ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cclxxxix.

An Act to enable the *East Lancashire* Railway Company to extend the *Liverpool, Ormskirk, and Preston,* and the *Blackburn and Preston* Lines of their Railway, into *Preston;* and for other Purposes relating thereto.

[22d *July* 1847.]

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* 7 & 8 Vict.
Railway from the Manchester and Bolton *Railway in the Parish of* c. 60.
Eccles *to the Parish of* Whalley, *all in the County Palatine of* Lancaster, *to be called* "*The* Manchester, Bury, and Rossendale *Railway*:" And whereas another Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the same Reign, intituled "The *East Lancashire* Railway Act, 1845," which authorized the 8 & 9 Vict.
Extension of the *Manchester, Bury, and Rossendale* Railway to the c. 35.
Towns of *Blackburn, Burnley, Accrington,* and *Colne;* and another Act was passed in the same Session of Parliament, intituled *An Act* 8 & 9 Vict.
for amending the Act relating to the Manchester, Bury, and Rossen- c. 101.

dale *Railway:* And whereas by virtue of Powers contained in the Two last-recited Acts the *Blackburn, Burnley, Accrington, and Colne Extension* Railway Company has become united and consolidated with the *Manchester, Bury, and Rossendale* Railway Company, under the Name of "The *East Lancashire* Railway Company:" And whereas Part of the said Railways authorized to be made by the before-recited Acts is now open for public Use, and the Remainder of such Railways is now in the course of Construction: And whereas an Act was passed in the last Session of Parliament, intituled "The *East Lancashire Deviation and Branch* Railways Act, 1846:" 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 *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," and Acts were passed in the Two subsequent Sessions, amending the last-recited Act, and uniting the *Blackburn and Preston* Railway Company with the *East Lancashire* Railway Company, and the Two Railways into One Undertaking, which Acts are respectively intituled "The *Blackburn and Preston* Railway Act, 1845," "The *Blackburn and Preston* Railway Act, 1846," and "The *East Lancashire* Railway Amalgamation Act, 1846:" And whereas another Act was passed in the last Session of Parliament, intituled "The *Liverpool, Ormskirk, and Preston* Railway Act, 1846," and by virtue of the Powers contained therein the Undertaking thereby authorized has been purchased by and is now Part of the Undertaking of the *East Lancashire* Railway Company: And whereas the extending the same intended Railway and the *Blackburn and Preston* Line of the *East Lancashire* Railway into *Preston* would be of great public Advantage: And whereas the *East Lancashire* Railway Company are willing, at their own Expence, so to extend their Railway into *Preston:* And whereas it is expedient that some of the Provisions of the said recited Acts should be extended and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Things contained in the recited Acts, so far as the same are now in force, and not repugnant to or inconsistent with "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," and except such of them as are by this Act repealed, altered, or otherwise provided for, and all the Provisions of "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," except such of them as are by this Act repealed or altered or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, so far as the same Provisions, Matters, and Things are applicable thereto, as fully and effectually as if the same were repeated and re-enacted in this Act in reference to such Purposes and Things.

9 & 10 Vict. c. 276.

7 & 8 Vict. c. 34.

8 & 9 Vict. c. 103.

9 & 10 Vict. c. 266.

9 & 10 Vict. c. 302.

9 & 10 Vict. c. 381.

Powers of recited Acts and Consolidation Acts extended to this Act.

II. And

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to describe it as "The *East Lancashire* Railway Act, 1847 (*Preston* Extension)."

Railway to be made according to deposited Plans.

III. And whereas Plans and Sections of the Extensions by this Act authorized, showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited in the Office of the Clerk of the Peace for the County Palatine of *Lancaster*, in which County alone all the Works authorized by this Act will be situate; be it enacted, That, subject to the Provisions in this Act contained, it shall be lawful for the Company to make and maintain the Extension Railways and Works connected therewith, subject to the Restrictions herein-after contained, with all proper Stations, Wharfs, and Approaches, 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.

Extensions to Preston.

IV. And be it enacted, That one of the Extensions of the *East Lancashire* Railway into the Town of *Preston* shall commence by a Junction with the *Blackburn and Preston* Line of the *East Lancashire* Railway in the Township of *Walton-le-Dale*, and passing through the several Places of *Blackburn*, *Walton-le-Dale*, *Penwortham* Parish and Township, and *Preston* Parish and Township, shall terminate in the Town and Borough of *Preston* at the Southernmost Boundary of the Field numbered on the said deposited Plans 110 in the said Township and Parish of *Preston*, subject nevertheless to the Provisions herein-after contained for continuing such Extension into the Station in *Preston*, and the other of such Extensions shall commence in the Township of *Penwortham* by a Junction with the intended *Liverpool, Ormskirk, and Preston* Line of the *East Lancashire* Railway, and passing through the Township and Parish of *Penwortham* and the Township of *Walton-le-Dale* in the Parish of *Blackburn*, shall terminate by a Junction with the intended Extension herein-before authorized in the said Township of *Penwortham*.

Power to abandon Parts of Railway already authorized.

V. And whereas by "The *Blackburn and Preston* Railway Act, 1846," Power was given to construct a Branch Railway commencing by a Junction with the *Blackburn and Preston* Line of the *East Lancashire* Railway near *Bamber Bridge* in the Township of *Walton-le-Dale* in the Parish of *Blackburn*, and terminating by a Junction with the Line of the *North Union* Railway in the Township and Parish of *Penwortham*: And whereas the said Branch Railway has not been constructed, and the same is rendered unnecessary by the Extension herein-before first described: And whereas so much of the intended Railway authorized by "The *Liverpool, Ormskirk, and Preston* Railway Act, 1846," as lies between the intended Junction of the same Railway in the Parish of *Penwortham* in *Lancashire* and a certain Watercourse dividing the Townships of *Hutton* and *Penwortham*, numbered

numbered 403 in the Township of *Hutton* on that Part of the Plans referred to in the last-mentioned Act which is intituled "The *North Union Junction* Line," will be rendered unnecessary by the Construction of the Extension last herein-before authorized; be it enacted, That nothing in the said Acts contained shall enable the *East Lancashire* Railway Company or any other Persons, by virtue of the said Acts, to construct any Parts of the said Railway so rendered unnecessary.

Protecting the Property of Mr. Stevenson.

VI. And be it enacted, That nothing in this Act contained shall authorize the said Company to take or use for the Purpose of the said Undertaking the Boiler Yard numbered 4 in the Township of *Preston*, on the said deposited Plan, belonging to *John Stevenson* of *Preston*, Iron Founder, situate between *Pitt Street* and the *Lancaster* Canal in *Preston*.

Regulations as to crossing Syke Road.

VII. And be it enacted, That it shall not be lawful for the said Company to cross the Common Sewer or Culvert numbered 105 on the said Plan, or to cross the *Syke Road*, or public Road numbered 106 on the said Plan, or either of them, upon the Level, but in order to prevent the same or either of them being crossed on the Level the said Company is hereby required and authorized, at their own Costs and Charges, to lower the said Common Sewer or Culvert, and the said Road called *Syke Road* adjoining thereto, so that the said Sewer or Culvert and the Surface of the said Road be lowered by a gradual and uniform Rate of Inclination from the Junction of *Mount Street* and *Garden Street* to and under the intended Point of crossing by the said Company, and thence continued with a gradual and uniform Rate of Inclination of One Foot in One hundred and forty-four Feet to the Point where such Road and Sewer or Culvert pass under the *North Union* Railway, that such Road be rendered convenient for Persons passing along the same, that a Girder Bridge be made over such Road at the Place of its crossing by the said Company, having a Headway of not less than Twelve Feet, that such Road shall not be of less than its present Width, and that the Surface thereof be made and formed of good Materials, and finished and completed with Gravel to the Satisfaction of the Surveyor of the Commissioners for the Improvement of *Preston*.

Regulations as to Construction of Bridge over the River Ribble.

VIII. And be it enacted, That the said Railway shall cross the River *Ribble* by a Bridge as shown on the Plan deposited at the Admiralty Office, so that the Company shall not use or permit to be used the Limits of Deviation so as to place the Bridge at a greater Skew with the upward Portion of the River than is shown by the Black continuous Line of the said deposited Plan; and the Company shall during the Construction of the said Bridge, and for ever after the Completion thereof, cause the River Banks near the Bridge to be protected by a sufficient Stone Facing of such Extent as the Lord High Admiral or the said Commissioners may approve of, by Writing under the Hand of the Secretary of the Admiralty; and if the said Railway shall cross the River *Ribble* by any other Sort of Bridge, it shall be lawful for the Lord High Admiral and also for the Commissioners for executing the Office of Lord High Admiral to abate

and remove the same, and all other Works connected therewith, and restore the Site thereof to its former Condition, and the Cost of such Removal and Restoration shall be a Debt due by the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Company to place Lights at the Bridge.

IX. And be it enacted, That during the Construction of the said Bridge and Works connected therewith the said Company shall cause to be hung out or exhibited, every Night from Sunset to Sunrise, a Light, to be kept burning by and at the Expence of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridge the said Company shall cause to be hung out or exhibited upon or near to the Centre of the said Bridge, every Night from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expence of the Company, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the said Company in such Manner and be of such Description and be so used as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the said Company shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

If Company abandon Works constructed over tidal Waters, Admiralty may remove them.

X. And be it enacted, That if any Bridge to be constructed by the Company across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

Power to cross certain Roads on a Level.

XI. And be it enacted, That it may be lawful for the Company to construct the said Extension Railways across and upon the Level of the public Road numbered 84 in the Township of *Walton-le-Dale*.

Company to erect a Station or Lodge where Road is crossed on a Level, and to abide by Rules, &c. of Commissioners of Railways.

XII. 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 Points where the said Railway shall cross on the Level of the before-mentioned Road; and the Company shall be subject to and 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 any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or

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.

Lands for extraordinary Purposes.

XIII. And be it enacted, That it shall be lawful for the Company, subject to the Restrictions in this Act contained, to purchase any Quantity of Land for extraordinary Purposes not exceeding Twenty Acres, in addition to the Land which they are authorized by the recited Acts to take for such Purposes.

Period for compulsory Purchase of Lands.

XIV. 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.

XV. And be it enacted, Thatt he said Extension 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 the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

As to the Purchase of Land belonging to M. Norreys.

XVI. And be it enacted, That in addition to the Land required for the Construction of the Railway the said Company shall, if required so to do by *Mary Norreys* of *Daveyhulme Hall*, purchase so much of the Land late of *Josias Jackson Norreys* deceased lying between the *North Union* Railway and the intended Railway across the Land late of the said *Josias Jackson Norreys* deceased, and at such Price as *John Wilson Patten* Esquire, or such Person as he shall in Writing nominate, shall fix, subject to all such Roads and Crossings over such Lands as the said *John Wilson Patten*, or such other Person so to be nominated as aforesaid, shall determine to be convenient and proper for Communications between the Lands late of the said *Josias Jackson Norreys* deceased on the West Side of the *North Union* Railway and the Lands of the said *Josias Jackson Norreys* deceased on the East Side of the intended Railway of the *East Lancashire* Railway Company.

As to Communications with the North Union Railway.

XVII. And be it enacted, That all Communications between any Railway hereby authorized and any Railway of the *North Union* Railway Company or of the Proprietors thereof, and all such Openings in the Ledges or Flanges of such Railway as may be necessary or convenient for effecting such Communications, shall be made and laid in the Manner most approved, and to the reasonable Satisfaction of the Engineers for the Time being of the Proprietors of the *North Union* Railway.

Regulations for crossing the North Union Railway.

XVIII. And be it enacted, That the Extensions hereby authorized to be constructed under or over or to join any Railway of the Proprietors of the *North Union* Railway shall be so made as that the Line, Width, and Level of every Railway so crossed or joined shall

shall be maintained, and all Tunnels, Arches, and Works required for carrying the Extensions hereby authorized under or over any Railway of any of such last-mentioned Proprietors shall be constructed under the Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the Proprietors thereof, and the same shall for ever afterwards be maintained and kept in perfect Order and Repair, to the like Satisfaction, by and at the Expence of the said *East Lancashire* Railway Company; and that the Extensions hereby authorized, and the Arches and Works connected therewith, shall be so constructed, maintained, and repaired as that the several Railways over or under which any of the Extensions hereby authorized shall pass or which the same shall join shall not be interfered with, nor any of the Culverts, Drains, or Sewers belonging thereto obstructed, except during the Construction and Maintenance of the Extensions and Works hereby authorized, and then only so far as shall be absolutely necessary for that Purpose; and if the said *East Lancashire* Railway Company shall in the Execution or Maintenance of the Works authorized by this Act injure or obstruct any of such Railways, or the Banks or Sides thereof, or any of the Works belonging thereto, they shall, with all due Despatch, at their own Expence, repair and make good such Injury, and remove such Obstruction, and also pay to the Company or Companies entitled to or to use such Railway or Railways so injured or obstructed, and to the Persons using the same, full Compensation for the Damage which may have been sustained in consequence thereof; and in case the *East Lancashire* Railway Company shall not forthwith repair such Injury and remove such Obstruction as aforesaid it shall be lawful for the Company or Companies whose Railways shall be so injured or obstructed to repair and remove the same, and to recover the Expences connected therewith, and all Loss occasioned thereby, from the said *East Lancashire* Railway Company, by Action or Suit in any Court of Law or Equity having competent Jurisdiction.

Company not to interfere with the Proprietors of the North Union Railway.

XIX. And be it enacted, That, notwithstanding any thing in this Act contained to the contrary, it shall not be lawful for the *East Lancashire* Railway Company, or for any Person or Persons, in execution of the Powers of this Act, either permanently or temporarily, to enter upon, purchase, take, or use any of the Lands, Slopes, Banks, or other Property of the Proprietors of the *North Union* Railway, or which the same Proprietors may have the Right to purchase under any Act of Parliament, (save only for constructing and maintaining the Works by this Act authorized,) or, save as aforesaid, in any Manner to alter, vary, or interfere with any Railway of any of the same Proprietors, or any of the Works appertaining thereto.

Not to prejudice Rights of Proprietors of the North Union Railway.

XX. And be it enacted, That (except so far as hereby expressly enacted) nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *North Union* Railway Company or the Proprietors of the *North Union* Railway.

Company to construct an Archway upon Lands

XXI. And be it enacted, That the said Company shall make and maintain, upon the Lands belonging to the Mayor, Aldermen, and Burgesses

belonging to Corporation of Preston.

Burgesses of *Preston*, and in such a Point of the Embankment across the same shown upon the Plan and Section of the said Railway as will admit of the Height herein-after specified, an Archway, of ornamental Design, and of the Dimensions following, that is to say, Thirty Feet in Span in clear, and Sixteen Feet in Height from the Ground to the Centre of the Soffit of such Arch, and shall at all Times keep open the Space within the said Archway to be used as a public Carriage and Footway; and in case any Dispute or Difference shall arise between the said Mayor, Aldermen, and Burgesses and the said Company as to the Position, Design, or Construction of the said Archway, the same shall be referred to the Arbitration of the High Sheriff for the Time being of the said County of *Lancaster*, or any other Person to be mutually agreed upon, whose Award shall be final and binding on all Parties.

Company to construct a Footbridge over the Ribble.

XXII. And be it enacted, That the said Company shall construct and maintain a Footbridge across the said River *Ribble* on the East Side of their Viaduct and Bridge, for the Use of the Public, above the Top-water Level of the said River, and that such Bridge shall be Five Feet in Breadth in the Footway, and shall be protected on both Sides thereof by an open Fence, and have convenient Openings and Means of Access at each End thereof at or near the present public Footpaths, so that the Public may at all Times have free Passage, without Hindrance from the Company, to, on, or over the same, without Charge.

Embankment North of the Ribble to be planted.

XXIII. And be it enacted, That the said Company shall plant and keep planted in an ornamental Manner, so far as the Stability of the Works will permit, the Embankment shown upon the Plan and Section of the said Railway on the North Side of the River *Ribble*, and shall use and apply all the spare Soil, Spoil, or Rubbish which may not be required for the Works of the Railway from the tailing out the said Embankment; and that the said Mayor, Aldermen, and Burgesses shall have Power to lay out convenient Walks and Promenades upon and along the said Embankment, and on both Sides thereof, to be used by the Public, under and subject to the Regulations from Time to Time of the said Mayor, Aldermen, and Burgesses, but so as such Walks or Promenades be not carried in any Part nearer the top Edge of the Embankment of the Railway on either Side than Ten Yards of horizontal Distance, and be so constructed as not to interfere with the Safety, Maintenance, or widening of the said Embankment by the said Company; and in case any Dispute or Difference shall arise as to the planting of the said Embankment, or the said public Works and Promenades, the same shall be referred to the Arbitration of the said High Sheriff of *Lancashire* for the Time being, or any other Person to be mutually agreed upon, whose Award shall be final and binding on the Parties.

Station to be provided in Connexion with the North Union Railway.

XXIV. And whereas it would be attended with Advantage and Convenience to the Public if the present Station of the *North Union* Railway at *Preston* were so enlarged as to accommodate the Traffic to and from the *East Lancashire* Railway, as well as that to and from the *North Union* Railway: And whereas the *Manchester and Leeds*

Leeds Railway Company and the *London and North-western* Railway Company are the Proprietors of the said *North Union* Railway, and they are willing so to enlarge the said Station, on the Terms hereinafter mentioned; be it enacted, That none of the Powers by this Act conferred on the *East Lancashire* Railway Company for the taking of Land or Construction of Works upon or to the Northward of the Property numbered on the said deposited Plans 110 in the Township of *Preston* shall be exercised for Eighteen Months after the passing of this Act by the said Company, excepting at the Request and with the Consent of the said Proprietors of the *North Union* Railway, testified on each Occasion under their Common Seals; and if the Proprietors of the *North Union* Railway shall, within such reasonable Time after the passing of this Act as the Commissioners of Railways may prescribe, enlarge their present Station between *Fishergate* and the Southern Boundary of the said Property numbered 110, for the Accommodation of their own Traffic of the *East Lancashire* Railway Company, according to the Provisions herein-after contained, then all the Powers by this Act granted to the *East Lancashire* Railway Company for the Purchase of Land and the Construction of Works upon or to the North of the said Land numbered 110 shall cease and determine, unless in so far as the said Proprietors of the *Union* Railway may, under their Common Seals as aforesaid, consent to the Exercise of such Powers.

For determining the Position of the beforementioned Station.

XXV. And be it enacted, That the precise Position of the said enlarged Station, Buildings, Warehouses, Conveniences, Approaches, and Works, within the Limits aforesaid, shall be determined by Agreement between the Proprietors of the *North Union* Railway and the *East Lancashire* Railway Company, or in the event of no such Agreement being made within Three Months after either Company shall have called upon the other to come to such Agreement, then by Arbitration in manner provided by the Railways Clauses Consolidation Act, 1845, such Arbitrator keeping in view that the Station, Accommodation, Warehouses, Buildings, Conveniences, Approaches, and Works shall be so placed and constructed as to admit of the Traffic being carried to and from the *North Union* Railway and to and from the *East Lancashire* Railway, without any undue Preference of either Company.

Plans of Station to be prepared by North Union Railway Company.

XXVI. And be it enacted, That after the Position of the said Station shall be determined as aforesaid the Plan thereof shall be prepared under the Direction of the Proprietors of the *North Union* Railway, and shall be communicated by them to the *East Lancashire* Railway Company; and such Plans, together with the Lines and the Levels of the Works leading into the said general Station, and for connecting the Railway hereby authorized 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, shall be adjusted and settled by Agreement between them, or in the event of no such Agreement being made within One Month after such Plans shall have been communicated as aforesaid, the same shall be adjusted and settled by Arbitration as aforesaid.

Regulations as to Construction of Station.

XXVII. And be it enacted, That after the Plans of the said Stations shall have been adjusted and settled as aforesaid the same shall be delivered to the Proprietors of the *North Union* Railway, for the Purpose of being carried into execution by them: Provided always, that if the said Proprietors shall not within Two Months after such Plans have been settled as aforesaid *bonâ fide* commence and regularly proceed with the Execution of the said Plans, and within such reasonable Time after the said Plans have been determined upon as the Commissioners of Railways shall prescribe complete the same Station, it shall be lawful for the *East Lancashire* Railway Company to proceed in the Execution thereof, and to construct, complete, and finish the same according to the Provisions herein contained, in the same Manner as if they had been originally authorized to construct and complete the same; provided that in so doing they do not impede the Traffic or Business of the said *North Union* Railway further or otherwise than the proper Execution of the said Plans may render unavoidable.

Station to be used by the Proprietors of the North Union and the East Lancashire Railway Company.

XXVIII. And be it enacted, That after the Construction of the said Station the same shall be appropriated to the Traffic to and from the *North Union* Railway, and to the Traffic to and from the *East Lancashire* Railway, without Payment of any Tolls, Rates, Duties, or other Charges, except the Proportions herein-after provided of the Expences and Monies herein-after mentioned.

Management of the Station to remain with North Union Railway.

XXIX. And be it enacted, That, subject to the Provisions herein contained, the general Management, Regulation, and Control of the said Station, the Maintenance and Repair of the same, 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 the *North Union* Railway and to and from the *East Lancashire* Railway without undue Preference to either Party; and in the event of any Dispute between the said Parties as to the Use of the said Station by or the Accommodation or Facilities afforded to either of the said Parties in such Station, or as to the Bye Laws, Rules, or Regulations affecting the same, every such Dispute shall from Time to Time as the same shall arise be determined by the Commissioners of Railways.

As to the Expences of constructing, &c. of the Station.

XXX. And be it enacted, That the Expences attending the Construction of the said enlarged Station, and the general Management, Regulation, and Control thereof, as aforesaid, including the Expences which have attended the Acquisition and Construction of so much of the existing Stations and the Site thereof as may after such Enlargement form Part of the enlarged Station, and be appropriated to any of the Purposes thereof, and also the Expences of and attending the Maintenance and the Conduct and Management of the said enlarged Station, and of all the Business and Traffic thereat or therein or in connexion therewith, the same having been in the first instance disbursed by the Proprietors of the *North Union* Railway, shall be apportioned between the said Parties, and paid and allowed by, to, or between

between them respectively, according and in proportion as Arbitrators appointed as aforesaid may decide, if the Parties themselves do not otherwise agree: Provided always, that as regards all Expenditure on Capital Account, or in the Acquisition, Construction, and Completion of such enlarged Station, a full and complete Account shall be stated and settled between the Parties, up to and including such Completion, within Six Months thereafter, and that the Balance found due by Arbitrators appointed as aforesaid to one of the Parties from the other on such Capital Account (if the Parties themselves do not otherwise agree) shall be paid within Two Months after such Balance is ascertained as aforesaid; and if the Party from whom such Balance is so found due shall not immediately pay the same such Party shall thenceforth cease to have any Right to Accommodation (except on the Terms on which any Third Party would be entitled thereto) until after the Payment of such Balance, with Interest from the Time when the same was due; and if the said *East Lancashire* Railway Company shall fail to pay on the Fifteenth Day of each Month the Sum of Money due from them for or in respect of the Services and Accommodations provided for them by the Proprietors of the *North Union* Railway in the preceding Month, in or at the said Station or in connexion therewith, the said last-mentioned Proprietors shall have the same Means for the Recovery thereof from the *East Lancashire* Railway Company as the said Proprietors have or may have for the Recovery of Rates or Tolls due to them for or in respect of the Use of their Railway by any Company or Party whomsoever.

Disputes between the Companies how to be settled.

XXXI. And be it enacted, That if either during the Progress of the said Works or after the Completion thereof any Difference shall arise between the Proprietors of the *North Union* Railway and the *East Lancashire* Railway Company, either as to the Principle or Mode of Construction or Arrangement of the said Stations, Buildings, Warehouses, Conveniences, and Approaches and Works, as to the Appropriation thereof for the Traffic of the said Parties, or as to the Use and Enjoyment, Maintenance and Repairs thereof, or as to Expences attending the Maintenance or Management, or as to any other Matter or Things relating thereto (not otherwise provided for by this Act, and not disposed of by any previous Arbitration), every such Difference or Dispute shall from Time to Time as Occasion may require be referred and be subject to Arbitration pursuant to the Provisions of the Railways Clauses Consolidation Act, 1845, for the Settlement of Disputes by Arbitration.

Railway Commissioners may interfere to prevent Inconveniences, &c. to the Public.

XXXII. And be it enacted, That if at any Time after the passing of this Act it shall appear to the Commissioners of Railways to be necessary for the Interests of the Public, with reference to the Conduct by the Proprietors of the *North Union* Railway of the Traffic of the *East Lancashire* Railway at the said *Preston* Station, to give any Order to the said Proprietors in relation to any of the Matters by this Act referred to the said Commissioners for Settlement between such Proprietors and the *East Lancashire* Railway Company, in the event of Difference between them as to the same Matters, it shall be lawful for the said Commissioners to require the Proprietors of the

the *North Union* Railway (if they shall disobey any such Order) to apply to Parliament, with a view to the Prevention or Correction of any Inconveniences or Evils by the said Commissioners specified as the Consequences of any such Disobedience as aforesaid, and which cannot be otherwise remedied, and thereupon the said Proprietors shall and they are hereby required to introduce a Bill or Bills accordingly, and duly to prosecute the same; in default whereof it shall be lawful for the said Commissioners to introduce or prosecute, as the Case may be, such Bill or Bills, at the Expence of the said Proprietors.

Power to raise additional Capital by Creation of new Shares.

XXXIII. And whereas the estimated Expence of making the said Extension Railways is Two hundred and seventeen thousand Pounds; 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 authorized to raise under and by virtue of the herein-before recited Acts, or which they may be authorized to raise by any other Act to be passed during the present Session of Parliament, any further Sum of Money not exceeding in the whole the Sum of Two hundred and seventeen thousand Pounds.

New Shares to be considered same as original Shares.

XXXIV. 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 as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary Meeting of the Company, and such Shares shall be appropriated in such Manner, to such Persons, on such Terms, and by such Ways and Means as by the Order of any such Ordinary or Extraordinary Meeting of the Company may be determined upon; and such Capital 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.

As to Dividends on new Shares.

XXXV. Provided always, and be it enacted, That (unless otherwise determined upon by the Order of any Ordinary or Extraordinary Meeting of the Company) in calculating the Dividends upon the Shares to be created under the Powers of this Act Reference shall be had to any Difference between the Amount of Calls paid thereon and the Amount of Calls paid upon the original Shares of the Company at the Time of the Declaration of such Dividend.

As to Votes of Proprietors of new Shares.

XXXVI. 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 said Undertaking.

Power to borrow Money on Mortgage.

XXXVII. And be it enacted, That after the whole of the Sums by this and the recited Acts authorized to be raised by Shares shall have

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 Seventy-two thousand three hundred Pounds, in addition to the Sums which they are by the said recited Acts or which by any other Act passed in the present Session of Parliament they may be authorized to borrow.

Mortgages, &c. under former Act to have Priority.

XXXVIII. Provided always, and be it enacted, That all Mortgages or Bonds already granted under the Powers of the said recited Acts shall have Priority over the Mortgages or Bonds hereby authorized to be granted.

Same Tolls to be taken as on Main Line.

XXXIX. And be it enacted, That it shall be lawful for the Company to demand and receive, for and in respect of the said Extension Railways, the same Tolls and Charges as they are authorized to demand and receive for and in respect of the *East Lancashire* Railway by the *East Lancashire* Railway Amalgamation Act, 1846.

Maximum Charges.

XL. Provided always, and be it enacted, That the maximum Tolls and Charges to be made by the Company in respect of the Extension Railways shall in no Case exceed the maximum Tolls and Charges authorized by the last-mentioned Act.

Uniform Tolls on the whole of the East Lancashire Railway.

XLI. And whereas it would conduce to the Convenience of the Company and of the Persons using the *East Lancashire* Railway that the Rate of Tolls and Charges should be uniform over the whole of the said Railways; be it enacted, That it shall be lawful for the *East Lancashire* Railway Company and they are hereby required to demand, receive, and take, for the Use of all or any of the Railways authorized by all the before-recited Acts, or for any Part thereof, the same and no greater Tolls and Payments than are authorized in the *East Lancashire* Railway Amalgamation Act, 1846.

Interest not to be paid on Calls paid up.

XLII. And be it enacted, That it shall not be lawful for the said 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 to any Shareholder in the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said 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.

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

XLIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any

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.

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

XLIV. 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 last Session of Parliament, 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 Extension Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the same Railways so far as the said Provisions shall be applicable thereto.

Railways to be subject to Provisions of any future general Act.

XLV. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railways by this or the said recited Acts authorized to be made 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 the present 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.

Expences of Act.

XLVI. And be it enacted, That all the Costs, Charges, and Expences 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.

Interpretation of Act.

XLVII. And be it enacted, That the Term "the Company" in this Act shall mean "The *East Lancashire* Railway Company," and the Expression "the Extension Railways" shall mean the Railways and Works by this Act authorized to be constructed.

Public Act.

XLVIII. 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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