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## *Cap. ccxi.*

An Act to reduce and regulate the Tolls payable in respect of Traffic passing between *Liverpool* and certain Places on the *Liverpool, Crosby, and Southport* Railway, and also the Payments or Tolls payable to the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies in respect of Traffic to and from the last-mentioned Railway; and for other Purposes. [20th August 1853.]

**W**HEREAS the *Liverpool, Crosby, and Southport* Railway joins the Line of Railway originally called "The *Liverpool and Bury* Railway," and now belonging to the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies, at a Distance of One Mile and Three Quarters of a Mile, or thereabouts, from the Terminus of the said last-mentioned Railway at *Tithebarn Street* in the Borough of *Liverpool*: And whereas the said *Liverpool, Crosby, and Southport* Railway affords Access from *Liverpool* to various Places of Resort within short Distances from the said Borough, and the Traffic to and from such Places passes partly over the said *Liverpool, Crosby, and Southport* Railway, and partly over the said Line belonging to the said *Lancashire and Yorkshire* and *East Lancashire*

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*cashire* Railway Companies; and it is expedient that the Tolls and Charges payable in respect of the Conveyance of Passengers, as well over the said *Liverpool, Crosby, and Southport* Railway as over the Line belonging to the said last-mentioned Companies, between *Liverpool* and the Places before referred to, should be fixed, regulated, and adjusted in manner herein-after provided, and it is also expedient that the Payments to be made by the Company to the said last-mentioned Companies in respect of the Traffic passing over the said Line of Railway belonging to those Companies, and for the Use of their said Station at *Tithebarn Street*, should be fixed and adjusted, and that the Provisions in that respect contained in "The *Liverpool, Crosby, and Southport* Railway Amendment Act, 1850," should be altered in manner herein-after provided: And whereas the several Acts following have been passed with reference to the said "*Liverpool, Crosby, and Southport* Railway," (that is to say,) "The *Liverpool, Crosby, and Southport* Railway Act, 1847," "The *Liverpool, Crosby, and Southport* Railway Amendment Act, 1850," and "The *Liverpool, Crosby, and Southport* Railway (Sale or Lease) Act, 1850;" and it is expedient that the Provisions of the said Acts should be extended to a certain Branch Railway herein-after more particularly described, and which since the Date of the last-recited Act the said Company has constructed under and in pursuance of a certain Indenture or Deed of Covenant dated the Eighteenth Day of *June* One thousand eight hundred and forty-seven, made between Three of the Provisional Committee of the said Company of the First Part, *Thomas Weld Blundell* Esquire of the Second Part, and *Charles Scarisbrick* Esquire of the Third Part, which Indenture or Deed of Covenant was made binding on the said Company by the said "*Liverpool, Crosby, and Southport* Railway Amendment Act, 1850:" And whereas it is also expedient to sanction the crossing on the Level by the said Railway of a certain Road called "*Hawes Side Lane*" in the Parish of *North Meols* in the County of *Lancaster*: 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

Short Title.

I. That in citing this Act in other Acts of Parliament, or in any legal or other Instruments or Pleadings, it shall be sufficient to designate the same as "*The Liverpool, Crosby, and Southport* Railway Amendment Act, 1853."

Maximum Rates of Charge for Passengers

II. That from and after the passing of this Act the maximum Rate of Charge which it shall be lawful for the Company to demand and receive in respect of all Passengers conveyed by them between the

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the under-mentioned Places, including Tolls for the Use of the Railway, or any Railway connected therewith, and for the Use of Carriages and locomotive Power, Station Accommodation, and all other Expenses incidental to such Conveyance, shall not exceed the following; (that is to say,) between Liverpool and Crosby.

For First-class Passengers between the Station at *Tithebarn Street, Liverpool*, and *Crosby*, the Sum of Ninepence:

Between the same Station and *Waterloo*, Eightpence:

Between the same Station and *Seaforth*, Sixpence:

Between the same Station and *Marsh Lane* or any Station nearer *Liverpool*, Fourpence:

For Second-class Passengers conveyed between the said first-mentioned Places, the Sum of Sevenpence:

Between the Places secondly mentioned, Sixpence:

Between the Places thirdly mentioned, Fivepence:

Between the Places fourthly mentioned, Fourpence:

And for Third-class Passengers conveyed between the Places firstly above mentioned, the Sum of Sixpence:

Between the Places secondly above mentioned, Fivepence:

Between the Places thirdly above mentioned, Fourpence:

Between the Station at *Tithebarn Street, Liverpool*, and *Marsh Lane* or *Bootle Village*, Threepence:

Between the same Station and *Miller's Bridge*, Twopence Halfpenny.

III. That the Seventeenth Section of "The *Liverpool, Crosby, and Southport* Railway Amendment Act, 1850," shall be and the same is hereby repealed, except as to any Rights, Claims, or Obligations which shall have accrued in respect thereof before the First Day of *August* One thousand eight hundred and fifty-three, all which Rights, Claims, or Obligations, if any, are preserved entire, and may be enforced or recovered as if this Act had not passed. Section 17. of 13 & 14 Vict. c. xcvi. repealed.

IV. That from and after the First Day of *August* One thousand eight hundred and fifty-three, in lieu of all Tolls, Rates, and Charges (except terminal Charges upon Goods) payable by the Company to the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies, or either of them, in respect of Traffic passing over the said Portion of the Line of Railway belonging to the said last-mentioned Companies (and which is herein-after distinguished as the Joint Line) to or from the Line of Railway belonging to the Company (herein-after called the Company's Line), and for the Use of the Station in *Tithebarn Street* in *Liverpool*, and for Booking Accommodation there, there shall be payable and paid by the Company to the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies, for and in respect After 1st Aug. 1853 certain Proportions of gross Receipts to be paid in lieu of Toll for Use of Joint Line, &c.

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Provision for additional Station Accommodation.

respect of all such Traffic passing over the Company's Line and the said Joint Line to or from *Liverpool* from or to *Hightown* on the Company's Line, or from or to any Place on the Company's Line nearer to *Liverpool* than *Hightown*, One Half of the gross Receipts from such Traffic, exclusive of such terminal Charges as aforesaid, and for and in respect of all Traffic passing over the Company's Line and the said Joint Line to or from *Liverpool* from or to any Place on the Company's Line beyond *Hightown*, One Quarter of the gross Receipts from such last-mentioned Traffic, exclusive of terminal Charges as aforesaid: Provided always, that if at any Time hereafter, by reason of the Amount of Traffic passing to or from the Company's Line, the *Lancashire and Yorkshire* and the *East Lancashire* Railway Companies shall incur any additional Charges in providing Station Accommodation for the Traffic of the Company, over and above the Charges necessarily incurred by them for the Accommodation of their own Traffic, it shall be lawful for either of the said Companies to require that the Amount to be paid by the Company for such additional Station Accommodation shall be referred to Arbitration in the Manner provided by "The Railways Clauses Consolidation Act, 1845," and the said Arbitrators, or their Umpire, shall determine whether any, and, if any, what increased Charge shall be paid by the Company in respect of such additional Station Accommodation, and such increased Charge (if any) shall thereafter be paid by the Company in addition to the Payments or Charge to which they will be liable for and in respect of the Use of the Joint Line and Booking Accommodation at *Liverpool*, and all Charges for Station Accommodation shall be equally divided between the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies.

No Alteration in Fares to affect the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies, without their Consent, or Sanction of Board of Trade, or Arbitration.

V. That no Alteration which may at any Time and from Time to Time be made of the Tolls, Rates, Charges, or Fares demanded or charged by the Company shall affect the Amounts payable by the Company to the said Two Companies or either of them, as provided in the last preceding Enactment, unless such Alteration shall be concurred in or consented to by One at least of the said Two Companies, signified in Writing under the Hand of their Secretary, or shall be sanctioned by the Board of Trade, or by the Result of an Arbitration as herein-after provided, but, notwithstanding any such Alteration, if not so concurred in or consented to, or sanctioned, as aforesaid, the said Two Companies shall be entitled to Payment according to the Scale of Tolls, Rates, Charges, and Fares actually in use immediately before such Alteration; provided that in case the Company shall make any such Alteration, without the Consent of both Companies, it shall be lawful for the Company, or for the said Two Companies or either of them, from Time to Time, as and when:

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any such Alteration shall be made, to apply to the Board of Trade to consider and determine whether such Alteration is reasonable and proper, and ought to be made; and the Board of Trade may, upon such Application, either by themselves or by some Person to be appointed by them for that Purpose, inquire into the Reasonableness and Propriety of such Alteration, regard being had to all the Circumstances of the Case and the several Interests concerned, and upon such Inquiry may, if they shall so think fit, sanction or confirm such Alteration, in whole or in part, as affecting the said Two Companies; and the Determination of the said Board in Writing, delivered to the several Companies, shall be binding upon all of them; and unless the Board of Trade determine against such Alteration, the Tolls, Rates, and Charges so altered shall regulate the Payments to be made by the Company to the said Two other Companies as from the Time which may be determined by the Board of Trade, and so from Time to Time as often as any such Alteration shall be made; provided, that if the Board of Trade shall decline to accept or enter upon such Reference, the Matter in difference shall thereupon be referred to and be determined by Arbitration in the Manner herein-after provided.

VI. That the Company shall afford to the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies respectively, and their Officers and Servants, all reasonable Facilities for examining and collecting Passengers Tickets and Invoices of all Goods and Parcels Traffic using the said Joint Line or any Portion thereof; and the Company shall deliver in each and every Week to the said *Lancashire and Yorkshire* and *East Lancashire* Railway Companies respectively, or to the Receiver to be appointed as herein-after mentioned, an Account in Writing showing the gross Receipts from Traffic of all Descriptions which shall have passed to or from the said Joint Line or any Part thereof during each preceding Week; and the said *Lancashire and Yorkshire* and *East Lancashire* Railway Companies respectively shall from Time to Time have Access to and the Means of inspecting at reasonable Times, by their Agent or Agents in that Behalf duly appointed in Writing, the Books and Accounts of the Company, so far as may be necessary or required for verifying the Accuracy of each such Statement so rendered; and the Sum or Sums of Money which upon every such Account shall be found and ascertained to be due, and stated and agreed between the Parties, or in case of Disagreement settled by Arbitration, as herein-after provided, shall be a Debt recoverable by Action at Law in the Name of the said Receiver.

Accounts of  
Traffic to be  
rendered.

VII. That from and after the passing of this Act the Company shall on every Day (*Sundays* excepted), at convenient Times, run from  
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*Liverpool* by way of *Crosby* to *Southport* such Number of Passenger Trains as shall from Time to Time be required by the said Two other Companies or either of them, and the like Number from *Southport* by way of *Crosby* to *Liverpool*; provided that the Company shall not be required to run more than Five such Trains daily each Way; provided also, that it shall be lawful for the Company to appeal to the Board of Trade, or to an Arbitrator to be appointed by that Board, to determine, at the Costs of the Company, whether any less Number of Trains would be sufficient for the Traffic, and in such Case the Company shall not be required to run more Trains than the Number which from Time to Time shall be determined by the said Board or by the said Arbitrator.

As to Receiver of Payments in lieu of Tolls.

VIII. That within One Month after the passing of this Act the *East Lancashire* Railway Company shall propose in Writing under the Hand of their Secretary to the *Liverpool, Crosby, and Southport* and to the *Lancashire and Yorkshire* Railway Companies the Name of a fit Person to receive the Rates and Charges payable by the *Liverpool, Crosby, and Southport* Railway Company for the Use of the said Joint Line; and if the Person so proposed as aforesaid is approved by the last-named Companies, or if the same Companies shall, for Fourteen Days after receiving such Proposal, not object to the Person so proposed, the same Person shall be deemed to be Receiver of the said Rates and Charges, and shall have such Salary or other Payment out of the said Rates and Charges, for the Performance of his Duties, as shall be determined from Time to Time by the said Two Companies; provided always, that if within Fourteen Days after such Nomination shall have been left at the principal Offices of the *Liverpool, Crosby, and Southport* and of the *Lancashire and Yorkshire* Railway Companies, the said Companies, or either of them, object to the said Person, or if any Difference shall at any Time arise between the said *Lancashire and Yorkshire* and *East Lancashire* Railway Companies as to the Salary or other Payment to be made to the said Person, it shall be lawful for the Recorder of the Borough of *Liverpool* for the Time being, at the Request of the *East Lancashire* Railway Company, to appoint such Receiver, and from Time to Time, at the Request of either of the said Companies, to fix and vary his Salary or other Emoluments.

As to subsequent Receivers.

IX. That it shall be lawful for the *Lancashire and Yorkshire* and the *East Lancashire* Railway Companies, or for either of them, to dismiss any such Receiver, by giving to him One Month's Notice in Writing under the Hands of their respective Secretaries that his Services are no longer needed; and in every such Case of Dismissal, or in case of the Death or Retirement of any Receiver, his Successor shall

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shall be appointed in the Manner herein-before prescribed for the original Appointment of the Receiver: Provided always, that it shall not be lawful to dismiss any such Receiver, unless for Neglect of his Duties, or Incompetence to discharge them, or for other Misconduct.

X. That all the Rates and Sums of Money payable by the *Liverpool, Crosby, and Southport* Railway Company, by virtue of this Act, for the Use of the said Joint Line, and of the Station at *Liverpool*, shall at all Times be paid to and received by the said Receiver, who, after discharging thereout the necessary Expenses of collecting the same, shall from Time to Time pay the Residue or Balance thereof in equal Proportions to the *Lancashire and Yorkshire* and the *East Lancashire* Railway Companies respectively.

As to Duties of Receiver.

XI. That if on Demand in Writing made by the Receiver on the Secretary of the Company of the Rates and Charges by this Act made payable for the Use of the said Joint Line, the same shall not be paid by the Company to the Receiver within Fourteen Days from such Demand, it shall be lawful for such Receiver to recover the said Rates and Charges in his own Name by Action at Law in any Court of competent Jurisdiction, or by Distress in the Manner provided by "The Railways Clauses Consolidation Act, 1845," for the Recovery of Tolls in default of Payment.

Receivers may recover Payments in lieu of Tolls.

XII. That if any Question or Difference shall at any Time arise between the Company and both or either of the said Two Companies, or between the last-mentioned Two Companies, as to any Matter relating to the Payments to be made as herein provided by the Company to the said other Companies or either of them, or the Mode or Principle of adjusting the same or the Accounts relating thereto, and for which no special Reference is herein-before provided, every such Question or Difference shall as and when the same shall arise be referred to and be determined by Arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845."

Differences as to Payments and Accounts, &c. to be referred to Arbitration.

XIII. That the several Provisions of the said recited Acts relating to the said *Liverpool, Crosby, and Southport* Railway, and the Acts therein referred to and incorporated therewith, so far as the same are in force, shall be held to apply to a certain Branch Railway made by the Company at or from the *Ainsdale* Station of the said Company in the Township of *Ainsdale* and Parish of *Walton-on-the-Hill* in the County of *Lancaster* to or near to *Segars Lane* in the Township and Parish of *Halsall* in the same County, and shall be held to authorize the said Company to levy Tolls in respect of the said Branch Railway,

Provisions of recited Acts to apply to *Ainsdale* Branch, and to authorize to levy Tolls.

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Railway, and otherwise to hold and use the same as though the said Branch Railway had been made under the Provisions of the said Acts.

Level Crossing at Hawes Side Lane.

XIV. That it shall be lawful for the Company to maintain the said Railway as at present constructed on the Level across a certain Road called *Hawes Side Lane* in the Parish of *North Meols* in the County of *Lancaster*; and if the said Road shall be diverted within the said Parish, under the Powers of any Act or Acts now in force, it shall be lawful for the Company to carry the said Road as the same may be so diverted across the said Railway on the Level thereof.

Company to erect a Station or Lodge at Point of crossing, and abide by Rules, &c. of Board of Trade.

XV. That it shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, to compel the Company to erect and permanently maintain either a Station or a Lodge at the Point where the Railway crosses the before-mentioned Road 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 are from Time to Time made by the Board of Trade; and if the Company fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the crossing at any such Lodge or Station, or to observe or abide by any such Rule or Regulation, 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 continues after such Penalty of Twenty Pounds is incurred.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

XVI. That the Board of Trade, if it appear to them necessary for the Public Safety, may at any Time hereafter require the Company, within such Time as the Board of Trade directs, and at the Expense of the Company, to carry such Road either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case appear to the Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossing; and if the Company fail to comply with any such Requirement 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 continues after such Penalty is incurred.

If Railway be leased to Lancashire and Yorkshire Company the

XVII. That in the event of any Lease, Conveyance, or Sale of the *Liverpool, Crosby, and Southport* Railway being made to the *Lancashire and Yorkshire* Railway Company, the Rates to be taken by the last-mentioned Company shall, from and after such Lease, Conveyance,

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ance, or Sale, be the Rates authorized to be taken by the present Act in respect of such Railway.

Rates to be those authorized by this Act.

XVIII. Provided always, That nothing in this Act contained shall prejudice or affect any of the Rights or Privileges of the *Lancashire and Yorkshire* Railway Company under any existing Act or Acts of Parliament, except so far as such Rights and Privileges are hereby expressly interfered with or varied.

Saving Rights of the Lancashire and Yorkshire Railway Company.

XIX. Provided always, That nothing in this Act contained shall prejudice, alter, or affect any of the Rights or Privileges of the *East Lancashire* Railway Company under the Thirteenth Section of "The *Liverpool, Crosby, and Southport* Railway (Sale or Lease) Act, 1850," or any other of their Rights and Privileges, except so far as they are by this Act expressly altered or varied.

Saving Rights of the East Lancashire Railway Company.

XX. That all the Costs, Charges, and Expenses attending the passing of this Act or incidental thereto shall be paid by the said *Liverpool, Crosby, and Southport* Railway Company.

Expenses of Act.

XXI. That it shall not be lawful for the said *Liverpool, Crosby, and Southport* Railway Company, out of any Money by any Act relating to the said 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 Company's Capital.

XXII. 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 Railways*; 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 another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Four-

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

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teenth and Fifteenth Years of the Reign of Her said Majesty, 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 said Railway hereby authorized, or the said Company in respect thereof, from the Provisions of the same several Acts respectively, but that such Provisions shall be in force with reference to the same Railway and Company in respect thereof, so far as the same are applicable.

Railway not exempt from Provisions of future General Acts.

XXIII. That nothing herein contained shall be deemed or construed to exempt the Railway 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 the said recited Acts or this Act.

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