



CHAP. cc.

An Act for the making and maintaining of the West Lancashire Railway ; and for other purposes. A.D. 1871.

[14th August 1871.]

WHEREAS the making and maintaining of railways from Southport to Preston, as by this Act authorised, would be of public and local advantage :

And whereas the persons herein-after named, with others, are willing at their own expense to carry the undertaking into execution, if authorised so to do, and are desirous of being incorporated into a company for that purpose :

And whereas plans and sections of the proposed railways, showing the lines and levels thereof, and the lands which may be taken for the purposes of this Act, and also books of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerk of the peace for the county of Lancaster, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference :

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

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

1. This Act may be cited for all purposes as "The West Lancashire Railway Act, 1871."

Short title.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses

Provisions of general Acts herein named incorporated.

A.D. 1871. Consolidation Act, 1845," and Part I. (relating to 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.

Interpreta-
tion of terms.

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

Company in-
corporated.

4. The Right Honourable Thomas Lyttleton Powys Baron Lilford, Sir Thomas George Fermor Hesketh, Baronet, John Randolphus de Trafford, Lawrence Catlow Spencer, Walter Smith, Samuel Boothroyd, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, or assigns respectively, shall be united into a company for the purpose of making and maintaining the railway to be called "The West Lancashire Railway," and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The West Lancashire Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to
make rail-
ways ac-
cording to
deposited
plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are,—

A railway (No. 1) 3 furlongs 4·15 chains in length, to be wholly situate in the township of North Meols in the parish of North Meols in the borough of Southport in the county of Lancaster, commencing in a timber yard belonging or reputed to belong to the trustees of the late Charles Scarisbrick and in the occu-

pation of David Wishart and Alexander Irving, and terminating in a field also belonging or reputed to belong to the said trustees and in the occupation of Joseph Rimmer and Thomas Johnson, or one of them :

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A railway (No. 2) 11 miles 2 furlongs 0·50 chains in length, commencing by a junction with railway (No. 1) at the termination thereof, and terminating in the township of Longton in the parish of Penwortham in the said county in a field or close of land called or known as "The Top Outlet Field," and numbered 1,031 on the tithe commutation map of the said township :

A railway (No. 3) 2 miles 3 furlongs 6 chains in length, commencing by a junction with railway (No. 2) at the termination thereof, and terminating in the township of Penwortham in the parish of Penwortham in the said county in a close of land known as "The Further Cuerden Field," and numbered 652 on the tithe commutation map of the said township :

A railway (No. 4) 5 furlongs 3·20 chains in length, commencing by a junction with railway (No. 3) at the termination thereof, and terminating in the borough of Preston in the township of Preston in the parish of Preston in the said county in a plot of garden ground situate at the south end of Elm Street belonging or reputed to belong to the trustees of the late John Smith and in the occupation of Thomas Bradley and others.

6. The capital of the Company shall be one hundred and fifty-five thousand pounds, in seven thousand seven hundred and fifty shares of twenty pounds each.

Capital, and number and amount of shares.

7. The 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.

Shares not to issue until one fifth paid up.

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

Calls.

9. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called

Power to divide shares.

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“preferred half share,” and the other shall be called “deferred half share:” Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

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

Dividends on preferred shares to be paid out of the profits of the year only.

11. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

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

Terms of issues to be stated in certificates.

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

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

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Forfeiture of preferred shares.

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

Preferred shares not to be cancelled or surrendered.

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

Half shares to be half shares in capital.

17. The Company may from time to time borrow on mortgage any sum not exceeding in the whole fifty-one thousand six hundred and sixty-six pounds, but no part thereof shall be borrowed until the whole capital of one hundred and fifty-five thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of the capital has been subscribed for, 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 has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant his certificate that the proof aforesaid has been given him, which certificate shall be sufficient evidence thereof.

Power to borrow.

18. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by

For appointment of receiver.

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Power to create debenture stock.
Application of moneys.

19. The Company may create and issue debenture stock.

20. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First and subsequent meetings.

21. The first ordinary meeting of the Company shall be held within twelve months next after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year, in the months of February or March and August or September, as the directors may appoint.

Quorum of general meetings.

22. The quorum of general meetings of the Company shall be five shareholders present personally or by proxy, holding in the aggregate not less than seven thousand pounds in the capital of the Company.

Number of directors.

23. The number of the directors shall be seven, but it shall be lawful for the Company from time to time to reduce the number, provided that the number be not less than five.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum of directors.

25. The quorum of a meeting of directors shall be four until the number of directors is reduced to five, and then the quorum shall be three.

First directors.

26. The Right Honourable Thomas Lyttleton Powys Baron Lilford, Sir Thomas George Fermor Hesketh, Baronet, John Randolphus de Trafford, Lawrence Catlow Spencer, Walter Smith, Samuel Boothroyd, and such other duly qualified person as the before-named persons, or the majority of them, may appoint, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present, personally or by proxy, shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither

Election of directors.

removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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

Lands for extraordinary purposes.

28. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

29. Subject to the provisions of "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; (that is to say,)

Power to cross certain roads on the level.

Number on deposited plan.	Parish.	Description of road.
RAILWAY No. 1.		
26	North Meols - - -	Public road.
RAILWAY No. 2.		
239	North Meols - - -	Public road.
293	North Meols - - -	Public road.
322	North Meols - - -	Public road.
331	North Meols - - -	Public road.
{ 377	North Meols - - -	Public road.
1	Hesketh with Becconsall - -	
51	Hoole - - -	Public road.
RAILWAY No. 3.		
109	Penwortham - - -	Public road.
185	Penwortham - - -	Public road.
214	Penwortham - - -	Public road.
239	Penwortham - - -	Public road.

30. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly 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 Company

Notice to be given of taking of houses of labouring classes.

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shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Provisions
as to con-
struction of
bridge over
and pre-
servation of
the naviga-
tion of the
river
Asland or
Douglas.

31. For the protection of the navigation of the river Asland or Douglas the following provisions shall have effect; (that is to say,)

(A.) The bridge or viaduct for carrying the railway over or across the river shall be constructed with four fixed spans and two opening spans of thirty feet each, and with a headway under the same of not less than twelve feet above high-water mark at ordinary spring tides, and according to plans to be previously submitted to and approved by the Board of Trade :

(B.) The bridge or viaduct shall be constructed and maintained with iron cylinder or screw pile foundations, and perpendicular pillars or supports and wrought-iron plate or lattice girders :

(C.) The span over the towing-path of the river shall have a clear width of eight feet at least, and a clear headway above the surface of the path of seven feet at least :

(D.) Section fifteen of "The Railways Clauses Act, 1863," (incorporated with this Act,) shall extend and apply to the bridge or viaduct, not only when constructed, but also during the construction thereof :

(E.) The Company shall during the construction of the bridge or viaduct, and at all times thereafter, maintain to the satisfaction of the Board of Trade a sufficient channel through the opening spans of the bridge or viaduct, both above and below the same, so as to preserve the communication with the main channel of the river.

Damages to
be made
good.

32. The Company shall make good all damage that may be occasioned to the navigation or to any property of the Company of Proprietors of the Canal Navigation from Leeds to Liverpool (in this Act called the Leeds and Liverpool Canal Company) by the construction, renewal, or want of repair of the said bridge, viaduct, or the works connected therewith; and if for seven days after notice in writing given by the Leeds and Liverpool Canal Company, the Company neglect to proceed with due diligence to make good such damage, the Leeds and Liverpool Canal Company may, if they think fit, make good the same, and the amount expended by them in so doing shall be paid to them by the Company : Provided always, that in any case of pressing necessity the Leeds and Liverpool Canal Company may proceed to make good such damages, and recover payment for the same, without giving such notice as aforesaid.

33. In case, by reason or in the execution of such bridge or viaduct and works, the navigation of the said river shall be so obstructed as that boats, barges, and other vessels navigating or using the same shall not be able to pass along the same, then the Company shall pay to the Leeds and Liverpool Canal Company and the Ribble Navigation Company respectively, as or by way of ascertained damages, the sum of fifty pounds for every day during which such obstruction shall continue, and so in proportion respectively for any less time than one day; and in default of payment of the said sum, on demand being made on the secretary of the Company, the same may, together with costs of suit, be recovered against the Company in any court of competent jurisdiction.

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For preventing obstructions to navigation.

34. Provided always, that nothing herein contained shall prevent the Leeds and Liverpool Canal Company from recovering against the Company any special damage that may be sustained by the Leeds and Liverpool Canal Company in consequence of the work to be executed by the Company, or by the Leeds and Liverpool Canal Company for the Company, under the provisions herein-before contained, or on account of any act, work, neglect, or default of the Company not herein specifically provided for, and the Leeds and Liverpool Canal Company may sue for and recover such damage accordingly.

Company liable for special damage.

35. The Company shall, at their own expense, maintain the said bridge or viaduct and works in perfect repair.

Bridge to be kept in good repair.

36. It shall not be lawful for the Company to make any deviations or diversion whatever exceeding fifty yards in the line, course, or direction of the railway near the said river, as delineated and shown on the deposited plans, by which the said river, or the locks, towing-paths, bridges, buildings, land, property, or works of the Leeds and Liverpool Canal Company, or any of them, or any part thereof, shall be taken, used, or damaged, for any purpose whatsoever, without the consent in writing, under their common seal, of the Leeds and Liverpool Canal Company first had and obtained.

Company not to deviate so as to take any property of the said Canal Company.

37. All questions and differences which may at any time arise between the Company and the Leeds and Liverpool Canal Company as to the construction or effect of this Act, or the performance, observance, non-performance, or non-observance of any of the provisions thereof, or any matters connected therewith or consequent thereon, shall be determined by an arbitrator to be appointed by the Companies, or (if for fourteen days after the question or difference arises they do not agree upon an arbitrator) by the Board of Trade upon the application in writing of either Company; and the decision of every such arbitrator shall be binding and conclusive on both

Differences to be settled by arbitration or by Board of Trade.

A.D. 1871. Companies, and the costs and expenses of the arbitration shall be in his discretion.

Provisions as to construction of railway over and near to river Ribble.

38. Whereas the valley of the river Ribble is liable to be frequently flooded in and near the part thereof where the proposed railway is intended to cross the river Ribble: And whereas it is necessary that provision should be made for carrying off the flood waters, and so that the same may not be stopped up by the railway, and for protection of the navigation of the said river Ribble: Therefore the railway shall be carried over the river Ribble by means of a bridge, and over a portion of the valley by arches on each side of the river Ribble, and that such bridge and arches shall be constructed of such materials and span and height, and in such situations, and in all other respects in such manner for carrying out the purposes aforesaid as shall be agreed upon by the engineer of the Company, the engineer of the mayor, aldermen, and burgesses of the borough of Preston, and the engineer of the Ribble Navigation Company, and failing their agreement, as shall be settled and determined by an engineer to be appointed by the Board of Trade on the application of the Company, or the said mayor, aldermen, and burgesses, or the said Ribble Navigation Company.

Provisions as to construction and dimensions of a certain bridge.

39. The railway shall be carried over the road numbered on the deposited plans 2, in the parish of Preston, by means of a bridge, the arch of which shall not be less than sixteen feet in height, and the span of which shall not be less than twenty-five feet.

Providing for the construction and dimensions of a certain bridge.

40. The railway shall be carried over the road in the parish of Penwortham, and adjoining the river Ribble, by means of a bridge, the arch of which shall not be less than sixteen feet in height and twenty-five feet span.

Provision as to construction of bridge over river Ribble.

41. The Company shall construct the bridge and arches for carrying the railway over the river Ribble and the valley so as to form a screen for the protection of the traffic passing over the bridge known as Penwortham Bridge.

Preserving navigation of river Ribble.

42. The Company shall during the construction of the bridge over the said river Ribble, and at all times thereafter, maintain to the satisfaction of the Board of Trade a sufficient channel through the openings or waterways of the bridge, so as not to interfere with the free navigation of the said river.

Company to make good damage to navigation of river Ribble, &c.

43. The Company shall make good all damage that may be occasioned to the navigation of the said river Ribble, or to any property of the Ribble Navigation Company, by the construction, renewal, or want of repair of the said bridge, or the works connected therewith; and if for seven days after notice in writing given by the

Ribble Navigation Company, the Company neglect to proceed with due diligence to make good such damage, the Ribble Navigation Company may, if they think fit, make good the same, and the amount expended by them in so doing shall be paid to them by the Company : Provided always, that in any case of pressing necessity the Ribble Navigation Company may proceed to make good such damages, and recover payment for the same, without giving such notice as aforesaid.

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44. In case by reason or in the execution of such bridge and works the navigation of the said river Ribble shall be so obstructed as that boats, barges, and other vessels navigating or using the same shall not be able to pass along the same, then the Company shall pay to the Ribble Navigation Company, as or by way of ascertained damages, the sum of fifty pounds for every day during which such obstruction shall continue, and so in proportion respectively for any less time than one day ; and in default of payment of the said sum, on demand being made on the secretary of the Company, the same may, together with costs of suit, be recovered against the Company in any court of competent jurisdiction.

Provision for preventing obstruction to navigation of river Ribble.

45. Provided always, that nothing herein contained shall prevent the Ribble Navigation Company from recovering against the Company any special damage that may be sustained by the Ribble Navigation Company in consequence of the work to be executed by the Company, or by the Ribble Navigation Company for the Company, under the provisions herein-before contained, or on account of any act, work, neglect, or default of the Company not herein specifically provided for, and the Ribble Navigation Company may sue for and recover such damage accordingly.

Provision as to recovery of special damages.

46. The Company shall, at their own expense, maintain the said bridge and works in perfect repair.

Company to maintain bridge, &c.

47. All questions and differences which may at any time arise between the Company and the Ribble Navigation Company as to the construction or effect of this Act, or the performance, observance, non-performance, or non-observance of any of the provisions thereof, or any matters connected therewith or consequent thereon, shall be determined by an arbitrator to be appointed by the Companies, or (if for fourteen days after the question or difference arises they do not agree upon an arbitrator) by the Board of Trade upon the application in writing of either Company ; and the decision of every such arbitrator shall be binding and conclusive on both Companies, and the costs and expenses of the arbitration shall be in his discretion.

Provision as to settlement of differences.

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Saving rights of the Leeds and Liverpool Canal Company, the Corporation of Preston, and the Ribble Navigation Company.

Power to the Southport Waterworks Company to lay pipes on parts of railway used for level crossings.

48. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the rights, privileges, property, power, or authorities of the Leeds and Liverpool Canal Company, or the Corporation of Preston, or the Ribble Navigation Company.

49. If and whenever any part or parts of the railway situate within the limits of the Southport Waterworks Company shall be used as a public level crossing or public level crossings, it shall be lawful for that Company, by their engineers, workmen, and others in their employment, when necessary, but under the superintendence and subject to the reasonable control in all respects of the engineer for the time being of the Company, from time to time to enter upon such part or parts of the railway for the purpose of laying down, repairing, and maintaining such mains and pipes as may be necessary for supplying water within the aforesaid limits: Provided always, that in so doing the Southport Waterworks Company, or their engineers or workmen or others in their employment, shall not cause any interruption to the traffic passing along the railway; and provided also, that the Southport Waterworks Company shall make good and reimburse to the Company all damages to the railway and works of the Company occasioned by the exercise of the powers by this clause reserved.

Provisions for the protection of the Southport Highway Board, &c.

50. In constructing the railway and works hereby authorised through the parish of North Meols, within the district of the highway board for the district of Southport, the following provisions shall have effect; (that is to say,)

The Company shall construct and for ever after maintain a station for passengers and for merchandise and goods at Churchtown, and also a passenger station in Row Lane, and shall afford all reasonable facilities at such stations, and stop a reasonable number of trains thereat daily from the time of opening of that part of their line:

The bridge for carrying the road No. 112 on the deposited plans over the railway shall be constructed and for ever afterwards maintained so as to have thirty-five feet of roadway between the walls, inclusive of footpaths on either side each two yards wide, and the approaches thereto shall have twelve yards of roadway, inclusive of similar footpaths, and the gradients of such approaches shall not be steeper than one in thirty, and such approaches shall be fenced off from the adjoining lands with a neat timber paling fence six feet in height from the level of the footpaths for a distance of twenty yards on either side of the centre line of the railway:

The Company shall construct, whenever the Reverend Charles Hesketh shall require, and for ever after maintain, a bridge for carrying the road No. 138 on the deposited plans over the railway, and also a bridge in field No. 96, which bridges shall have thirty-three feet of roadway, inclusive of footpaths, between the walls, with footpaths on either side each two yards wide, and the gradients of the approaches not steeper than one in thirty; and the said Charles Hesketh shall have the option of the said bridges being constructed at the points indicated, or at any other points in lieu thereof west of Churchtown, as may be agreed upon between him and the engineer of the Company:

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The bridge for carrying the railway over the road numbered 176 on the deposited plans shall have thirty feet of roadway between the walls, inclusive of a footpath six feet wide on one side, and the height of the arch from the present level of such road shall not be less than sixteen feet:

The Company shall construct a level crossing across the railway in field No. 223 on deposited plans:

The bridge for carrying the road No. 229 on the plans over the railway shall be constructed and for ever maintained so as to have twenty-five feet of roadway between the walls, and the gradients of the approaches to it shall not be steeper than one in thirty:

The Company shall construct and for ever after maintain a bridge for carrying the road No. 278 on the plan over the railway, with twenty-five feet of roadway between the walls, and the gradients of its approaches not steeper than one in thirty:

The Company shall, if and when the said highway board or other the surveyors for the time being of the highways for the parish of North Meols shall so require, construct and maintain a bridge for carrying the road numbered 293 on the deposited plans over the railway, with twenty-five feet of roadway between the walls, and the gradients of its approaches not steeper than one in thirty:

The Company shall, if and when the said highway board or other the surveyors for the time being of the highways for the parish of North Meols shall so require, construct and maintain a bridge for carrying the road numbered 331 on the deposited plans over the railway, with twenty-five feet of roadway between the walls, and the gradients of its approaches not steeper than one in twenty:

All the parapet walls of the above bridges and their approaches shall be constructed in a continuous straight line with the now

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existing direction of the roads at the points where such bridges may be erected :

The Company shall divert and reconstruct such ditches alongside the approaches to the bridges, and all such other ditches, soughs, and culverts under the proposed railway as may be interfered with by the railway works :

The Company shall construct and keep in good order and maintain ditches, with sufficient fall on each side of the railway, through the estate of the Reverend Charles Hesketh :

The Company shall construct, when required by the above highway board, or by the surveyors for the time being of the highways for the parish of North Meols, or by the said Charles Hesketh, or the owners of the estate adjoining thereto for the time being, stone or brick culverts of three feet diameter inside at the roads and bridges, in fields numbered 96, 112, 138, and 148 on the deposited plans, under the proposed railway, or at such other points in lieu thereof west or south-west of Churchtown as the said Charles Hesketh may fix upon, and also shall construct like culverts to be connected therewith under the approaches to the bridges carrying the said roads over the railway (where the depths to the bottom of such last-mentioned culverts from the surface of such approaches shall exceed twelve feet), for the purpose of voiding the sewage from the adjoining estate, all ditches, soughs, and culverts being, however, of such depths and inclinations, and in such positions, and in every other respect to the reasonable satisfaction of the said highway board, or of the said surveyors of highways for the time being of the parish of North Meols, and of the said Charles Hesketh, or the owner of the estate adjoining for the time being, and such last-mentioned works, and all other works to be executed under the foregoing provisions, shall be for ever maintained and kept in good repair by the Company ; but in the event of their refusal to make and maintain such culverts it shall be lawful for the said highway board, or the said surveyors of highways, or for the owner of the estate adjoining thereto for the time being, to make and maintain the same, and recover the costs thereof as a debt against the Company in any court of competent jurisdiction :

The railway shall be diverted to the southward from the point numbered 197 on the deposited plans to a point at Long Lane numbered 322 on such plans to such extent that the centre line shall be thirty-five yards to the south-east of the centre line shown on the deposited plans, opposite No. 231 on such

plans, and to the extent of seventy-five yards south-east of the centre line of the railway shown on the said plans at the Southport and Preston highway numbered 278 on such plans :

The finished level of rails shall be placed below the present level of the surface of the grounds in fields numbered 105A, 131, and 152 on the deposited plans, to such extent, not exceeding five feet, as shall permit of the formation level of the railway being properly drained :

The above works shall be made and completed to the reasonable satisfaction in all respects of the highway board for the district of Southport, or of the surveyors of highways for the time being of the parish of North-Meols, and of the Reverend Charles Hesketh, or any one appointed on their or his behalf :

Provided always, that if any differences shall arise between the Company and of the said highway board, or the said surveyors of highways for the time being, or the said Reverend Charles Hesketh, under this section or clause, the matter in dispute shall be referred to and determined by an arbitrator to be, on the application of either party, appointed by the Board of Trade.

51. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, consols certificates to the amount of nine thousand pounds, being equal to a sum of eight thousand two hundred and fifty-one pounds, five per centum upon one hundred and sixty-five thousand and twenty pounds, the amount of the estimate in respect of the railways originally proposed to be authorised by this Act, have been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act : And whereas certain of the railways originally proposed are not now authorised by this Act, and the amount of the estimate of the railway by this Act authorised is one hundred and forty-four thousand two hundred and forty-seven pounds, five per centum upon which is seven thousand two hundred and thirteen pounds : Be it therefore enacted, that, notwithstanding anything contained in the said recited Act, so many of the said consols certificates so deposited as aforesaid in respect of the application for this Act as was at the time of the deposit equal to the sum of seven thousand two hundred and thirteen pounds (and which are herein-after in this Act referred to as the deposited consols certificates) shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for the completion of the railway, either open the

Deposit money not to be repaid until line opened or half the capital paid up and expended.

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railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital, and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said deposited consols certificates shall be applied in the manner herein-after specified ; and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Providing for application of deposit in compensation to parties injured.

52. The said deposited consols certificates shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit ; and if no such compensation shall be payable, or if a portion of the said deposited consols certificates shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said deposited consols certificates, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivor or survivors of them : Provided that until the said deposited consols certificates shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Release of balance of consols certificates.

53. On the application of the person named in the warrant or order issued in pursuance of the said Act of the ninth and tenth

years of Her present Majesty, chapter twenty, or of his executors or administrators, by petition in a summary way at any time after the passing of this Act, the High Court of Chancery may and shall order that so many of the said consols certificates deposited as aforesaid as was at the time of the deposit equal to the sum of one thousand and thirty-eight pounds, and the interest and dividends thereof, shall be paid and transferred to the person or persons so applying, or to any other person or persons whom he or they may appoint in that behalf. A.D. 1871.

54. The railway shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for completion of works.

55. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,) Tolls for passengers and animals.

In respect of passengers and animals conveyed on the railway :

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

For every horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny per mile :

For every ox, cow, bull, or head of neat cattle, the sum of twopence per head per mile; and if conveyed in carriages belonging to the Company, an additional sum of one penny per mile :

For every calf, pig, sheep, lamb, and other small animal, one penny each per mile; and if conveyed in carriages belonging to the Company, an additional sum of one halfpenny per mile.

In respect of goods conveyed on the railway :

For all coals, slack, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, ashes, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny :

For all ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for

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wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile not exceeding twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

For all sugar, grain, corn, flour, hides, dyewoods, Manchester packs, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, iron hurdles, and for light iron castings, per ton per mile not exceeding twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For cotton and other wools, drugs, rags, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, not exceeding sixpence per mile, and one penny halfpenny per mile for every additional quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

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

Regulations as to tolls.

57. The following provisions and regulations shall apply to the fixing of all tolls and charges under this Act; (that is to say,)

Short distances.

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

Fractional parts of a mile.

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls and charges for passengers as for one mile, and for animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile:

Fractional parts of a ton.

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

General weight.

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

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

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—
Weight of
stone and
timber.

58. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

Tolls for
small parcels
and single
articles of
great weight.

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

For any parcel not exceeding seven pounds in weight, threepence :

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

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

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

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

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

For the carriage of single articles of great weight :

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

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

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

Maximum
rates for
passengers.

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

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

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

Maximum rates for animals and goods.

60. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks, or locomotive power, and every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums; (that is to say,)

For every horse, mule, or other beast of draught or burden, fourpence per mile;

For cattle, threepence per head per mile;

For calves, pigs, sheep, and small animals, one penny per mile;

For all coal, coke, and other articles herein-before classed therewith, one penny halfpenny per ton per mile:

For all iron and other articles herein-before classed therewith, threepence per ton per mile;

For all sugar, grain, and other articles herein-before classed therewith, threepence halfpenny per ton per mile;

For all cotton, and other articles herein-before classed therewith, fourpence per ton per mile;

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence, and one penny halfpenny for every additional quarter of a ton weight which such carriage may weigh.

Passengers luggage.

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

Terminal station.

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

Restrictions as to charges not to apply to special trains.

63. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit,

but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

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

Company may take increased charges by agreement.

65. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him: Provided that the Company may pay to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Interest not to be paid out of capital.

66. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum of money which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or execute any other work or undertaking.

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

67. Nothing herein contained shall be deemed or construed to exempt the railway from the provisions of any general Act relating to railways, or the better or 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 tolls for small parcels, and the maximum rates of fares and charges, by this Act authorised.

Railway not exempt from provisions of present and future general Acts.

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

Expenses of Act.