



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. liv.

An Act to amend the several Acts relating to the *Preston and Wyre Railway and Harbour Company*, and the *Preston and Wyre Dock Company*, and to consolidate the said Companies.

[1st July 1839.]

WHEREAS an Act was passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, 5 & 6 W. 4. intituled *An Act for making a Railway from Preston to Wyre, and for improving the Harbour of Wyre, in the County Palatine of Lancaster*, and by the said Act several Persons were incorporated by the Name and Style of "The *Preston and Wyre Railway and Harbour Company*," for the Purpose of carrying into execution the said Undertaking: And whereas an Act was passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, 7 W. 4. c. 28. intituled *An Act to alter the Line of the Preston and Wyre Railway, and to amend the Act relating thereto*: And whereas an Act was passed in the said Seventh Year of the Reign of His late Majesty, 7 W. 4. c. 29. intituled *An Act for making and maintaining a Dock or Docks at Wyre in the County Palatine of Lancaster*, and by the said Act several Persons were incorporated by the Name and Style of "The *Preston and Wyre*

[*Local.*]

13 X

Dock

2 Vict. c. 1.

Provisions of
recited Acts
extended to
this Act.The Two
Companies
consolidated.Capital of
the Two
Companies
to be conso-
lidated.

Dock Company," for the Purpose of carrying into execution the said Undertaking: And whereas an Act has been passed in this present Session, intituled *An Act to amend the several Acts relating to the Preston and Wyre Railway and Harbour Company*: And whereas, in consequence of the Harbour being under the Management of the said *Preston and Wyre Railway and Harbour Company*, and the Entrance and Approaches to the Dock from the said Harbour, and the Pilotage of the said River *Wyre* and Harbour, being under the Control of the *Preston and Wyre Dock Company*, the Powers of the said Two Companies interfere with one another, and it is desirable that the Powers of the said Two Companies should be united in One Company and placed under One Management: And whereas, in order to carry into effect the beneficial Purposes aforesaid, the said *Preston and Wyre Railway and Harbour Company* and the said *Preston and Wyre Dock Company* have agreed that the said Two Companies shall be consolidated; but the same 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, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things contained in each of the several herein-before recited Acts, except such of them or such Parts thereof respectively as are hereby repealed, altered, or otherwise provided for, shall extend and be construed to extend to this Act, and shall operate and be in force in respect to the Purposes thereof, as fully and effectually, to all Intents and Purposes, as if the same Powers, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things were herein repeated, and adapted to the Purposes of this Act.

II. And be it further enacted, That upon and immediately after the passing of this Act the said "*Preston and Wyre Railway and Harbour Company*" and the said "*Preston and Wyre Dock Company*" shall be consolidated and become One Company and Corporation, and shall take and thenceforth use the Name of "*The Preston and Wyre Railway, Harbour, and Dock Company*" as and for their Name of Incorporation, and shall adopt One Common Seal, and do all other Acts consequent upon such respective Change of Name and Seal accordingly; but such Change of Name and Seal shall in no respect prejudice, alter, or affect any Action, Suit, or other Proceeding whatsoever, or otherwise vary than is by this Act varied the Rights, Powers, and Liabilities of the said Companies respectively, and the respective Modes of exercising or enforcing the same.

III. And be it further enacted, That upon and immediately after the passing of this Act all and singular the respective Capitals and Joint Stocks of the said *Preston and Wyre Railway and Harbour Company* and of the said *Preston and Wyre Dock Company*, together with their respective Works, Monies, Lands, Tenements, and Hereditaments, and all other their Real and Personal Property, shall be consoli-

consolidated and become One Capital and Property, and be vested absolutely in the said *Preston* and *Wyre* Railway, Harbour, and Dock Company, to hold to them, their Successors and Assigns, for such and the same Estates, Terms, and other Interests as shall then be existing therein respectively, and for the Purposes of this Act and of the said herein-before recited Acts, and that without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that all the Monies raised or to be raised by virtue of this Act and the said recited Acts shall be laid out and applied, in the first place, in paying and discharging all Costs and other Expences incurred in applying for, obtaining, and passing the said recited Acts and this Act, and all other Expences preparatory or relating thereto; and the Remainder of such Monies shall be applied in and towards purchasing Lands, and making and maintaining the said Railway, Harbour, and Docks, and erecting and placing Piers, Lighthouses, and Light Vessels; and improving the said Harbour and other Works, and in otherwise carrying this Act and the said recited Acts into execution.

IV. And be it further enacted, That it shall be lawful for the said *Preston* and *Wyre* Railway, Harbour, and Dock Company, and they are hereby empowered, from Time to Time, at any Half-yearly General Meeting, or at a Special General Meeting to be called for that Purpose, to declare and make a Dividend out of the clear Profit of the said Undertaking, if the Majority of the Proprietors present at such Meeting shall think proper so to do; and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Proprietors of the said *Preston* and *Wyre* Railway, Harbour, and Dock Company in the Joint Stock thereof; provided always, that such Dividends shall not be made oftener than half-yearly; and no Dividend shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Company, nor whereby the Capital of the said Company shall in any degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share, after a Day appointed for the Payment of any Call of Money in respect thereof, until such Call shall have been paid, nor in respect of any Proportion of a Share which shall remain unpaid and uncalled for at the Time of such Dividend being declared as aforesaid.

Dividends
to be de-
clared.

V. And be it further enacted, That the First General Meeting of "The *Preston* and *Wyre* Railway, Harbour, and Dock Company" shall be held in the Month of *October* next; and that at such Meeting the Number of Directors of the said Company shall be reduced to Fifteen, but that such Reduction in Number shall, in case there shall then be more than Fifteen Directors in Office, be determined by Ballot amongst themselves; and the several Persons so continuing Directors, being approved at such First General Meeting, and being neither removed or disqualified nor resigning, shall continue in Office and be Directors until the Half-yearly General Meeting of the said Company which shall be held in the Month of *April* in the Year of our Lord One thousand eight hundred and forty, and until others shall be elected in their Stead; and the said Company, at any General Meeting, shall have Power to fix what Remuneration shall from

First General
Meeting of
the Com-
pany.

Time

Time to Time be allowed to the Directors of the said Company, or any or either of them.

Six Directors
to go out
of Office
annually.

VI. And be it further enacted, That at the Half-yearly General Meeting to be held in the Month of *April* which will be in the Year of our Lord One thousand eight hundred and forty, Six of the Directors (to be determined by Ballot amongst themselves) shall go out of Office, and at the Half-yearly General Meeting to be held in the Month of *October* One thousand eight hundred and forty, Six of the Directors who shall have remained in Office since the Month of *October* One thousand eight hundred and thirty-nine (to be determined by Ballot amongst themselves) shall go out of Office; and at each first Half-yearly General Meeting in every subsequent Year the Six Directors who shall have been longest in Office since the last Election (to be determined by Ballot amongst themselves, in case of there then remaining Three or any of the Directors who were appointed at the First General Meeting,) shall go out of Office; and at every General Half-yearly Meeting at which Six Directors are to go out of Office as aforesaid Six new Directors shall be elected: Provided nevertheless, that it shall and may be lawful for the Proprietors, at any General Meeting, to reduce the Number of Directors for carrying this Undertaking into effect, and to declare which of the Directors to be hereafter appointed shall retire from the Direction: Provided also, that the Number of Directors shall never be reduced below the Number of Twelve.

Special
General
Meetings
may be con-
vened.

VII. And be it further enacted, That a Special General Meeting of the Proprietors of the said *Preston* and *Wyre* Railway, Harbour, and Dock Company may be called at any Time by the Directors for the Time being, or any Three of them, if they shall see Occasion; and any Ten or more Proprietors of the said Company holding in the Aggregate Five hundred Shares or upwards in the said Undertaking, upon which all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands left at the Office of the said Company, or given to at least Three Directors of the said Company, or left at their last or usual Places of Abode in *England*, require the Directors of the said Company to call a Special General Meeting of the Proprietors of the said Company to be held as aforesaid, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and the said Directors are thereupon required to call such Meeting accordingly, provided that in every such Case Notice of such Meeting, whether called in pursuance of any such Requisition or not, be given in manner herein-after provided, and which Notice shall express the Object for which such Special General Meeting is called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Requisition given and left as aforesaid, the same may be called by such Ten or more Proprietors by giving Twenty-one Days Notice thereof by Advertisement in Two or more *London* Newspapers, and in One or more Newspaper or Newspapers usually circulated within the County Palatine of *Lancaster*; such Notice expressing the Object for which such Special General Meeting is required to be called; and the said Company are hereby authorized to meet in pursuance of such Notice,

and such of the Proprietors thereof as shall be present at such Meeting shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts and Resolutions of the major Part in Votes of the Proprietors of the said Company, met together at any such Special General Meeting, shall be as valid and binding with respect to the Matters specified in such Notice as if the same had been done or resolved at a Half-yearly General Meeting held at the Time herein-before appointed for holding the same.

VIII. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special General Meeting of the Proprietors of the said *Preston* and *Wyre* Railway, Harbour, and Dock Company, or of any Adjournment thereof respectively, or of any other Matters, to any of the Proprietors of the said Company, and not herein otherwise provided for, shall be signed by the Secretary or other Officer of the said Company, and shall be given by Advertisement inserted in Two or more *London* Newspapers, and in One or Newspaper or Newspapers usually circulated in the County Palatine of *Lancaster*; and such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

Notices previous to any General or Special General Meeting.

IX. Provided always, and be it further enacted, That if at any General or Special General Meeting of the said *Preston* and *Wyre* Railway, Harbour, and Dock Company there shall not be Ten Proprietors present, personally or by Proxy, who shall be Holders of at least Five hundred Shares in the Aggregate, within Two Hours from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be done, but in such Case there shall be another Meeting of the said Company, at the same Place and the same Hour, at the Expiration of Fourteen Days then next; and if at such adjourned Meeting there shall not be Eight Proprietors present as aforesaid who shall be Holders of at least Four hundred Shares in the Aggregate within Two Hours from the Time appointed for such adjourned Meeting, the same shall be further adjourned to the Seventh Day next following; and if at such further adjourned Meeting there shall not be present as aforesaid Six Persons who shall be Holders of at least Three hundred Shares as last aforesaid within the Time last aforesaid, such last-mentioned Meeting shall stand further adjourned to the Seventh Day next following; and in case such Number of Persons qualified as last aforesaid shall not then be present as aforesaid, the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until the next General Half-yearly Meeting, or until new Directors shall be appointed.

General Meetings to consist of at least Ten Persons possessed of Five hundred Shares at least.

X. And be it further enacted, That the Directors for the Time being of the said *Preston* and *Wyre* Railway, Harbour, and Dock Company shall meet together at the Office of the said Company once at least in every Two Calendar Months, and at such other Times as they shall think proper, and at such other Times as they shall be convened as herein-after mentioned; and each of such Meetings shall be styled "A Board of Directors;" but

Meetings of Directors.

[Local.]

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no Meeting of Directors shall be deemed a Board competent to enter and determine upon Business unless at least Three Directors shall be present at the Commencement of the Business, and when a Decision takes place upon the Whole or any Part of the Business; and if on the Day appointed for such Meeting a sufficient Number of Directors to constitute a Board shall not attend, then and in every such Case the said Meeting shall be adjourned to the next or some subsequent Day by the Directors then present, but if none be present then by the Secretary of the said Company, or such other Person as shall attend in his Place; and any Director shall be at liberty to call an extraordinary Board of Directors upon such Notice and in such Manner, and to consist of at least such Number (not being less than Three), as shall from Time to Time be provided by the Bye Laws of the Company or the Orders of the Board of Directors.

Chairman
and Deputy
Chairman,
and Proceed-
ings at Meet-
ings of
Directors.

XI. And be it further enacted; That at the First Meeting of the Directors which shall be held next after the passing of this Act, or some Adjournment thereof, and in subsequent Years at the First Meeting of Directors after a new Election of Directors, or at some Adjournment thereof, the Directors present at such Meeting shall choose out of the Directors of the said Company for the Time being a Chairman and Deputy Chairman of the said Directors; provided always, that when and so often as the Chairman or Deputy Chairman of the Directors to be chosen by virtue of this Act shall die or resign, or become disqualified, or otherwise cease to be a Director, it shall be lawful for the said Directors in like Manner, at the Meeting to be held next after such Vacancy, to choose some other of the said Directors to be their Chairman or Deputy Chairman; and every such Chairman and Deputy Chairman so to be chosen as last aforesaid to fill such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue in Office if such Vacancy had not happened; and it is hereby declared, that at all Meetings of Directors the Votes and Resolutions of the Majority of the Directors present, inclusive of the Chairman or Deputy Chairman or other Director presiding at such Meeting, and who shall be elected for that Purpose at such Meeting, in case both the Chairman and Deputy Chairman are absent, shall be binding; and in case of an Equality of Votes the Chairman or Deputy Chairman or other Director presiding at each respective Meeting shall have a casting Vote besides his own Vote; and the said Directors shall keep a regular Minute and Entry in a Book of the Orders and Proceedings at every Meeting of the said Directors, which shall be signed either by the Person who was in the Chair at that Meeting, or by a Director not in the Chair who may have been present thereat; and such Book shall be full and conclusive Evidence that the Proceedings of which the Minutes purporting to be so signed as aforesaid shall be entered therein were regular in every respect, and took place at a Meeting duly convened and held conformably to the Provisions of this Act, and that the Person whose Name shall be subscribed to the Minutes entered in such Book was the proper Person to authenticate the Minutes; and

such Book shall be binding and conclusive on all the Proprietors of the said Company, and all other Persons having Claims on the Company in respect of Shares in the Capital thereof.

XII. And be it further enacted, That all Debts, Rates, Rents, Damages, and other Monies which on the passing of this Act shall be owing to, from, or by the said *Preston* and *Wyre* Railway and Harbour Company, or *Preston* and *Wyre* Dock Company, or the Directors thereof, or any of them, under the Authority of the said recited Acts or any of them, shall be received or paid by the said *Preston* and *Wyre* Railway, Harbour, and Dock Company, and shall and may be sued for, recovered, or received by or from the said *Preston* and *Wyre* Railway, Harbour, and Dock Company; and all Actions, Suits, or other Proceedings which on that Day shall be pending by or against the said *Preston* and *Wyre* Railway and Harbour Company, or *Preston* and *Wyre* Dock Company, or any Person or Persons on their Behalf, may be prosecuted or carried on in the Names, and for the Benefit, and on the Account of the said *Preston* and *Wyre* Railway, Harbour, and Dock Company, and without any Abatement or Interruption whatsoever, in the same Manner as if such Actions, Suits, or other Proceedings had been brought, commenced, or instituted by the said *Preston* and *Wyre* Railway, Harbour, and Dock Company, and the Cause of Action, Suit, or other Proceeding had accrued or belonged thereto instead of to the said *Preston* and *Wyre* Railway and Harbour Company, or *Preston* and *Wyre* Dock Company; and all Contracts, Agreements, Covenants, Leases, Mortgages, Bonds, Securities, and other Engagements, of what Nature or Kind soever, which on the passing of this Act shall have been entered into with or by or given to or by the Directors or Secretaries of the said *Preston* and *Wyre* Railway and Harbour Company, or *Preston* and *Wyre* Dock Company, or any of them, or any Person or Persons duly authorized by them or any of them, under the Authority of the said recited Acts or any of them, shall be performed with and by the said *Preston* and *Wyre* Railway, Harbour, and Dock Company, and shall and may be enforced by and against the said *Preston* and *Wyre* Railway, Harbour, and Dock Company; and all Persons theretofore employed by or under the said *Preston* and *Wyre* Railway and Harbour Company, or *Preston* and *Wyre* Dock Company, their Executors and Administrators, shall be bound to account to the said *Preston* and *Wyre* Railway, Harbour, and Dock Company in such Manner as if they had been originally employed by the said *Preston* and *Wyre* Railway, Harbour, and Dock Company under the Provisions of the said herein-before recited Acts or any of them.

Debts due to or from either of the Two late Companies may be recovered by or from the consolidated Company.

XIII. And be it further enacted, That from and after the passing of this Act the several Persons and Bodies Corporate and Collegiate who on that Day shall be entitled to Shares in the *Preston* and *Wyre* Railway and Harbour Company, or in the *Preston* and *Wyre* Dock Company, shall be inscribed as Shareholders in the Books of the said *Preston* and *Wyre* Railway, Harbour, and Dock Company according to their several and respective Shares and Interests in the said *Preston* and *Wyre* Railway and Harbour Company and *Preston* and

Persons entitled to Shares in the original Companies to be Shareholders in the consolidated Company.

and *Wyre* Dock Company, and that all and singular the said several Persons, and Bodies Politic, Corporate, and Collegiate, their Successors, Executors, Administrators, and Assigns, shall thenceforth be entitled to the respective Shares and Interests which shall be so inscribed in their Names of and in the Capital Stock of the said *Preston* and *Wyre* Railway, Harbour, and Dock Company.

Names of
Subscribers
to be entered
in a Book,
and Certi-
ficates deli-
vered to
them.

XIV. And be it further enacted, That the said *Preston* and *Wyre* Railway, Harbour, and Dock Company shall and they are hereby required from Time to Time to cause the Names of the several Corporations, and the Names and Additions and Places of Abode of the several Persons, who shall be from Time to Time respectively entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by the Secretary of the said Company; and every Proprietor of the said Undertaking, or in the Case of a Corporation their Clerk or Agent duly appointed, may at all convenient Times have recourse to and peruse the same *gratis*, and may demand and have Copies thereof or of any Part thereof, paying to the Secretary of the said Company at and after the Rate of Sixpence for every One hundred Words so to be copied; and if any such Secretary shall refuse to permit any such Proprietor or Agent as aforesaid to peruse such Books at all convenient Times, or refuse to make such Copy, within a reasonable Period, at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking; and the said Company shall from Time to Time cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Proprietor, on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, such Proprietor paying to the Clerk of the said Company the Sum of Two Shillings and Sixpence, and no more, for every such Certificate and Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Proprietors, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that it is to say,)

Form of
Certificate.

‘ The *Preston* and *Wyre* Railway, Harbour, and Dock Company.
‘ Number
‘ THESE are to certify, That *A.B.* of _____ is the Proprietor of
‘ the Share [or Shares] Number _____ of “The *Preston* and
‘ *Wyre* Railway, Harbour, and Dock Company,” subject to the Rules,
‘ Regulations, and Orders of the said Company. Given under the
‘ Common Seal of the said Company the _____ Day of
‘ in the Year of our Lord
‘ Entered _____

Repealing
the Power
to borrow

XV. And whereas by the said recited Act of the Seventh Year of the Reign of His late Majesty King *William* the Fourth it was enacted,

enacted, that it should be lawful for the said *Preston* and *Wyre* Rail- Money on Bond.
 way and Harbour Company, or the Directors thereof, after an Order should have been made for that Purpose by any General or Special General Meeting, and they were thereby authorized and empowered, to take up at Interest the Whole or any Part, as they should think proper, of the Sum of Forty thousand Pounds authorized by the therein and herein recited Act of the Fifth and Sixth Years of the Reign of His late Majesty to be borrowed on Mortgage, and to secure the Repayment thereof, with Interest, at such legal Rate as might from Time to Time be agreed upon, by Bonds under the Common Seal of the said Company, payable at such Times as the said Company and the several Corporations or Persons lending the Money might mutually agree upon: And whereas it was by the said Act passed in the present Session enacted, that it should be lawful for the said Company to borrow, in certain Events therein mentioned, any Sums of Money not exceeding in the whole Twenty-six thousand Pounds and Thirty-four thousand Pounds, in addition to the said Sum of Forty thousand Pounds authorized to be raised as aforesaid, and the said Company were thereby empowered to raise such Sums of Twenty-six thousand Pounds and Thirty-four thousand Pounds by Mortgage, Bond, or Debentures, or by all or any of the Ways and Means by which they were authorized to raise the before-mentioned Sum of Forty thousand Pounds: And whereas it is not expedient that the said Company should raise any further Sum of Money upon the Security of Bonds or Debentures; be it therefore further enacted, That, subject and without Prejudice to any Bond or Debenture which the said *Preston* and *Wyre* Railway and Harbour Company, at any Time before the passing of this Act, shall or may have made or given to any Person as a Security for Money borrowed by them under or by virtue of the Provisions in the herein-before recited Acts contained, or to any Right or Privilege of any Holder or Assignee of any such Bond or Debenture, the said recited Power to raise the Whole or any Part of the said Sum of Forty thousand Pounds, or the said Sums of Twenty-six thousand Pounds and Thirty-four thousand Pounds, and to secure the Repayment thereof respectively by Bonds or Debentures under the Common Seal of the said Company in manner in the said recited Acts mentioned, shall from and after the passing of this Act cease and be no longer exercised.

XVI. Provided always, and be it further enacted, That any Securities to be granted under the said recited Acts or either of them, or of this Act, and the Dividends and Interest to arise thereupon, shall not be transferrable unless by Instrument duly stamped, in which the Consideration for such Transfer shall be truly stated, nor shall any Interest be paid upon the said Securities unless to the *bonâ fide* Holders thereof, or to the Parties to whom the same may have been lawfully assigned under an Instrument duly stamped, or to the Agents of such Holders or Parties duly authorized to receive the same. Securities not transferrable unless by Instrument duly stamped.

XVII. And be it further enacted and declared, That, except as aforesaid, nothing in this Act contained shall be held or construed to be in or towards Satisfaction of or in any way interfering with the Powers of raising and borrowing Money contained in the said recited Acts, or with any of the Provisions relating thereto. Not to interfere with the Powers of borrowing Money.

Rates of
Carriage to
be charged
equally.

XVIII. And be it further enacted, That the Charges by the said recited Acts authorized to be made for the Carriage on the said Railway of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per Mile* or *per Ton per Mile* in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, passing on the same Portion of the Line of the said Railway; and no Charge for or Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made, either directly or indirectly, in favour of or against any particular Place, or in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway.

For Recovery
of Rates and
Tolls.

XIX. And be it further enacted, That the Rates, Tolls, and other Sums by the said recited Act of the Fifth and Sixth Years of King *William* the Fourth authorized to be taken shall be paid to such Persons, at such Places upon and near the said Railway and Harbour, and in such Manner and under such Regulations, as the said *Preston and Wyre* Railway, Harbour, and Dock Company, or as the said Directors, shall, by Notice to be annexed to the Account or List of Rates, Tolls, or Sums, direct and appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates, Tolls, or Sums as may have accrued due unto the respective Persons appointed to receive the same as aforesaid, or any Part thereof, the said Company may sue for and recover the same by Action of Debt or upon the Case in any of Her Majesty's Courts of Record; or the Person to whom such Rates, Tolls, or Sums ought to have been paid may and is hereby empowered to seize the Goods, Articles, and Things for or in respect whereof such Rates, Tolls, or Sums ought to be or to have been paid, or any Part thereof, and the Carriage, Ship, Vessel, or Boat laden therewith, and also any Goods, Articles, or Things, and Carriages, Ships, Vessels, or Boats, the Property of or belonging to the same Person or Persons to whom the Goods, Articles, Things, or Carriages, Ships, Vessels, or Boats, so made liable to Seizure, shall belong, and detain the same until Payment of all such Rates, Tolls, or Sums shall be made, together with the reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Five Days next after the taking thereof the same shall be appraised and sold, and such Rates, Tolls, and Charges satisfied thereout, as the Law directs in Cases of Distress for Rent.

Defining the
Limits of the
Harbour.

XX. And whereas by the said recited Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth the Limits of the said Harbour for the Purposes of the said Act are defined as extending from *Burn Naze* to Two Miles North of *Rossall Point*: And whereas the said Act does not define the Limits of the said Harbour on the Eastern Side of the said River *Wyre*, and it is expedient to remove all Doubt which may arise concerning the same; be it therefore enacted and declared, That the said Harbour shall for the Purposes of the said recited Act be deemed and taken to extend

extend from *Bourn Naze* aforesaid to Two Miles North of *Rossall Point* aforesaid on the Western Side of the said River *Wyre*, and from the extreme South-west Point of a certain Head of Land called *Stalmine Head*, along the High-water Line on the Western and Northern Sides of the said Head of Land, to and across the Northern End of a certain Way or Swashway (opening to the River on the North Side of the said Head of Land) to the Main, and from thence to Three Miles North of *Nott End* on the Eastern Side of the said River *Wyre*.

XXI. And whereas it is in and by the said recited Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth enacted, that none of the Powers given by this Act to any Harbour Master or other Officer of the said Company shall be deemed to extend to any Ship or Vessel mooring or anchoring on the Shores or Beach on the Eastern Side of the said Harbour: And whereas Doubts may arise as to the Meaning of such Enactment; be it therefore enacted and declared, That the Words "or other Officer" in such Enactment contained relate to and intend such other similar Officer as may be employed by the said Company in and upon the Duties and Powers in the said Act imposed and vested in the Harbour Master of the said Company.

Meaning of certain Words in Clauses of Act of 5 & 6 W. 4. c. 58. relating to the Duties of Harbour Master.

XXII. And be it further enacted, That the said Company shall and they are hereby required, in each and every Year, to cause an annual Account in abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied under or by virtue of this Act or the said recited Acts for the Year ending on the Thirtieth Day of *June*, or some other convenient Day, in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Secretary or Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County Palatine of *Lancaster*, on or before the 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 Company shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

Annual Account to be made up and Copy transmitted to the Clerk of the Peace.

XXIII. And be it further enacted, That in all Cases where the Verdict of a Jury summoned as by the said recited Acts, or either of them is directed shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of the said recited Acts or this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers thereof, the reasonable Fees which may have been paid to One Counsel for attending the Inquiry before such Jury, by the Party with whom the said Company may be in dispute, shall be paid by the said Company; and the Amount of such Fees

Expences of Counsel to be allowed in the Taxation of Costs.

Fees shall be settled and determined by the Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Inquiry, in like Manner as the Costs of summoning such Jury and other Expences payable by the said Company, but upon the same Scale of Allowance as may for the Time being be adopted or allowed by the Taxing Officers of Her Majesty's Courts of Record at *Westminster*.

Repealing the Clause inflicting a Penalty on Persons obstructing Passage on the Railway for Use of the Harbour.

XXIV. And whereas it was by the said recited Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth enacted, that if any Person should throw or place, or wilfully scatter or drop, any Ballast, Gravel, Stone, Rubbish, or other Matter or Thing, upon any Part of the said Railway, or into the said Harbour, or on the Piers, Jetties, Wharfs, Quays, or other Works thereby authorized to be made, or should extinguish any Light or Lamp set up by the Company thereby incorporated, on or near the said Railway, Harbour, Piers, Jetties, Wharfs, Quays, or other Works, for the Purpose of lighting the same, unless by the Authority of the said Company, or should wilfully obstruct or prevent any Person in the lawful Execution of that Act, or should do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or Use of the said Harbour, Piers, Jetties, Wharfs, Quays, or other Works, or any Part thereof respectively, he should forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence: And whereas it is expedient that further and more effectual Provision should be made for preventing Accidents upon or in the said Railway, Harbour, and other Works; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Penalty on obstructing Passage on Railway, &c.

XXV. And be it further enacted, That if any Person shall throw or place, or wilfully scatter or drop, any Ballast, Gravel, Stone, Rubbish, or other Matter or Thing, upon any Part of the Railway or into the Harbour by the said recited Act of the Fifth and Sixth Years of the Reign of His said late Majesty authorized to be made, or shall extinguish any Light or Lamp set up by the said Company on or near to the said Railway, Harbour, Piers, Jetties, Wharfs, Quays, or other Works, for the Purpose of lighting the same, unless by the Authority of the said Company, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway, or Use of the said Harbour, Piers, Jetties, Wharfs, Quays, or other Works, or any Part thereof respectively, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Bye Laws to be approved by Judges or Magistrates in Quarter Sessions.

XXVI. And whereas by the said recited Acts the Companies thereby respectively incorporated are empowered to make Bye Laws, and to impose Penalties for the Nonobservance thereof, and it is expedient that such Powers should be altered and amended; be it therefore enacted, That no Bye Law already made by the said Companies shall continue in force for a longer Space of Time than Six Calendar Months next after the passing of this Act, unless the same shall, previously to the Expiration of that Period, have been submitted to and approved by One of the Judges of Her Majesty's Courts of Record at *Westminster*, or by the Justices of the Peace for the County

County Palatine of *Lancaster* in Quarter Sessions assembled, and that no Bye Law which shall be made by the said *Preston* and *Wyre* Railway, Harbour, and Dock Company, after the passing of this Act, shall have any Operation or Effect until the same shall have been in like Manner approved by such Judge or Justices as aforesaid; and every such Bye Law, when approved as aforesaid, shall be binding and conclusive upon all Persons whomsoever; and any Justice of the Peace before whom any Person offending against any such Bye Law may be brought or summoned shall have the Power of convicting for the Whole or for any Part of the Penalty imposed by such Bye Law, as the said Justice may in his Discretion think proper, any thing in the said recited Acts, or either of them, or in such Bye Laws, to the contrary thereof notwithstanding.

XXVII. And be it further enacted, That so much of the said recited Acts as enacts, that no Action, Suit, or Information, or any other Proceeding, of what Nature soever, should be brought, commenced, or prosecuted against any Person or Corporation for any thing done or omitted to be done in pursuance of the said Acts, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under the said Acts, unless Ten Days previous Notice in Writing should be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding should be brought or commenced within Six Calendar Months next after the Act committed, or in case there should be a Continuation of Damage, then within Three Calendar Months after the doing or committing such Damage should have ceased, nor unless such Action, Suit, Information, or Proceeding should be laid and brought in the County or Place within which the Matter in dispute or Cause of Action should have arisen; and the Defendant in such Action, Suit, Information, or Proceeding might plead the General Issue, and give the said Acts and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be done, or that such Action, Suit, Information, or Proceeding should have been brought otherwise than as herein-before directed, then and in every such Case the Jury should find for the Defendant; and upon such Verdict, or if the Plaintiff should suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant should have appeared thereto, or if a Verdict should pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff, the Defendant should have his Costs, and should have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases, shall be and the same is hereby repealed.

Repeal of
Clause as to
Limitation
of Actions.

XXVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, or Authorities of the Queen's most Excellent Majesty, Her Heirs and Successors, whether in right of Her Crown or of Her Duchy or County Palatine of *Lancaster*, or of any Bodies Politic or Corporate, Lords

Saving the
Rights of the
Duchy of
Lancaster.

[*Local.*]

14 A

of

of Manors, or other Person or Persons whomsoever, his, her, or their Heirs, Successors, Executors, and Administrators, other than and except those expressly barred and regulated by this Act.

Railway not to be exempted from the Provisions of any General Act.

XXIX. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway, by the said recited Acts or either of them, or this Act, authorized to be made, from the Provisions of any General Act relating to Railways which may pass during the present or any future Session of Parliament.

Public Act.

XXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Act may be amended this Session.

XXXI. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed during the present Session of Parliament.

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