



CHAPTER ccxliv.

An Act for making a Light Railway between Knott End and Pilling in the County Palatine of Lancaster and for other purposes. A.D. 1898.
[12th August 1898.]

WHEREAS the making and maintaining of the railway herein-after described would be of public and local advantage :

And whereas the persons in this Act named with others are willing to carry the undertaking into execution on being incorporated into a Company for the purpose and having the powers herein-after contained conferred upon them :

And whereas it is expedient that the said railway should be constructed and worked as a light railway subject to the provisions of this Act and the Regulation of Railways Act 1868 :

And whereas by the Garstang and Knot End Railway Act 1864 the Garstang and Knot End Railway Company was incorporated and authorised to construct a railway between the Garstang and Catterall Station of the London and North Western Railway and Knott End but that company has not been able to construct such railway beyond its present termination at Pilling :

And whereas it is expedient in the interests of the towns of Blackpool and Fleetwood that the railway authorised by this Act should be made and that the powers herein-after contained with respect to the Garstang Company should be granted to the Company :

And whereas it is expedient that the Company should be authorised subject to the provisions of this Act to pay interest upon the amount paid up from time to time in respect of the shares in their capital as by this Act provided :

And whereas plans and sections showing the lines and levels of the railway authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which

A.D. 1898. — may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster and are herein-after referred to as the deposited plans sections and book of reference :

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

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

Short title. **1.** This Act may be cited as the Knott End Railway Act 1898.

Incorporation of Acts. **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 as amended by subsequent Acts the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

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

The expression "the Company" means the company incorporated by this Act ;

The expression "the Garstang Company" means the Garstang and Knot End Railway Company ;

The expression "the Garstang Railway" means the railway undertaking of the Garstang Company ;

The expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised.

Company incorporated. **4.** Harry Chandos Elletson James Cardwell Gardner Joseph Cumming Robert Cottam Frederick Altz Thomas Pearson Joseph Brierley Richard Hunt John Singleton and Alfred Tozer and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making

maintaining and working the railway and for other purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Knott End 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. A.D. 1898.

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 railway herein-after described with all proper stations sidings 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 book of reference as may be required for that purpose The railway herein-before referred to and authorised by this Act is— Power to make railway.

A railway four miles two furlongs and 7·70 chains in length commencing in the parish of Preesall-with-Hackensall at Knott End and terminating in the parish of Pilling by a junction with the Garstang and Knot End Railway.

6. The railway shall be constructed and worked as a light railway subject to the provisions of Part V. of the Regulation of Railways Act 1868. Railway to be a light railway.

7. The railway shall be made and maintained on a gauge of four feet eight and a half inches. Gauge of railway.

8. The capital of the Company shall be fifty thousand pounds in ten thousand shares of five pounds each. Capital.

9. ~~The Company shall not issue any share created under the authority of this Act nor shall any such 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 is paid in respect thereof.~~ Shares not to be issued until one-fifth paid.

10. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval 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.

11. If any money be payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipts in case of persons not sui juris.

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Power
to divide
shares.

12. 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 " preferred half share " and the other shall be called " deferred half share " but 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.

13. 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 pounds 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.

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

14. 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 regis-
tered and
certificates
issued.

15. 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 but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their

satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it. A.D. 1898.

16. 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.

17. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest. Forfeiture of preferred shares.

18. 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.

19. 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.

20. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole fifteen thousand pounds but no part of such sum of money shall be borrowed until the capital by this Act authorised is 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 such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital 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 persons to whom the same was issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and Power to borrow.

A.D. 1898. of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

21. The mortgagees of the undertaking 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 to arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

22. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

23. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First and subsequent ordinary meetings.

24. The first ordinary meeting of the Company shall be held within twelve months 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.

Number of directors.

25. The number of directors shall be five but the Company may from time to time reduce and increase the number of directors but so that the number shall not be less than three nor more than five.

Qualification of directors.

26. The qualification of a director shall be the possession in his own right of not less than forty shares.

Quorum of directors.

27. The quorum of a meeting of directors shall be three.

First directors.

28. Harry Chandos Elletson Arthur William Macnaghten Ernest Crosby and two other persons to be nominated by them or the majority of them and consenting to such nomination 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 A.D. 1898.
 At that meeting the shareholders present in person or by proxy
 may either continue in office the directors appointed by this Act
 or nominated as aforesaid or any of them or may elect a new Election of
 body of directors or directors to supply the place of those not directors.
 continued in office the directors appointed by this Act or nominated
 as aforesaid being if they continue 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 in person
 or by proxy shall (subject to the power herein-before contained
 for varying the number of directors) elect persons to supply the
 places of the directors then retiring from office agreeably to the
 provisions of the Companies Clauses Consolidation Act 1845 and
 the several persons elected at any such meeting being neither
 removed nor disqualified nor having died or resigned shall continue
 to be directors until others are elected in their stead in manner
 provided by the same Act.

29. The quantity of land to be taken by the Company by Lands for
 agreement for the extraordinary purposes mentioned in the extraordinary pur-
 Railways Clauses Consolidation Act 1845 shall not exceed five poses.
 acres but nothing in that Act or in this Act shall exempt the
 Company from any indictment action or other proceeding for
 nuisance in the event of any nuisance being caused or
 permitted by them upon any land so taken.

30. The powers of the Company for the compulsory purchase Period for
 of lands for the purposes of this Act shall cease after the compulsory
 expiration of three years from the passing of this Act. purchase of
 lands.

31. In altering for the purposes of this Act the roads next Inclinatio
 herein-after mentioned the Company may make the same of n of roads.
 any inclinations not steeper than the inclinations herein-after
 mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
14	Preesall-with-Hackensall	Public road -	1 in 30
27	Ditto - - - -	Ditto - - - -	1 in 30
39	Ditto - - - -	Ditto - - - -	1 in 30
67	Pilling - - - -	Ditto - - - -	1 in 30
84	Ditto - - - -	Ditto - - - -	1 in 30
105	Ditto - - - -	Ditto - - - -	1 in 50

32. The Company may make the roadway over the bridge Width of
 by which the following road will be carried over the railway of certain road-
 way.

A.D. 1898. such width between the fences thereof as the Company think fit not being less than the width herein-after mentioned (that is to say) :—

No. on Plans.	Parish.	Description of Roadway.	Width of Roadway.
27	Preesall-with-Hackensall	Public road	25 feet

Power to cross certain roads on the level.

33. The Company may subject as herein-after provided in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say) :—

No. on deposited Plans.	Parish.	Description of Road.
No. 14	Preesall-with-Hackensall	Public Road.
„ 39	Ditto - - -	Ditto.
„ 67	Pilling - - -	Ditto.
„ 84	Ditto - - -	Ditto.
„ 105	Ditto - - -	Ditto.

Power to take easements &c. by agreement.

34. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

For protection of United Alkali Company.

35. The following provisions shall have effect for the protection of the United Alkali Company Limited (in this section referred to as “the alkali company”) unless otherwise agreed in writing between the alkali company and the Company (that is to say) :—

(1.) The alkali company shall be entitled at their own expense at any time to construct maintain work and use—

(a.) A siding on the southerly side of the railway authorised by this Act situate wholly on land to be acquired by the Company under the powers of this Act and commencing at the point marked C on the plan which has been signed by the Right Honourable the

Earl of Morley the Chairman of the Committee to which the Bill for this Act was referred and which has been deposited with the Clerk of the Parliaments (herein-after called the said plan) and terminating at the point marked D on the said plan by a junction with the railway authorised by this Act ;

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- (b.) A siding on the northerly side of the railway authorised by this Act situate wholly on land to be acquired by the Company under the powers of this Act and commencing by a junction with such railway at the point marked E on the said plan and terminating at the point marked G on the said plan ;
- (c.) A siding on the southerly side of the railway authorised by this Act situate wholly on land to be acquired by the Company under the powers of this Act and commencing by a junction with the railway authorised by this Act at the point marked F on the said plan and terminating at the point marked H on the said plan ;
- (d.) If the Company shall not acquire the lands up to the points respectively marked C G and H on the said plan the lettered points shall be deemed to be shifted to the boundary of the lands acquired by the Company :
- (2.) The said junctions shall when requested by the alkali company be constructed by the Company at the cost and to the reasonable satisfaction of the engineer of the alkali company :
- (3.) The land necessary for the construction of the said sidings and junctions in the lines and situations shown on the ~~said plan shall be provided by the Company~~ free of cost to the alkali company and the latter company shall have a perpetual easement or right of maintaining working and using the said sidings and junctions on and over the land so provided on payment of one shilling per annum in respect of each siding :
- (4.) Each siding constructed under the provisions of this section shall be locked as against the running line of the Company and shall be unlocked only in conformity with the reasonable regulations that may be made by the Company :
- (5.) Subject as herein provided the alkali company shall be entitled to run over work and use with their engines waggons officers and servants so much of the railway authorised by this Act as may be necessary for the conveyance of such

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traffic from or to the point marked C on the said plan to or from the point marked G on the said plan and from or to the point marked C or G on the said plan to or from the point marked H on the said plan :

- (6.) The alkali company shall pay to the Company in respect of any portion of the said railway over which running powers may be exercised the sum of one penny per ton per journey :
- (7.) The alkali company shall have the use of such approaches signals and other apparatus works and conveniences of the Company as may be necessary to give effect to the foregoing provisions Provided that the alkali company in the exercise of the powers conferred by this section shall comply with and observe all such regulations as the Company may reasonably lay down for the purpose of preventing obstruction to or interference with the ordinary traffic of the said railway :

Any signals that may be required by the Board of Trade in connexion with the junctions mentioned in this section shall if a railway station be provided at Preesall be erected and worked by and at the expense of the Company but if no railway station be there provided the cost of erecting and working such signals shall be borne by the alkali company :

- (8.) The Company shall not take or interfere with any brine or other pipes belonging to the alkali company lying in any lands which may be acquired by the Company under this Act and if it shall be necessary to construct the railway or any of the works over any such pipes the Company shall at their own expense construct and maintain good and sufficient culverts over such pipes so as to leave the same accessible for the purpose of inspecting repairing and renewing the same :
- (9.) The alkali company shall be entitled to carry under across or alongside of the said railway brine water and gas pipes and to carry under over or alongside of the said railway telegraphic and telephonic wires without any payment for wayleave or otherwise but all works under this subsection shall be executed in accordance with plans and sections to be previously and reasonably approved of by the Company and to be constructed under the supervision of the Company's engineer Provided that so far as the railway is on embankment such pipes shall be laid (except where crossing the railway) between the foot of the embankment and the railway fence and in such position as the Company may reasonably determine :

(10.) Wherever the said railway crosses on the level any existing occupation road wholly belonging to the alkali company it shall be the duty of the Company to provide and maintain gates so that the use of every such road may be preserved: A.D. 1898.

(11.) Any difference arising between the alkali company and the Company with respect to the provisions of this section or with respect to any work to be executed or anything to be done thereunder shall on the application of either party be referred to be settled and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

36. In constructing and maintaining the works by this Act authorised and in exercising any powers by this Act conferred upon the Company the following provisions for the protection of the owners of the Quail Holme Estate (herein referred to as "the owners") shall have effect:— For protec-
tion of Quail
Holme
Estate.

(1.) The Company shall construct a good macadam road 36 feet in width alongside or near to the railway by this Act authorised from the Ferry Road to the proposed road to be called Pilling Road on the Quail Holme Estate and the Company shall have the said road completed and ready for traffic prior to the opening of the said railway and such road when constructed shall remain and be the property of and be maintained in good and proper repair by the Company until taken over by the local authority. Such road shall at all times be open for the use of the owners and all persons authorised by them to pass and repass with or without horses carts and carriages:

The Company shall not take under their powers of compulsory purchase any lands belonging to and forming part of the said estate within the limits of deviation on the east side of and immediately adjoining the said roadway:

(2.) The Company shall concede to the owners the same or similar accommodation works as were given or awarded by the arbitrator (Mr. Job Bentley) under the Garstang and Knot End Railway Act 1864 but this shall be taken in consideration in arriving at any compensation to be paid to the owners for severance of or for damage to the said estate:

(3.) If the owners shall require to lay a sewer or sewers under the railway at any point or points where the estate may be intersected by the railway the Company will at the request and expense of the owners and to their reasonable satisfaction construct and lay such sewers but the owners shall be liable for the expense of repairing and maintaining the same and

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they shall indemnify the Company against any loss or damage which may be sustained by reason of or in connexion with such sewers :

- (4.) If the Company shall acquire any portion of the Quail Holme Estate they shall also purchase within the limits of deviation so much of the estate as lies between the centre line of the railway and the River Wyre :
- (5.) If any difference shall arise between the owners and the Company touching this section or anything to be done or not to be done thereunder such difference shall be determined by an engineer to be appointed (unless otherwise agreed upon) by the Board of Trade on the application of either the owners or the Company.

For protec-
tion of
Bourne May
Estate.

37. The following provisions shall be in force for the protection of Mrs. Bourne May her heirs and assigns (herein referred to as "the owners") :—

- (1.) The Company shall purchase for the purposes of the railway the whole of the fields and properties numbered 1 2 3 4 and 5 on the deposited plans with the exception of such small portions of the fields numbered 4 and 5 as may be required by the owners for the purpose of extending their stable accommodation in connexion with the inn known as the Bourne Arms :
- (2.) The owners shall widen the road which runs from the Ferry Slip to the Bourne Arms to a width of forty-five feet and shall make and hereafter maintain and keep the said road in good and substantial repair until the same shall be taken over as a public road :
- (3.) The Company hereby agree to set back the building line of their station at Knott End to 30 feet from the south side of the last-mentioned road :
- (4.) The Company shall metal the level crossing numbered 14 on the deposited plans in the parish of Preesall and shall place and maintain gates at such crossing closed against the road and shall also provide a gatekeeper during the daytime to protect such crossing and when the traffic over such crossing shall become so heavy and numerous as to be a source of danger the Company shall construct and maintain a bridge for carrying the roadway over the said level crossing and when such bridge has been completed and opened for traffic the level crossing may be closed :
- (5.) If at any time any land is required by the Company for the construction of a cottage for the use of such gatekeeper

as aforesaid the same shall be provided by the owners at a fair and reasonable price : A.D. 1898.

- (6.) The Company shall metal and maintain the level crossing numbered sixteen in the parish of Preesall on the deposited plans and shall place gates at such crossing closed against the road :
- (7.) If the Company in the construction of their railway or works interfere with any of the owners' land they shall make good any such damage by the construction of all necessary and reasonable accommodation works and the same shall be made or constructed to the reasonable satisfaction of Mr. Thomas Fair or other the agent of the owners :
- (8.) The Company shall not acquire the field numbered 189 on the deposited plans and if in the construction of their railway or works the level of so much of Preesall Road as fronts on the said field is raised they shall make an equally good and convenient access to the said field :
- (9.) If any difference shall arise between the owners and the Company touching the preceding provisions of this section or anything to be done thereunder such difference shall be determined by Sir Joseph Leese Q.C. or him failing by an engineer to be appointed (unless otherwise agreed upon) by the Board of Trade on the application of either party :
- (10.) The Company shall not in competition with the Bourne Arms Inn apply for a licence to sell intoxicating liquors at their station at Knott End unless and until the traffic passing from and to such station renders it necessary or desirable that they should do so.

38.—(1.) The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

(2.) For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

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—
Agreements
with
Fleetwood
Council.

39. The Company on the one hand and the urban district council of Fleetwood on the other hand are hereby empowered to enter into and carry into effect contracts agreements and arrangements for the following purposes or any of them :—

- (1.) The granting of a rebate upon all passengers or goods passing from or to the railway to or from the ferry across the River Wyre belonging to the council ;
- (2.) The issue of joint tickets and the regulation collection transmission and delivery of traffic upon or coming from or destined for the railway and ferry aforesaid ;
- (3.) The working of the said ferry by the Company and the rent terms and conditions thereof ;
- (4.) The appointment of officers and servants for the conduct of the traffic aforesaid.

Deposit
money not to
be repaid
except so far
as railway is
opened.

40. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of two thousand one hundred and forty-two pounds being five per centum upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund 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 (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient

evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding. A.D. 1898.

41. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has 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 depositors. Application of deposit.

42. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

43. The Company may demand and take for the use of the railway by any other company or person with engines and carriages such reasonable tolls as they think fit. Tolls.

44. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations Rates for merchandise.

A.D. 1898. and provisions contained in the schedule to the Railway Rates and Charges No. 2 (Brecon and Merthyr Tydfil Junction Railway &c.) Order Confirmation Act 1892 shall be applicable and apply to the Company as if it were one of the railway companies named in the Order confirmed by the said Act :

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Charges for small parcels.

45. For the conveyance on the railway of small parcels not exceeding five hundred pounds in weight by passenger trains the Company may demand and take any charges not exceeding the following (that is to say) :—

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds but 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 ;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum 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.

Maximum rate for passengers.

46. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including every expense incidental to such conveyance shall not exceed the following (that is to say) :—

For every passenger conveyed in a first-class carriage threepence per mile ;

For every passenger conveyed in a second-class carriage twopence per mile ;

For every passenger carried in a third-class carriage one penny per mile ;

For every passenger conveyed on the railway for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

47. 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. A.D. 1898.
Passengers' luggage.

48. 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 upon the railway. Foregoing charges not to apply to special trains.

49. The Company on the one hand and the Garstang Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 to 1888 enter into and carry into effect contracts agreements and arrangements with respect to the exercise of the running powers herein-after conferred and to the working use management and maintenance of the railway by this Act authorised or any part thereof and the stations stopping places sidings turntables junctions approaches works and conveniences in connexion with the said railway and the works connected therewith and the conveyance of traffic the supply under any agreement for the railway or any part thereof being worked and used by the Garstang Company of stock and plant necessary for the purposes of such agreement and the employment of officers and servants for the conveyance and conduct of traffic thereon the regulation collection transmission and delivery of the traffic thereon the payments to be made and the conditions to be performed with respect to purposes aforesaid or any of them and the collection and payment of the tolls rates income and profits arising in respect of traffic. Power to enter into agreements.

50. The Company and any company or persons lawfully working or using the railway of the Company or any part thereof by agreement or otherwise may run over work and use with their engines carriages and waggons officers and servants for the purposes of traffic of every description the railway of the Garstang Company together with the use of all stations sidings platforms buildings offices points signals telegraphs junctions approaches roads water watering places and water engines engine sheds standing room for engines and carriages booking and other offices warehouses machinery works and conveniences on or connected or used with the aforesaid railway so to be Power to use other railway.

A.D. 1898. run over and used and as regards traffic of every description conveyed by them the Company may demand and take rates and charges upon and in respect of such railway not exceeding the rates and charges which the Garstang Company are entitled to demand and take.

Terms of such user.

51. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or such other company or persons as aforesaid for and in respect of the use of the said portions of railway stations works and conveniences shall be such as are agreed upon between them and the Garstang Company or failing agreement as may be determined by the railway and canal commissioners or any two of them on the application of either of the companies or persons interested.

Power to pay interest out of capital during construction.

52. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

(a.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :

(b.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :

(c.) The aggregate amount to be so paid for interest shall not exceed fifteen hundred pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :

(d.) Notice that the Company have power to pay interest out of capital shall be given in every prospectus advertisement

or other document of the Company inviting subscriptions for shares and in every certificate of shares :

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(e.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

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

54. Except as in this Act specially provided nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Provision as to general Railway Acts.

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

Costs of Act.

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