Acts relating to the North-western Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Application of moneys.

**48.** All moneys raised under this Act shall be applied only to the purposes of this Act to which capital is properly applicable.

Interest not to be paid on calls paid up.

**49** No interest or dividend shall be paid out of any share or loan capital which the two Companies 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 either of the two Companies from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

**50.** Neither of the two Companies shall out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising such Company to construct any other railway or to execute any other work or undertaking.

Provision as to general railway Acts.

**51.** Nothing in this Act contained shall exempt either of the two Companies or their railways 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.

**52.** 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 two Companies in the proportions in which they hold the undertaking of the Preston and Wyre Railway Company.

A.D. 1884.

# SCHEDULE referred to in the foregoing Act.

## Describing Lands Buildings and Manufactories whereof portions only are required to be taken.

| Parish or Township. | Numbers on deposited Plans. |
|---|---|
| **Widening of Preston and Wyre Railway.** | |
| Preston - - | 124, 140, 182, 218, 239A, 271, 301. |
| Clifton - - | 8, 17, 18, 20. |
| Medlar-with-Wesham - | 79, 86, 125. |
| Kirkham - - | 71A. |

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1884.