



ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lxxiv.

An Act for vesting in the *Lancashire and Yorkshire Railway Company* and the *London and North-western Railway Company* the *Preston and Wyre Railway, Harbour, and Dock*, and all the Works, Property, and Effects belonging thereto.

[28th July 1849.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from Preston to Wyre, and for improving the Harbour of Wyre, in the County Palatine of Lancaster*: And whereas another Act was passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act to alter the Line of the Preston and Wyre Railway, and to amend the Act relating thereto*: And whereas another Act was passed in the said Seventh Year of the Reign of His said late Majesty, intituled *An Act for making and maintaining a Dock or Docks at Wyre in the County Palatine of Lancaster*: And whereas another Act was passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to amend the several Acts relating*

5 & 6 W. 4.
c. 58.
7 W. 4. &
1 Vict. c. 28.
7 W. 4. &
1 Vict. c. 29.
2 & 3 Vict.
c. 1.

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2 & 3 Vict. c. 54. to the Preston and Wyre Railway and Harbour Company: And whereas another Act was passed in the said Session of Parliament held in the said Second and Third Years of the Reign of Her present Majesty, intituled *An Act to amend the several Acts relating to the Preston and Wyre Railway and Harbour Company and the Preston and Wyre Dock Company, and to consolidate the said Companies*: And whereas another Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend the several Acts relating to the Preston and Wyre Railway, Harbour, and Dock Company*: And whereas another Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to amend the several Acts relating to the Preston and Wyre Railway, Harbour, and Dock Company, and to enable the said Company to make Three several Branch Railways*: Whereas by "The Manchester and Leeds Railway Act, 1836," a Company was incorporated by the Name of "The Manchester and Leeds Railway Company," for the Purpose of making the Railway and Works in the said Act mentioned: And whereas further and additional Powers were granted to the said Company by the several Acts following, that is to say, "The Manchester and Leeds Railway Act, 1837," "The Manchester and Leeds Railway Act, 1839," "The Manchester and Leeds Railway Act, 1841," "The Manchester and Leeds Railway Act 1844," "The Manchester and Leeds Railway Act, No. 1, 1845," "The Manchester and Leeds Railway Act, No. 2, 1845," "The Manchester and Leeds Railway Act, 1846," "The Manchester and Leeds Railway Act, No. 1, 1847," "The Manchester and Leeds Railway Act, No. 2, 1847," "The Manchester and Leeds Railway Act, No. 3, 1847," and "The Lancashire and Yorkshire Railway Act, 1848:" And whereas by "The Manchester and Leeds Railway Act, No. 3, 1847," the Name of the Manchester and Leeds Railway Company was changed to that of "The Lancashire and Yorkshire Railway Company:" And whereas an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to consolidate the London and Birmingham, Grand Junction, and Manchester and Birmingham Railway Companies*, whereby the said Companies were united into One Company under the Name of "The London and North-western Railway Company," and the said Railways and all Branches thereof respectively were vested in the said united Company under the Name of "The London and North-western Railway Company:" And whereas the Provisions of the said last-recited Act have been amended and enlarged by several subsequent Acts of Parliament relating to the said *London and North-western Railway Company*: And whereas by virtue of the Provisions of "The Manchester and Leeds Railway Act, 1846," and of a Deed Poll made and entered into in pursuance thereof, by and under the Corporate Seals of the *Preston and Wyre Railway, Harbour, and Dock Company*, and the *Manchester and Leeds Railway Company* (now called the *Lancashire and Yorkshire Railway Company*), and bearing Date on or about the Fifteenth Day of *May* One thousand eight hundred and forty-seven, the Undertakings, Powers, Rights, and Privileges of the said *Preston and*

and Wyre Railway, Harbour, and Dock Company have become vested in the *Lancashire and Yorkshire* Railway Company, subject to certain reserved Rents or half-yearly Payments: And whereas the Arrangement between the said Two Companies was made and entered into, and the said Deed Poll was executed, with the Concurrence of the *London and North-western* Railway Company, and on the Understanding that, when authorized by Parliament to hold the same, the said Undertakings of the *Preston and Wyre* Railway, Harbour, and Dock Company should become vested in the said *Lancashire and Yorkshire* Railway Company and the said *London and North-western* Railway Company jointly, upon the Terms and in the Proportions and subject to the Conditions herein-after expressed; and it is expedient that the Undertakings of the said *Preston and Wyre* Railway, Harbour, and Dock Company should henceforth become vested in the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies jointly, and that some of the Powers and Provisions of the said recited Acts, or some of them, should be amended; but the Purposes aforesaid 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, That from and immediately after the passing of this Act the aforesaid *Preston and Wyre* Railway, Harbour, and Dock, and all Branch and Extension Railways made by or for the said *Preston and Wyre* Railway, Harbour, and Dock Company, and whether made or authorized under the Powers of the said recited Acts or any of them, or with the Consent of Landowners or otherwise, and all the Lands, Monies, Goods, and Chattels, and all other the Real and Personal Estate and Effects whatsoever of the said *Preston and Wyre* Railway, Harbour, and Dock Company, and all the Estate, Right, Title, and Interest of the said Company in their Undertaking, and all the Rights, Powers, Privileges, and Authorities affecting or appertaining to the same, by the said Acts relating to the said Company, or any of such Acts, or any other Act or Acts, vested in the said *Preston and Wyre* Railway, Harbour, and Dock Company, or of or to which the said Company was seised, possessed, or entitled at Law or in Equity, immediately before the Execution of the said recited Deed Poll, or which upon the Execution of the said Deed Poll, or at any Time subsequently thereto, the said *Lancashire and Yorkshire* Railway Company was seised, possessed of, or entitled to, at Law or in Equity, under or by virtue of the said Deed Poll, shall be well and effectually vested in and belong to the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies jointly, in the Proportions and upon the Terms and Conditions herein-after expressed, for their absolute Benefit, but subject nevertheless to the existing Debts, Liabilities, Engagements, Contracts, Obligations, and Incumbrances affecting the same.

Vesting
Preston and
Wyre Rail-
way, Har-
bour, and
Dock in
Lancashire
and York-
shire and
London and
North-west-
ern Railway
Companies.

II. And be it enacted, That from and after the passing of this Act all the Powers, Authorities, Rights, Privileges, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules,

Powers, &c.
of Preston
and Wyre
Railway,

Harbour, and Dock Company extended to Lancashire and Yorkshire and London and North-western Railway Companies.

Rules, Clauses, Matters, and Things contained in the Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company, or in any of such Acts respectively, shall (save only so far as the same or any of them respectively are inconsistent with the Provisions and Purposes of this Act, or are thereby expressly repealed or altered, and subject to the Provisions herein-after contained,) be executed, done, performed, and observed by and be applied and applicable to the *Lancashire and Yorkshire* and the *London and North-western* Railway Companies jointly, their Officers, Agents, and Servants, in every respect, and as fully and effectually, to all Intents and Purposes, as if the Names of the *Lancashire and Yorkshire* and the *London and North-western* Railway Companies had in every Case been written or inserted in the Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company, instead of the Name of the last-mentioned Company.

Debts, &c. of the *Preston and Wyre* Railway, Harbour, and Dock Company transferred to *Lancashire and Yorkshire* and *London and North-western* Railway Companies.

III. And be it enacted, That (subject to the Provisions in this Act contained) from and after the passing of this Act all Debts which at the Time of the Execution of the said Deed Poll were due from or to the *Preston and Wyre* Railway, Harbour, and Dock Company, and all Debts which immediately before the passing of this Act were due from or to the *Lancashire and Yorkshire* Railway Company, in respect of the said *Preston and Wyre* Railway, Harbour, and Dock, together with all Interest (if any) then due or to accrue due thereon, shall be payable and paid by and to the *Lancashire and Yorkshire* and *London and North-western* Railway Companies in the Proportions herein-after mentioned; and all Rates, Tolls, Duties, and Monies which shall be or become, or which if this Act had not been passed would be or become, due and payable under and by virtue of any Acts, or any other Matter or Thing relating to the *Preston and Wyre* Railway, Harbour, and Dock Company, or their Undertaking, to the *Preston and Wyre* Railway, Harbour, and Dock Company, or to the *Lancashire and Yorkshire* Railway Company, shall be due and payable from or to the *Lancashire and Yorkshire* and *London and North-western* Railway Companies jointly, and shall and may be recovered from and by the said last-mentioned Companies by the same Ways and Means, with the same Restrictions and Regulations, and with the same Penalties in regard thereto respectively, as the same would or might have been due and payable to or from or recoverable from or by the said *Preston and Wyre* Railway, Harbour, and Dock Company, or the said *Lancashire and Yorkshire* Railway Company, in case this Act had not been passed.

Effect of Conveyances, &c. of or to the *Preston and Wyre* Railway, Harbour, and Dock Company, or the *Lancashire and York-*

IV. And be it enacted, That all Conveyances, Contracts, Agreements, Obligations, Liabilities, Mortgages, Bonds, Covenants, and Securities which shall have been made or entered into before the Execution of the said Deed Poll, to, with, by, or for the *Preston and Wyre* Railway, Harbour, and Dock Company, or which subsequently to the Execution of the said Deed Poll, and before the passing of this Act, shall have been made or entered into to, with, by, or for the *Lancashire and Yorkshire* Railway Company, in relation to the Undertaking of the said *Preston and Wyre* Railway, Harbour, and Dock Company,

Company, shall respectively (subject to the Provisions in this Act contained) be and remain as good, valid, and effectual, for or against or with reference to the *Lancashire and Yorkshire* and *London and North-western* Railway Companies jointly, to all Intents and Purposes as if the last-mentioned Companies had been Parties to and had executed the same, or had been named or referred to therein, instead of the *Preston and Wyre* Railway, Harbour, and Dock Company, or the *Lancashire and Yorkshire* Railway Company, solely, as the Case may be.

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served.

V. And be it enacted, That all Injuries, Misfeasances, Nonfeasances, and other Rights of Action which before the Execution of the said Deed Poll shall have been done or committed, or omitted to be done, or have accrued by, to, or for or against the *Preston and Wyre* Railway, Harbour, and Dock Company, or, subsequently to the Execution of the said Deed Poll, and before the passing of this Act, shall have been done or committed, or omitted to be done, or have accrued by, to, or for or against the *Lancashire and Yorkshire* Railway Company, in relation to the Undertaking of the *Preston and Wyre* Railway, Harbour, and Dock Company, shall respectively (subject to the Provisions in this Act contained) be and remain as good, valid, and effectual, for or against the *Lancashire and Yorkshire* and *London and North-western* Railway Companies jointly, to all Intents and Purposes as if the same had been done or committed, or omitted to be done, or had accrued by, to, for, or against the last-mentioned Companies jointly.

Rights of
Action by or
against the
Preston and
Wyre Rail-
way, Har-
bour, and
Dock Com-
pany pre-
served.

VI. And be it enacted, That every Purchase, Sale, Conveyance, Grant, Lease, Agreement, Security, Right, Liability, Privilege, Omission, Act, Matter, or Thing whatsoever which before the passing of this Act shall have been made, done, executed, granted, incurred, obtained, omitted, transacted, commenced, or instituted under or by virtue or in pursuance of any Act or Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company, or their Undertaking, by, for, or on behalf of or against or in respect of the said *Preston and Wyre* Railway, Harbour, and Dock Company, or the said *Lancashire and Yorkshire* Railway Company, shall (subject to the Provisions in this Act contained) be and the same are hereby declared to be as good, valid, and effectual, and of the same Condition and Quality, to all Intents and Purposes whatsoever, to, for, or against or with reference to the *Lancashire and Yorkshire* and *London and North-western* Railway Companies jointly, as they respectively were immediately before the passing of this Act to, for, or against or with reference to the *Preston and Wyre* Railway, Harbour, and Dock Company, or the *Lancashire and Yorkshire* Railway Company, solely, and shall and may (subject as aforesaid) be executed, done, performed, continued, completed, and terminated by, for, or against or with reference to the *Lancashire and Yorkshire* and *London and North-western* Railway Companies jointly, under and subject to the Provisions and Regulations of the Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company, as fully and effectually as the same could or might have been done by and in the Name of the

Acts of the
Preston and
Wyre Rail-
way, Har-
bour, and
Dock Com-
pany, and
Lancashire
and York-
shire Rail-
way Com-
pany, respec-
tively, to be
binding on
the Lanca-
shire and
Yorkshire,
and London
and North-
western
Railway
Companies.

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last-mentioned Company, or the *Lancashire and Yorkshire* Railway Company, if this Act had not been passed.

Lancashire and Yorkshire and London and North-western Railway Companies to complete Works of Preston and Wyre Railway, Harbour, and Dock Company.

VII. And be it enacted, That all Railways, Docks, Branch Railways, and Works, which, under the Provisions of the said recited Acts relating to the said *Preston and Wyre* Railway, Harbour, and Dock Company, or their Undertakings, or any of them, or the said Deed Poll, the said *Preston and Wyre* Railway, Harbour, and Dock Company, or the said *Lancashire and Yorkshire* Railway Company, respectively, are or were authorized to make, execute, or complete, and which have not been already made, executed, or completed, may be made, executed, or completed, as the Case may be, by the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, and the same Companies shall have and be entitled to all such Powers for making, executing, and completing such Railways, Docks, Branch Railways, and Works as the said *Preston and Wyre* Railway, Harbour, and Dock Company were prior to the Execution of the said recited Deed Poll entitled to under the said recited Acts relating to the said Company, or any of them, or as the said *Lancashire and Yorkshire* Railway Company were subsequently to the Execution of the said Deed Poll entitled to under the Provisions thereof, as fully as if the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies had been originally authorized to make, execute, and complete the same Railways, Docks, Branch Railways, and Works, instead of the Company actually authorized and required to make, execute, and complete the same: Provided nevertheless, that nothing herein contained shall authorize any Extension of the Time which by the same Acts or any of them is limited for the Execution or Completion of such Railways, Docks, Branch Railways, and Works.

Contracts for Purchase of Land to remain good.

VIII. And be it enacted, That in all Cases in which either the said *Preston and Wyre* Railway, Harbour, and Dock Company, prior to the Execution of the said recited Deed Poll, or the said *Lancashire and Yorkshire* Railway Company, or any Person on their Behalf, subsequently to the Execution of the said Deed Poll, but before the passing of this Act, shall, under the Powers and Provisions of any of the said recited Acts relating to the said *Preston and Wyre* Railway, Harbour, and Dock Company, or of the said Deed Poll, have entered into any Contract binding and now in force for the Purchase of or shall have taken or used any Land in pursuance of the said recited Acts which at the Time of the passing of this Act shall not have been effectually conveyed to such Company, or the Purchase Money in respect of which shall not have been duly paid by such Company, then and in every such Case such Contract shall be completed by and such Land be conveyed to the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies, or as they shall direct; and such Purchase Money shall be paid and applied pursuant to the Act or Acts under which such Land shall have been taken or used; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts in relation to the Completion of such Contract, and the Purchase and Conveyance of such Lands, and the
Payment

Payment and Application of the Purchase Money in respect thereof, shall for the Purposes of this Act, be construed and taken as if the *Lancashire and Yorkshire* and *London and North-western* Railway Companies were named in such Act or Acts and Contract respectively, instead of the Company which shall have entered into such Contract or taken or used such Land.

IX. And be it enacted, That it shall be lawful for the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, at any Time and from Time to Time after the passing of this Act, to pay off, in such Manner and at such Times as the said *Preston and Wyre* Railway, Harbour, and Dock Company, or *Lancashire and Yorkshire* Railway Company, if this Act had not passed, might have paid off, all or any Part of the Money which may have been borrowed on Mortgage or Bond under the Provisions of the said recited Acts relating to the said *Preston and Wyre* Railway, Harbour, and Dock Company, or any of them, and which shall be still due and owing, and to reborrow the Amount so paid off, and so from Time to Time, and for such Purpose to mortgage or assign the Undertakings, and the Rates, Tolls, or other Property either of the said Company or of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies respectively: Provided always, that all Mortgages already granted by the said *Preston and Wyre* Railway, Harbour, and Dock Company, or by the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies, respectively, upon or of their respective Undertakings, Rates, Tolls, or other Properties respectively, shall during the Continuance thereof have Priority over the Mortgages granted upon or of the same Undertakings or Properties respectively under this Act.

The Lancashire and Yorkshire and London and North-western Railway Companies may exercise mortgaging Powers.

X. And be it enacted, That in all Cases in which, under the Provisions of any of the said recited Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company, any Sum of Money has already been paid by the said *Preston and Wyre* Railway, Harbour, and Dock Company, or by the said *Lancashire and Yorkshire* Railway Company, or shall hereafter be paid by the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies, into the Bank of *England*, or to any Trustee or Trustees, on account of the Purchase of any Land, or any Interest therein, or for any Compensation or Satisfaction, or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same shall be invested by the Order of the Court of Exchequer or the Court of Chancery, or otherwise howsoever, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed of pursuant to the Act or Acts under which the same shall have been or shall be so paid into the Bank of *England*, or to such Trustee or Trustees as aforesaid; and all the Clauses, Provisions, and Authorities contained in such Act or Acts in relation to such Monies, Stocks, Funds, and Securities, and the Dividends and annual Produce thereof, shall for the Purposes of this Act be construed and taken as if the *Lancashire and Yorkshire* and *London and North-western* Railway Companies were named in such Act or Acts, instead of the Company to which such Act or Acts relate.

As to Monies paid into the Bank of England.

XI. And

Actions not
to abate.

XI. And be it enacted, That no Action, Suit, Prosecution, or other Proceedings whatsoever commenced either by or against the said *Preston and Wyre* Railway, Harbour, and Dock Company prior to the Execution of the said recited Deed Poll, or by or against the said *Lancashire and Yorkshire* Railway Company subsequently to the Execution of the said Deed Poll, and in pursuance of the Provisions thereof, and which shall be pending at the Time of the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect, both in favour of and against the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, in the same Manner in all respects as the same would have continued and taken effect in relation to the said *Preston and Wyre* Railway, Harbour and Dock Company, or *Lancashire and Yorkshire* Railway Company, as the Case may be, if this Act had not been passed; and all Penalties incurred by any Offence against the Provisions of the said recited Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company, or any of them, previously to the passing of this Act, shall and may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the same Acts or any of them shall and may be prosecuted, by the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted by the said *Preston and Wyre* Railway, Harbour, and Dock Company, or the said *Lancashire and Yorkshire* Railway Company, if this Act had not been passed.

Bye Laws,
&c. relating
to the *Preston* and
Wyre Rail-
way Com-
pany to
remain in
force till
altered.

XII. And be it enacted, That all Rules, Bye Laws, Regulations, and Orders made under the Authority and according to the Directions of the said recited Acts relating to the said *Preston and Wyre* Railway, Harbour, and Dock Company, and which were in force immediately before the passing of this Act, shall continue to be in full Force and Effect until the same Rules, Bye Laws, Regulations, and Orders shall be repealed, altered, or varied by the *Lancashire and Yorkshire* and the *London and North-western* Railway Companies, under the Powers hereby vested in them; and the said Rules, Bye Laws, Regulations, and Orders, and all Penalties and Forfeitures imposed by the said Bye Laws, shall be enforced, recovered, and applied by or in the Names of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, in the same Manner in all respects as such Rules, Bye Laws, Regulations, and Orders, Penalties and Forfeitures, might have been enforced, recovered, and applied in case the said Rules, Bye Laws, Regulations, and Orders, and Penalties and Forfeitures, had been actually made and imposed by the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, under the Powers of the said recited Acts and of this Act.

Proportions
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Lancashire
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XIII. And be it enacted, That the Proportions in which the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies shall be respectively interested in and entitled to the Undertakings of the said *Preston and Wyre* Railway, Harbour, and Dock

Dock Company, and the Works, Property, Estate and Effects, Debts, Rates, Tolls, and Duties, Matters and Things, and Powers and Privileges appertaining thereto, and all other the Premises hereby vested in them, and the Proportions in which they shall be liable for the Debts and Engagements of the said last-mentioned Company in relation to their Undertakings prior to the Execution of the said Deed Poll, and of the said *Lancashire and Yorkshire* Railway Company in relation to the same Undertakings subsequently thereto, shall be the following; that is to say, the said *Lancashire and Yorkshire* Railway Company, their Successors and Assigns, shall be entitled to and bear Two Third Parts thereof, and the said *London and North-western* Railway Company, their Successors and Assigns, shall be entitled to and bear the remaining One Third Part thereof, and the Gains, Profits, and Proceeds of the Undertakings and Works of the said *Preston and Wyre* Railway, Harbour, and Dock Company, and of all other the Works, Property, and Effects belonging thereto, shall be divided between the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, their Successors and Assigns, in the same relative Proportions; and the said Two Companies shall also be liable to contribute in the like Proportions towards the Expense of working and carrying on the Undertakings of the said *Preston and Wyre* Railway, Harbour, and Dock Company, and the Works connected therewith, and all other Expenses relating to the said Undertakings and the Management thereof, and to the Distribution of the half-yearly Dividends, and the registering of Transfers of Shares, and the Performance of all other Acts, Matters, and Things which under the Provisions of the said Deed Poll are to be performed by the *Lancashire and Yorkshire* Railway Company, and towards making up and satisfying any Loss or Deficiency which may happen or arise.

London and North-western Railway Companies shall be interested in the Undertaking.

XIV. And be it enacted, That the said *London and North-western* Railway Company, their Successors and Assigns, shall on or before the First Day of *July* One thousand eight hundred and forty-nine well and truly pay unto the said *Lancashire and Yorkshire* Railway Company, their Successors or Assigns, One equal Third Part of Two and a Half Years Payments of the Dividends or Sums of Money payable by the said *Lancashire and Yorkshire* Railway Company to the registered Proprietors of Shares in the said *Preston and Wyre* Railway, Harbour, and Dock Company, under or in pursuance of the said recited Deed Poll, calculated as from the First Day of *January* One thousand eight hundred and forty-seven (from which Time the said *London and North-western* Railway Company shall be considered as entitled and liable to their proportionate Share of the Gains, Profits, and Proceeds, and the Losses and Outgoings respectively of the Undertakings and Works of the *Preston and Wyre* Railway, Harbour, and Dock Company, and all other the Properties, Matters, and Things vested by this Act in them and the said *Lancashire and Yorkshire* Railway Company), and also shall and will thenceforth on every First Day of *January* and First Day of *July* in every Year well and truly pay unto the said *Lancashire and Yorkshire* Railway Company, their Successors and Assigns, for ever, One equal Third Part of the aggregate Amount of the half-yearly Dividends or Sums of Money payable by the said *Lancashire and Yorkshire* Railway Com-

London and North-western Railway Company to pay to *Lancashire and Yorkshire* Railway Company their Proportion of Rent.

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pany to such registered Proprietors of Shares, under or in pursuance of the said recited Deed Poll, on the First Day of *March* and First Day of *September* respectively next following the First Day of *January* and First Day of *July* in each Year; and that the several half-yearly Payments so from Time to Time to be made by the said *London and North-western Railway Company*, their Successors and Assigns, to the *Lancashire and Yorkshire Railway Company*, their Successors or Assigns, shall be made in net Monies, free and clear of all Deductions and Abatements whatsoever, and the first of such half-yearly Payments shall be made on the First Day of *January* One thousand eight hundred and fifty.

Receipt of Three Directors of Lancashire and Yorkshire Railway Company a sufficient Discharge.

XV. And be it enacted, That the Receipt or Receipts of any Three Directors for the Time being of the *Lancashire and Yorkshire Railway Company*, or of their Treasurer for the Time being, shall be a good and sufficient Discharge or good and sufficient Discharges for such Sum or Sums of Money as shall therein be expressed to be received from the *London and North-western Railway Company*, or from any other Person on their Behalf, on account of the said half-yearly Payments.

Annual Sum payable by London and North-western Railway Company to be a Charge on their Railway.

XVI. And be it enacted, That the said half-yearly Payments so from Time to Time payable by the said *London and North-western Railway Company*, their Successors and Assigns, to the said *Lancashire and Yorkshire Railway Company*, their Successors and Assigns, shall be charged and chargeable upon the *London and North-western Railway*, and the Works, Property, and Effects of the *London and North-western Railway Company*, and upon their Share of the Tolls, net Gains and Profits of the Undertakings and Works of the *Preston and Wyre Railway, Harbour, and Dock Company*, and shall be a Charge ranking next in succession after the existing Incumbrances of the *London and North-western Railway Company*, and after the Monies they are authorized by any Act or Acts now in force, or which may be passed during the present Session of Parliament, to borrow or take up at Interest; and that in case Default shall be made in Payment of the said half-yearly Payments respectively, or any Part thereof, for the Space of Fourteen Days after any of the Days or Times appointed for Payment of the same, it shall be lawful for the Committee of Management herein-after mentioned, and they are hereby required, forthwith to pay the Amount due in respect thereof to the said *Lancashire and Yorkshire Railway Company*, from and out of any Monies then in their Hands, or that may come to their Hands, in respect of the Gains and Profits of the Undertakings of the *Preston and Wyre Railway, Harbour, and Dock Company*, together with all Costs, Charges, Damages, and Expenses which shall have been incurred by or by reason or in consequence of such Default; and in case such Monies shall be insufficient to discharge the same, then the said Committee of Management shall and they are hereby authorized and required, from Time to Time as Occasion may require, to make a Call or Calls upon the *London and North-western Railway Company* for the Payment or making good of such Deficiency, and to enforce Payment of such Call or Calls, as a Debt due from the said last-named Company to the said Committee

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of

of Management, by Action of Debt in any of the Superior Courts of Common Law; and any Money arising from the Gains and Profits of the Undertakings of the said *Preston and Wyre* Railway, Harbour, and Dock Company which shall have been applied by the said Committee of Management in discharge of the Arrears of the said half-yearly Payments or any Part thereof, and of such Costs, Charges, Damages, and Expenses as aforesaid, shall be considered as paid to or for the Use of the said *London and North-western* Railway Company, and shall be deducted from their proportionate Part of the said Gains and Profits; and it shall and may be lawful to and for the said *Lancashire and Yorkshire* Railway Company, their Successors and Assigns, from Time to Time, as often as such Default shall happen to be made, to recover and enforce Payment of the said half-yearly Payments respectively, or of so much thereof as shall be then due and in arrear, together with all Costs, Charges, Damages, and Expenses which shall be occasioned by reason or in consequence of any such Default, from and by the *London and North-western* Railway Company, their Successors or Assigns, by Action of Debt in any of the Superior Courts of Law.

Lancashire and Yorkshire Railway Company may sue in default of Payment.

XVII. Provided always, and be it enacted, That so long as the *London and North-western* Railway Company, their Successors or Assigns, shall well and truly pay the said half-yearly Payments upon the Days and Times herein-before appointed for Payment thereof, the said *Lancashire and Yorkshire* Railway Company, their Successors and Assigns, shall and will indemnify and save harmless the said *London and North-western* Railway Company, their Successors and Assigns, and their and every of their Lands and Tenements, Goods and Chattels, from and against all Liabilities in respect of the Dividends or Sums of Money payable to the registered Proprietors of Shares in the *Preston and Wyre* Railway, Harbour, and Dock Company, under the Provisions of the said recited Deed Poll; and in case, after such Payment by the *London and North-western* Railway Company as aforesaid, Default shall at any Time be made by the said *Lancashire and Yorkshire* Railway Company in Payment of such Dividends or Sums of Money, or any Part thereof, for the Space of Seven Days after any of the Days or Times appointed by the said Deed Poll for Payment thereof, it shall be lawful for the Committee of Management herein-after mentioned, and they are hereby required; forthwith to pay the Amount due in respect thereof to the respective Parties entitled to receive the same, from and out of any Monies then in their Hands or that may come to their Hands in respect of the Gains and Profits of the Undertakings of the *Preston and Wyre* Railway, Harbour, and Dock Company, together with all Costs, Charges, Damages, and Expenses which shall have been incurred by or by reason or in consequence of such Default; and in case such Monies shall be insufficient to discharge the same, then the said Committee of Management shall and they are hereby authorized and required, from Time to Time as Occasion may require, to make a Call or Calls upon the *Lancashire and Yorkshire* Railway Company for the Payment or making good of such Deficiency, and to enforce Payment of such Call or Calls as a Debt due from the said Company to the said Committee of Management, by Action of Debt in any of the

For the Indemnity of the London and North-western Railway Company against Default by the Lancashire and Yorkshire Railway Company in Payment of the Annuity secured by the Agreement.

the Superior Courts of Common Law ; and any Money arising from the Gains and Profits of the Undertakings of the said *Preston and Wyre* Railway, Harbour, and Dock Company, which in the event aforesaid shall have been applied by the said Committee of Management in discharge of the Arrears of the said Dividends or half-yearly Sums, or any Part thereof, and of such Costs, Charges, Damages, and Expenses as aforesaid, shall be considered as paid to or for the Use of the said *Lancashire and Yorkshire* Railway Company, and shall be deducted from their proportionate Parts of the said Gains and Profits : Provided always, that nothing herein contained shall take away, prejudice, or affect any Right of Action or Suit that the said *London and North-western* Railway Company may have against the said *Lancashire and Yorkshire* Railway Company for any Costs, Charges, Damages, and Expenses that may have been incurred by them in consequence of any such Default as aforesaid on the Part of the said *Lancashire and Yorkshire* Railway Company in Payment of the said Dividends or half-yearly Sums.

Powers of the Company to be exercised by a Committee of Management as herein mentioned.

XVIII. And be it enacted, That all the Affairs of the Undertakings of the *Preston and Wyre* Railway, Harbour, and Dock Company, so far as relates to the joint Interest of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies therein, shall be under the Management and Superintendence of a Committee, to be called a Committee of Management, to be from Time to Time appointed as herein-after mentioned ; and such Committee of Management may lawfully exercise all the Powers by this Act vested in the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, except as to such Matters as are by this Act specifically directed to be transacted by General Meetings of the respective Companies ; and, among other things,

They may appoint and displace any Officer to be employed upon or connected with the Undertakings and Works of the said *Preston and Wyre* Railway, Harbour, and Dock Company, on behalf of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies jointly :

They may fix the Salaries of all such Officers, except the Salaries of themselves :

They may make, and enforce by Action at Law, Calls upon the *Lancashire and Yorkshire* Railway Company and the *London and North-western* Railway Company respectively for their respective Shares and Contributions, as and when the same shall from Time to Time be required, towards the Expenses of making, constructing, and upholding and working and carrying on the Undertakings and Works of the said *Preston and Wyre* Railway, Harbour, and Dock Company, and the Works connected therewith, and all other Expenses relating thereto, or towards making up and satisfying any Loss or Deficiency that may happen or arise ; and any Call so made shall be deemed and taken to be a Debt owing from the Company upon which the same shall have been made to the said Committee of Management, and shall be recoverable as a Debt :

They may enter into Contracts for the Execution of the Works belonging to the *Lancashire and Yorkshire* and *London and North-*

North-western Railway Companies jointly in relation to the Undertakings and Works of the said *Preston and Wyre* Railway, Harbour, and Dock Company, and for all other Matters necessary for the Transaction of their Affairs in reference thereto :

They may purchase the Lands which under the recited Acts may be authorized to be taken by the *Preston and Wyre* Railway, Harbour, and Dock Company, and sell such Parts thereof as may not be required for the Purposes of the Undertakings and Works of the *Preston and Wyre* Railway, Harbour, and Dock Company, and the Branch Railways and Works connected therewith :

They may from Time to Time divide and apportion the net Gains and Profits of the Undertakings and Works of the *Preston and Wyre* Railway, Harbour, and Dock Company between the *Lancashire and Yorkshire* Railway Company and the *London and North-western* Railway Company, and pay over to such Companies their respective Shares of such net Gains and Profits :

They may exercise the Powers of the *Preston and Wyre* Railway, Harbour, and Dock Company from Time to Time in making Bye Laws, and altering and repealing Bye Laws already or hereafter to be made, and making others in their Stead, and may make all such Arrangements and exercise all such Powers as may be necessary for the proper and efficient conducting and Management of the Traffic in Passengers, Parcels, and Merchandize over and along the said Railway and Branches, and in connexion with the said Harbour and Docks :

They may exercise any other Powers conferred on them by the *Lancashire and Yorkshire* and *London and North-western* Railway Companies jointly, and may give effect to any Resolution of the same Companies passed at Meetings of such Companies respectively, relating to the Undertakings and Works of the said *Preston and Wyre* Railway, Harbour, and Dock Company, or the Affairs thereof, or the Interest of the said Two Companies therein :

They may take into consideration and decide upon by a Majority of Three Fourths of the whole of the Committee of Management for the Time being, but not by any less Majority, whether any, and, if any, what, Steps or Measures shall be adopted in relation to any new Railways or Branch Lines of Railways or Docks, or proposed Railways or Branch Railways or Docks, or any Works affecting the Harbour of *Wyre*, or any other Works having reference to or bearing upon the Interest of the *Preston and Wyre* Railway, Harbour, and Dock proper :

And the Exercise of all such Powers shall be subject also to the Control and Regulation of the Two Companies, expressed by Resolutions of General Meetings of the same Companies respectively specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolutions passed by such General Meetings : Provided always, that it shall be lawful for the said Two Companies, by Resolution at any General Meetings of the Companies respectively, to make Orders and Regulations in relation to the Matters last aforesaid, or any of them, and to remove or dismiss the Secretary or Treasurer, and thereupon the Committee

of Management shall appoint some other Person in the Place of any Secretary or Treasurer so removed or dismissed.

Certain Powers not to be exercised by Committee of Management.

XIX. And be it enacted, That (subject to the other Provisions in this and the recited Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company contained,) the following Powers of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies shall not be exercised by the Committee of Management, namely, the Choice and Removal of the Committee of Management, except as herein mentioned, the increasing or reducing of their Number, the Remuneration to the Committee of Management, and the Determination as to the leasing of Tolls, or of the Undertakings and Works of the said *Preston and Wyre* Railway, Harbour, and Dock Company, or of any Part thereof, or the giving or transferring or assigning of any Interest therein.

How Committee of Management to be constituted.

XX. And be it enacted, That the Committee of Management shall consist of Four of the Proprietors for the Time being of the *Lancashire and Yorkshire* Railway Company to be from Time to Time appointed by the Directors of that Company, and Four of the Proprietors for the Time being of the *London and North-western* Railway Company to be from Time to Time appointed by the Directors of that Company; and the Persons so respectively appointed shall remain in Office from the Time of their respective Appointments until the first Meeting of the respective Boards of the *Lancashire and Yorkshire* Railway Company and the *London and North-western* Railway Company which shall be held after the Vacancies in such Boards occasioned by Directors going out of Office by Rotation shall have been supplied at the respective annual Meeting of such Companies next following such respective Appointments, and further, until their Places shall have been supplied, or until they shall respectively previously die, resign, or be removed, or become incompetent to act; and in every Case the Members of the Committee of Management going out of Office shall be eligible for Re-appointment; and each such Member shall be removable by and at the Will and Pleasure of the Directors for the Time being of the Company on whose Behalf he shall have been originally appointed.

First Ordinary Directors.

XXI. And be it enacted, That *Robert Gill* of *Mansfield Woodhouse*, *Nottingham*, *John Crosthwaite* of *Liverpool*, *William Stuart* of *Liverpool*, and *John Milligen Laws* of *Manchester*, appointed by the Directors of the *Lancashire and Yorkshire* Railway Company, and *Charles Lawrence* of *Liverpool*, *William Rotheram* of *Liverpool*, *Hardman Earle* of *Liverpool*, and *Thomas Booth* of *Liverpool*, appointed by the Directors of the *London and North-western* Railway Company, shall be the First Members of the Committee of Management.

Committee of Management to be appointed annually.

XXII. And be it enacted, That at every first Meeting of the respective Board of Directors of the *Lancashire and Yorkshire* Railway Company and the *London and North-western* Railway Company which shall be held after the periodical Vacancies in such Boards shall have been supplied at the annual Meetings of such Companies respectively

respectively the Directors for the Time being of the *Lancashire and Yorkshire* Railway Company shall appoint one Half of the Members for the Time being of the Committee of Management, and the Directors of the *London and North-western* Railway Company shall appoint the other Half; and the Persons so respectively appointed shall be the Committee of Management for the Time being, and shall respectively remain in Office until their Places shall have been supplied in manner aforesaid, or until they shall respectively previously die, resign, or become incompetent to act, or be removed.

XXIII. And be it enacted, That it shall be lawful, by mutual Arrangement between the *Lancashire and Yorkshire* Railway Company and the *London and North-western* Railway Company, sanctioned by Resolutions of General or Special General Meetings of such Companies respectively, to increase or reduce the Number of the ordinary Members of the Committee of Management, provided that the increased Number do not exceed Twelve, or the reduced Number be not less than Two, and to fix the Remuneration of the Committee of Management.

Power to vary Number of Committee.

XXIV. Provided always, and be it enacted, That no Person, being a Shareholder or Member of any incorporated Joint Stock Company, shall be disqualified or prevented from acting on the Committee of Management by reason of any Contract entered into between such Joint Stock Company and the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies, or either of them; but no such Member of the Committee of Management, being a Shareholder or Member of such Joint Stock Company, shall vote on any Question as to any Contract with such Joint Stock Company.

Shareholders of incorporated Joint Stock Companies not disqualified by reason of Contracts.

XXV. And be it enacted, That if any Member of the Committee of Management become incompetent to act, or cease to be a Member of the Committee of Management from any other Cause than that of going out of Office by Effluxion of Time, it shall be lawful for the Board of Directors of the Company on whose Behalf the Person so becoming incompetent or ceasing to act shall have been originally appointed to appoint some other Person to be a Member of the Committee of Management in his Stead, and the Person so appointed to fill up any such Vacancy shall continue to be a Member of the Committee of Management so long only as the Person in whose Place he shall be appointed would have been entitled to continue if he had remained a Member of the Committee of Management.

As to Supply of occasional Vacancies in the Committee of Management.

XXVI. And be it enacted, That the Committee of Management shall hold Meetings at such Times and Places as they shall appoint for the Purpose, and they may meet and adjourn as they think proper, from Time to Time and from Place to Place; and at any Time any Two Members of the Committee of Management may call or require the Secretary to call a Meeting of the Committee of Management; and in order to constitute a Meeting of the Committee of Management there shall be present at the least Three Members of the Committee of Management; and all Questions, Matters, and Things considered

Meetings of Committee of Management.

considered at any such Meetings shall be determined by a Majority of Votes; and no Member of the Committee of Management, except the Chairman, shall have more than One Vote at any such Meeting, and if there be an equal Division of Votes upon any Subject entertained by such Meeting, the acting Chairman, in addition to his Vote as One of the Committee of Management, shall have a casting Vote as Chairman.

Chairman of
Committee
of Manage-
ment.

XXVII. And be it enacted, That the Members of the said Committee of Management present at the first Meeting of the said Committee after the passing of this Act shall nominate One of the Members of the said Committee appointed by the Directors of the *Lancashire and Yorkshire* Railway Company to be the Chairman of the said Meeting; and the Members of the said Committee present at the next succeeding Meeting shall nominate One of the Members of the said Committee appointed by the Directors of the *London and North-western* Railway Company to be the Chairman of such Meeting; and the Members of the said Committee present at subsequent Meetings of the said Committee shall nominate alternately One of the Members appointed by the Directors of the *Lancashire and Yorkshire* Railway Company, and One of the Members appointed by the Directors of the *London and North-western* Railway Company, to be the Chairman of such Meetings respectively.

Contracts by
Committee
of Manage-
ment or Sub-
Committee.

XXVIII. And be it enacted, That the Power which may be granted to any Sub-committee to make Contracts, as well as the Power of the Committee of Management to make Contracts, on behalf of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which if made between any private Persons would be by Law required to be in Writing and under Seal, such Sub-committee, or the Committee of Management, may make such Contract on behalf of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies in Writing and under the respective Common Seals of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies:

With respect to any Contract which if made between any private Persons would be by Law required to be in Writing and signed by the Parties to be charged therewith, then such Sub-committee, or the Committee of Management, may make such Contract on behalf of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies in Writing signed by such Committee of Management or Sub-committee, or any Two of them respectively, and in the same Manner may vary or discharge the same:

With respect to any Contract which if made between any private Persons would by Law be valid although made by Parol only, and not reduced into Writing, such Sub-committee, or the Committee of Management, may make such Contract on behalf of

the *Lancashire and Yorkshire* and *London and North-western* Railway Companies by Parol only, without Writing, and in the same Manner may vary or discharge the same :

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding on the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, and their respective Successors and Assigns, and all other Parties thereto, their Heirs, Executors, or Administrators (as the Case may be) ; and on any Default in the Execution of any such Contract, either by the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, or any other Party thereto, such Actions or Suits may be brought either by or against the *Lancashire and Yorkshire* and *London and North-western* Railway Companies as might be brought had the same Contracts been made between private Persons only.

XXIX. And be it enacted, That the Committee of Management shall cause Notes, Minutes, or Copies (as the Case may require) of all Appointments made or Contracts entered into by the Committee of Management, and of the Orders and Proceedings of all Meetings, as well ordinary as extraordinary, of the *Lancashire and Yorkshire* Railway Company and the *London and North-western* Railway Company, so far as the same relate to or concern the Undertakings and Works of the *Preston and Wyre* Railway, Harbour, and Dock Company, by this Act vested in them, and of the Committee of Management and Sub-committees, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Committee of Management ; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed ; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Members of the Committee, or of the Fact of the Person who shall thereby appear to have acted as Chairman having been Chairman, all of which last-mentioned Matters shall be presumed.

Proceedings to be entered in a Book, and to be Evidence.

XXX. And be it enacted, That all Acts done by any Meeting of the Committee of Management, or by any Person acting as a Member of any such Committee or Sub-committee, shall, notwithstanding it may be afterwards discovered that there was some Defect or Error in the Appointment of any such Members of Committee or Sub-committee, or Persons acting as aforesaid, be as valid as if such Committee or Sub-committee, as the Case may be, had been duly constituted.

Informalities in Appointment of Committee of Management or Sub-committees not to invalidate Proceedings.

XXXI. And be it enacted, That no Member of any Committee, by being a Party to, or making, signing, or executing, in his Capacity of a Member of a Committee, any Contract or other Instruments on behalf of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, or otherwise lawfully executing any of the Powers given to the Committee of Management, shall be subject

Indemnity to Committees.

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to be sued or prosecuted, either collectively or individually, by any Person whomsoever; and the Bodies or Goods or Lands of any Member of the Committee of Management, or any Sub-committee, or any of them, shall not be liable to Execution on any legal Process, by reason of any Contract or other Instrument so entered into, signed, or executed by them or any of them, or by reason of any other lawful Act done by them or any of them in the Execution of any of their Powers as Members of any such Committees, but such Execution shall be issued and enforced solely against the said Companies respectively, and the Property and Effects of the said Companies, in the same Manner as if the said Companies had been Parties Defendants in the Action or Suit in which such Execution shall issue; and the Members of such Committee, and their respective Heirs, Executors, and Administrators, shall be indemnified out of the Funds or Capital of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies for all Payments made or Liabilities incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the respective Directors for the Time being of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies shall apply the existing Funds and the Capital of such Companies respectively for the Purposes of such Indemnity, and shall, if necessary for that Purpose, make Calls upon such Companies respectively.

Power for Lancashire and Yorkshire and London and North-western Railway Companies to contract with each other.

XXXII. And be it enacted, That it shall and may be lawful to and for the *Lancashire and Yorkshire* Railway Company and the *London and North-western* Railway Company, and their respective Successors and Assigns, and they are hereby empowered, from Time to Time to make and enter into any Contract and Agreement with each other for effecting and carrying out the Objects and Purposes of this Act and of the said Two Companies in relation to the said *Preston and Wyre* Railway, Harbour, and Dock, and other Works of the said *Preston and Wyre* Railway, Harbour, and Dock Company, and for the working and using by each of them the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies, and their respective Successors and Assigns, or by One of the said Companies only, of the said *Preston and Wyre* Railway, Harbour, and Dock, and other Works and Property of the said *Preston and Wyre* Railway, Harbour, and Dock Company, or any of them, or any Part thereof respectively, and for the promoting, working, and Management of the Traffic thereof, and as to the Payment, Division, Apportionment, and Appropriation of Rates, Tolls, and Duties, and other Monies recoverable or payable in respect of the *Preston and Wyre* Railway, Harbour, Dock, and Works, and as to the Maintenance and Repair of such Railway, Harbour, Dock, and Works, and Property, and the Expenses of working the said Railway and Dock, and conducting the Traffic on the said Railway, and as to the Road and Station Expenses, and making Provision for the current and other Expenses of the said joint Undertaking or any Part thereof, or any Matter or Thing connected therewith, and for the Payment of the said Dividends or half-yearly Sums payable under the Provisions

visions of the said Deed Poll, or the Proportions thereof aforesaid, and of the Interest on all Loans, Rents, and other Charges affecting the *Preston and Wyre* Railway, Harbour, and Dock, also as to the Conduct and Direction of the Traffic of the *Preston and Wyre* Railway, the Apportionment and Division and the Use and Occupation of the Stations and Station Room, Workshops, Offices, and Warehouses, and of the Engines, Waggons, Carriages, Tools, Machinery, and other fixed and moveable Stock, Goods, Chattels, Property, Estates, and Effects, Real and Personal, and as to the making and Construction, Maintenance, working, and using of additional Branch Railways, Docks, Stations, Buildings, and other Works, or otherwise in relation to the said *Preston and Wyre* Railway, Harbour, and Dock, and other the Works, Property, and Effects by this Act vested in the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies, and as to the Traffic thereof: Provided nevertheless, that no such Contract shall be inconsistent with the Provisions of this Act, or shall in any Manner prejudice or affect the Rights or Interest as provided for by the said Deed Poll of the *Preston and Wyre* Railway, Harbour, and Dock Company, their Successors or Assigns, or of any of the Proprietors of the *Preston and Wyre* Railway, Harbour, and Dock Company, or of any Person or Company not Parties to such Contract; and also provided that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of the said *Preston and Wyre* Railway, Harbour, and Dock, upon the same Terms and Conditions, and on Payment of the same Tolls, and no others, as they would have been in case no such Contract had been entered into or acted upon.

Not to affect
Persons not
Parties to
the Contract.

XXXIII. And be it enacted, That it shall not be lawful for the said *Lancashire and Yorkshire* Railway Company, *London and North-western* Railway Company, and *Preston and Wyre* Railway, Harbour, and Dock Company, or any or either of them, out of any Money by any Act or Acts relating to the said respective Companies authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the said Companies, or any or either of them, to construct any other Railway or execute any other Work or Undertaking.

Deposits for
future Bills
not to be
paid out of
Capital of
Companies.

XXXIV. And be it enacted, That the said *Lancashire and Yorkshire* Railway Company and *London and North-western* Railway Company shall, if required so to do by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, in Writing under the Hand of the Secretary to the Admiralty, provide, within such Time as shall in such Requisition be prescribed for the Purpose, and always thereafter maintain in good Repair, an efficient and well-appointed Life Boat, a *Manby's* Mortar, and a sufficient Supply of *Carte's* Rockets, or such other Mortar and Rockets as the said Lord High Admiral, or Commissioners for executing the Office

Life Boats,
&c. to be
provided by
the Com-
panies, if
required by
Lords of the
Admiralty.

Office of Lord High Admiral, by Writing under the Hand of the Secretary to the Admiralty, shall approve of, with all necessary Tackle, and a competent Crew and proper Persons for the effectual working thereof, for the Assistance and Succour of Vessels in distress; and the said Companies shall cause such Life Boat, Mortar, and Rockets to be stationed at or upon the most advanced Works of the said Harbour or Dock, or at such other Place as the said Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, shall approve of, as aforesaid, and to be used on all necessary Occasions.

Penalty for not providing Life Boats, &c.

XXXV. And be it enacted, That in case the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies shall neglect or refuse to provide such Life Boat, Mortar, and Rockets within the Time in such Requisition prescribed, or shall at any Time thereafter neglect to maintain the same, they shall be liable to a Penalty not exceeding Two Pounds for every Twenty-four Hours during which the said Life Boat, Mortar, and Rockets, or any of them, or the Tackle belonging thereto, shall not be provided, or (as the Case may be) shall not be maintained and stationed as aforesaid.

A self-registering Tide Gauge and Barometer to be provided by the Companies, if required by the Lords of the Admiralty.

XXXVI. And be it enacted, That the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies shall also, if required so to do by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, in Writing under the Hand of the Secretary to the Admiralty, provide, within such Time as shall in such Requisition be prescribed for the Purpose, and always thereafter maintain in good Repair and working Order, in a proper Part of the said Harbour or Dock, and in such Manner as the said Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, shall by Writing under the Hand of the Secretary to the Admiralty approve of, an efficient self-registering Tide Gauge, with a Barometer, and they shall cause the daily working and Results of the said Tide Gauge and Barometer, and a daily Account of the State of the Wind and Weather, to be regularly and properly kept, and shall cause the full and true Results and Details thereof to be sent monthly to the Secretary to the Admiralty.

Penalty for not providing Tide Gauge, &c.

XXXVII. And be it enacted, That in case the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies shall neglect or refuse to provide such Tide or Weather Gauge and Barometer within the Time in such Requisition prescribed, or shall at any Time thereafter neglect to maintain the same, or to keep such Account of the Wind and Weather as aforesaid, they shall be liable to a Penalty not exceeding Two Pounds for every Twenty-four Hours during which the said self-registering Tide Gauge and Barometer shall not be provided, or (as the Case may be) shall not be maintained, or such Account of the Wind and Weather shall not be kept as aforesaid, and they shall be liable to a Penalty not exceeding Ten Pounds for each Month they shall neglect or refuse to send as aforesaid to the Secretary of the Admiralty a full and true Account of

of the daily Workings of the said Tide Gauge and Barometer, and of the daily State of the Wind and Weather.

XXXVIII. And be it enacted, That the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies shall, if required so to do by the Commissioners of Her Majesty's Customs, erect, within such Time as shall in such Requisition be prescribed for the Purpose, on a suitable Spot within or near the said Harbour or Dock, to be approved of by the said Commissioners, and always thereafter maintain, a Watch-house and Boathouse for the Use of the Tide Surveyors of the Customs and their Crew, of such Size and Materials and in such Manner as shall be approved of by the said Commissioners, and shall also to the Satisfaction of the said Commissioners provide from Time to Time a sufficient Number of Huts for the Use of the Officers of Revenue, with all fit and necessary weighing Materials, and shall at all Times keep such Watch-house, Boathouse, Huts, and weighing Materials in good and sufficient Repair.

Watch-house and Boathouse for Custom House Officers to be erected and maintained by the Companies, if required by the Commissioners of Customs.

XXXIX. And be it enacted, That if at any Time such Watch-house or Boathouse, or such Huts or weighing Materials, shall be out of Repair, or not provided as required by the said Commissioners, and Notice thereof be given to the said Companies, they shall repair or provide the same to the Satisfaction of the said Commissioners within Three Months after such Notice, or in default thereof shall forfeit the Sum of One hundred Pounds for every Month during which such Watch-house, Boathouse, Huts, or weighing Materials shall continue out of repair, or not be provided, such Penalty to be recovered in any of the Superior Courts against the said Companies as a Debt due to the Crown, and to be sued for by any Officer of Customs, by Direction of the said Commissioners.

Penalty on Companies neglecting to repair Watch-houses, &c.

XL. And be it enacted, That in citing or referring to the recited Acts relating to the said *Preston and Wyre* Railway, Harbour, and Dock, and to this Act respectively, in other Acts of Parliament, and in legal Instruments, Notices, or other Documents, it shall be sufficient to use the several Expressions herein-after mentioned; (that is to say,) in citing the said recited Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth it shall be sufficient to use the Expression "The *Preston and Wyre* Railway and Harbour Act, 1835;" in citing the first of the said recited Acts passed respectively in the Seventh Year of the Reign of His said late Majesty it shall be sufficient to use the Expression "The *Preston and Wyre* Railway and Harbour Act, 1837;" in citing the second of the said recited Acts passed in the same Year it shall be sufficient to use the Expression "The *Preston and Wyre* Dock Act, 1837;" in citing the first of the said recited Acts passed respectively in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty it shall be sufficient to use the Expression "The *Preston and Wyre* Railway and Harbour Amendment Act, 1839;" in citing the second of the said recited Acts passed respectively

Short Titles for *Preston and Wyre* Acts and this Act.

[Local.]

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tively in the same Session it shall be sufficient to use the Expression "The *Preston and Wyre* Railway and Harbour and *Preston and Wyre* Dock Consolidation Act, 1839;" in citing the said recited Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty it shall be sufficient to use the Expression "The *Preston and Wyre* Railway, Harbour, and Dock Act, 1844;" in citing the said recited Act passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her said Majesty it shall be sufficient to use the Expression "The *Preston and Wyre* Railway, Harbour, and Dock Act, 1845;" and in citing this Act it shall be sufficient to use the Expression "The *Lancashire and Yorkshire* and *London and North-western* Railways (*Preston and Wyre* Railway, Harbour, and Dock vesting) Act, 1849."

Saving
Rights of
Preston and
Wyre Rail-
way, Har-
bour, and
Dock Com-
pany.

XLI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice or affect any of the Rights, Powers, Privileges, or Authorities vested in the said *Preston and Wyre* Railway, Harbour, and Dock Company, or any of the Proprietors of Shares therein, under the said recited Deed Poll.

Saving
Rights of
the Crown
and the
Duchy of
Lancaster.

XLII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

Commis-
sioners of
Railways
may require
Inconveni-
ences and
Evils to be
remedied.

XLIII. And be it enacted, That if at any Time after the passing of this Act it shall appear to the Commissioners of Railways to be necessary for the Interests of the Public, it shall be lawful for the said Commissioners to require the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies, or either of them, to proceed forthwith to the Correction or Prevention of any Inconveniences or Evils by the Commissioners specified, and which may appear to the said Commissioners to have arisen or to be likely to arise, directly or indirectly, from the said *Preston and Wyre* Railway, Harbour, and Dock having been transferred to the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies, so as injuriously to affect the Use thereof by the Public; and upon the Failure or Inability of the said Companies or either of them, to whom the same shall be made or apply, to comply with the Requisition of the said Commissioners in the Particulars aforesaid, within the Period of Six Months from the Date of such Requisition, it shall be lawful for the said Commissioners to serve the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies respectively with Notice to introduce into Parliament in the then existing Session, if Parliament should be then sitting, and if not in the next ensuing Session, a Bill or Bills for amending this Act in such Particulars as aforesaid, and thereupon the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies shall
and

and they are hereby required to introduce such Bill or Bills accordingly, and duly to prosecute the same, in default whereof it shall be lawful for the said Commissioners to introduce or prosecute (as the Case may be) such Bill or Bills, at the Expense of the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies.

XLIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the same Session, intituled *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said *Preston and Wyre* Railway or the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies, or either of them, in respect thereof, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said *Preston and Wyre* Railway and the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies respectively, so far as the same shall be applicable thereto.

Railways to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

XLV. And be it enacted, That nothing herein contained shall be deemed to exempt the Railways by this or the said recited Acts authorized to be made, or the said Companies, or either of them, from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or by the said recited Acts.

Railways to be subject to Provisions of future general Acts.

XLVI. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto, including the Expenses of or incidental to the said Deed Poll, shall be paid, in the Proportions following, by the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies respectively, out of any Monies that shall come to their respective Hands; (that is to say,) Two Third Parts thereof by the said *Lancashire and Yorkshire* Railway Company, and the remaining One Third Part thereof by the said *London and North-western* Railway Company.

Expenses of Act.

XLVII. And

Interpreta-
tion of Terms.

XLVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Word " Month " shall mean Calendar Month :

The Expression " Superior Courts " shall mean Her Majesty's Superior Courts of Record at *Westminster* :

The Word " Oath " shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of other Persons exempted by Law from the Necessity of taking an Oath :

The Word " Secretary " shall include the Word Clerk :

The Word " Lands " shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :

The Word " County " shall include any Riding or other like Division of a County :

The Expression " the Railway, Harbour, and Dock " shall mean the Railway, Harbour, and Dock, and Works connected therewith, by the said recited Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company, or any of them, authorized to be made and completed.

Public Act

XLVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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