ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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it is also expedient that the Periods limited by the said recited Act for the compulsory Purchase of Lands and Completion of the Works by such Act authorized should be extended: And whereas the said *Liverpool, Crosby, and Southport* Railway communicates with the Railway heretofore known as the *Liverpool and Bury* Railway, but which now forms Part of the *Lancashire and Yorkshire* Railway, about One Mile and a Half from *Liverpool*, and it is just and expedient that the Tolls payable in respect of the Traffic coming to or from the said *Liverpool, Crosby, and Southport* Railway, and which may pass on the said Portion of the *Lancashire and Yorkshire* Railway lying between *Liverpool* and the Point of Junction of the said Two Railways, should be limited as herein-after provided: And whereas for the Purposes aforesaid, as well as for other Purposes, it is expedient that some of the Provisions of the said *Liverpool, Crosby, and Southport* Railway Act, and also of the Acts now in force applicable to the said Portion of the *Lancashire and Yorkshire* Railway lying between *Liverpool* and the aforesaid Point of Junction, so far as the said last-mentioned Provisions relate to or affect the Use of the said Portion of Line by the Traffic passing thereon to or from the said *Liverpool, Crosby, and Southport* Railway, and the Tolls and Charges leviable in respect of such Traffic by the Owners of the said Portion of Line, should be altered and amended as herein-after provided; but the Authority of Parliament is necessary for the several Purposes aforesaid: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said "*Liverpool, Crosby, and Southport* Railway Act, 1847," and the several Acts therewith incorporated, shall (so far as the same are not modified by or inconsistent with this Act) be incorporated with and form Part of this Act.

Incorporation of Acts.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The *Liverpool, Crosby, and Southport* Railway Amendment Act, 1850."

Powers to make new Works.

III. And whereas Plans and Sections describing the Alterations which it is proposed to make in the Line of the said Railway as at present authorized to be made, and the said proposed Enlargement of the Station near *Southport*, and showing the Direction and Levels of the new Lines proposed for effecting such Alterations, and the Situation of such proposed Enlargement, together with Books of Reference to such Plans containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required

to

to be taken for the Purposes of such Alterations and Enlargement, have been deposited with the Clerk of the Peace for the County of *Lancaster*: Be it therefore enacted, That it shall be lawful for the said Company to make and maintain the said Railway according to the new or altered Lines and Levels delineated and described in the said Plans and Sections, and to enlarge the said Station near *Southport*, subject to the Proviso herein-after contained, and to construct all necessary Works, Approaches, and Conveniences connected therewith; and for the Purposes aforesaid, or any of them, it shall be lawful for the said Company to purchase and take and to hold and use such of the Lands delineated and described on the said last-mentioned Plans and referred to in the said Books of Reference as they may deem necessary, and all Purchases or Contracts for the Purchase of the said Lands or any of them which the said Company may have made or entered into prior to the passing of this Act shall be and be deemed to be as valid as though the same had been made and entered into in pursuance of the Provisions thereof.

Limiting Amount of Land to be taken for Stations.

IV. Provided always, and be it enacted, That it shall not be lawful for the said Company, for the Purpose of enlarging the said Station at *Southport*, or for any new Station, to take by Compulsion any greater Quantity of Land than Eight Acres; nor shall it be lawful for the said Company to take by Compulsion any greater Width of Land, under the Powers of this Act, for the Purpose aforesaid, between *Chapel Street* in the Township of *North Meols* and a certain Building in the said Township numbered 82 in the Plans deposited as aforesaid, than Seventy Yards, nor any greater Width of Land than Thirty Yards between the said last-mentioned Building and a Lane called *East Bank Lane* in the same Township, nor any greater Width of Land between the last-mentioned Lane and the West Side of a Field in the same Township numbered 37 *a* on the said Plans than Twenty Yards.

Describing Alterations.

V. And be it enacted, That the said several Alterations in the Line of the said Railway shall commence and terminate in manner next herein-after mentioned; that is to say,

One of such Alterations or new Lines of Railway shall commence in or near a certain Field in the Parish of *Sefton* and Township of *Litherland* numbered 12 on the Plans of the said Railway referred to in the said recited Act, and shall terminate in a certain Field in the Township of *Great Crosby* in the same Parish numbered 9 on the same Plans:

Another of the said Alterations or new Lines of Railway shall commence at or near a Place called the *Warren*, and opposite a certain Field in the said Township of *Great Crosby* numbered 51 on

on the said last-mentioned Plans, and shall terminate in a certain Field in the Parish of *Walton-on-the-Hill* and Township of *Formby* numbered 37 on the said Plans:

Another of the said Alterations or new Lines of Railway shall commence in a certain Field in the last-mentioned Parish and Township numbered 94 on the said Plans, and shall terminate in a Field in the Parish of *North Meols* and Township of *Birkdale* numbered 52 on the said Plans:

And another of the said Alterations or new Lines of Railway shall commence in or near a Field in the said last-mentioned Parish and Township numbered 156 on the said Plans, and shall terminate at or near a Point in the said last-mentioned Parish and in the Township of *North Meols* numbered 99 on the said Plans.

Certain Roads may be crossed on the Level.

VI. And be it enacted, That, subject to the Provisions in the said "Railways Clauses Consolidation Act, 1845," it shall be lawful for the said Company to carry the said Railway across, over, and on the Level of the several Roads numbered on the Plans deposited as aforesaid as follows; (that is to say,)

The Road numbered 69 in the Township of *Litherland*:

The Road numbered 7 in the Township of *Great Crosby*:

The Roads numbered 35, 112, and 156 respectively in the Township of *Formby*.

Company to erect a Station or Lodge at Points of crossing, and to abide by Regulations of Commissioners of Railways.

VII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level; and the said 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 Commissioners of Railways; and if the said 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 also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Commissioners of Railways may require a Bridge to be

VIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Railways, if it shall appear to them to be necessary for the public Safety, at any Time, either before or after the Railway hereby authorized to be carried across the said Roads

on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Commissioners shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads 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 shall appear to the said Commissioners best adapted for removing or diminishing the Danger arising from any such level Crossing. erected in lieu of level Crossing.

IX. And be it enacted, That in constructing the Line of Railway and Works by this or the recited Acts authorized within the Township of *North Meols* every Bridge which shall be erected for carrying any public Street, Highway, or public Carriage Road over the said Railway shall have a clear Space between the Fences thereof of not less than Thirty-five Feet, and that the Ascent to such Bridge shall not be more than One Foot in Thirty Feet. As to Bridges in North Meols.

X. And be it enacted, That it shall be lawful for the said Company and they are hereby required to abandon the Formation of such Portions of the Line of Railway authorized to be constructed by the said first-recited Act as may be superseded or rendered unnecessary by the Formation of the altered Lines of Railway by this Act authorized to be made. Part of original Line to be abandoned.

XI. Provided always, and be it enacted, That in any Case when before the passing of this Act any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were by the said recited Act empowered to purchase for the Purpose of constructing the Portion of the said Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed, pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Land taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the aforesaid Portion of the said Railway shall not prejudice or affect the Right of the Owner or Occupier of any Land which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands Compensation to be made where Contracts have been entered into or Notices given.

for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the said "Lands Clauses Consolidation Act" contained.

Limiting Time for Purchase of Lands, and for Execution of new Works.

XII. And be it enacted, That the Powers for the compulsory Purchase of the Lands requisite for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act; and the Powers by this Act conferred for the Execution and Maintenance of the said Works shall cease to be exercised after the Expiration of Three Years from the passing of this Act, except in respect of such Parts thereof as shall then have been completed.

Extending Period limited by former Act for Purchase of certain Lands and Execution of certain Works.

XIII. And be it enacted, That the Time limited by the said first-recited Act for the compulsory Purchase of such of the Lands thereby authorized to be taken as are situate within the several Townships of *Kirkdale* and *Bootle-cum-Linacre* in the Parish of *Walton-on-the-Hill*, *Litherland* in the Parish of *Sefton*, and *North Meols* in the Parish of *North Meols*, all in the County of *Lancaster*, shall be and the same is hereby extended and enlarged until the Expiration of One Year from the passing of this Act; and the Period limited by the said Act for the Completion of such of the Works thereby authorized as are situate within the Townships of *Kirkdale* and *Bootle-cum-Linacre*, *Litherland*, *North Meols*, and *Great Crosby*, all in the County of *Lancaster*, shall be and the same is hereby extended and enlarged until the Expiration of Three Years from the passing of this Act.

Contracts not to be prejudiced.

XIV. Provided always, and be it enacted, That the aforesaid Extension of Time for the Purchase of Lands and Completion of Works shall not in anywise prejudice or affect any Contract entered into or Notice given by the Company before the passing of this Act for purchasing, taking, or using any Lands which under the said recited Act the Company may have been entitled to purchase, take, or use, but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if such Extension of Time had not been authorized.

Compensation to be made in respect of Extension of Time.

XV. And be it enacted, That the Justices of the Peace, Arbitrators, Umpires, or Juries respectively (as the Case may be) who under the Provisions of the said recited Act or the Acts incorporated therewith shall award or assess the Compensation to be made by the said Company to the Owners or Occupiers of or other Persons interested

interested in any Lands to be taken or used under the Powers of this Act for the Purposes of the Railway by such Act authorized, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time for the Purchase of Lands under the Provisions of this Act.

Tolls.

XVI. And be it enacted, That it shall be lawful for the said Company to receive, take, and recover such of the same Rates, Tolls, and Charges upon or in respect of the Traffic passing over the said Railway, according to the altered Line or Lines thereof by this Act authorized, as they could or might have received, taken, or recovered for or in respect of the Traffic passing on the said Railway if this Act had not been passed, and if the same had been made in pursuance of the Provisions of the said recited Act.

Limiting Tolls on the Lancashire and Yorkshire Railway between Liverpool and the Liverpool, Crosby, and Southport Railway.

XVII. And be it enacted, That, notwithstanding anything contained or implied to the contrary in any Act or Acts of Parliament relating to that Part of the *Lancashire and Yorkshire* Railway (originally called the *Liverpool and Bury* Railway) which is situate between the Terminus of the said last-mentioned Railway at *Liverpool* and the Point where the said last-mentioned Railway joins the Line of the *Liverpool, Crosby, and Southport* Railway, it shall not be lawful for the Company or Companies for the Time being in possession of the said last-mentioned Portion of Railway to demand, receive, or recover, in respect of any Passengers, Animals, Goods, Wares, Merchandize, Engines or Carriages, passing thereon, and which shall have passed or be intended to pass upon or along the said *Liverpool, Crosby, and Southport* Railway between *Liverpool* and the present *Great Crosby* Station on the said Railway or any intermediate Station, any greater Toll or Sum, inclusive of all Charge in respect of Station Accommodation, subject to the Proviso first herein-after contained, than such Owner or Company would be entitled to demand in respect of the Passage of the same Passengers, Animals, Goods, Wares, Merchandize, Engines or Carriages, on Three Miles of that Part of the said *Lancashire and Yorkshire* Railway (formerly called the *Liverpool and Bury* Railway), if such Passengers, Animals, Goods, Wares, and Merchandize, Engines or Carriages, had passed for a greater Distance than Six Miles on the said Railway: Provided always, that the Toll or Charge payable in respect of the Use of the said last-mentioned Portion of Railway, for or in respect of any Passengers, Animals, Goods, Wares, or Merchandize, Engines or Carriages, passing thereon to or from any Station on the said *Liverpool, Crosby, and Southport* Railway more distant from *Liverpool* than

than the said *Crosby* Station, as well as the Toll or Charge payable in respect of Traffic passing thereon to or from the said *Crosby* Station, or any Station nearer *Liverpool* than *Crosby*, shall, subject to the Proviso next herein-after contained, include all Charge for Station Accommodation at the Terminus of the said *Lancashire and Yorkshire* Railway at *Liverpool*, and also Accommodation for booking; and if the Companies jointly interested in the said last-mentioned Portion of Railway, or either of them, or the said *Liverpool, Crosby, and Southport* Railway Company, shall desire that the Proportion of the Charges payable as aforesaid in respect of Traffic coming to or from the said *Liverpool, Crosby, and Southport* Railway should be apportioned so as to determine the Amount thereof payable in respect of Station and Booking Accommodation, and the Use of the Portion of the said *Lancashire and Yorkshire* Railway traversed by such Traffic, such Apportionment shall be made accordingly, and in case of any Difference respecting the same such Difference shall be referred to Arbitration in the Manner provided by the "Railways Clauses Consolidation Act, 1845:" Provided also, that if at any Time hereafter, by reason of the Amount of Traffic passing to or from the said *Liverpool, Crosby, and Southport* Railway over the said Portion of the said *Lancashire and Yorkshire* Railway, and occupying or making use of the terminal Station or Stations at *Liverpool*, the Company or Companies owning such Station or Stations shall incur any additional Charges in providing Accommodation for such Traffic, over and above the Charges necessarily incurred by them for the Purposes of their own Traffic, it shall be lawful for either of the said Companies interested in the said Station or Stations to require that the Amount to be paid for Station Accommodation in respect of any Passengers, Animals, Goods, Wares, or Merchandize, Engines or Carriages, which shall have passed or be intended to pass on the said *Liverpool, Crosby, and Southport* Railway, shall be referred to Arbitration in manner first herein-before provided; and it shall be in the Discretion of the Arbitrators or their Umpire to award and determine whether any, and, if any, what increased Charge, shall be paid in respect of such Station Accommodation, over and above the Toll or Charge by this Act limited or referred to, and such increased Charge (if any) shall thereafter be paid accordingly by the Company or Persons who may make use of the said Station or Stations: Provided further, that the said Limitation of Charge in respect of Traffic passing to or from the said *Crosby* Station shall apply only to such Traffic as shall *bonâ fide* have come from or be intended to pass to such last-mentioned Station, or some intermediate Station, and no further, on the said *Liverpool, Crosby, and Southport* Railway; and if the said *Liverpool, Crosby, and Southport* Railway Company shall at any Time or in any Manner wilfully evade the foregoing

foregoing Provision, they shall for each Offence forfeit and pay to the Owners for the Time being of the said Portion of the *Lancashire and Yorkshire* Railway between the said *Liverpool, Crosby, and Southport* Railway and *Liverpool* the Sum of Ten Pounds.

Saving Rights of the Manchester and Southport Railway Company, &c.

XVIII. And be it enacted, That nothing herein contained shall extend to prejudice or affect any of the Rights, Powers, or Privileges of the *Manchester and Southport* Railway Company; and if the *Liverpool, Crosby, and Southport* Railway Company shall, without the Consent of the *Manchester and Southport* Railway Company, in Writing under their Common Seal, first obtained, enter upon, take, or purchase any of the Lands or Property which the last-mentioned Company are authorized to purchase under the Provisions of the *Manchester and Southport* Railway Act, 1847, at or near the common Terminus of both the said Railways at *Chapel Street* in the Town of *Southport*, the said *Liverpool, Crosby, and Southport* Railway Company shall hold the same, subject to such Terms and Conditions as may be settled by Arbitration in manner herein-after provided in case the Parties differ about the same, for the Accommodation of the said *Manchester and Southport* Railway Company in the event of the Portion of the said last-mentioned Railway entering *Southport* being constructed, and in the event aforesaid the said *Manchester and Southport* Railway Company shall have the Use of any Station which may be erected at or near the said Terminus jointly with the said *Liverpool, Crosby, and Southport* Railway Company; and in laying out the said Station regard shall be had to such future Use thereof by the *Manchester and Southport* Railway Company, and the said Station shall be arranged accordingly, to the Satisfaction of the Engineers of both the said Companies, and any future Additions to or Arrangement of the said Station shall, at the Requisition of either Company, be made to the like Satisfaction of such Engineers: Provided, that in case of Difference between the said Companies every such Difference shall be referred to Arbitration in manner provided by the "Railways Clauses Consolidation Act, 1845:" Provided also, that the Costs and Expenses of and attending the Purchase of Land for the said Station, and of altering the Construction and Erection thereof, shall be borne and paid by the respective Companies in proportion to the Amounts incurred for their respective Use or Benefit, such Payments respectively from Time to Time to be apportioned by the respective Engineers, or in default of their agreeing to be settled by Arbitration as last aforesaid; and provided that any extra Expenses incurred by reason of the same Station being laid out or arranged with reference to the future Use thereof by the said *Manchester and Southport* Railway Company shall be borne and paid by the same Company.

Saving Rights of C. Scarisbrick, Esq., under Deed of Covenant dated 18th June 1847.

XIX. And be it enacted, That nothing in this Act contained shall prejudice or affect the Rights or Interests of *Charles Scarisbrick* Esquire, of *Scarisbrick Hall* in the County of *Lancaster*, his Heirs or Assigns, against the said *Liverpool, Crosby, and Southport* Railway Company, under or by virtue of an Indenture or Deed of Covenant bearing Date the Eighteenth Day of *June* One thousand eight hundred and forty-seven, and made between *William Blundell*, *Robertson Gladstone*, and *Henry Cleaver Chapman*, Esquires, Three of the Provisional Committee of the said Company, for and on behalf of the said Company, of the First Part, *Thomas Weld Blundell* Esquire of the Second Part, and the said *Charles Scarisbrick* of the Third Part, and that such Indenture shall be binding upon the said Company, their Successors and Assigns; and that all and every the Covenants, Provisoes, Conditions, and Agreements entered into on behalf of the said Company in the said Indenture contained shall be binding and effectual as against the said Company, their Successors, and Assigns, and shall be observed and performed by and shall and may be proceeded on and enforced against the said *Liverpool, Crosby, and Southport* Railway Company, their Successors and Assigns, and shall be applicable and applied as well to all Lands, Buildings, and Works within the Township of *North Meols* by this Act as by the recited Acts authorized to be taken, erected, or constructed: Provided, and be it enacted, that from and after the passing of this Act the said *William Blundell*, *Robertson Gladstone*, and *Henry Cleaver Chapman*, their respective Heirs, Executors, and Administrators, shall stand and be wholly released and discharged of and from the same Covenants, Provisoes, Conditions, and Agreements so entered into by them on behalf of the said Company, and in the said Indenture contained.

As to Deposit for future Bills.

XX. And be it enacted, That it shall not be lawful for the Company, out of any Money by any Act or Acts relating to the said Company authorized to be raised for the Purpose of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98.,

XXI. 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 said last-mentioned Reign, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth

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Year of the same Reign, 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 same Reign, 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 other Acts were passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Works hereby authorized, or the Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Works and Company, so far as the same shall be applicable thereto. 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

Railways not exempt from Provisions of future general Acts.

XXII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Act authorized to be made from the Provisions of any general Act relating to such Act, 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 Act or this Act.

Expenses of Act.

XXIII. And be it enacted, That all the Costs, Charges, and Expenses of passing this Act or incidental thereto shall be defrayed by the Company, *pari passu* with the Costs, Charges, and Expenses of any other Act to be passed during the present Session to which they may be liable, out of the first Monies which shall come to their Hands, in preference to any other Payment whatsoever.

Public Act.

XXIV. 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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