



ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. clxiii.

An Act to enable the *East Lancashire* Railway Company to extend their Railway to *Rainford*, to enter into Arrangements with the *St. Helen's* Canal and Railway Company, and to convert their Mortgage Debt into Annuities.

[4th August 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty's Reign, 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," by which Act a Company was incorporated for the Purposes aforesaid, and by an Act passed in the next Session of Parliament that Company was named "The *East Lancashire* Railway Company:" And whereas by virtue of "The *Liverpool, Ormskirk, and Preston* Railway Act, 1846," the

7 & 8 Vict.
c. lx.

8 & 9 Vict.
c. ci.
9 & 10 Vict.
c. cclxxxi.

[Local.]

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East

The East Lancashire Railway Act, 1853.

East Lancashire Railway Company have become possessed of the Undertaking authorized by that Act, Part of which Undertaking consists of a Branch Railway near the Town of *Ormskirk* called the *Skelmersdale* Branch: And whereas it is expedient that the *East Lancashire* Railway Company should have Power to extend the said Branch Eastward to *Rainford* in the Parish of *Prescot*, there to meet a proposed Extension of the *Saint Helen's* Railway: And whereas the said Company are desirous of constructing the said Extension: And whereas it is also expedient that Power should be given to the Company and to the *Saint Helen's* Canal and Railway Company to enter into mutual Arrangements touching the Conveyance and Interchange of the Traffic common to both Companies upon the Railway hereby authorized, and touching the Use by either Company of the Railway Stations, Approaches, and Works between the Town of *Saint Helen's* and the Town of *Ormskirk*: And whereas Plans and Sections showing the Line and Levels of the said intended Railway, and Books of Reference thereto, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the said Railway will pass, have been deposited with the Clerk of the Peace for *Lancashire*: And inasmuch as the foregoing Objects cannot be attained without the Authority of Parliament, may it please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict.
cc. 18. & 20.
incorporated
with this
Act.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Power to
construct
new Line of
Railway ac-
cording to
deposited
Plans, &c.

II. The Company may make and maintain the new Line of Railway herein-after particularly described (with all proper Works, Stations, Approaches, and Conveniences 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 the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Extent of
new Line
of Railway.

III. The said new Line of Railway shall consist of an Extension of the *Skelmersdale* Branch of the *East Lancashire* Railway from the present Termination of that Branch in the Township of *Lathom* in the Parish of *Ormskirk*, passing through *Lathom*, *Ormskirk*, *Skelmersdale*, *Bickerstaffe*, *Rainford*, and *Prescot*, all in
Lancashire,

The East Lancashire Railway Act, 1853.

Lancashire, and terminating near a certain Road called *News Lane* in *Rainford* aforesaid.

IV. The Company may construct the said new Lines of Railway across and upon the Level of the public Roads numbered on the said Plans as follows; (that is to say,)

Number 10 in the Township of *Skelmersdale*; and
Number 78 in the Township of *Bickerstaffe*.

Power to cross certain Roads on the Level.

V. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads shall be crossed on a Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any 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, after Conviction for such Offence, to a daily Penalty of Ten Pounds for every Day such Offence shall continue.

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

VI. The Board of Trade may, if it shall appear to them necessary for the Public Safety, at any Time, either before or after the Railways hereby authorized to be made shall have been completed and opened for public Traffic, require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the before-mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Board of Trade may require Bridges instead of level Crossings.

VII. The Company may 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.

Land for extraordinary Purposes.

VIII. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Limiting Time for compulsory Purchase of Lands.

IX. The

The East Lancashire Railway Act, 1853.

Period for the Completion of the Works.

IX. The Works hereby authorized 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 Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railway not completed within a limited Period, Payment of Dividends to be suspended.

X. In case the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Railway shall have been completed and opened for public Traffic.

Works to form Part of East Lancashire Railway.

XI. The Railway hereby authorized, together with the Stations, Approaches, Conveniences, and Works appertaining thereto, shall form Part of the *East Lancashire Railway*.

Tolls in respect of the new Railway.

XII. The Company may demand and receive, for and in respect of the Railway hereby authorized, the same Tolls and Charges as they are now authorized to demand and receive for and in respect of the *East Lancashire Railway* by "The *East Lancashire Railway Act, 1851.*"

Maximum Charges.

XIII. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the said Railway hereby authorized shall in no Case exceed the maximum Tolls and Charges authorized by the said last-mentioned Act.

The Company and the *St. Helen's Canal and Railway Company* may enter into mutual Contracts.

XIV. It shall be lawful for the Company and the *St. Helen's Canal and Railway Company* to enter into such Contracts and Agreements as shall be mutually deemed expedient for or in respect of the joint Use of the Railway hereby authorized, and the several Stations and Conveniences connected therewith, and for and in respect of the Appropriation of any Part of any of such Stations to the exclusive or particular Use of either of the said Companies respectively, and for or in respect of the Interchange of Traffic upon the Railways belonging to the said Companies between the said Termination of the *Skelmersdale Branch* and *St. Helen's*: Provided always, that every such Contract or Agreement shall be subject to the Restrictions and Conditions contained in the Eighty-eighth Section of "The *Railway Clauses Consolidation Act, 1845.*"

XV. And

The East Lancashire Railway Act, 1853.

XV. And whereas the estimated Cost of making the said Railway is Fifty thousand Pounds, and it is necessary for the Company to raise a further Capital of Thirty thousand Pounds for the general Purposes of their Undertaking: 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 Eighty thousand Pounds.

Company may raise additional Capital by Creation of new Shares.

XVI. The Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of 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.

New Shares to be considered same as original Shares.

XVII. Two Pounds *per* Share shall be the greatest Amount of any One Call which shall be made in respect of such new Shares, and Three Months at the least shall be the Interval between successive Calls, and not more than Two Thirds of the Amount of any Share shall be called in any One Year.

Calls.

XVIII. The Dividends upon the Shares to be created under the Powers of this Act shall be calculated upon the Amount of Calls paid thereon at the Time of the Declaration of such Dividend.

Dividends on new Shares.

XIX. 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 Company.

As to Votes of Proprietors of new Shares.

XX. It shall be lawful for the Company, with the Assent of Three Fifths of the Votes at any General Meeting, to guarantee the Payment of Dividends, not exceeding in any Case Six *per Centum per Annum*, on the Shares which the Company are hereby authorized to issue, in preference to the Payment of Dividends on the ordinary

Company may guarantee Dividend on Shares.

[*Local.*]

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Shares

The East Lancashire Railway Act, 1853.

Shares of the Company, and upon such Terms as shall be by the Resolution of such Meeting defined.

Protecting
existing
Preference
Shares.

XXI. Provided always, That nothing herein contained shall prejudice or affect any Preference or Priority in the Payment of Interest or Dividends on any other Shares or Stock which shall have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Power to
borrow on
Mortgage.

XXII. After the whole of the Sums which the Company are by this or by any other 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 the Company 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 Twenty-six thousand Pounds, in addition to the Sums which they are already authorized to borrow.

Certain Pro-
visions of
8 & 9 Vict.
c. 16. incor-
porated with
this Act.

XXIII. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money, and the Conversion of borrowed Money into Capital, shall extend to the Money by this Act authorized to be borrowed.

Monies
raised under
this Act to
be applied
only to Pur-
poses there-
of.

XXIV. All and every Part of the Monies by this Act authorized to be raised by Shares or Mortgage shall be applied only in carrying into execution the Objects and Purposes of this Act and of the other Acts relating to the Company.

Former
Mortgages
and Bonds
to have
Priority.

XXV. Provided always, 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 of such Mortgages or Bonds have Priority over any Mortgage or Bond to be created under the Powers of this Act.

Power to
convert bor-
rowed Ca-
pital into
perpetual
Annuities.

XXVI. It shall be lawful for the Company, from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting of the Company convened with due Notice of that Object, to resolve that the whole or any Portion of the borrowed Capital of the Company, or any Debenture or other Security for which or for the Interest whereof the Company are lawfully liable, not exceeding an Amount to be defined in and by such Resolution, may be converted into perpetual Annuities

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Annuities of the Company, either by Agreement with the Holders of such Securities respectively before the same respectively may become due, or by paying off the same respectively when due, and raising a corresponding Amount by the Grant of perpetual Annuities, instead of reborrowing the Sum so paid off; and also, with the like Consent, from Time to Time to resolve that the whole or any Part, to be defined in and by such Resolution, of the Monies which the Company shall have Authority to raise by borrowing under the Powers of any of their Acts, and which shall not then have been raised, shall or may be raised by the Grant and Issue of perpetual Annuities sufficient to raise the Amount required to be borrowed, instead of borrowing the same; and also, with the like Consent, to issue the Annuities to be created for any of the Purposes aforesaid, at a Rate not exceeding the Rate of Four Pounds for every Hundred Pounds of the Capital so borrowed or authorized to be borrowed as aforesaid, the said Annuities being payable in equal half-yearly Portions; and it shall thereupon be lawful for the Directors of the Company to carry into effect such Resolution or Resolutions, by the Creation and Issue of such perpetual irredeemable Annuities as may from Time to Time be necessary for that Purpose, and the Annuities so created and issued shall be a Charge upon the Tolls and Undertaking, and Lands, Tenements, and Hereditaments of the Company, but shall be distributable, transmissible, and transferable as and in other respects have the Incidents of Personal Estate, and shall for ever have Priority of Payment over all Dividends on any Stock or Shares of the Company, whether ordinary or preference or guaranteed, and the Annuities when so created shall be termed "*East Lancashire Railway Irredeemable Annuities.*"

Power to Company to create perpetual Annuities, instead of borrowing Money under any of their Acts.

XXVII. Provided always, That nothing herein contained shall in anywise prejudice or affect the Rights of the Holders of Mortgages or Bonds of the Company; provided also, that after the Conversion of any such Securities into Annuities it shall not be lawful for the Company again to borrow the Sum so converted, but the Powers of borrowing by the Company shall to the Extent of the Sums so from Time to Time converted into Annuities be extinguished.

Saving Rights of Holders of Mortgages, &c.

XXVIII. The Holders of the said Annuities shall not be entitled to vote in the Affairs of the Company, unless it shall be otherwise resolved by a Majority of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any Meeting convened with due Notice that a Resolution for that Purpose will be proposed at such Meeting; and the Provisions contained in the Forty-fifth, Forty-sixth, and Forty-seventh Sections of "*The Companies Clauses Consolidation*"

Holders of Annuities not entitled to vote unless otherwise resolved.

Provisions of 8 & 9 Vict.

The East Lancashire Railway Act, 1853.

c. 16. as to
Transfer,
&c. of
Mortgages
to apply to
Annuities.

Annuitants
in arrear
may require
the Appoint-
ment of a
Receiver.

Appoint-
ment of Re-
ceiver.

Interest not
to be paid
on Calls paid
up.

Consolidation Act, 1845," with respect to the Transfer and Registry of Mortgages and Bonds, shall apply to the Annuities created by virtue of this Act.

XXIX. If, within Thirty Days after the said Annuities have become payable, and after Demand thereof in Writing, the same be not paid, the Proprietor or Proprietors of such Annuities holding individually or collectively an Amount in nominal Value of Twenty thousand Pounds or upwards may (without Prejudice to his and their Right to sue for the Amount so in arrear in any Court of competent Jurisdiction) require the Appointment of a Receiver, by an Application to be made as herein-after provided.

XXX. Every Application for a Receiver in the Cases aforesaid shall be made to Two Justices, and on any Application it shall be lawful for such Justices, by Order in Writing, after hearing the Parties, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Annuities, until all the Arrears which may then be due on the said Annuities, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and 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 Proprietors of the said Annuities, or to the Use of those of the Proprietors to whom such Annuities shall be then due, and so soon as the full Amount of such Annuities and Costs has been so received the Power of such Receiver shall cease; that such Receiver shall distribute rateably and without Priority among all the Proprietors of the said Annuities to whom the same shall be in arrear the Tolls or Monies which shall so come to his Hands.

XXXI. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized 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 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 the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

XXXII. It

The East Lancashire Railway Act, 1853.

XXXII. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act, 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.

XXXIII. 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 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 an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their said Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways so far as the same shall be applicable thereto.

Railways, &c. 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., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXXIV. Nothing herein contained shall be deemed or construed to exempt the Railways by this or any other Acts relating thereto 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, 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 East Lancashire Railway Act, 1851," or of the Rates for small Parcels.

Railways not exempt from Provisions of future General Acts.

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Expenses of Act. XXXV. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company.

Short Title. XXXVI. In citing this Act it shall be sufficient to describe it as "*The East Lancashire Railway Act, 1853.*"

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