



ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lxxi.

An Act to amend the Acts relating to the *East Lancashire Railway Company*, and to enable the same Company to make certain Branches at *Preston*. [28th July 1849.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from the Manchester and Bolton Railway in the Parish of Eccles to the Parish of Whalley, all in the County Palatine of Lancaster, to be called "The Manchester, Bury, and Rossendale Railway;"* and by virtue of Two Acts passed in the Session of Parliament held in the Eighth and Ninth Years of the same Reign, the one called "*The East Lancashire Railway Act, 1845,*" and the other intituled *An Act for amending the Act relating to the Manchester, Bury, and Rossendale Railway, the Blackburn, Burnley, Accrington, and Colne Extension Railway Company* has been united with the *Manchester, Bury, and Rossendale Railway Company*, under the Name of "*The East Lancashire Railway Company:*" And whereas an Act was passed in the Seventh Year of the same Reign, intituled *An Act for making a Railway from the Town of Blackburn to the North Union*

7 & 8 Vict. c. 60.
8 & 9 Vict. c. 35.
8 & 9 Vict. c. 101.
7 & 8 Vict. c. 34.

[Local.] 11 Z Railway

Railway in the Township of Farrington near Preston, all in the County of Lancaster, whereby a Company was incorporated by the Name of "The Blackburn and Preston Railway Company," which Company was amalgamated with the East Lancashire Railway Company, and their Railways united into One Undertaking, by "The East Lancashire Railway Amalgamation Act, 1846:" And whereas by virtue of "The Liverpool, Ormskirk, and Preston Railway Act, 1846," the Undertaking thereby authorized has been purchased by and is now Part of the Undertaking of the East Lancashire Railway Company: And whereas by "The East Lancashire Railway Act, 1847 (Preston Extension)," the Company was authorized to make an Extension of their Railway into the Town of Preston: And whereas a large Part of the Works authorized by the before-recited Acts and the other Acts relating to the East Lancashire Railway have been completed, and are now open to the Public; but some Parts of the said Works, and especially those authorized by the last-recited Act, are incomplete, but are in course of Construction: And whereas it is expedient that the short Branches or connecting Lines herein-after described should be constructed, and that certain of the Provisions in the last-recited Act relating to the Station and Approaches in the Town of Preston should be amended, and that the Company should be empowered to enter into Arrangements herein-after contained touching the Traffic brought by their Railways upon neighbouring Undertakings; but these Things cannot be done 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 the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, be extended to and incorporated with this Act.

Provisions of
8 & 9 Vict.
cc.18.and 20.
extended to
this Act.

Short Title
of Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in all legal Instruments and other Documents and Proceedings, it shall be sufficient to describe it as "The *East Lancashire Railway Act, 1849.*"

Power to
make Branch
Railways
according to
deposited
Plans.

III. And whereas Plans and Sections of the Branch Railways, showing the Lines and Levels thereof, and also Books of Reference to the said Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees and of the Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace for the County Palatine of *Lancaster*: Be it enacted, That, subject to the Provisions in this Act contained, it shall be lawful for the *East Lancashire Railway Company* to make and maintain the Branch Railways and Works connected therewith in the Line and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

IV. And

IV. And be it enacted, That one of the said Railways (which Railway will be situate wholly in the Township and Parish of *Preston*, and will be a Continuation of the *Preston* Extension of the *East Lancashire* Railway,) shall commence at or near a certain Field in the same Township and Parish numbered 116 in the Plans referred to in "The *East Lancashire* Railway Act, 1847 (*Preston* Extension)," and terminate by a Junction or Junctions with the *North Union* Railway at or near the South End of the present Passenger Station of that Railway in or near to *Butler Street, Fishergate*, in the Borough of *Preston*, and the other Railway (which will be situate entirely in the Township of *Walton-le-Dale* in the Parish of *Blackburn*.) shall commence by a Junction with the Main Line of the *East Lancashire* Railway at or near the Spot where the *Blackburn* Branch of the *Liverpool, Ormskirk, and Preston* and the *Blackburn and Preston* Lines of the *East Lancashire* Railway unite or are intended to unite, and terminate by a Junction with the *Preston* Extension Line of the *East Lancashire* Railway at or near a certain public Highway numbered 67 in the Plans referred to in "The *East Lancashire* Railway Act, 1847 (*Preston* Extension)," both which Railways will be situate in the County of *Lancaster*.

Description
of Branch
Railways.

V. Provided always, and be it enacted, That none of the Powers by this Act conferred on the *East Lancashire* Railway Company with respect to the taking of Land or Construction of Works for the first-described Railway shall be exercised by the said Company before the First Day of *July* One thousand eight hundred and fifty, excepting at the Request and with the Consent of the Proprietors of the *North Union* Railway, testified on each Occasion under their Common Seals; and if the Proprietors of the *North Union* Railway shall on or before the First Day of *July* One thousand eight hundred and fifty construct the Railway for connecting the *East Lancashire* Railway in the Township of *Preston* with the *North Union* Railway, and prepare the same for the convenient Passage of Traffic to and from the same Railway, then all the Powers by this Act granted to the *East Lancashire* Railway Company for the taking of Land for the Purposes of or for constructing the said first-described Railway shall cease and determine, unless in so far as the said Proprietors of the *North Union* Railway, under their Common Seals, as aforesaid, consent to the Exercise of such Powers: Provided always, that upon the Request of the said Proprietors the said *East Lancashire* Railway Company shall and they are hereby required to exercise all or any such Powers.

Powers of
East Lan-
cashire
Railway
Company as
to *Preston*
Extension
suspended.

VI. And whereas by "The *Liverpool, Ormskirk, and Preston* Railway Act, 1846," the Company are authorized to construct their Railway across a certain public Road in the Townships of *Ormskirk* and *Bickerstaffe* in the Parish of *Ormskirk* and in the Township and Parish of *Aughton*, by raising the said Road over the said Railway; and it has been found that such Method of Construction is inconvenient to the Persons using the said Road, and that it would facilitate the Traffic on the same if it were raised only to the Level of the Railway: Be it therefore enacted, That it shall be lawful for the Company

Power to
cross certain
Roads in
Ormskirk
and *Augh-*
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Level.

pany to make and maintain their Railway across and upon the Level of the same Road in the Manner defined upon the herein-before first-mentioned deposited Plans, instead of in the Manner already authorized.

Company to erect a Station or Lodge where Roads crossed on a Level.

VII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Point where the said Road shall be crossed on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Commissioners of Railways; and if the Company shall fail to erect or at all Times maintain such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Commissioners of Railways may require a Bridge to be erected instead of level Crossing.

VIII. Provided always, nevertheless, and be it enacted, That it shall be lawful for the Commissioners of Railways, if it shall appear to them to be necessary for the public Safety, at any Time to require the Company, within such Time as the said Commissioners shall direct, and at the Expense of the Company, to carry the said Road over the Railway by means of a Bridge, instead of crossing the said Road on the Level, or to execute such other Works as in the Circumstances of the Case shall appear to the said Commissioners best adapted for removing or diminishing the Danger arising from such level Crossing.

Lands for extraordinary Purposes.

IX. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes, not exceeding Twenty Acres, in addition to the Land which they are at present authorized to take for such Purposes.

Period for purchasing Lands limited.

X. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act,

Period for Completion of Works.

XI. And be it enacted, That the said Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall then be completed.

As to Portion of Railway common

XII. And whereas by "The *Liverpool and Bury* Railway Act, 1845," a certain Agreement is confirmed and made binding for
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Eighteen

Eighteen Months from the passing of the same Act, which Agreement had been entered into between the *Liverpool, Ormskirk, and Preston* Railway Company and the *Liverpool and Bury* Railway Company, with respect to that Portion of the *Liverpool and Bury* Railway which lies between the Terminus thereof in *Liverpool* and the Point of Junction therewith of the *Liverpool, Ormskirk, and Preston* Railway, and with respect to the Station in *Liverpool* of the said *Liverpool and Bury* Railway: And whereas by "The *Liverpool, Ormskirk, and Preston* Railway Act, 1846," after the Recital therein of the said Provision, and after providing for the Construction by the said *Liverpool and Bury* Railway Company of the said Portion of Railway and Station, and for the Payment by the said *Liverpool, Ormskirk, and Preston* Railway Company of their Proportion of the Expense thereof, and for the Division of the said Station into Two separate Parts, to be respectively appropriated to the said Two Companies, it is enacted, that on the Completion of the said Portion of Railway and Station, and on full Payment by the said *Liverpool, Ormskirk, and Preston* Railway Company of the Monies payable by them in respect thereof, as therein mentioned, the said Portion of the *Liverpool and Bury* Railway shall be the joint Property of the said Two Companies, and shall be used, occupied, and enjoyed by them in common, and that the Portion of the said Station which should be appropriated to the *Liverpool, Ormskirk, and Preston* Railway Company shall be used, occupied, and enjoyed by the same Company separately and exclusively for their own Use and Benefit; and it is further enacted, that the same Provisions should apply to an intended Extension of the said *Liverpool and Bury* Railway further into the Town of *Liverpool*, Powers for making which have since been obtained: And whereas the *Liverpool and Bury* Railway has been transferred to and is now the Property of the *Lancashire and Yorkshire* Railway Company, and the *Liverpool, Ormskirk, and Preston* Railway, and all the Rights, Privileges, Powers, and Authorities heretofore vested in the *Liverpool, Ormskirk, and Preston* Railway Company, have been transferred to and are now vested in the *East Lancashire* Railway Company: And whereas Doubts have arisen whether the last-named Company may lawfully levy Tolls, Rates, and Duties for the Use of the said Portion of Railway, and it is expedient that such Doubts should be removed: Be it enacted, That it shall be lawful for the *East Lancashire* Railway Company to demand and take, for all Persons, Matters, and Things conveyed by them from or to the *East Lancashire* Railway along the said Portion of Railway, the Tolls, Rates, Charges, and Duties which by "The *East Lancashire* Railway Amalgamation Act, 1846," they are authorized to receive for the Use of the other Parts of their Railway.

XIII. And whereas, not only at *Liverpool* as aforesaid, but in other Places, the Railways and Works of the *East Lancashire* Railway Company are connected with those of the *Lancashire and Yorkshire* Railway Company, and it would be convenient to the Public and to the Two Companies, and among their Officers and Servants, that the said Companies should be enabled to enter into Agreements from Time to Time touching the Construction, Enlargement, and Appor-

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pany.

tionment of their Stations, and the Interchange of Traffic upon their respective Undertakings: Be it enacted, That it shall be lawful for the said Companies from Time to Time to enter into such Contracts and Agreements as they shall deem advisable, not only concerning the Maintenance, Use, and Management of the Portion of Railway aforesaid, and the said Stations at *Liverpool*, and as to the Tolls and Charges to be paid by any other Person, Company or Companies, for the Use of the said Portion of Railway or the Stations at *Liverpool*, but also as to the Construction, Enlargement, and Apportionment, Use, Control, and Management of their other Stations and Works which for the Time being are connected with each other, and the Conveyance and Interchange of Traffic on their respective Undertakings: Provided always, that no such Agreement shall give to either of the said Companies Power to levy any greater Tolls or Charges than they would but for this Enactment be respectively empowered to receive, and that the same Arrangements shall not be prejudicial to the Public.

Power to raise additional Capital.

XIV. And whereas the estimated Expense of making the said Railways and Works is Twenty-eight thousand five hundred Pounds, and a further Sum of Two hundred and seventy-five thousand five hundred Pounds beyond the Capital which they are already authorized to raise is necessary to enable the Company to complete Works which have been already sanctioned: Be it enacted, That it shall be lawful for the Company to raise, by creating new Shares, in addition to the Sums of Money which they are already authorized to raise, any further Sum of Money not exceeding in the whole the Sum of Three hundred and four thousand Pounds, Twenty-eight thousand five hundred Pounds of which shall be applied only in carrying into execution the Objects and Purposes authorized by this Act, and the Remainder shall be applied towards the Objects and Purposes authorized by the other Acts relating to the Company.

New Shares to be considered the same as original Shares.

XV. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount, and subject to such Conditions, and with such Preference of Dividend (if any), not exceeding Ten Pounds *per Centum*, as may be determined by any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit: Provided always, that the Preference Shares already issued by the Company shall have a Preference or Priority of Dividend over the Shares to be raised under the Authority of this Act; provided also, that Five Pounds *per Share* shall be the greatest Amount of any One Call which shall be made in respect of such new Shares, and that Three Months at the least shall be the Interval between successive Calls.

XVI. And

XVI. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the *East Lancashire Railway Company*.

As to Votes of Proprietors of new Shares.

XVII. And be it enacted, That after the whole of the Sums which the Company are at present and which they are by this Act authorized to raise by Shares shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for them to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any Ordinary or Extraordinary Meeting of the Company, provided that such Sums of Money do not exceed in the whole One hundred and one thousand Pounds, in addition to the Sums which they are at present authorized to borrow; and all the Powers and Provisions contained in the "Companies Clauses Consolidation Act, 1845," with reference to the borrowing of Money, and the Conversion of borrowed Money into Capital, shall extend and apply to the said Money to be borrowed for the Purposes of this Act: Provided always, that Nine thousand five hundred Pounds of the said Sum of One hundred and one thousand Pounds shall be applied only towards the carrying into execution the Powers of this Act, and that the Remainder of the said last-mentioned Sum shall be applicable to the Objects and Purposes authorized by the said recited Acts.

Power to borrow on Mortgage.

XVIII. Provided always, and be it enacted, That all Mortgages or Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgage or Bond to be created by virtue of this Act.

Former Mortgages and Bonds to have Priority.

XIX. And whereas by "The *East Lancashire Railway Act, 1847 (Preston Extension)*;" the Powers of the Company for the taking of Land within certain Limits for the Purposes of the Station at *Preston* are suspended for Eighteen Months from the passing of the said Act, and are ultimately rendered conditional upon the Omission of the Proprietors of the *North Union Railway* so to enlarge and construct their Station at *Preston* as to fit it for the Accommodation of the Traffic both of that and of the *East Lancashire Railway*; and it is by the said Act further provided, that after the Construction of the said Station the same shall be appropriated to the Traffic to and from both Railways, but that the general Management, Regulation, and Control of the said Station, the Appointment of the necessary Superintendents and other Officers and Servants, and the making of Bye Laws, Rules, and Regulations for the Government thereof, shall remain in the Proprietors of the *North Union Railway*, but so nevertheless as that Convenience and Facilities shall be afforded for the Transit of the Traffic to and from both Railways without undue Preference to either Party, and that any Dispute between the said Parties touching those Matters shall be settled by the Commissioners

Regulations as to the Management of Station at *Preston*.

of

of Railways, who are authorized to make Orders concerning the same, if they shall deem it necessary to do so for the Interests of the Public: And whereas the *East Lancashire* Railway Company is a Competitor with the *London and North-western* Railway Company and the *Lancashire and Yorkshire* Railway Company, who are joint Proprietors of the *North Union* Railway, for the Conveyance of some of the Passengers and other Traffic which will use the said Station at *Preston*, and it is expedient that the Public should have the Means of selecting freely between the said Undertakings, and that the general Management of the said Station, and the Appointment of the Superintendents, Officers, Clerks, and Servants connected with such general Management, should be transferred to a Committee of Management, as herein-after mentioned, and that the *East Lancashire* Railway Company should have the Power of appointing, controlling, and removing the Booking Clerks, Porters, and Servants necessary for the particular Purposes of the *East Lancashire* Railway: Be it enacted, That before the First Day of *July* One thousand eight hundred and fifty the Proprietors of the *North Union* Railway shall nominate and appoint in Writing Six Persons, Three of whom shall be appointed by the Directors of the *Lancashire and Yorkshire* Railway Company out of their own Number, under the Hand of the Secretary of the same Company, and the other Three of whom shall be appointed by the Directors of the *London and North-western* Railway Company out of their own Number, under the Hand of the Secretary of the same Company, and the Directors of the *East Lancashire* Railway Company shall within the same Period nominate and appoint in Writing under the Hand of their Secretary Three Persons out of their own Number, and such Nine Persons shall form a Committee, to be called "The Committee of Management of the *Preston* Station," and in the same Committee shall, from the said First Day of *July* One thousand eight hundred and fifty, be solely vested, for the before-recited Purposes, and subject to the before-recited Conditions, the general Management, Regulation, and Control of the said Station, and the Maintenance and Repair of the same, and the Appointment, Remuneration, and Removal of the Superintendent and other Officers, Clerks, and Servants necessary for the general Purposes of the said Station, and the making of Bye Laws, Rules, and Regulations for the Government of the same: Provided always, that it shall be lawful for the said Proprietors and the said *East Lancashire* Railway Company respectively to appoint, control, and remove the Booking Clerks, Porters, and Servants necessary for the particular Purposes of their respective Traffics.

As to Removal and filling up Vacancies in Committee of Management.

XX. And be it enacted, That the said Proprietors of the *North Union* Railway and the *East Lancashire* Railway Company may from Time to Time, in like Manner, at their Pleasure, remove the Members of the said Committee of Management so nominated by them respectively, and may in like Manner respectively fill up Vacancies occurring among such Members by Removal, Death, or Resignation; and the Appointment of the Members of the said Committee, whether originally or for the Supply of Vacancies, shall be

be valid, notwithstanding any alleged or real Want of Authority on the Part of the said Secretary to sign such Appointments.

XXI. And be it enacted, That the said Committee shall hold its Meetings at *Preston*, or at such other Place as the Committee may from Time to Time determine upon, and that Four shall be a Quorum thereof, and that the Chairman of each Meeting shall be alternately selected from the Members representing the said Proprietors and the said *East Lancashire* Company, unless otherwise unanimously agreed on at any such Meeting; and the Proceedings of the said Committee shall be determined by a Majority of the Persons present, the Chairman having in case of Equality of Votes a casting beside his original Vote.

Meetings of
Committee.

XXII. And be it enacted, That the said Committee shall cause proper Books of Account to be kept containing accurate Statements of the Receipts and Expenditure touching the said Station, as well as Books in which shall be entered the Minutes of all Proceedings held at every Meeting of such joint Committee; and such Books of Account and Minute Books, as well as all other Books, Papers, Writings, or Accounts relating in any Manner to the Proceedings of the said joint Committee, or having reference to the said Station confided to their Charge, shall at all Times be open to the Inspection of the Directors of the said Three Companies respectively, or any or either of them, who shall also have Power to take such Copies thereof or Extracts therefrom as they may think fit, and without making any Payment for the same.

Books of
Account to
be kept by
Committee.

XXIII. And whereas it is by the *East Lancashire* Railway Act, 1847, (*Preston* Extension,) enacted, that the Expenses attending the general Management, Regulation, and Control of the said Station (the same having in the first instance been disbursed by the Proprietors of the *North Union* Railway) shall be apportioned between the said Proprietors and the *East Lancashire* Railway Company, and be paid and allowed by, to, or between them respectively, according and in proportion as Arbitrators appointed as in the said Act mentioned may decide, if the same Parties do not otherwise agree: Be it enacted, That the Committee of Management hereinbefore appointed shall disburse the same Expenses in the Stead of the said Proprietors, subject to the same Means as are in the said Act mentioned for determining the Proportions of Expense to be borne by the said Parties respectively touching the said general Management, Regulation, and Control of the said Station; and that the *Lancashire and Yorkshire*, the *London and North-western*, and the *East Lancashire* Railway Companies shall from Time to Time, upon Demand thereof by the said Committee of Management, pay to the said Committee the Amount due from each of the same Parties; and the Proportion so due may be recovered from either of the said Companies, if unpaid for Fourteen Days after Demand thereof in Writing, either by Action of Debt or by Distress of any Goods in the said Station belonging to such Company: Provided

As to Dis-
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always, that nothing herein contained shall interfere with or repeal the Provisions in the said Act contained as to the Ascertaining, Apportionment, and Payment of the Costs and Expenses relating to the Construction of the said Station, and that if the *East Lancashire* Railway Company shall not, in pursuance of the Provisions of the said Act, pay the Sum of Money found due from them with respect to the Expenses of constructing the said Station, they shall cease to have any Share in the said Committee of Management until after the Payment of such Sum; provided also, that within Six Months after the passing of this Act the *East Lancashire* Railway Company shall tender to the said Proprietors Security for the Payment of any Sum which the said Arbitrators or Umpire may find due from them; and if the said Proprietors shall not be satisfied with the Nature or Amount of the said Security the Matter shall be forthwith referred to the Decision of the Railway Commissioners; and until the *East Lancashire* Railway Company shall have given such Security as shall be approved either by the said Proprietors or the said Commissioners they shall not have or exercise any of the Powers or Privileges with reference to the said Station conferred on them by this Act or the said recited Act, save only as to the Railways by this Act authorized.

Defining
Powers of
Arbitrators
under Pres-
ton Exten-
sion Act,
1847.

XXIV. And whereas, in pursuance of the Provisions of the "*East Lancashire* Railway Act, 1847, (*Preston* Extension,)" the Plans of the Station at *Preston* have been prepared by the Proprietors of the *North Union* Railway, and have been adjusted and settled by Arbitration, under the said Provisions; but the Appropriation of the said Station, and of the Buildings, Warehouses, Conveniences, Approaches, and Works within the same or connected therewith, has not been agreed on between the same Parties, or been determined by the Arbitrators appointed by them: And whereas Doubts exist between the said Parties as to the Powers of the Arbitrators or Umpire to whom the Question of such Appropriation is or may be referred, and as to certain of the Matters which may by virtue of the same Act form the Subject of such Reference: Be it enacted, That it shall be lawful for the Arbitrators or the Umpire to whom the Appropriation as aforesaid of the said Station is or may be referred to consider, determine, and award what Part of the same Station, Buildings, Warehouses, Conveniences, Approaches, and Works, including the Lines of Railway within and immediately connected with the said Station, shall be appropriated to the exclusive Use of any of the said Parties who may desire the same, and what Part of the same shall be used in common by them, and upon what Conditions such exclusive or common Use of any of the said Matters shall be assigned; and the Expense of constructing and maintaining the Matters and Things so exclusively appropriated or otherwise resulting from such exclusive Appropriation, the same being settled by the Arbitrator, shall be paid by the Party to whose sole Use they are assigned; and the Award of the Arbitrators or Umpire touching the said Appropriation and the Conditions thereof shall be final and conclusive: Provided always, that it shall in no Case be lawful for the

the *East Lancashire* Railway Company, if the said connecting Line shall be appropriated to their own particular Use by the Arbitrator or Umpire, to charge any Tolls in respect thereof.

XXV. Provided always, and be it enacted, That it shall be lawful for the *London and North-western* and the *Lancashire and Yorkshire* Railway Companies on the one Part, and the *East Lancashire* Railway Company on the other Part, to enter into Contracts and Agreements from Time to Time touching the Appropriation, Use, and Possession of the said Station, Buildings, Warehouses, Approaches, and Works, and the Lines of Railway within and immediately connected with the said Station, and as to the general Management, Regulation, and Control thereof, and the Expenses thereof, and as to the Maintenance and Repair thereof, and as to the Income derived therefrom, and as to any future Enlargement thereof, and other the common Objects and Purposes of the said Proprietors for the Time being, and of the *East Lancashire* Railway Company; and every such Contract or Agreement shall be as binding on the said Companies and on the said Committee of Management as though the same were enacted in this Act: Provided always, that no such Contract or Agreement shall prejudicially affect the Interests of the Public or of any Persons not Parties thereto, and that all Persons, other than the said Parties thereto, shall have the same Rights to the Use of the said Railways, and upon the same Terms, as they lawfully might if no such Contracts or Agreements had been entered into.

The Proprietors and Company may contract with each other as to the Station and Works.

XXVI. And whereas, in accordance with the Provisions of "The *East Lancashire* Railway Act, 1847 (*Preston* Extension)," *John Hawkshaw* and *John Edward Errington*, Arbitrators duly appointed under that Act, (no Agreement having been come to between the Parties themselves within the Period fixed by such Act in that Behalf,) did by their Award dated the Thirtieth Day of *June* One thousand eight hundred and forty-eight duly determine the Position of the enlarged Station, Buildings, Warehouses, Conveniences, Approaches, and Works provided for by the said Act, and within the Limits thereby prescribed (namely, between *Fishergate* and the Southern Boundary of the Property mentioned therein as numbered 110 in the Township of *Preston*): And whereas also (after the Position of the said Station was so determined as aforesaid) the Plans thereof were duly prepared, under the Direction of the Proprietors of the *North Union* Railway, and communicated by them to the *East Lancashire* Railway Company; and such Plans, together with the Lines and Levels of the Works leading into the said general Station, and for connecting the Railway authorized by the said "*East Lancashire* Railway Act, 1847 (*Preston* Extension)," with the *North Union* Railway, and all the necessary Sidings, Warehouses, Buildings, and Approaches in connexion with such Lines, and the Conveniences for the Accommodation of both the said Parties, were afterwards duly adjusted and settled by the said *John Hawkshaw* and *John Edward Errington*, as Arbitrators, by their Award dated the Twenty-eighth Day of *November* One thousand eight hundred and forty-eight, as required

Award dated 30th June 1848 not to be affected.

required by such Act (no Agreement having been come to between the Parties themselves within the Period thereby fixed in that Behalf): And whereas after the Plans of the said Station were so adjusted and settled as aforesaid the same were delivered to the Proprietors of the *North Union* Railway, for the Purpose of being carried into execution by them, as required by the said Act, and the said Proprietors did within the Period thereby fixed in that Behalf *bonâ fide* commence and have since proceeded with the Execution of the said Plans: And whereas the Commissioners of Railways have, in pursuance of the Provisions of the said Act in that Behalf, duly prescribed the First Day of *July* One thousand eight hundred and fifty as the Limit of the reasonable Time within which the said Proprietors are to complete the said Station: And whereas since the said last-mentioned Award Differences have arisen between the said Proprietors and the said *East Lancashire* Railway Company as to the Construction of the said Station and Works, and particularly with regard to the Excavation of the Station Land, and the Removal of the Earth or Soil therefrom, and the depositing or disposal thereof, and as to the Appropriation of the said Station and Works for the Traffic of the said Parties, and particularly with regard to the Buildings, Warehouses, and Conveniences which are to be appropriated to the Use of the said Proprietors and the said Company respectively, and as to what Portion of the said Station, Buildings, Warehouses, Conveniences, and Approaches are to be used and enjoyed by the said Parties in common; and in pursuance of a Notice in that Behalf from the said *East Lancashire* Railway Company to the said Proprietors, dated the Seventh Day of *April* last past, such Differences have been duly referred to the Arbitration of the said *John Hawkshaw* and *John Edward Errington*, under and as required by the said Act; but no Award has yet been made in the Matters last aforesaid: Be it enacted, That nothing in this Act contained, or to be done under or in pursuance of this Act, shall prejudice the said concluded or pending References to Arbitration, or any of them, or the said Awards made as aforesaid, or either of them, or any References or Awards which hereafter may under the said recited Act and this Act be made or be required by either of the said Parties, or take away, alter, prejudice, or anywise affect the Powers, Rights, Obligations, Liabilities, or Interests of any or either of the said Parties, under or by virtue of the said past Awards or any such future Awards, or any or either of them respectively.

Interest not
to be paid on
Calls paid up.

XXVII. And be it enacted, That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividends 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 Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with

with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

XXVIII. And be it enacted, That it shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the said Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House 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 Company to construct any other Railway or execute any other Work or Undertaking.

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

XXIX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, 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 for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign 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 Session of Parliament held 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 the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the Railways, so far as the same shall be applicable thereto.

Railway Company to be subject to the 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.

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

Railways to be subject to Provisions of future general Acts.

XXXI. And be it enacted, That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company, in preference to all other Payments whatsoever.

Expenses of Act.

XXXII. And be it enacted, That the Term "the Company" in this Act shall mean "The *East Lancashire Railway Company*," and

Interpretation of Terms.

[Local.]

[12 C]

the

the Expression "the Railways" or "the said Railways" shall mean the Branch Railways and Works by this Act authorized to be constructed, unless there is in the Context something repugnant to such Interpretations.

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

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