

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature, called "The Lands Clauses Consolidation Act, 1845," and the other thereof for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways, called "The Railways Clauses Consolidation Act, 1845:" 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 Act relating to the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway, so far as the same are not inconsistent with or altered by the Provisions of this Act, shall extend to this Act, and to the several Purposes thereof, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes, and the Railway by this Act authorized to be made shall form Part of the Undertaking of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway.

Powers of former Act extended to this Act.

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

II. And be it enacted, That the several Provisions of the said Lands Clauses Consolidation Act, 1845, and the several Provisions of the said Railways Clauses Consolidation Act, 1845, shall, so far as the same may be applicable, and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof.

Short Title.

III. 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, Manchester, and Newcastle-upon-Tyne Junction* Railway (*Burnley* Branch) Act, 1847."

Power to increase Capital by Creation of new Shares.

IV. And be it enacted, That it shall be lawful for the said Company, for the Purposes of this Act, to raise by the Creation of new Shares, in addition to the Sums of Money which they are authorized to raise by virtue of the said first-recited Act, any further Sum of Money not exceeding in the whole the Sum of Forty thousand Pounds, in such Manner, and with the like Powers, and subject to the same Provisions under which by the Companies Clauses Consolidation Act, 1845, as extended to the first-recited Act, they are authorized to raise additional Capital by the Creation of new Shares, in lieu of borrowing the Sum by the said first-recited Act authorized to be borrowed, or for the Conversion of such Sums or any Part thereof, if borrowed, into Capital: Provided always, that the new Shares so to be created shall be of such nominal Amount and shall be entitled to such Privileges as the said Company at any Ordinary or Extraordinary General Meeting thereof may determine.

New Shares to be considered as original Shares.

V. 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 General Meeting of the said Company, and shall be considered as Part of the general Capital of the said Company, and shall be subject to the same Provisions in all

respects,

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, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the said Company from Time to Time to fix as they shall think fit.

As to Votes of Proprietors of new Shares.

VI. 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 of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway.

Power to borrow Money on Mortgage.

VII. And be it enacted, That after the whole of the said Sum of Forty thousand Pounds shall have been subscribed for, and One Half of the Capital in Shares by this and the recited Act relating to the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway authorized to be raised shall have been paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sums authorized to be borrowed by the said Act, the Sum of Thirteen thousand three hundred and thirty-three Pounds, and to secure the Payment of the Sum so to be borrowed, with Interest, by Mortgage of the Undertaking, subject to the same Provisions as by the said Companies Clauses Consolidation Act, 1845, are made applicable to the Monies authorized to be raised on Mortgage, and to the Securities thereby authorized to be granted in respect of the same.

Reborrowing.

VIII. And be it enacted, That if, after having borrowed any Part of the Money by this Act authorized to be borrowed, the said Company shall pay off the same, it shall be lawful for them again to borrow the Sum so paid off, or any Part thereof, and so from Time to Time.

Former Mortgages to have Priority.

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

Power to convert Loan into Capital.

X. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the Sum by this Act authorized to be borrowed, or any Part thereof, by creating new Shares or Stock of the Company, instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to pay off such Loan or any Part thereof, if they so think fit, by creating new Shares of the Company in manner aforesaid; but no such Augmentation of Capital shall take place without the previous Order of a General Meeting specially convened for that Purpose.

Interest not to be paid on Calls paid up.

XI. 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

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 on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the 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 the Company's Capital.

XII. 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 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 to be made according to deposited Plan.

XIII. And whereas Plans and Sections of the Railway by this Act authorized, together with a Book of Reference to such Plans containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass or be constructed, have been deposited by the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company with the Clerk of the Peace for the County of *Lancaster;* be it enacted, That, subject to the Provisions in this Act and in the said recited Acts contained, and to the Powers of Deviation in the said Railways Clauses Consolidation Act, 1845, contained, it shall be lawful for the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company to make and maintain the said Railway and the Works connected therewith in the Line and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels defined upon the said Sections, and to enter upon, take, or use such of the said Lands as shall be necessary for the Purpose.

Line of Railway.

XIV. And be it enacted, That the said Railway shall commence from and out of the *Burnley* Branch of the *Manchester and Leeds* Railway in the Township of *Habergham Eaves* in the Parish of *Whalley* in the County of *Lancaster*, and shall terminate in the said Township of *Habergham Eaves* by a Junction with the Line of the *East Lancashire* Railway.

Land for extraordinary Purposes.

XV. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding in the whole Ten Acres.

Limiting Period for compulsory Purchase of Lands.

XVI. 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 thereof.

XVII. And

Period for Completion of Works.

XVII. And be it enacted, That the Railway by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Act granted to the Company for executing the same shall cease to be exercised, except as to so much of the said Railway as shall then be completed.

As to Communications with the Manchester and Leeds Railway.

XVIII. And be it enacted, That the Line of Railway hereby authorized shall communicate with the *Burnley* Branch of the *Manchester and Leeds* Railway at the Point where, according to the Plan deposited as in this Act mentioned, the same appears to communicate therewith, and at no other Point, without the previous Consent in Writing of the *Manchester and Leeds* Railway Company under their Common Seal; and that all Communications between the said Line of Railway hereby authorized and the said *Burnley* Branch of the *Manchester and Leeds* Railway shall be effected in a substantial and workmanlike Manner, by means of Connexion Rails and Points, laid to the entire Satisfaction of the Engineer for the Time being of the said *Manchester and Leeds* Railway Company.

Expence of such Communications to be borne by the Liverpool, Manchester, and Newcastle-upon-Tyne Junction Railway Company.

XIX. And be it enacted, That the Expence of the Communication hereby authorized with the *Burnley* Branch of the *Manchester and Leeds* Railway, and of all necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of regulating and adjusting the same, shall be borne and paid by the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company; and that all such Communications, Openings, and Works shall not only be in the first instance made and done, but shall also from Time to Time be altered, amended, repaired, and maintained, to the entire Satisfaction of the Engineer for the Time being of the said *Manchester and Leeds* Railway Company, and in such Manner and Form and by such Ways and Means only as shall not in anywise prejudice or injure the said *Burnley* Branch of the *Manchester and Leeds* Railway, or impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the same.

Company not to take or interfere with the Property of the Manchester and Leeds Railway Company.

XX. And be it enacted, That, notwithstanding any thing in this Act contained to the contrary, it shall not be lawful for the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, or for any other Person or Persons, for the Purposes of or in execution of this Act, in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Stations, Land, or Property of the said *Manchester and Leeds* Railway Company, other than such as upon the said Plans is shown or intended to be and as must necessarily be taken for the Construction of the said Line of Railway only, or in any Manner to alter, vary, or interfere with the said *Burnley* Branch of the *Manchester and Leeds* Railway, or any of the Works appertaining thereto, save only for the Purpose of effecting the Junction hereby authorized in manner aforesaid, and not otherwise.

Saving Rights of the Manchester and Leeds Railway Company.

XXI. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the *Manchester and Leeds* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities, under their several Acts of Parliament or otherwise, are hereby expressly saved and reserved, not only as against and with respect to the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, but also as against and with respect to all other Companies and Persons whomsoever.

For Protection of the Leeds and Liverpool Canal.

XXII. And whereas the said Railway is intended to be carried over a certain Canal called "The *Leeds and Liverpool* Canal" in the Township of *Habergham Eaves* and Parish of *Whalley* in the County of *Lancaster*, and it is expedient to provide against Obstructions being occasioned thereby to the free Navigation of the said Canal; be it therefore enacted, That in carrying the said Railway over the said Canal the said Company hereby incorporated shall and they are hereby required, at their own Expence, to make a good and substantial Bridge, of Brick, Stone, Wood, or Iron, over the said Canal and the Towing Path thereof, with proper Approaches thereto, and with perpendicular Foundation Walls to such Bridge, the under Side of the Openings at the Keystone of the Arch or Centre of such Bridge not being less than Eleven Feet in Height above the Top-water Level of the said Canal, upon which Bridge the said Railway shall be made, and the Opening or Span of the Arch of the said Bridge shall not be less than Forty Feet wide, so as to leave a navigable Waterway of not less than Thirty-four Feet in Width and a Towing Path of Six Feet in Width, with a clear Headway of not less than Six Feet over every Part of the Towing Path, without the Consent of the Engineer of the Company of Proprietors of the said Canal Navigation, and the Space between the Piers of the Arch of such Bridge (except so much thereof as shall be occupied by the Towing Path of such Canal) shall, after the said Bridge shall have been completed, from Time to Time and at all Times thereafter, except during the necessary Repairs of the said Bridge, or of the Erection of any future Bridge in lieu thereof, be left and preserved an open uninterrupted navigable Waterway.

Company not to obstruct the Navigation of the Leeds and Liverpool Canal.

XXIII. And be it enacted, That the said Railway Company shall and are hereby required, during the Progress of constructing the said Bridge, or of the necessary Repairs thereof, or of the Erection of any future Bridge in lieu thereof, to leave an open uninterrupted navigable Waterway in the said Canal of not less than Twenty Feet in Width, during the Time of constructing and putting in the Foundations of the said Bridge, which Time shall not exceed Six Weeks; and in case by reason or in execution of any of the Works by this Act authorized, or by reason of the bad State of Repair of the said Bridge, the said Canal shall be so obstructed as that Boats, Barges, and other Vessels navigating or using the same shall not be able to pass along the same, or in case the navigable Waterway herein-before required to be preserved during the Progress of the Works shall at any Time be contracted to a less Width than herein-before prescribed,

then the said Railway Company shall pay to the said Company of Proprietors of the said Canal Navigation, as or by way of ascertained Damages, the Sum of Fifty Pounds for every Day during which such Obstruction or Contraction shall continue on the said Canal, and so in proportion respectively for any less Time than One Day; and in default of Payment of the said Sum, on Demand being made of the Treasurer or principal Clerk of the said Railway Company, any Two or more of Her Majesty's Justices of the Peace for the County of *Lancaster* are empowered, on Application to them made by the said Company of Proprietors of the said Canal Navigation, or by any Person or Persons by them authorized, by Warrant under their Hands and Seals, to cause the Amount of such Sum or Sums of Money to be levied by Distress and Sale of any Goods and Chattels vested in the said Railway Company, and to be paid to the said Company of Proprietors of the said Canal Navigation, or to their Treasurer or Clerk for the Time being, rendering the Overplus, if any, on Demand, after deducting the reasonable Charges for making such Distress and Sale, and the Costs and Expences of hearing and determining the Matter in dispute, to the Treasurer of the said Railway Company, for the Use of such Company; otherwise the said Company of Proprietors of the said Canal Navigation may sue for and recover the same, together with Costs of Suit, against the said Railway Company, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*.

Company to maintain Bridge in good Repair.

XXIV. And be it enacted, That unless and until the said Railway where it crosses the said Canal shall at any Time be abandoned by the said Railway Company, the said Company shall and they are hereby required, at their own Expence, to maintain the said Bridge and Arch in perfect Repair; and if that Part of the said Railway shall at any Time be abandoned by the said Company, the said Company shall, at their own Expence, remove the said Bridge, if they shall be required so to do by the said Company of Proprietors of the said Canal Navigation from *Leeds* to *Liverpool*.

Company not to deviate so as to take any Property of the Leeds and Liverpool Canal.

XXV. And be it enacted, That it shall not be lawful for the said Railway Company to make any Deviation, Diversion, or Extension exceeding Ten Yards from the Line, Course, or Direction of the said Railway as delineated and shown on the Plans thereof deposited as aforesaid, by which the said Canal, or the Locks, Towing Paths, Bridges, Lands, Houses, Buildings, Reservoirs, or other Works of the said Company of Proprietors of the said Canal, or any of them, or any Part thereof, shall be taken, used, or damaged for any Purpose whatsoever, without the Consent in Writing under the Common Seal of the Company of Proprietors of the said Canal first had and obtained.

Prescribing the Mode in which the Railway shall be made across the Streets in Burnley. 9 & 10 Vict. c. 119.

XXVI. And whereas by virtue of an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for better paving, lighting, cleansing, regulating, and improving the Town of* Burnley *in the County Palatine of* Lancaster, *and for better supplying the Inhabitants thereof with Water*, the Management or Control of the Streets, Roads, and public Places, Footways, Drains, and Sewers within the said Town of *Burnley* are vested in the Commissioners

missioners acting in execution of the said Act, with Powers to improve the same: And whereas the said Railway is intended to cross certain Roads or Streets within the said Town of *Burnley* numbered respectively 69 and 110 on the said Plans; be it enacted, That the Company shall and they are hereby required to construct the Bridge for carrying the said Road or Street numbered 69 over the said Railway of such Dimensions and in such Manner that the present Line, Level, and Width respectively of the said Road or Street shall not be changed or varied, and so that the Level of the said Road or Street shall not in any way be altered or interfered with, and so that there shall be a clear open Space of not less Width than the existing Width of the said Road or Street between the Walls on the Sides at such Bridge, and the Approaches to the same; and that the Bridge for carrying the said Railway over the Road or Street numbered 110 shall be constructed by the Company of such Form and in such Manner that the present Line, Level, and Width respectively of the said Road or Street shall not be changed, varied, or diverted under such Bridge or otherwise, and the Company shall and they are hereby required to construct such Bridge so that the Piers thereof shall range in a direct Line with the Northwardly and Southwardly Sides of the said Road or Street, and so that there shall be open for uninterrupted public Use a clear Space of not less Width than the existing Width of the said Road or Street, and so that the Spring of the Arch from such Piers shall be at least Six Feet above the Surface of such Road or Street, and such Bridge shall be built and constructed of One Arch only, to be carried clear over such Road or Street, and of such Span and Height as to leave a free Headway for the Passage of loaded Waggons and Carriages of not less than Sixteen Feet for a Space of Twelve Feet above the Surface of the Road or Street throughout the whole Length of such Arch.

Screens to be erected, &c.

XXVII. And be it enacted, That where the said Street or Road numbered 69 on the said Plans shall be carried over the Railway the Company shall and they are hereby required to construct the Parapets or Fences of the Bridge and the Approaches thereto of the Height of Six Feet at the least, or otherwise to erect and make, and for ever maintain in repair, at their own Expence, a sufficient Screen on both Sides of such Bridge and Approaches, of not less Height than Six Feet, if required; and in the Case aforesaid where the said Railway shall be carried as aforesaid over the Street or Road, the Company shall and they are hereby required to make and for ever maintain, at their own Expence, a sufficient Screen, on both Sides of the Railway, of the Height of Six Feet at the least, if required by the said Commissioners; and such Screens respectively shall be placed in such Situations as the said Commissioners shall consider necessary and require for preventing any Danger, Accident, or Alarm to any Persons, or to Horses or Animals, or Danger to the Public, on any such Requirement being notified to the Company by the Commissioners, in Writing signed by any Five or more of the Commissioners at any of their Meetings.

Junctions to be made under the

XXVIII. And be it enacted, That the Line of the Railway at the Junction with the Main Line of the *East Lancashire* Railway shall be made

made on the Level of the *East Lancashire* Railway in a convenient and proper Manner, and so as to preserve a free and uninterrupted Passage along the same, and all such Openings in the Rails and Works of the *East Lancashire* Railway as may be necessary for effecting such Junctions shall be made and effected at the Expence in all things of the said Company, or the Owners for the Time being of the said Railway, under the Direction and Superintendence of the Engineer for the Time being of the *East Lancashire* Railway Company, and that the same shall for ever afterwards be maintained and kept in perfect Order and Repair, under the like Superintendence, at the Expence of the said Company, or the Owners for the Time being of the said Railway; and nothing in this Act contained shall authorize the said Company or any other Company or Persons to alter or vary the Line of the *East Lancashire* Railway, or to interfere with any of the Works connected therewith, save only as may be necessary for effecting the Junctions hereby authorized in manner aforesaid.

Superintendence of the Engineer of the East Lancashire Railway Company.

XXIX. And be it enacted, That nothing in this Act, or in the Railways Clauses Consolidation Act, 1845, contained, shall authorize the Company or the Owners for the Time being of the said Railway to make any Deviation to the Westward in the Course or Direction thereof as shown by the centre Line marked upon the said Plans of that Portion of the Railway represented on the said Plans as lying between the Second Furlong marked upon the said Plans and the Point of Junction with the *Burnley* Branch of the *Manchester and Leeds* Railway as shown upon the said Plans, without the Consent of the *East Lancashire* Railway Company in Writing under their Common Seal first had and obtained for that Purpose, or to authorize the said Company or the Owners for the Time being of the said Railway to purchase, take, or appropriate any of the Lands or Property which the *East Lancashire* or the *Manchester and Leeds* Railway Companies, or either of them, are respectively empowered to take or appropriate under the Provisions of the *East Lancashire* Railway Act, 1845, and of the *Manchester and Leeds* Railway Act, No. 2., 1845, and which may be absolutely necessary to be taken or appropriated for the Construction of the *East Lancashire* Railway or the *Burnley* Branch thereof, or of the *Manchester and Leeds* Railway, or for the Works, Stations, and Conveniences connected with such Railways respectively: Provided always, that nothing herein contained shall prevent the Formation of the Railway by this Act authorized as shown upon the Plans deposited as aforesaid.

Restraining Deviation of Line and Purchase of Lands required for East Lancashire Railway.

XXX. And be it enacted, That it shall not be lawful for the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company to erect any Station, Warehouses, Toll House, or other Buildings upon or in connexion with the said Railway by this Act authorized to be made, or any of the Works thereof or Approaches thereto, without the Consent of the said *East Lancashire* Railway Company under their Common Seal in every Instance first had and obtained for that Purpose.

Prohibiting Stations without Consent East Lancashire Company.

XXXI. And be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges,

Saving the Rights of the East

Lancashire Railway Company.

Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *East Lancashire* Railway Company under any Act or Acts of Parliament relating to the *East Lancashire* Railway, or of any Railway or Railways united therewith, or otherwise howsoever, but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament are hereby expressly saved and reserved, except so far as is hereby specially enacted.

Company to take the same Tolls as on the Main Line.

XXXII. And be it enacted, That the said Company or other the Owners for the Time being of the said Railway may, subject to the Provisions in the said recited Acts contained, lawfully demand and receive, in respect of the Use of the Railway by this Act authorized, and in respect of Passengers, Animals, Goods, Wares, Merchandize, Articles, Matters, and Things conveyed upon the same or any Part thereof, and for and in respect of the Use of Carriages and Locomotive Engines or other Power supplied by the Company and employed thereon, such Tolls and other Charges as by the said first-recited Act the Company are authorized to demand and receive in respect of the Main Line of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway, or any Part thereof: Provided always, that the maximum Charges to be made by the Company for the Conveyance of such Passengers, Animals, Carriages, Goods, Wares, Merchandize, Articles, Matters, and Things conveyed upon the said Railway, including the Charges for the Use of Carriages and Locomotive Power, and all other Charges incidental to such Conveyance, shall not exceed the maximum Charges limited by the said first-recited Act.

Liverpool, Manchester, and Newcastle and East Lancashire Companies to pay Tolls, if Line become their joint Property.

XXXIII. And be it enacted, That in the event of the Railway by this Act authorized becoming the joint Property of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company and the *East Lancashire* Railway Company, under the Provisions of this Act, the said Companies respectively shall pay for the Use of the said Railway, and in respect of all Passengers, Animals, Goods, Wares, and Merchandize, Articles, Matters, and Things, conveyed upon the same or any Part thereof by such Companies respectively, such Tolls and other Charges as by this Act are authorized to be demanded and received; and such Tolls and other Charges shall be received and disposed of in the Manner herein provided with respect to Rates, Tolls, and other Payments to be received in respect of the Use of the said Railway; provided that in the event aforesaid the said Companies shall be chargeable in respect of their Traffic over the Railway hereby authorized on such Terms as shall be settled by the joint Committee.

Power for the East Lancashire Railway Company to subscribe and to raise Capital for the Purpose.

XXXIV. And be it enacted, That the *East Lancashire* Railway Company may and they are hereby empowered at any Time before the Expiration of Six Months from the passing of this Act, with the Authority of Three Fifths of the Shareholders present at any General Meeting of such Company convened specially for the Purpose by Advertisement inserted for Four consecutive Weeks in some Newspaper published in the County of *Lancaster*, and held at a Period not earlier than Seven Days from the last Insertion of the Advertisement, to subscribe

subscribe towards the Formation of the Railway by this Act authorized, to any Extent not exceeding Twenty thousand Pounds; and it shall be lawful for the said last-mentioned Company, by and with such Authority as aforesaid, to raise the Sum so agreed or resolved to be subscribed by them as aforesaid, or any Part thereof, by the Creation of new Shares in their Undertaking, of such Amount and upon such Terms and Conditions as may be agreed on and determined by Three Fifths of the Shareholders present at any such Meeting as aforesaid: Provided always, that in the event of the said *East Lancashire* Railway Company subscribing to the Extent aforesaid, the Railway by this Act authorized to be made, and all Lands purchased, taken, or used for the Purposes thereof, shall become vested in the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company and the said *East Lancashire* Railway Company, and shall be for ever held and enjoyed by them and their Successors jointly, subject to the Provisions herein-after contained.

Interest not to be paid on Calls paid up.

XXXV. Provided further, and be it enacted, That it shall not be lawful for the said *East Lancashire* Railway Company, out of any Money by this Act or any other Act relating to such 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 on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised by the last-mentioned Company: Provided always, that nothing herein-before contained shall be deemed to prevent the last-mentioned 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.

Joint Committee of Management.

XXXVI. And be it enacted, That in the event of such Subscription being authorized in manner aforesaid by the Shareholders in the *East Lancashire* Railway Company, the Directors of each of the said Two Companies shall, within One Month thereafter, and afterwards in the Month of *August* in every Year, separately elect and appoint Two Members out of each of their Bodies, to be and who shall be, until others are appointed in their Stead, as herein-after mentioned, a Committee of Management for the Purpose of executing and managing the said Railway by this Act authorized: Provided always, that the several Members who shall be appointed to act on such Committee of Management as aforesaid, and who shall go out of Office before the annual Election of others in their Stead, shall be eligible to be re-elected on such Committee.

For supplying Vacancies in joint Committee of Management.

XXXVII. And be it enacted, That when and so often as any Member of the said joint Committee of Management shall die, or shall resign, or shall cease to be a Director of the Company on whose Behalf he shall have been elected on such Committee, it shall be lawful for the Directors of the same Company, if they shall think proper so to do, to elect some other Person out of their own Body in his Room and Place; and every such Director so elected to fill up any such Vacancy shall continue in Office as a Member of such joint Committee

Committee so long only as the Person in whose Place or Stead he may have been elected would have been entitled to continue had he lived or remained in Office: Provided always, that any Member of the said joint Committee who shall cease to be a Director as before mentioned may nevertheless continue to be a Member of the said joint Committee for such Period, not exceeding One Month after he shall so cease to be a Director, as may elapse between such Event and the Appointment of some other Person to be a Member of the said Committee as aforesaid.

As to Meetings of joint Committee.

XXXVIII. And be it enacted, That the said joint Committee to be appointed as aforesaid shall hold their Meetings at such Place or Places as may from Time to Time be agreed on by the Directors of the said Two Companies respectively; and the said Directors shall have the Power from Time to Time to make such Agreements among themselves, and such Bye Laws and Regulations for the Government of the said joint Committee of Management, as to them shall seem expedient.

Powers of joint Committee.

XXXIX. And be it enacted, That all the Powers by this Act given to the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, and all the Powers and Duties vested in and to be performed by the Directors thereof, with regard to the Railway hereby authorized to be made, shall be vested in, exercised, and performed solely by the said joint Committee to be appointed as aforesaid, and all Acts, Matters, and Things done and performed by the said Committee in reference to the Railway shall be as valid and effectual as though the same were done and performed by the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company: Provided always, that all Actions, Suits, Indictments, or other Proceedings at Law which could or might have been brought or prosecuted by or against, or in the Name of the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, in case the said *East Lancashire* Railway Company had no Share in the said Railway, shall and may, so far as regards any Act, Deed, Matter, or Thing relating to the said Railway, or the Acts or Defaults of the said joint Committee of Management in relation thereto, be brought and prosecuted by or against the said Two Companies jointly, and the joint and several Funds of the said Two Companies respectively shall be liable for all the Acts and Liabilities of the said joint Committee of Management, and any Summons, Demand, Notice, Writ, or other Proceeding at Law or otherwise relating to the said Railway shall, if served upon the Secretary or any Member of the said joint Committee of Management, be as valid and effectual as though the same were served upon the said Two Companies respectively in manner provided by the Companies Clauses Consolidation Act, 1845: Provided always, that all Orders and Regulations made by the said joint Committee in relation to the said Railway, so far as they concern only the mutual Interests of the said Two Companies, shall be subject to any Arrangements as to such Interests which may from Time to Time be made or existing between or binding upon the said Two Companies.

XL. And

Books of Account to be kept by the joint Committee.

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

Receipts of joint Line to be equally divided.

XLI. And be it enacted, That all Rates, Tolls, and other Payments received by the said joint Committee in respect of the Traffic on the said Railway shall be paid into a joint Fund, to be applied in the first instance to the Maintenance of the said Railway, and all other Disbursements connected therewith or relating thereto, in such Proportions with reference to the Traffic of both Companies as may be agreed upon between the said Two Companies; and the net Profits, after Payment of such Disbursements as aforesaid, shall be divided between the said Two Companies, in such Manner, with such Reservation for Contingencies or otherwise, and at such Times, as may from Time to Time be agreed upon between them respectively.

As to the Decision of Questions where joint Committee are equally divided.

XLII. Provided always, and be it enacted, That in case of an Equality of Votes in the said joint Committee upon any Question upon which they shall be divided in opinion with reference to the Construction, Time of Construction, or Management of the Railway by this Act authorized, such Question shall be decided by some Person to be appointed for that Purpose by the Commissioners of Railways.

Power to lease Railway.

XLIII. And be it enacted, That it shall be lawful for the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, with the Approbation of Three Fifths of the Shareholders present, personally or by Proxy, at any Ordinary or Extraordinary Meeting of the said Company, to grant a Lease of their Share or Interest in the Railway and Works hereby authorized, or any Part thereof, to the *Manchester and Leeds* Railway Company, for such Term of Years and on such Conditions as may be mutually agreed on; and it shall be lawful for the said *Manchester and Leeds* Railway Company, with the Approbation of Three Fifths of their Shareholders present, personally or by Proxy, at any General or Special General Meeting to accept and take such Lease.

Power to the Manchester and Leeds Railway Company to purchase the Line or any Interest therein;

XLIV. And be it enacted, That it shall be lawful also for the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, by and with the Authority of Three Fifths of the Votes of the Proprietors who may be present, either personally or by Proxy, at some Ordinary or Extraordinary General Meeting of the said Company, to sell and transfer to the said *Manchester and Leeds* Railway Company, and for the said *Manchester and Leeds* Railway

Company, by and with the like Authority on the Part of their Proprietors, to purchase the Share or Interest of the *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company in the Railway by this Act authorized, and whether before or after the Completion thereof, (but subject to any existing Mortgages, Contracts, Agreements, or Liabilities affecting the same,) on the Completion of such Purchase, of which Completion a Transfer or Conveyance, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase or Consideration Money, and under the Corporate Seal of the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, shall be sufficient Evidence, the said *Manchester and Leeds* Railway Company may have and hold the said Railway, or the Shares therein purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all the Rights, Powers, and Privileges conferred by this Act on the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company.

Power to raise the necessary Capital by Creation of new Shares, and borrowing on Mortgage.

XLV. And be it enacted, That for such last-mentioned Purpose it shall be lawful for the said *Manchester and Leeds* Railway Company, if they see fit, by and with such Authority as aforesaid, to create such an additional Number of Shares, and to borrow upon Mortgage such Sum of Money, as may be necessary for completing such Purchase, or for constructing and working the said Railway; provided the Amount to be raised by such additional Shares shall not exceed the Amount of Capital which the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company are by this Act authorized to raise for the Purposes thereof, and that the Money so to be borrowed shall not exceed One Third the Amount of such Capital, and shall not be borrowed until One Half of the said Capital shall have been paid up; and from and after such Purchase as aforesaid the Railway by this Act authorized to be made, or such Part thereof as may be so purchased by the said *Manchester and Leeds* Railway Company, shall from thenceforth be and become amalgamated with and form Part of the Undertaking belonging to such Company.

Interest not to be paid by Manchester and Leeds Railway Company on Calls paid up.

XLVI. Provided further, and be it enacted, That it shall not be lawful for the said *Manchester and Leeds* Railway Company, out of any Money by this Act or any other Act relating to such 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 on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised by the said *Manchester and Leeds* Railway Company: Provided nevertheless, that nothing herein-before contained shall be deemed to prevent the said *Manchester and Leeds* Railway 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.

XLVII. Pro-

Powers of Sale, &c. not to be exercised without Certificate of Commissioners of Railways.

XLVII. Provided always, and be it enacted, That it shall not be lawful for the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, by virtue of the Power herein-before contained, to sell, demise, or lease, nor for the said *Manchester and Leeds* Railway Company to purchase, or to enter into, or accept such Lease of the said Railway hereby authorized to be made, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal, previously to the Completion of such Sale or the Execution of such Lease, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up, and expended for the Purposes authorized by such Act or Acts respectively.

Power to enter into Contracts with other Companies.

XLVIII. And be it enacted, That it shall be lawful for the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, and for the said *East Lancashire* Railway Company, and the said *Manchester and Leeds* Railway Company, or either of them, or the Directors of the said Companies respectively, to make and enter into such Contracts or Agreements for effecting the Purposes aforesaid, or for otherwise working and using the said Railway or any Part thereof, as they the said Companies may respectively deem advisable, and subject to such Terms and Conditions as may be mutually agreed on.

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

XLIX. 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 other Acts were passed in the last Session of Parliament, 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 Railway by this Act authorized or the said Companies from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Companies, so far as the same shall be applicable thereto.

Expences of Act.

L. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall be paid by the said *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

LI. Pro-

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

LI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this and 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.

Public Act.

LII. 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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