



CHAPTER clxxxiii.

An Act for authorising the West Lancashire Railway Com- A.D. 1872.
pany to construct additional Lines of Railway, and for
conferring further powers upon them in relation to their
undertaking ; and for other purposes. [6th August 1872.]

WHEREAS by "The West Lancashire Railway Act, 1871," the 34 & 35 Vict.
West Lancashire Railway Company (in this Act called "the c. cc.
Company") were incorporated, and authorised to raise a capital of
one hundred and fifty-five thousand pounds in shares, and to borrow
not exceeding fifty-one thousand six hundred and sixty-six pounds,
and to make and maintain the West Lancashire Railway, being a
railway from Southport to Preston in the county of Lancaster :

And whereas the making of the railways by this Act authorised
would connect the West Lancashire Railway with the Lancashire
and Yorkshire Railway, and would be of public and local advantage,
and the Company are desirous and it is expedient that they be
authorised to construct the same :

And whereas it is expedient that the Company be authorised to
raise further moneys for the purposes of this Act :

And whereas it is expedient that the Company and all other
companies lawfully using the railways of the Company be authorised
to run over and use the portion in that behalf in this Act specified
of the Lancashire and Yorkshire Railway :

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 :

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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 :

Short title.

1. This Act may be cited for all purposes as "The West Lancashire Railway Act, 1872."

Provisions of general Acts herein named incorporated.

2. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters ; that is to say, the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of borrowed money into capital, the consolidation of shares into stock, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested, and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses 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.

Interpretation 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 railways" or "the undertaking" means the railways or the undertaking 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.

Power to make railways according to

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described,

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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,—

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deposited
plans.

A railway, Number 1, three furlongs two chains in length, situate wholly in the township of Penwortham in the parish of Penwortham in the county of Lancaster, commencing by a junction with the authorised railway (Number 3) of the Company, and terminating at the public road known as Tardy Gate Lane:

A railway, Number 2, one furlong eight chains twenty links in length, wholly situate in the said township of Penwortham and parish of Penwortham, commencing by a junction with railway Number 1 at its termination, and terminating five hundred and fifty yards or thereabouts south of the southern end of the bridge carrying the North Union Railway across the river Ribble:

A railway, Number 3, two furlings nine chains thirty links in length, commencing in the said township of Penwortham and parish of Penwortham by a junction with railway Number 2 at the termination thereof, and terminating in the township of Walton-le-Dale in the parish of Blackburn in the said county of Lancaster by a junction with the Lancashire and Yorkshire Railway:

A railway, Number 6, two furlongs three chains seventy links in length, wholly situate in the said township of Penwortham and parish of Penwortham, commencing by a junction with railway Number 1 near the termination thereof, and terminating by a junction with the authorised railway (Number 4) of the Company:

And the railways shall for the purposes of tolls and charges form part of the undertaking of the Company, and it shall be lawful for the Company to demand and receive in respect of each and every description of traffic upon the railways a like amount of tolls, fares, rates, and charges as by "The West Lancashire Railway Act, 1871," they are entitled to demand and receive with respect to the railway by that Act authorised: Provided always, that the Company shall complete the railways authorised by "The West Lancashire Railway Act, 1871," before they complete the construction of the railways by this Act authorised, or make a junction with the Lancashire and Yorkshire Railway.

5. The Company may from time to time raise (in addition to the capital which they are now authorised to raise) by the creation and

Power for
Company,
to raise

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additional
capital,

issue of new shares in the undertaking of the Company any further sum not exceeding forty-five thousand pounds, and may create and issue such shares as ordinary or preferential shares, or partly as ordinary and partly as preferential shares, as they may think fit.

Shares not
to issue
until one
fifth paid up.

6. 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.

New shares
to confer
like qualifi-
cation as
existing
shares.

7. Every person who becomes entitled to any new share created by the Company under this Act shall in respect of the same be a shareholder in the Company, and be entitled to the like rights of voting, and qualification and privileges, as the holders of the other shares of the capital of the Company, proportioned to the whole amount from time to time paid on the new shares.

Power to
divide
shares.

8. 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 the capital by this Act authorised to be raised into half shares, of which one shall be called "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.

9. 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 once for all 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

10. 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.

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the profits
of the year
only.

11. 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.

Half shares
to be regis-
tered, and
certificates
issued.

12. 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.

Terms of
issue to be
stated on
certificates.

13. 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.

Forfeiture of
preferred
shares.

14. 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 can-
celled, &c.

15. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person, shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before 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.

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Power to
borrow on
mortgage.

16. The Company may from time to time borrow on mortgage, in addition to the sums which they are now authorised to borrow, any sum not exceeding in the whole fifteen thousand pounds, but no part thereof shall be borrowed until the whole capital of forty-five thousand pounds by this Act authorised to be raised 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.

Arrears may
be enforced
by appoint-
ment of
receiver.

17. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than one thousand five hundred pounds in the whole.

Debenture
stock.

18. The Company may create and issue debenture stock.

Provision as
to interest
of debenture
stock.

19. Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," contained, the interest of all debenture stock at any time created or issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application
of moneys.

20. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only, and the Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have powers to raise by shares, debenture stock, or borrowing, by virtue of any Act relating to the Company, and which may not be required for the purposes to which they are by any such Act made specially applicable.

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

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Powers for compulsory purchases limited.

22. Nothing contained in this Act, or in the deposited plans and sections, shall authorise the Company to enter upon, take, or use any lands of the Lancashire and Yorkshire Railway Company in the township of Walton-le-Dale in the parish of Blackburn, excepting for the purpose of making the junction by this Act authorised between the railway numbered 3 herein-before described and the Lancashire and Yorkshire Railway; and the power of making the said junction, and of entering upon and taking the lands of the Lancashire and Yorkshire Railway Company for the purposes thereof, shall be subject to the provisions relating to junctions contained in "The Railways Clauses Act, 1863."

For the protection of the Lancashire and Yorkshire Railway Company.

23. The following restrictions and provisions shall apply to the works affecting the North Union Railway:

For protection of the North Union Railway.

(A.) All the works in, upon, or under the lands of the proprietors of the North Union Railway (herein-after called "the proprietors") for the purpose of carrying railways numbers 2 and 3 respectively under that railway shall be executed under the superintendence and to the reasonable satisfaction in all respects of the engineer of the North Union Railway, and at the expense of the Company; and the Company, in constructing the said railways and works where they will cross the North Union Railway, shall carry them under that railway by such means and in such manner only as not to interfere with the free, uninterrupted, and safe user of the North Union Railway, and so as to leave undisturbed all the existing lines thereof at the spot where they are so to be passed under; and the bridge by which the said railways and works shall be carried under the North Union Railway shall be of a clear width between the parapets of not less than seventy feet on the square, so as to enable the proprietors to widen their railway at such respective crossing:

(B.) The Company shall at all times maintain the arches, girders, or other works by which railways numbers 2 and 3 shall be carried under the North Union Railway in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the engineer of the North Union Railway, and if and whenever the Company fail so to do, the proprietors may make and do, in and upon

Maintenance of those works.

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as well the lands of the Company as their own lands, all such works and things as they may reasonably think requisite in that behalf, and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company; and in default of full repayment the amount due may be recovered, with full costs, by the proprietors from the Company in any court of competent jurisdiction :

Plans, &c.

(C.) The arches, girders, or other works by which railways numbers 2 and 3 respectively shall be carried under the North Union Railway, and all works and conveniences connected therewith respectively, shall be made only according to plans, elevations, and sections to be submitted by the Company to the engineer of the North Union Railway, and to be reasonably approved of by him in writing under his hand before any of those works are begun: Provided always, that such plans, elevations, and sections shall be approved or disapproved within one month after the same shall have been submitted to such engineer, and if any difference shall arise between the said engineer and the engineer of the Company, the same shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party :

Restricting
interference
with lands.

(D.) The Company shall not, without in every case the previous consent of the proprietors in writing under their respective common seals, take, use, enter upon, or interfere with any of the lands from time to time belonging to or in the possession or under the power of the proprietors, except only such parts of their lands as it shall be necessary for the Company to take, use, enter upon, or interfere with for the purpose of making and maintaining the railways numbers 2 and 3 respectively, and the necessary sidings and works connected therewith :

Traffic.

(E.) The Company shall not, in the execution of the works authorised by this Act, in any manner obstruct or interfere with the free, uninterrupted, and safe user of the North Union Railway, or any traffic thereon, and if by reason of any works or proceedings of the Company there shall be any obstruction or interference so as to impede or prevent the convenient passage of engines, carriages, or waggons along that railway, the Company

shall pay to the proprietors the sum of twenty pounds per hour by way of ascertained damages for every hour during which any such obstruction or interference shall continue : A.D. 1872.

(F.) The Company shall bear, and on demand pay to the proprietors, the expense of the employment by them, during the execution of the works affecting the North Union Railway, of a sufficient number of inspectors and watchmen to be appointed by the proprietors for watching their railway and its works, with reference to and during the execution of such intended works, and for preventing as far as may be all interference, obstruction, danger, and accident from any of the operations, or from the acts or defaults of the Company or their contractors, or any person or persons in the employ of the Company or of their contractors with reference thereto, or otherwise : Company to pay expenses of watchmen.

(G.) If by reason of the execution of any of the works or any proceedings of the Company, or the failure of any such works, or any act or omission of the Company or of their contractors, or of any persons in the employ of the Company or of their contractors, or otherwise, the North Union Railway or any of the works connected therewith, or any of the passengers or other traffic passing along the same, shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their own expense, or in the event of their failing so to do, then the proprietors may make good the same and recover the expense thereof, with full costs, against the Company in any court of competent jurisdiction ; and if any interruption shall be occasioned to the traffic on the North Union Railway by reason of any of the matters or causes aforesaid, the Company shall, in addition to the penalty lastly provided for, on demand pay to the proprietors all costs and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs, expenses, and compensation to be respectively recoverable, with full costs, by the proprietors from the Company in any court of competent jurisdiction : In case of injury, &c. Company to make compensation.

(H.) With respect to any lands of the proprietors which the Company is by this Act from time to time authorised to use, enter upon, or interfere with, the Company shall not purchase or take the same, but the Company may purchase and take, and the proprietors may and shall sell Company to acquire only easements in lands.

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and grant accordingly, an easement or right of using the same for the purposes for which, but for this enactment, the Company might purchase and take the same.

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

24. 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, the sum of two thousand four hundred pounds new three pounds per centum bank annuities, being equal to a sum of two thousand one hundred and seventy-two pounds, five per centum upon forty-three thousand four hundred and forty-one pounds, the amount of the estimate in respect of the railways originally proposed to be authorised by this Act, has been transferred into the name and with the privity of the Accountant General of 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 railways is twenty-seven thousand and thirty-four pounds, five per centum upon which is one thousand three hundred and fifty-two pounds: Be it therefore enacted, that notwithstanding anything contained in the said recited Act, so much of the said stock so transferred as aforesaid in respect of the application for this Act as was at the time of the transfer equal to the sum of one thousand three hundred and fifty-two pounds (and which is herein-after referred to as the transferred stock) shall not be 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 railways, either open the railways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade 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 railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said transferred stock shall be applied in the manner herein-after specified, and the certificate of the Board of Trade 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.

25. The said transferred stock 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 railways, 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 transferred stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said transferred stock, or such portion thereof as may not be required as aforesaid, shall be transferred 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 transferred stock shall have been transferred 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.

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Providing
for appli-
cation of
deposit in
compensa-
tion to
parties
injured.

26. 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 much of the said stock transferred as aforesaid as was at the time of the transfer equal to the sum of eight hundred and twenty 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.

Release of
balance of
stock.

27. The railways 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 railways, 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.

28. The Company and all other companies from time to time lawfully using any of the Company's railways may run over and use

Powers for
Company to
run over

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portion of
Lancashire
and York-
shire Rail-
way.

with their engines and carriages, waggons and trucks, and with their officers and servants, and for the purposes of their traffic of every description, the portion of railway following, and all sidings, stations, buildings, offices, warehouses, approaches, water supplies, telegraphs, signals, machinery, works, and conveniences on or connected or used with the same respectively; (that is to say,)

So much of the Lancashire and Yorkshire Railway as is situate and lies between the junction therewith of railway number 3 and the station at Blackburn in the county of Lancaster belonging to the Lancashire and Yorkshire Railway Company, including that station;

And the Company owning or working the portion of railway so run over and used shall afford all requisite facilities for the purpose.

Terms and
conditions
of running
over.

29. The terms and conditions on which the Company or such other companies as aforesaid shall be entitled to run over and use that portion of railway, and the works and conveniences connected therewith, shall be such terms and conditions as the companies interested from time to time agree on, or as, failing agreement between them, are from time to time determined by arbitration, in accordance with "The Railway Companies Arbitration Act, 1859."

Tolls on
railway run
over under
Act by
Company.

30. With respect to the portion of railway over which the Company or any company lawfully using their railway from time to time run, they respectively from time to time may demand and take for all passengers, animals, and things conveyed by them thereon, and for carriages, waggons, and trucks respectively conveying the same, and provided by them, and for locomotive engines or other power provided by them, and for all services performed by them thereon, and for all other matters with respect to traffic thereon, a like amount of tolls, fares, rates, or other charges as by the several Acts relating to that portion of railway are authorised to be demanded and taken for like traffic, services, and matters thereon, and in like manner and with and subject to like powers and provisions, and, where applicable, like limitation of maximum charges in all respects.

Protection
of local
traffic.

31. Nothing in this Act contained shall authorise the Company, or any other company using the railways of the Company, to carry or interfere with any traffic arising and terminating on the railways of the Lancashire and Yorkshire Railway Company.

As to
services
at stations.

32. The Lancashire and Yorkshire Railway Company shall perform upon the portion of railway herein-before specified all such services and duties as may be necessary or reasonable for the efficient and convenient conduct of the traffic herein-before mentioned of the

Company, upon payment of such charges for the same as may be agreed upon; and if any difference shall arise between the two companies as to the amount of such payments, or as to the nature, extent, or sufficiency of the services and duties so to be performed, such difference shall from time to time be settled by an arbitrator to be appointed at the request of either party by the Board of Trade, and the arbitrator to whom the matter may be referred may determine the amount of such payments, and prescribe what duties and services shall be so performed; and if he shall be of opinion that it is needful for the protection of the due working or development of the traffic of the Company, he may prescribe that the Company may employ at the said station at Blackburn such clerks, agents, and servants as he may by his award define, and he may likewise prescribe the accommodation that shall be given at such station to the said clerks, agents, and servants, and may lay down rules for their conduct, and may prescribe the payments to be made for the accommodation so afforded, and the awards made from time to time by the arbitrator shall be binding upon the companies and shall be obeyed by them respectively: Provided always, that the right to use the said station shall not be suspended during such arbitration.

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33. The Company, and all other companies from time to time lawfully using any of the Company's railways, in using or traversing the said portion of railway, and in using the said stations and conveniences thereof, in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the undertaking so used, so far as such byelaws shall be applicable to the Company.

Byelaws to be observed.

34. Where, under the provisions of this Act, traffic is conveyed partly on the railways of the Company and partly on the railway of any other company, the railways of the Company and the railway of such other company shall, for the purposes of tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railway of any other company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company and partly on the railway of any other company.

Tolls for traffic conveyed partly on Company's railways and partly on other railway.

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Interest not
to be paid
out of
capital.

35. The Company shall not, out of any money by this Act or any other Act relating to the Company authorised to be raised by calls, debenture stock, or 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."

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

36. The Company shall not, out of any money by this Act or any other Act relating to the Company 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.

Railways
not exempt
from pro-
visions of
present and
future gene-
ral Acts.

37. Nothing herein contained shall be deemed or construed to exempt the railways of the Company 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 the Company's Act authorised.

Expenses of
Act.

38. 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.