

forty-six all the Persons who were then Directors of the said Railway Company, excepting One, and also the then Clerk of the said Company, resigned their said Offices; and at a Special General Meeting of the Proprietors of the said Railway Company held in the Month of *April* One thousand eight hundred and forty-seven certain other Persons were elected as Directors of the said Railway Company in conjunction with the continuing Director, and *Robert Cartmel Rawlinson* was elected Clerk of the said Railway Company; and in the Month of *May* One thousand eight hundred and forty-seven the then Treasurer of the said Railway Company resigned his Office, and at a Special General Meeting of the Proprietors of the said Railway Company held on the Twenty-ninth Day of *June* One thousand eight hundred and forty-seven *John Hadwen* was elected Treasurer of the said Company; and since the holding of the said Special General Meeting in the Month of *April* One thousand eight hundred and forty-seven certain of the Directors then elected have gone out of Office, and others have been elected in their Place, in accordance as far as might be with the Provisions of the said firstly-recited Act: And whereas the several Persons now acting respectively as Directors, Clerk, and Treasurer of the said Railway Company were not duly appointed, and it is expedient that their Appointment should be confirmed: And whereas in the Year One thousand eight hundred and forty-two an Agreement was entered into between several Persons acting as Directors of the said *Lancaster and Preston Junction* Railway Company and the Committee of Management of the Company of Proprietors of the *Lancaster* Canal Navigation, for a Lease of the said Railway and the Buildings and Works connected therewith, and other Property, to the said Company of Proprietors of the *Lancaster* Canal Navigation for a Term of Twenty-one Years, to commence from the First Day of *September* One thousand eight hundred and forty-two, at the yearly Rent of Thirteen thousand three hundred Pounds, payable half-yearly on the First Day of *March* and the First Day of *September* in every Year, which Agreement was submitted to and approved by a Majority of the Proprietors present at Meetings of the said Two Companies respectively convened for the Purpose: And whereas by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to the Lancaster and Preston Junction Railway*, the said Railway Company was empowered in manner therein mentioned to lease their said Railway and Works, Rates and Tolls, and other Property to the said Company of Proprietors of the *Lancaster* Canal Navigation, or such other Company or Persons as therein mentioned, for any Term not exceeding Twenty-one Years, with such Powers, Privileges, and Authorities as therein mentioned, and such last-mentioned Companies and Persons were authorized to accept such Lease: And whereas no Lease of the said Railway, Property, and Effects to the said Company of Proprietors of the *Lancaster* Canal Navigation, or to any other Company or Person, hath yet been executed, but the said Company of Proprietors of the *Lancaster* Canal Navigation has been in the actual Possession of the said Railway from the First Day of *September* One thousand eight hundred and forty-two under the said Agreement, and has paid the said reserved Rent up to the First

6 & 7 Vict.
c. 4.

Day of *March* One thousand eight hundred and forty-eight, but the said *Lancaster and Preston Junction* Railway Company dispute the Right of the said Canal Company to have a Lease granted to them under the said Agreement, and Disputes subsisted between the said Companies respecting the same, and a Suit in Equity touching the same is now pending: And whereas for the settling the said Disputes an Agreement was entered into, dated the Thirteenth Day of *November* One thousand eight hundred and forty-eight, between Three of the Committee of the said Canal Company of the one Part, and Three Persons therein described as the Chairman and Two of the Directors of the said Railway Company of the other Part, whereby it was (amongst other things) agreed that the said Canal Company should abandon the Possession of the said Railway and Works, and should receive an annual Sum of Four thousand eight hundred and seventy-five Pounds, payable half-yearly, during the Residue of the said Term of Twenty-one Years, with Power for the said Railway Company at their Option to redeem the said annual Sum in manner herein-after provided: And whereas the said last-mentioned Agreement has been submitted to and adopted by Special General Meetings of both the said Companies, and it is expedient that the same should be carried into effect: And whereas it would be attended with much public Convenience, and would tend to the Prevention of Danger and Interruption to the Traffic passing along the said *Lancaster and Preston Junction* Railway and the *Lancaster and Carlisle* Railway, if the said *Lancaster and Preston Junction* Railway were placed under the same Management as the said *Lancaster and Carlisle* Railway; and with a view to securing the Object aforesaid the said *Lancaster and Preston Junction* Railway Company are willing to relinquish the Control and Management of the said *Lancaster and Preston Junction* Railway, and to transfer the same to the said *Lancaster and Carlisle* Railway Company, upon being guaranteed such Participation in the Profits to arise upon or in respect of the working of the said Railway and of the said *Lancaster and Carlisle* Railway as is herein-after mentioned: And whereas it is also expedient that the Tolls and Rates now authorized to be taken for the Use of the said Railway should be revised; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Privileges, Matters, and Things contained in the said recited Acts or any of them (so far as the same are now unrepealed, and are not by this Act repealed, altered, or otherwise provided for, or inconsistent herewith,) shall extend to this Act and to the Directors hereby authorized to be elected, and to the several Acts, Purposes, and Things hereby authorized, as fully and effectually as if the same Powers, Provisions, Privileges, Matters, and Things were herein repeated and re-enacted in reference to this Act, and to such Acts, Purposes, and Things.

Powers of
recited Acts
extended to
this Act.

II. And

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Deeds, Instruments, and Proceedings, it shall be sufficient to use the Expression "The *Lancaster and Preston Junction* Railway Amendment Act, 1849."

So much of first-recited Act as relates to holding Meeting in June repealed.

III. And be it enacted, That so much of the said first-recited Act as provides that the annual General Meeting of the said *Lancaster and Preston Junction* Railway Company shall be held in the Month of *June* in each and every Year shall be and the same is hereby repealed.

General Annual Meetings to be held in September.

IV. And be it enacted, That the annual General Meetings of the said *Lancaster and Preston Junction* Railway Company shall be held in the Month of *September* in each and every Year, and all such General Meetings shall be held at such Place and shall be convened by such Notice, and may be adjourned in such Manner as is directed by the said firstly-recited Act in reference to the annual General Meetings of the said Railway Company therein mentioned, and shall and may have and exercise all such Powers and Authorities, and may transact such Business, as any annual General Meeting held under the Powers of the said firstly-recited Act would have had or might have exercised or transacted if this Act had not been passed.

Confirming Election of Directors.

V. And be it enacted, That the several Persons respectively now acting as Directors of the said *Lancaster and Preston Junction* Railway Company, and as Treasurer and Clerk of the said Railway Company, shall, as between them and the several Shareholders of the said Company, be deemed and taken to have been duly elected and appointed to the same Offices respectively in accordance with the Provisions of the said firstly-recited Act, and the said several Persons now acting as Directors shall on the passing of this Act cease to be Directors of the said Company, but shall be eligible if otherwise qualified to be elected under the Provisions of this Act.

General Meeting to elect Directors.

VI. And be it enacted, That a General Meeting of the said *Lancaster and Preston Junction* Railway Company shall be held on the Second *Wednesday* next after the passing of this Act at the Station of the said Railway Company in *Lancaster* in the County of *Lancaster* at the Hour of One of the Clock in the Afternoon, and the Proprietors present at such Meeting shall vote, and the Business of such Meeting shall be transacted in all respects in the same Mode, or as near thereto as Circumstances will permit, as if the same Meeting were a General Meeting held under the Provisions of the said first-recited Act; and at the said Meeting so to be held on the said Second *Wednesday* after the passing of this Act under the Provisions hereof, or some Meeting to be held by Adjournment therefrom, the Proprietors then present, either personally or by Proxy, shall elect Nine Persons (qualified as in the said first-recited Act is in that Behalf mentioned) to be the Directors of and to manage the Affairs of the said Company; and the several Persons so to be elected shall be the Directors of the said Company, and, subject to the Provisions

visions of this Act, shall have all such and the same Rights, Powers, Authorities, and Privileges, and be subject to such and the same Liabilities, Restrictions, and Provisions, as the Directors appointed or elected under the said first-recited Act had or were subject to under the said several herein-before recited Acts or any of them; and it is hereby directed that Notice of the said Time and Place of holding such Meeting shall be given by Advertisement inserted in One or more Newspaper or Newspapers published in the said County of *Lancaster* previous to the holding of the said Meeting, such Notice to be signed by One or more Shareholder or Shareholders in the said *Lancaster and Preston Junction Railway Company*.

VII. And be it enacted, That at the General Meeting of the said *Lancaster and Preston Junction Railway Company* in the Month of *September* One thousand eight hundred and fifty One Third of the Directors who have been elected as herein-before mentioned (to be determined by Ballot among themselves, unless they shall otherwise agree) shall go out of Office; and at the General Meeting of the said Railway Company to be held in the Month of *September* One thousand eight hundred and fifty-one Three of the remaining Directors who shall have been so primarily elected as aforesaid, to be determined in like Manner, shall go out of Office; and at the General Meeting of the said Railway Company to be held in the Month of *September* One thousand eight hundred and fifty-two the Remainder of the said Directors who shall have been so primarily elected as aforesaid shall go out of Office; and at the General Meeting of the said Railway Company to be held in the Month of *September* in every subsequent Year Three of the Directors who shall have been longest in Office shall go out of Office; and in all the Instances aforesaid the Place of the retiring Directors shall be supplied by an equal Number of Shareholders in the said Railway Company, qualified as in the said first-recited Act mentioned, and to be elected by the said Railway Company.

Rotation of
Directors.

VIII. And be it enacted, That each of the following Persons, *viz.*, *John Hadwen* of *Lancaster*, the Person now holding the Office of Treasurer, and *Robert Cartmel Rawlinson* of *Lancaster* aforesaid, the Person now holding the Office of Clerk of the said Railway Company, shall respectively continue to hold his said Office until he shall die or resign, or be removed from the said Office, and shall have all such and the same Rights, Powers, Authorities, and Privileges, and be subject to such and the same Liabilities, Restrictions, and Provisions, as Persons appointed to the same Office under the said first-recited Act had or were subject to under the said several herein-before recited Acts or either of them.

Present
Treasurer
and Clerk to
continue.

IX. And be it enacted, That when and so often as any Directors of the said *Lancaster and Preston Junction Railway Company* shall die or resign, or become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the then remaining Directors, if they shall think proper

As to filling
up occasional
Vacancies in
Direction.

[Local.]

16 F

so

so to do, to elect some other Proprietor, duly qualified, to be a Director; and every such Proprietor so elected to fill up any Vacancy shall continue in Office as a Director as long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office, and shall go out of Office in like Manner as such Person would have done, and his Place shall be supplied in like Manner as the Place of such Person in whose Stead he may have been elected would have been supplied.

Provision for Failure of Quorum of Directors.

X. And be it enacted, That if at any Time after the Election of Directors herein-before directed to be made the Number of Directors of the said *Lancaster and Preston Junction* Railway Company shall from any Cause be less than Five, or there shall be no Directors of the said Railway Company, it shall be lawful for any Five or more Proprietors of the said Railway Company holding in the aggregate One hundred Shares or upwards in the said Undertaking to call a Special General Meeting of the said Railway Company, by giving Fourteen Days Notice thereof in One or more *Lancaster, Manchester, Liverpool, and Preston* Newspapers, and the said Railway Company are hereby authorized to meet in pursuance of such Notice, and the Business at such Meeting shall be conducted in the same Mode, or as near thereto as Circumstances will permit, as at any General Meeting of the said Railway Company under the Provisions of the said first-recited Act; and the Proprietors then present, either personally or by Proxy, shall elect a sufficient Number of Persons, duly qualified as aforesaid, to be Directors in the Place and Stead of the several Persons who shall have died, resided, become incompetent or disqualified, or otherwise ceased to be such Directors as aforesaid, and each of the said Persons so to be elected as last aforesaid shall be elected specifically in the Place or Stead of some of the said Persons who shall have so ceased to be such Directors as aforesaid, and shall remain and continue to be such Director so long only as such Person in whose Place and Stead he shall be so elected would have continued to be such Director if he had not died, resigned, become incompetent or disqualified, or otherwise ceased to be such Director as aforesaid, and no longer, and shall go out of Office in like Manner as such Person would have done, and his Place shall be supplied in like Manner as the Place of such Person in whose Stead he may have been elected would have been supplied, and no other Business than the said Election shall be transacted at such Special General Meeting.

Acts of Directors not to be invalid by reason of Informality in their Appointment.

XI. And be it enacted, That all Acts hereafter to be done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.

As to closing Transfer Books.

XII. And be it enacted, That it shall be lawful for the Directors of the said *Lancaster and Preston Junction* Railway Company to close

close the Register Book of Transfers of Shares for a Period not exceeding Fourteen Days previous to every annual General Meeting of the said Railway Company, and they may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper published in the County of *Lancaster*; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the said Railway Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such annual General Meeting.

XIII. And be it enacted, That the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Consolidation of Shares into Stock, shall be incorporated with this Act and the herein-before in part recited Act, and in construing the said Clauses and Provisions the Expression "the Company" shall mean the *Lancaster and Preston Junction* Railway Company, and the Expression "the special Act" shall include as well this Act as the said herein-before recited Acts.

For Consolida-
tion of
Shares into
Stock.

XIV. And be it enacted, That as and from the Day of the passing of this Act all the Estate, Right, and Interests of the said Canal Company in the said Agreement made in the Year One thousand eight hundred and forty-two, and of and in the said Railway and Premises under or by virtue of the said Agreement, or otherwise howsoever (except as provided by this Act), shall absolutely cease and determine.

Interest of
Canal Com-
pany in Rail-
way to cease
on passing of
this Act.

XV. And be it enacted, That from and after the passing of this Act the Rent payable by the said Canal Company under the said Agreement of the Fourteenth Day of *July* One thousand eight hundred and forty-two shall cease and determine, and the said Canal Company shall pay or allow to the said *Lancaster and Preston Junction* Railway Company such a Sum of Money as will bear the same Proportion to the said Sum of Thirteen thousand three hundred Pounds, being the Rent agreed to be reserved by the said Agreement of the Fourteenth Day of *July* One thousand eight hundred and forty-two, as the Period of Time which shall have elapsed from the First Day of *March* One thousand eight hundred and forty-nine and the passing of this Act will bear to a whole Year, and also shall pay and discharge such Portion of the Rates, Taxes, Rents, Interest on Mortgage Debt, and other Monies payable by them in respect of the said Railway and Premises as shall be proportionate to the Period of Time which shall have elapsed from the First Day of *March* One thousand eight hundred and forty-nine and the passing of this Act, and also all Arrears of the said Rent or annual Sum of Thirteen thousand three hundred Pounds and other Monies due and owing to the said Railway Company in respect of the said Railway and Premises on the said First Day of *March* One thousand eight hundred and forty-nine, and such Interest (if any) as shall be payable on the said Arrears of the said Rent, pursuant to the said Agreement of the Thirteenth Day of *November* One thousand eight hundred and forty-eight.

Canal Com-
pany to pay
a Proportion
of the yearly
Rent.

XVI. And

Annual Sum of 4,875*l.* to be paid by the Railway Company to the Canal Company.

XVI. And be it enacted, That on the First Day of *September* next after the passing of this Act the said *Lancaster and Preston Junction* Railway Company shall pay to the said Canal Company such a Sum of Money as shall bear the same Proportion to the Sum of Four thousand eight hundred and seventy-five Pounds as the Period of Time which will have elapsed between the passing of this Act and that Day shall bear to a whole Year; and that from and after the said First Day of *September* next after the passing of this Act the said Railway Company shall yearly and every Year, until and inclusive of the First Day of *September* One thousand eight hundred and sixty-three, pay to the said Canal Company the Sum of Four thousand eight hundred and seventy-five Pounds, by equal half-yearly Payments, on the First Day of *March* and the First Day of *September* in every Year: Provided always, that it shall be lawful for the said Railway Company to deduct from the Annuities so to be paid by them to the said Canal Company, or from the Money to be paid by them for the Redemption of the said Annuity if they should determine to redeem the same, any Monies which may from Time to Time be due to the said Railway Company from the said Canal Company on account of the said Rent of Thirteen thousand three hundred Pounds or otherwise, but without Prejudice to the other Rights and Remedies of the said Railway Company for the Recovery of such Monies.

The annual Sum of 4,875*l.* charged on the Railway.

XVII. And be it enacted, That (subject to the existing Mortgage Debt of One hundred and thirteen thousand Pounds of the said *Lancaster and Preston Junction* Railway Company, and to the Rights and Remedies of the respective Mortgagees for Recovery of the Principal Monies and Interest due thereon) the Sums hereby made payable by the said Railway Company to the said Canal Company shall be and the same are hereby charged upon the said Railway, and upon the Rates, Tolls, and Charges by the said recited Acts or by this Act authorized to be made and collected, and shall be from Time to Time fully paid or provided for before any Money is paid or appropriated to or for the Shareholders in the said Railway Company by way of Dividend, Interest, or otherwise.

For Recovery of annual Sum of 4,875*l.* in case of Arrears.

XVIII. And be it enacted, That after full Payment and Satisfaction of all Monies due from the said Canal Company to the said *Lancaster and Preston Junction* Railway Company, then and when and so often as any half-yearly Payment of the said annual Sum or yearly Rent of Four thousand eight hundred and seventy-five Pounds shall be in arrear and unsatisfied for the Space of Thirty Days after the half-yearly Day on which the same shall be payable as aforesaid, and if for Seven Days after Demand thereof in Writing the same shall not be paid, it shall be lawful for the said Company of Proprietors of the *Lancaster* Canal Navigation to apply to Two Justices of the Peace for the County of *Lancaster* in Petty Sessions assembled not interested in the Matter; and it shall be lawful for such Justices, after hearing the Parties and having reference to the Rights of the Mortgagees of the said Railway in respect of the said Debt of One hundred and thirteen thousand Pounds, and of the Tolls, Rates, and Duties arising thereon, by Order in Writing to appoint

appoint some Person to collect and receive the whole or a competent Part of the Tolls, Rates, and Duties payable in pursuance of this Act or the said recited Acts, or any of them; and the Money so to be received by such Person shall (subject to the Payment of the working Expenses of the said Railway, and to the Rights and Privileges of the said Mortgagees of the said Railway Tolls, Rates, and Duties for the Time being in respect of the said Debt of One hundred and thirteen thousand Pounds) be so much Money received to the Use of the said Company of Proprietors of the *Lancaster Canal Navigation* until all Arrears of the said annual Sum or yearly Rent of Four thousand eight hundred and seventy-five Pounds, together with all Costs and Charges occasioned by the Nonpayment thereof, including the Costs and Charges of recovering the said Tolls, Rates, and Duties, shall be fully paid and satisfied; and that after the Arrears of the said annual Sum or yearly Rent of Four thousand eight hundred and seventy-five Pounds, and all such Costs and Charges as aforesaid, shall be paid and satisfied, the Power and Authority of such Receiver shall cease and determine, or otherwise the said Arrears of the said annual Sum or yearly Rent of Four thousand eight hundred and seventy-five Pounds shall and may be sued for and recovered, with Costs, in an Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

XIX. And be it enacted, That it shall be lawful for the said *Lancaster and Preston Junction* Railway Company at any Time hereafter, if they think fit so to do, to redeem the said annual Sum of Four thousand eight hundred and seventy-five Pounds upon the Terms following; (that is to say,) on or at any Time before the Thirteenth Day of *May* One thousand eight hundred and fifty, at a Sum to be calculated on the Basis of *Inwood's* Tables, Sixth Edition, One thousand eight hundred and thirty-two, Table One, at the Rate of Five Pounds *per Centum per Annum* Compound Interest, and at any Time after the said Thirteenth Day of *May* One thousand eight hundred and fifty, at a Sum to be calculated on the same Basis at the Rate of Four Pounds Ten Shillings *per Centum per Annum* Compound Interest; and it shall be lawful for the said Canal Company to release the same, and for both the said Companies to enter into, execute, and complete all such Acts, Deeds, Instruments, Matters, and Things as may be necessary or proper for effecting such Purpose, and for carrying such Redemption into effect: Provided always, that all such Deeds and Instruments shall be duly stamped, and the Consideration for the same shall be fully set forth therein.

Railway Company may buy up the Annuity of 4,875*l.*

XX. And be it enacted, That in case the said *Lancaster and Preston Junction* Railway Company shall determine upon the Redemption of the said annual Sum of Four thousand eight hundred and seventy-five Pounds, it shall be lawful for the said Railway Company, by an Order to be made at any General or Special General Meeting to be called for that Purpose, to raise by the Creation of new Shares in the Undertaking of the said Railway Company, and by Mortgage of the Proportion of the Profits and Revenue to arise

Power to raise Money to buy up said annual Sum of 4,875*l.*

and become payable to the said *Lancaster and Preston Junction* Railway Company under the Provisions of this Act, or by either of those Means, such a Sum of Money not exceeding the Sum of Fifty thousand Pounds as may be necessary for completing such Redemption, and to fix the Number and Amount of such Shares, and to direct at what Time or Times and in what Instalment or Instalments the Amount of such Shares shall be paid up: Provided always, that the Amount to be so borrowed on Mortgage as aforesaid shall not exceed One Third of the whole Sum so authorized to be raised, and that no Money shall be so borrowed until the whole of the Money to be raised by Shares shall have been subscribed for, and One Half thereof shall have been actually paid up.

Existing
Mortgage
Debt to have
Priority.

XXI. Provided always, and be it enacted, That all Monies borrowed under the Powers of the said recited Acts shall have Priority over and be paid in preference to the Monies by this Act authorized to be borrowed on Mortgage.

Provisions of
secondly-re-
cited Act as
to Shares and
Mortgages
to apply to
this Act.

XXII. And be it enacted, That all the Powers and Provisions of the said firstly and secondly recited Acts so far as the same are now in force with respect to the Shares and Mortgages thereby authorized to be created and made, and to the Money thereby authorized to be raised, and to the Right of voting in respect of such Shares, shall (except so far as the same are by this Act varied, altered, or otherwise provided for,) apply to the Shares and Mortgages hereby authorized to be created and made, and to the Money hereby authorized to be raised, as fully and effectually as if the same Powers, Provisions, and Clauses were herein repeated and re-enacted with reference to the Shares and Mortgages hereby authorized to be created and made, and the Money hereby authorized to be raised.

Application
of Monies
raised under
this Act.

XXIII. And be it enacted, That all Monies to be raised under the Powers of this Act shall be applied for the Purposes of this Act only, and for no other Purpose whatsoever.

Lancaster
and Preston
Railway to be
transferred
to the said
Lancaster
and Carlisle
Railway
Company.

XXIV. And be it enacted, That, subject to the Provisions hereinafter contained, the said *Lancaster and Preston Junction* Railway, and all Branches, Works, Lands, Buildings, Machinery, Rails, and Conveniences connected therewith, and all other the Property of or belonging to the said *Lancaster and Preston Junction* Railway Company (save and except such as is comprised in the Schedule (A.) to this Act annexed), and all Deeds and Evidences of Title relating thereto, shall by force of and immediately upon the passing of this Act be transferred to and vested in the said *Lancaster and Carlisle* Railway Company, their Successors and Assigns, and that all the Powers, Rights, Privileges, and Authorities of the said *Lancaster and Preston Junction* Railway Company in relation to the Management, Control, and Disposition of the said Railway and the Traffic thereupon, and of the said Lands, Buildings, Works, or Conveniences (except as before is excepted), and to the Imposition and Collection of Tolls, Rates, and Charges conferred by the said recited Acts or any of them, shall and may from and after the passing of this Act

be

be exercised by and in the Name of the said *Lancaster and Carlisle* Railway Company.

XXV. And be it enacted, That from and after the passing of this Act the several Provisions in the said recited Acts with regard to the Maintenance, Use, Protection, and Management of the said Railway, and the fixing, Regulation, and Recovery of the Tolls and Charges to be taken thereon, shall be read and construed in favour of and against the said *Lancaster and Carlisle* Railway Company, their Directors, Officers, and Servants, as if the said last-mentioned Company, their Directors, Officers, and Servants, had been named or specifically referred to in such Provisions in lieu of the said *Lancaster and Preston Junction* Railway Company, and the Directors, Officers, and Servants of the said last-mentioned Company.

Name of
Lancaster
and Carlisle
Company to
be read in
Substitution
of the Lan-
caster and
Preston
Junction
Railway
Company.

XXVI. And be it enacted, That the said *Lancaster and Preston Junction* Railway Company shall from and after the passing of this Act be entitled to participate in the Profits and Revenue to arise upon or in respect of the Use or working of the said *Lancaster and Preston Junction* Railway and of the said *Lancaster and Carlisle* Railway, and of all Branches, Works, Lands, Buildings, Machinery, Rails, and Conveniences connected therewith, and of the Proceeds of all the Property of or belonging to the said *Lancaster and Carlisle* Railway Company (save and except such as is comprised in the Schedule (B.) to this Act annexed) to the Extent of Seven Twenty-second Parts of such Profits and Proceeds, which Proportion of the said Profits and Proceeds shall, unless it shall be otherwise agreed between the said Two Companies, be paid to the said *Lancaster and Preston Junction* Railway Company half-yearly by the said *Lancaster and Carlisle* Railway Company; and it shall not be lawful for the said *Lancaster and Carlisle* Railway Company (save as by this Act otherwise specifically provided) to pay or divide any Portion of the Profits which may arise from the working of the said Two Railways or either of them after the passing of this Act, or to pay or divide the Proceeds which may arise from the Sale or from the Income of any Property now belonging to them or hereby vested in them, or which may hereafter be acquired by them by means of any Funds in which the *Lancaster and Preston Junction* Railway Company are by this Act entitled to participate (other than such as is comprised in the Schedule (B.) to this Act annexed), to or amongst the Proprietors in the said *Lancaster and Carlisle* Railway without at the same Time or previously paying Seven Twenty-second Parts of the said Profits, Proceeds, and Income to the said *Lancaster and Preston Junction* Railway Company; and if at any Time after the passing of this Act the said *Lancaster and Carlisle* Railway Company shall pay any Dividend to or amongst any of the Shareholders in the said last-mentioned Company arising as aforesaid, without at the same Time or previously paying to the said *Lancaster and Preston Junction* Railway Company such Proportion of the said Profits, Proceeds, and Income as aforesaid, it shall be lawful for the said last-mentioned Company to recover the

Considera-
tion for
Transfer.

the same, or any Part thereof which may be due or in arrear, from the said *Lancaster and Carlisle* Railway Company, their Successors or Assigns, together with all Costs, Charges, and Expenses which shall be occasioned by reason or in consequence of any such Default, by all or any One or more of the Means following; that is to say, either by Action of Debt or by Suit in any of the Superior Courts of Law or Equity, or by forthwith entering into and upon the *Lancaster and Carlisle* Railway and the *Lancaster and Preston Junction* Railway, or either of them, or any of the Lands, Works, Hereditaments, or Premises appertaining thereto respectively, and their distraining all or any of the moveable Stock, Goods, Chattels, or Effects of or belonging to the *Lancaster and Carlisle* Railway Company, their Successors or Assigns, and the Distress or Distresses then and there found to detain, manage, sell, and dispose of in the same Manner in all respects and upon the same Terms as Distresses for Rents reserved upon Lease for Years may be and are or ought to be managed, sold, and disposed of, and as if the said Seven Twenty-second Parts of the Profits aforesaid had been Rent reserved upon Lease, or by appointing some Person or Persons to receive the whole or a competent Part of the Tolls, Rates, and Duties, and other Sums of Money which shall for the Time being be or become due and payable to the *Lancaster and Carlisle* Railway Company, their Successors or Assigns, for the Use or in respect of the *Lancaster and Carlisle* Railway, and other the Works and Premises appertaining thereto, and for the Use or in respect of the *Lancaster and Preston Junction* Railway, and other the Works and Premises appertaining thereto, or of either of such Railways, until all Arrears of the said Seven Twenty-second Parts of the Profits, Proceeds, and Income aforesaid which shall from Time to Time be, or during such Perception shall become, due or payable, together with all Costs, Charges, and Expenses which shall have been incurred by or by reason or in consequence of any such Default, including the Charges of receiving the Rates, Tolls, Duties, and Sums of Money aforesaid, shall thereby or by some other Ways and Means be fully paid and satisfied; and that upon such Appointment being made all such Rates, Tolls, Duties, and Sums of Money as aforesaid shall be paid to or received by the Person so to be appointed; and the Money so to be received shall be so much Money received by or to the Use of the *Lancaster and Preston Junction* Railway Company, their Successors or Assigns: Provided always, that after all such Arrears of the said Seven Twenty-second Parts of the said Profits aforesaid, together with such Costs, Charges, and Expenses as aforesaid, shall have been from Time to Time received or otherwise paid and satisfied, the Power of such Receiver shall from Time to Time cease.

Lancaster
and Preston
Company not
to interfere
in the Ma-
nagement of
the Railway.

XXVII. Provided always, and be it enacted, That, notwithstanding such Participation in the said Profits, Proceeds, and Income as aforesaid, it shall not be lawful for the said *Lancaster and Preston Junction* Railway to exercise any Control over or Interference with the said Railways or either of them, or with reference to the working or Management thereof, or otherwise in relation thereto, or to the
Exercise

Exercise of any Powers now given to or vested in the said *Lancaster and Carlisle* Railway Company, save as specifically provided by this Act.

XXVIII. Provided nevertheless, and be it enacted, That it shall not be lawful for the said *Lancaster and Carlisle* Railway Company to demise or alienate the said Railways or either of them, or any Lands, Buildings, Works, or Conveniences connected therewith, or any Part thereof, (save and except the Lands comprised in Schedule (B.) to this Act annexed, and save and except such Buildings, Lands, and Conveniences as shall be unnecessary for the Purposes of the Railways respectively,) without the Consent of the Board of Directors of the said *Lancaster and Preston Junction* Railway Company, to be signified under the Hand of the Chairman of the said Directors or the Clerk of the said Company for the Time being.

Not to demise or alienate Railway, &c. without Consent of Lancaster and Preston Junction Railway Company.

XXIX. And be it enacted, That out of their Proportion of the said Profits, or out of other Funds at their Disposal, the said *Lancaster and Preston Junction* Railway Company shall and they are hereby required to pay as well the said Annuity of Four thousand eight hundred and seventy-five Pounds by this Act secured to the said *Lancaster* Canal Company during the Continuance thereof, as the Interest which may from Time to Time be payable in respect of the Sums which at the Time of the passing of this Act may be due and owing by the said *Lancaster and Preston Junction* Railway Company on Mortgage of their Undertaking, or which may from Time to Time be borrowed, in lieu of any Portion of such Mortgage Debt which may be paid off, and all legal and other Expenses attending the same; and the said last-mentioned Company shall also, out of the said Proportion of Profits or other Funds as aforesaid, pay and discharge all other the Debts and Engagements for which they may be liable at the Time of the passing of this Act, and all other Liabilities and Expenses which may thereafter be incurred by the said last-mentioned Company in relation to their Affairs and Interests (save as by this Act is otherwise expressly provided).

Lancaster and Preston Company to make certain Payments out of their Proportion of Profits.

XXX. And be it enacted, That it shall be lawful for the said *Lancaster and Carlisle* Railway Company, if they think fit, themselves to pay the Interest of any Mortgages for the Time being secured on the said *Lancaster and Preston Junction* Railway, and also to pay the said Annuity of Four thousand eight hundred and seventy-five Pounds payable to the said Canal Company, or, with the Consent in Writing of the said *Lancaster and Preston Junction* Railway Company, to redeem the said Annuity, out of any Capital belonging to or authorized to be raised by the said *Lancaster and Carlisle* Railway Company, and which may not be required for the other Purposes of their Undertaking, and to retain and deduct out of or from the Proportion of Profits or other Proceeds as aforesaid payable to the said *Lancaster and Preston Junction* Railway Company the Sums which they may so pay in respect of such Annuity or of such Interest as aforesaid, and any legal or other Expenses

Lancaster and Carlisle Company may make foregoing Payments and retain the same.

attending the same, together with Interest on such Sums, after the Rate *per Annum* paid by the said *Lancaster and Carlisle* Railway Company in respect of the Sums so applied if such Sums shall be raised by Loan, or after the Rate of Five Pounds *per Centum per Annum* if such Sums shall be raised by Shares, from the Time or respective Times of the Payment of such Sums; and it shall be lawful also for the said *Lancaster and Carlisle* Railway Company to pay off and discharge any Mortgages secured on the said *Lancaster and Preston Junction* Railway as and when the same may fall due and become payable, in case the same shall not be paid off by the said *Lancaster and Preston Junction* Railway Company within Fourteen Days after Demand thereof; and in the event of the said *Lancaster and Carlisle* Railway Company so paying off and discharging any such Mortgages, it shall be lawful for them to raise again the Amount so paid off by further Mortgage of the said Undertaking in like Manner as the said *Lancaster and Preston Junction* Railway Company might have done if this Act had not been passed; or if the said *Lancaster and Carlisle* Railway Company shall provide and advance out of other Funds at their Disposal the Monies requisite to pay off any such Mortgages, or any Expenses attending the same, they shall be entitled to retain and deduct out of the Proportion of Profits or other Proceeds as aforesaid payable to the said *Lancaster and Preston Junction* Railway Company Interest on the Sums so advanced, after the Rate aforesaid, and not exceeding Five Pounds *per Centum per Annum*.

Reserving
Rights of
existing
Mortgagees.

XXXI. And be it enacted, That nothing herein contained shall be construed to prejudice, affect, or take away any of the Rights, Powers, Privileges, Remedies, or Authorities of the several Persons who may have advanced any Money to the said *Lancaster and Preston Junction* Railway Company upon Debentures or Bonds, or upon Mortgage of the Tolls, Rates, or Undertaking of the said Railway Company, but that all such Debentures, Bonds, Mortgages, Rights, Powers, Privileges, Remedies, or Authorities shall continue in as full Force and Effect as if this Act had not been passed, and shall extend to and be a Charge upon the Tolls, Rates, and Charges by this Act authorized to be received and taken.

In case
Mortgages
paid off the
Lancaster
and *Preston*
Company
may raise
Amount
again.

XXXII. And be it enacted, That notwithstanding the vesting of the said *Lancaster and Preston Junction* Railway in the said *Lancaster and Carlisle* Railway Company, and notwithstanding anything contained in this Act, it shall be lawful for the said *Lancaster and Preston Junction* Railway Company, in case they shall pay off all or any Part of any Money by the said recited Acts or this Act, or any of them, authorized to be raised by the said last-mentioned Company by Mortgages or Assignments as therein or herein mentioned, immediately or at any Time thereafter to mortgage, assign, and charge the *Lancaster and Preston Junction* Railway, and the Rates, Tolls, and other Sums arising or to arise by virtue of this Act, and the Proportion of the Profits and Revenue to arise and become payable to the *Lancaster and Preston Junction* Railway Company under this Act, or either of them, as a Security for any such

such Money to be raised in lieu of the Principal Money so paid off by them as aforesaid, and in like Manner as they might have done if the said *Lancaster and Preston Junction* Railway had not been vested in the said *Lancaster and Carlisle* Railway Company; and all such Mortgages, Assignments, and Charges shall be under the Common Seal of the said *Lancaster and Preston Junction* Railway Company, and may be in the Form specified in the said first-recited Act, or as near thereto as Circumstances will admit, and such Mortgages shall entitle the Holders thereof during their Continuance to the same Rights, Powers, and Privileges as if the said *Lancaster and Preston Junction* Railway had not been vested in the said *Lancaster and Carlisle* Railway Company.

XXXIII. And be it enacted, That the said *Lancaster and Carlisle* Railway Company shall, out of their Proportion of the said Profits; pay the Interest upon all Mortgages secured on their Undertaking at the Time of the passing of this Act, and of all Sums which may be hereafter borrowed by them for the Purpose of paying off any such Mortgages, and all Expenses consequent thereon, as well as all other Debts and Engagements for which they may be liable at the passing of this Act, save and except any Liabilities which may accrue subsequently to the passing of this Act in respect of or rising out of a certain Arrangement made between them and the *Scottish Central* Railway Company with reference to the said last-mentioned Railway, the Profit or Loss, as the Case may be, which may hereafter arise from such Arrangement, and which would have been received or paid by the said *Lancaster and Carlisle* Railway Company if this Act had not been passed, being (as between the said last-mentioned Company and the said *Lancaster and Preston Junction* Railway Company) to be considered as Profit or Loss, as the Case may be, arising out of both the *Lancaster and Preston Junction* and *Lancaster and Carlisle* Railways vested in the said *Lancaster and Carlisle* Railway Company.

Certain Payments to be made by the said *Lancaster and Carlisle* Company out of their Proportion of Profits.

XXXIV. And be it enacted, That the said *Lancaster and Carlisle* Railway Company shall and they are hereby required to keep true and accurate Accounts of their Receipts and Expenditure upon or in respect of the Maintenance, Use, and working of the said *Lancaster and Carlisle* and *Lancaster and Preston Junction* Railways, and the Works and Conveniences therewith, and in relation to all Matters wherein the said *Lancaster and Preston Junction* Railway Company are to be jointly interested with them as aforesaid, which Accounts, together with all proper Vouchers for the same, and other Documents necessary for the proper Verification thereof, shall be open to Inspection by any competent Person, or any Two competent Persons, to be appointed by the Directors of the said *Lancaster and Preston Junction* Railway Company for the Purpose at any Time within Twenty-one Days after each of the half-yearly Ordinary Meetings of the said *Lancaster and Carlisle* Railway Company; and if the said last-mentioned Company, or their Treasurer or Secretary, shall refuse to allow such Inspection, or to produce such Documents or other Vouchers as aforesaid (being in their or his

Accounts to be kept.

his Custody or Power), on being required so to do by the said *Lancaster and Preston Junction* Railway Company, or by any such Person or Persons duly appointed by them as aforesaid, they shall for every Day while such Refusal shall continue forfeit to the said *Lancaster and Preston Junction* Railway Company the Sum of Twenty Pounds, to be recovered by Action of Debt.

Any additional Capital expended on Railways to be a Charge on joint Profits.

XXXV. And be it enacted, That if at any Time or Times hereafter the said *Lancaster and Carlisle* Railway Company shall deem it necessary or expedient to expend any additional Capital upon the said *Lancaster and Carlisle* and *Lancaster and Preston Junction* Railways, or either of them, or for or in relation to the Traffic thereon, or for the Purpose of the Conduct or Development thereof, it shall be lawful for them so to do, and to pay and discharge the Interest which may accrue in respect of the Capital to be raised for such Purpose, not exceeding Five Pounds *per Centum per Annum*, together with all Expenses attending the raising of such Capital, out of the Receipts from Tolls, Rates, and Charges arising on the said Two Railways and other Sources of joint Revenue, and to retain and deduct the Amount of such Interest of and from such Receipts before Payment or Apportionment of any Profits amongst the Proprietors in the said Two Railways or either of them: Provided always, that if the Capital requisite for the Purposes aforesaid shall be raised by means of new Shares or of Calls on any existing Shares in the said *Lancaster and Carlisle* Railway Company, it shall be lawful for the same Company to pay and allow Interest after a Rate not exceeding Five Pounds *per Centum per Annum* on the Sums raised by such Shares or Calls.

One Director of the *Lancaster and Preston* Railway Company to be appointed a Director of the *Lancaster and Carlisle* Railway Company.

XXXVI. And be it enacted, That the said *Lancaster and Preston Junction* Railway Company shall, Three Days at least prior to the first or other Ordinary Meetings of the *Lancaster and Carlisle* Railway Company for the Choice of Directors, furnish to the said last-mentioned Company a List of all the then Directors of the said *Lancaster and Preston Junction* Railway Company under the Hand of the Chairman for the Time being of such Directors, and the said *Lancaster and Carlisle* Railway Company shall and they are hereby required, at their first Ordinary Meeting to be held after the passing of this Act, and thenceforth at their Ordinary Meeting to be held in every Year for the Election of Directors, to appoint out of such List some one of the Directors of the said *Lancaster and Preston Junction* Railway Company, other than the Director of the said *Lancaster and Preston Junction* Railway Company appointed or authorized to be appointed by the *Lancaster and Preston Junction* Railway Company under and by virtue of the said existing Acts relating to the *Lancaster and Carlisle* Railway Company, and which last-mentioned Director the said *Lancaster and Preston Junction* Railway Company are to continue, subject to the Provisions of the Acts last referred to, to have the Power to appoint to be a Director of the said *Lancaster and Carlisle* Railway; and such Director to be appointed by virtue of this Act shall have all such and the same Rights, Powers, Privileges, and Immunities, and shall be subject to the same Rules, Obligations,

Obligations, and Restrictions (save as regards his Election and Qualification and the Period of his going out of Office), as any other of the said Directors of the *Lancaster and Carlisle* Railway Company; and the said Director so to be appointed shall remain in Office until the Ordinary Meeting of the said *Lancaster and Carlisle* Railway Company for the Election of Directors to be held in the Year ensuing his Appointment, and shall be re-eligible at such Meeting or at any subsequent Meeting; and when and so often as any such Director so to be appointed by virtue of this Act shall die or resign, or become incompetent to act as a Director of the said *Lancaster and Carlisle* Railway Company, or shall cease to be a Director of the *Lancaster and Preston Junction* Railway Company, then the Directors for the Time being of the said *Lancaster and Carlisle* Railway Company shall and they are hereby required, within Twenty-one Days after Notice thereof being given to them by the Clerk of the said *Lancaster and Preston Junction* Railway Company, and out of a List of all the then Directors of the said *Lancaster and Preston Junction* Railway Company to be furnished with such Notice, to appoint some one of the Directors of the *Lancaster and Preston Junction* Railway Company (other than the Director of the said *Lancaster and Preston Junction* Railway Company appointed by virtue of the said Acts relating to the said *Lancaster and Carlisle* Railway Company) in his Stead to be a Director of the *Lancaster and Carlisle* Railway Company; and the Person so appointed shall continue in Office so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office; and if the said *Lancaster and Carlisle* Railway Company shall, contrary to this present Provision, at any Time fail to appoint some one of the Directors of the said *Lancaster and Preston Junction* Railway Company to be a Director of the said *Lancaster and Carlisle* Railway Company as aforesaid in the Manner and within the Times herein-before provided, it shall be lawful for the Directors of the said *Lancaster and Preston Junction* Railway Company themselves to appoint some one of their Body to be such Director, and the Person so appointed shall have the same Powers, Rights, Privileges, and Immunities, and shall be subject to the same Rules, Obligations, and Restrictions, as if he had been appointed by the said *Lancaster and Carlisle* Railway Company.

XXXVII. And be it enacted, That it shall be lawful for the said *Lancaster and Preston Junction* Railway Company and for the said *Lancaster and Carlisle* Railway Company to enter into such further and other Contracts and Arrangements with reference to the Amalgamation of their respective Capitals, or the Redemption of the said Annuity payable to the *Lancaster* Canal Company, or of any Mortgages affecting the said *Lancaster and Preston Junction* Railway, or to the Apportionment of the Profits on the said Railways belonging to them respectively, or either of them, or the Extension of the said Railways under the future Authority of Parliament, or with reference to the Rights, Powers, and Privileges to be exercised and enjoyed by them jointly or severally in relation thereto, or with reference to any Contracts to be made with other Companies requiring the future

Powers to
make further
Contracts.

Sanction of Parliament, as they may deem expedient; provided that all such Arrangements shall be subject to Confirmation by a General Meeting of each of the said Companies specially convened for the Purpose, and any Contract or Arrangement in reference to the Objects aforesaid which may be confirmed by such Meetings respectively shall be binding on the said Two Companies.

Maximum
Tolls.

XXXVIII. And be it enacted, That in lieu of the Tolls by the said recited Acts or either of them authorized to be taken, it shall be lawful for the said *Lancaster and Carlisle* Railway Company to demand and receive in respect of the Use of the said *Lancaster and Preston Junction* Railway any Rates, Tolls, and Charges, not exceeding the Rates, Tolls, and Charges following; (that is to say,)

For Passen-
gers.

For every Passenger conveyed in or by any Express Train, the Sum of Two-pence Halfpenny *per Mile* :

For every Passenger conveyed in a First-class Carriage by any other Trains, the Sum of Two-pence *per Mile* :

For every Passenger conveyed in a Second-class Carriage by any such other Train, the Sum of One Penny Halfpenny *per Mile* :

For every Passenger conveyed in a Third-class Carriage by any such other Train, the Sum of One Penny *per Mile* :

For Cattle,
Goods, &c.

And with respect to Horses, Cattle, Carriages, and Goods, as follows :

For every Horse, Mule, and other Beast of Draught or Burden, Two-pence *per Mile* :

For Cattle, the Sum of One Penny Halfpenny *per Head per Mile* :

For Calves and Pigs, Sheep and small Animals, Three Farthings each *per Mile* :

For every Carriage, Four-pence *per Mile* :

For all Dung, Compost, and all Sorts of Manure, Lime, Limestone, and all undressed Materials for the Repair of public Roads, Charcoal, Pig and Bar Iron, Stones for buildings, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, and Salt, the Sum of One Penny *per Ton per Mile* :

For all Coal, Slack, Cannel, Coke, Culm, and Cinders, the Sum of Three Farthings *per Ton per Mile* :

For Sheet Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron, One Penny Halfpenny *per Ton per Mile* :

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Cotton Wool, Earthenware, Timber, Staves, Deals, Metal, Nails, Anvils, Vices, and Chains, the Sum of Two-pence *per Ton per Mile* :

For Wool, Drugs, and manufactured Goods, the Sum of Two-pence Halfpenny *per Ton per Mile* :

For Fish, Feathers, Canes, Cochineal, Household Furniture, Hats, Shoes, Toys, and all other Articles, Matters, and Things, (Gold, Silver, and precious Stones excepted,) the Sum of Three-pence *per Ton per Mile* :

Provided always, that with respect to all the Matters aforesaid passed over the said Railway for a less Distance than Six Miles, the said *Lancaster and Carlisle* Railway Company may demand Tolls as for Six Miles at the least.

XXXIX. Pro-

XXXIX. Provided always, and be it enacted, That if and so long as the *Fleetwood, Preston, and West Riding Junction* Railway Company shall, for the greater Convenience and Security of the Public using the said *Lancaster and Preston Junction* Railway, erect and maintain either a Station or a Lodge at the Point where the said *Fleetwood, Preston, and West Riding Junction* Railway will cross the said last-mentioned Railway on the Level, and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, and with regard to the Speed at which Trains shall pass such *Lancaster and Preston Junction* Railway, as may from Time to Time be made by the Commissioners of Railways, and shall also employ by Day and by Night a proper Person or proper Persons to watch or superintend the crossing at such Point or Station, who shall observe and abide by any such Rule or Regulation as aforesaid, it shall not be lawful for the said *Lancaster and Carlisle* Railway Company to demand any greater Toll than as for Two Miles in respect of the Passage of any Passengers, Animals, Minerals, Goods, Wares, or Merchandize which may pass on the said *Lancaster and Preston Junction* Railway for a less Distance than Two Miles in going to or coming from the said *Fleetwood, Preston, and West Riding Junction* Railway.

As to the Toll to be taken from the Fleetwood, &c. Railway Company for passing over Portion of Railway.

XL. And be it enacted, That the maximum Rate of Charge to be made by the *Lancaster and Carlisle* Railway Company for the Conveyance of Passengers along the said *Lancaster and Preston Junction* Railway, including the Tolls for the Use of the said Railway and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance as aforesaid, except Government Duty, shall not exceed the following Sums; (that is to say,)

Maximum Rates of Charges.

For every Passenger conveyed in or by any Express Train, the Sum of Three-pence *per* Mile :

For Passengers.

For every Passenger conveyed in a First-class Carriage by any other Train, the Sum of Two-pence Halfpenny *per* Mile :

For every Passenger conveyed in a Second-class Carriage by any such other Train, the Sum of Two-pence *per* Mile :

For every Passenger conveyed in a Third-class Carriage by any such other Train, the Sum of One Penny Halfpenny *per* Mile :

And with respect to the Conveyance of Goods the maximum Rates of Charge to be made by the said *Lancaster and Carlisle* Railway Company for the Conveyance thereof along the *Lancaster and Preston Junction* Railway, including the Tolls for the Use of the Railway, and Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company, shall not exceed the following Sums; (that is to say,)

For Cattle, Goods, &c.

For every Horse, Mule, or other Beast of Draught or Burden, Four-pence *per* Mile :

For horned Cattle, the Sum of Two-pence *per* Head *per* Mile :

For

For Calves and Pigs, One Penny each *per* Mile :

For Sheep and small Animals, One Penny each *per* Mile :

For every Carriage, Five-pence *per* Mile :

For all Coal, Slack, Cannel, Culm, Coke, and Cinders, the Sum of One Penny and One Eighth of One Penny *per* Ton *per* Mile :

For all Dung, Compost, and all Sorts of Manure, Lime, Limestone, and all undressed Materials for the Repair of public Roads, Charcoal, Stone for building, pitching, and paving, all Brick, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, the Sum of One Penny Halfpenny *per* Ton *per* Mile :

For Iron not damageable, One Penny *per* Ton *per* Mile :

For damageable Iron, Sheet Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron, One Penny Halfpenny *per* Ton *per* Mile :

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Cotton Wool, Earthenware, Timber, Staves, Deals, Metals, Hardware in Packages or Cases, Nails, Anvils, Vices, and Chains, the Sum of Two-pence Halfpenny *per* Ton *per* Mile :

For Wool, Drugs, and manufactured Goods, the Sum of Three-pence *per* Ton *per* Mile :

For Fish, Feathers, Canes, Cochineal, Furniture, Hats, Shoes, Toys, and all other Articles, Matters, and Things (Gold, Silver, and precious Stones excepted), Three-pence Halfpenny *per* Ton *per* Mile :

Regulations
as to maxi-
mum Rates.

And the following Regulations shall apply to such maximum Rates and Charges :

The said *Lancaster and Carlisle* Railway Company shall be at liberty to fix a minimum Charge of Ten Shillings to be taken for each Carriage, and of Five Shillings for every Horse, conveyed upon the said Railway, notwithstanding the Charge for the Distance for which such Carriage or Horse respectively may be conveyed according to the Rates aforesaid may not amount to those Sums ;

The said *Lancaster and Carlisle* Railway Company shall not be compellable to provide Waggons or Carriages for the Conveyance of Coal, Cannel, Slack, Culm, Coke, or Cinders, but where such Waggons or Carriages are not provided by the said Company a Deduction of One Eighth of a Penny *per* Ton *per* Mile shall be made from the above Rates of Carriage for as many Miles as the said Company shall charge the said Rates ; but where any of the before-mentioned Articles, Matters, Persons, or Things shall be conveyed on the said Railway for a less Distance than Six Miles, the said Company are hereby empowered to demand and receive the aforesaid Charges, Rates, or Tolls (as the Case may be) for Six Miles ; and

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 small Quantity.

XLI. And

XLI. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the said *Lancaster and Carlisle* Railway Company may lawfully demand the Tolls following; (that is to say,)

Rates for small Parcels and Articles of great Weight.

For the Carriage of small Parcels, (that is to say,) any Parcels not exceeding Five hundred Pounds Weight, the said Company may demand any Sum which they think fit; provided always, that such Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Terms shall apply only to single Parcels in separate Packages:

For the Carriage of any One 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 said Company may demand such Sum as they shall think fit, not exceeding Eight-pence *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 said Company may demand such Sum as they think fit.

XLII. Provided always, and be it enacted, That nothing herein contained shall be held to prevent the said *Lancaster and Carlisle* Railway Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger or other Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Company may take increased Charges by Agreement.

XLIII. And be it enacted, That every Passenger travelling upon the Railway in a First-class Carriage may take with him his ordinary Luggage not exceeding One hundred and twelve Pounds in Weight, and every Passenger travelling in a Second-class Carriage may take with him his ordinary Luggage not exceeding Sixty Pounds in Weight, and every Passenger travelling in a Third-class Carriage may take with him his ordinary Luggage not exceeding Forty Pounds in Weight, without any extra Charge being made for the Carriage.

Passengers Luggage.

XLIV. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any special or extra Trains that may be required upon the said Railway, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said *Lancaster and Carlisle* Railway Company for the Conveyance of Passengers and Goods upon the said Railway.

Restriction as to Charges not to apply to Special Trains.

XLV. And be it enacted, That when and so often as any Number of Waggons or Carriages containing not less than Fifty Tons of Coal, Slack, Cannel, Coke, Culm, and Cinders, or any of them, belonging to One and the same Individual, Firm, or Company, (such Individual, Firm, or Company not possessing or using on his or their own

Company to provide Engine Power for drawing Waggons with Coal, &c.

[Local.]

16 K

Account

Account any Locomotive Engine on the said Railway,) shall be ready for Conveyance on the said Railway, the said *Lancaster and Carlisle* Railway Company shall be bound and are hereby required (due Notice of not less than Twenty-four Hours being given that such Waggons or Carriages and their Loads are stationed at the accustomed Place or Siding, and a Tender being previously made, subject as after mentioned, of a Sum equal to or exceeding the Amount of the lawful Tolls, Rates, and Charges payable in respect thereof,) to provide and supply sufficient Engine Power for drawing or conveying the said Waggons and Carriages and their Load, and to remove the same from such accustomed Place or Siding, and (so soon thereafter as a full Engine Load of similar Articles can with due Diligence to be used by the said Railway Company be made up) to forward the same to their Destinations on the said Railway, and also within a reasonable Time after such Waggons or Carriages shall have been unloaded and discharged, and tendered or brought to the Place on the Railway to which they were forwarded by the said Railway Company, to return the same at their own Cost to the Place or Siding whence they were first removed by the said Railway Company: Provided always, that it shall be lawful for such Individual, Firm, or Company to pay such Tolls and Charges in advance in respect of any Coal, Slack, Cannel, Coke, Culm, and Cinders, or any of them, intended to be carried, and such Payment in advance for any specified Quantity of Coal, Slack, Cannel, Coke, Culm, and Cinders, or any of them, shall be equal in all respects to a Tender of Tolls on each particular Load so long as such specified Quantity has not been carried.

Power to vary Tolls.

XLVI. And whereas it is expedient that the *Lancaster and Carlisle* Railway Company should be enabled to vary the Tolls and Charges upon the said *Lancaster and Preston Junction* Railway so as to accommodate them to the Circumstances of the Traffic, but that such Power of varying should not be used for the Purpose of prejudicing or favouring particular Parties, or for the Purpose of collusively and unfairly creating a Monopoly either in the Hands of the Company or of particular Parties, it shall be lawful therefore for the *Lancaster and Carlisle* Railway Company, subject to the Provisions and Limitations herein contained, from Time to Time to alter or vary the Tolls and Charges hereby authorized to be taken, either upon the whole or upon any particular Portions of the *Lancaster and Preston Junction* Railway, as they shall think fit; provided that all such Tolls and Charges be at all Times charged equally to all Persons and Corporations, and after the same Rate, whether *per* Ton, *per* Mile, or otherwise, in respect of all Passengers and of all Goods or Carriages of the same Description, and conveyed or propelled by a like Carriage or Engine passing only over the same Portion of the Line of Railway under the same Circumstances, and no Reduction or Advance in any such Tolls or Charges shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the Railway.

Tolls to be charged equally.

Powers for Recovery of Tolls extended to

XLVII. And be it enacted, That all the Powers and Provisions in the said recited Acts or any of them contained for enabling the said *Lancaster and Preston Junction* Railway Company to impose, take,

take, and compel Payment of Tolls, Rates, and Charges, and other- Lancaster and Carlisle
wise relating thereto, shall be applicable to the said *Lancaster and* Railway
Carlisle Railway Company, and to the Tolls, Rates, and Charges by Company.
this Act authorized to be taken.

XLVIII. And be it enacted, That the Clauses and Provisions of Provisions of
"The Companies Clauses Consolidation Act, 1845," with respect to 8 & 9 Vict.
the Appointment and Duties of Auditors, shall be incorporated with c. 16. incor-
this Act, save so far as they are expressly varied or excepted by this porated with
Act. this Act.

XLIX. And be it enacted, That the Provisions of the said first- As to Failure
recited Act respecting the Failure of a General Meeting at which of Meeting
Directors are to be chosen shall apply to any General Meeting at to appoint
which an Auditor is to be appointed. Auditor.

L. And be it enacted, That the said *Lancaster and Carlisle Rail-* Annual
way Company shall every Year cause an annual Account in abstract Account to
to be prepared showing the total Receipts and Expenditure of all be made up,
Funds levied by virtue of this Act or the said recited Acts for the and a Copy
Year ending on the Thirty-first Day of *May*, or some other con- transmitted
venient Day in each Year, under the several distinct Heads of to the Clerk
Receipt and Expenditure, with a Statement of the Balance of such of the Peace.
Account, duly audited and certified by the Directors or some of
them and by the Auditors, and shall transmit a Copy of the said
Account free of Charge to the Clerk of the Peace for the County
of *Lancaster* on or before the Thirty-first Day of *January* then next,
which Account shall be open to the Inspection of the Public at all
seasonable Hours on Payment of the Sum of One Shilling for every
such Inspection: Provided always, that if the said Railway Company
shall omit to prepare or transmit such Account as aforesaid they shall
forfeit for every such Omission the Sum of Twenty Pounds.

LI. And be it enacted, That it shall not be lawful for the said Interest not
Lancaster and Preston Junction Railway Company, out of any Money to be paid on
by this Act or any other Act relating to the said Company autho- Calls paid up.
rized to be raised by Calls in respect of Shares, or by the Exercise
of any Power of borrowing, to pay Interest or Dividend to any
Shareholder on the Amount of the Calls made in respect of the
Shares held by him in the Capital by this Act authorized to be
raised: Provided always, that nothing herein-before contained shall
be deemed to prevent the said *Lancaster and Preston Junction*
Railway Company from paying to any Shareholder such Interest
on Money advanced by him beyond the Amount of the Calls actu-
ally made as shall be made in conformity with the Provisions in
"The Companies Clauses Consolidation Act, 1845," in that Behalf
contained.

LII. And be it enacted, That it shall not be lawful for the said Deposit for
Railway Companies respectively, out of any Money by any Act future Bills
relating to the said Railway Companies or either of them authorized not to be
to be raised for the Purposes of such Act or Acts, to pay or deposit paid out of
any Sums of Money which by any Standing Order of either House Company's
of Capital.

of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Railway Companies or either of them to construct any other Railway or execute any other Work or Undertaking.

Act not to
repeal, &c.
the 19th Sec-
tion of Act
7 W. 4. &
1 Vict. c. 22.

LIII. Provided always, and be it enacted, That nothing in this Act contained shall or shall be held to repeal, modify, or alter the Nineteenth Section of the said recited Act of Parliament passed in the Seventh Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for making and maintaining a Railway from the Town of Lancaster to the Town of Preston in the County Palatine of Lancaster*, as printed by His Majesty's Printers, or any existing Contract or Agreement having reference thereto, or to the Subject Matter thereof, but the same, respectively shall be and remain as valid and effectual to all Intents and Purposes as if this Act had not been passed.

Saving
Rights of
the Proprie-
tors of the
Preston and
Wyre Rail-
way, Har-
bour, and
Dock.

LIV. Provided also, and be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, or either of them, as Proprietors of the *Preston and Wyre* Railway, Harbour, and Dock, but all such Rights, Privileges, Powers, and Authorities are hereby saved and reserved to them in as full, ample, and beneficial Manner to all Intents and Purposes as if this Act had not been passed.

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

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

Railway to
be subject
to Provisions
of any future
general Acts.

LVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said recited Acts authorized to be made or the Company from the Provisions of any general Act relating to such Acts, or of any general Act relating to
Railways,

Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

LVII. Provided always, and be it enacted, That within Fourteen Days after the passing of this Act there shall be paid and payable by the said *Lancaster and Preston Junction* Railway Company to the Receiver General of Inland Revenue for the Use of Her Majesty such Sum or Sums of Money as would have become payable for Stamp Duties upon the requisite Deeds for carrying the said Contracts and Transfers into execution in case the same could have been and had been effected by Deed or Deeds, and without the Authority of Parliament: Provided always, that in case any Question shall arise as to the Nature of the Deeds for carrying out the said Contracts and Transfers, and the Amounts of Stamp Duty payable thereon, the same shall be settled and determined by Her Majesty's Attorney General for the Time being after hearing the Parties thereon, but at the Expense in all things of the said *Lancaster and Preston Junction* Railway Company.

Stamp Duties
to be paid on
Contracts.

LVIII. And be it enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only the same shall be understood to include several Matters as well as one Matter and several Persons as well as one Person; and every Word importing the Plural Number shall be applied to one Matter or Person as well as several Matters or Persons; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Expression "the Canal Company" or "the said Canal Company" shall be construed to mean the Company of Proprietors of the *Lancaster* Canal Navigation, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Context repugnant to such Construction.

Interpreta-
tion of
Terms.

LIX. And be it enacted, That all Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, in which Costs, Charges, and Expenses shall be included the Costs, Charges, and Expenses of or in relation to a Bill promoted by the *Lancaster and Preston Junction* Railway Company in the present Session for an Extension of their Line in *Preston*, and of or in relation to a Bill promoted by the *Lancaster and Carlisle* Railway Company in the present Session for making a Railway from *Lancaster* to *Preston*, which last-mentioned Bill was withdrawn on condition of the Transfer of the said *Lancaster and Preston Junction* Railway to the said *Lancaster and Carlisle* Railway Company, and all Costs, Charges, and Expenses of carrying this Act into effect, so far as relates to the vesting the said *Lancaster and Preston Junction* Railway in the *Lancaster and Carlisle* Railway Company, shall be defrayed and paid by the said *Lancaster and Preston Junction* Railway Company and by the said *Lancaster and Carlisle* Railway Company out of their respective Capitals, or out of the first Monies to be received

Expenses of
Act.

[*Local.*]

[16 L]

by

by them under the Authority of the Acts relating to the said Companies respectively or of this Act, in preference to any other Payment, and in the following Proportions; (that is to say,) the said *Lancaster and Carlisle* Railway Company shall defray all Costs, Charges, and Expenses incidental to the said Bill promoted by them up to and including the Fourteenth Day of *May* last, and the said *Lancaster and Preston Junction* Railway Company shall defray all Costs, Charges, and Expenses incidental to the said Extension Bill promoted by them and of this Act when a Bill up to the same Date, and that all the Remainder of the said Costs, Charges, and Expenses shall be defrayed and borne by the said Two Companies in the following Proportions; *videlicet*, Seven Twenty-second Parts thereof shall be paid by the said *Lancaster and Preston Junction* Railway Company, and Fifteen Twenty-second Parts thereof by the said *Lancaster and Carlisle* Railway Company.

Public Act.

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

The SCHEDULES to which the Act refers.

SCHEDULE (A.)

The Lancaster and Preston Junction Railway Company's Shares in the Lancaster and Carlisle Railway.

Cottages in Preston, and Plots of Land connected therewith.

The Plant of Engines, Carriages, Waggon, Office Furniture, Rails not fixed, and other moveable Property of the Lancaster and Preston Junction Railway Company.

All Cash at Banker's, Rents and Debts, due to the Lancaster and Preston Junction Railway Company (including Sums secured by Railway Mortgages) at the Time of the passing of this Act.

SCHEDULE (B.)

All Land on or before the Fourteenth of May One thousand eight hundred and forty-nine contracted to be sold or offered for Sale, or included in the Account delivered on or before that Day to the Directors of the Lancaster and Carlisle Company by their Agents as Land which may be disposed of.

All Cash at Banker's, Rents and Debts, due to the Lancaster and Carlisle Railway Company (including Sums secured by Railway Mortgages) at the Time of the passing of this Act.

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