CHAPTER ccxxvi.

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An Act to authorise the making of Railways in the county of Lancaster to connect the Railway of the West Lancashire Railway Company with the Railway of the Southport and Cheshire Lines Extension Railway Company and for other purposes. [7th August 1884.]

WHEREAS the making of the railways herein-after described would be attended with public and local advantage:

And whereas the persons in this Act named with others are willing at their own expense to construct the said railways and it is expedient that they should be incorporated into a company and that powers should be conferred on them for that purpose:

And whereas it is expedient that the Company hereby incorporated and the company in that behalf in this Act mentioned be empowered to enter into and carry into effect traffic and other agreements as herein-after provided:

And whereas it is expedient that the Company and all companies and persons lawfully using the railways of the Company should be empowered to run over and use the railways and portions of railways and stations herein-after mentioned:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Lancaster and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act 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

A.D. 1884. the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. **1.** This Act may be cited as the Liverpool Southport and Preston Junction Railway Act 1884.

Incorporation of general Acts. **2.** The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation. **3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expressions "the railways" and "the undertaking" mean respectively the railways and undertaking by this Act authorised the expression "the West Lancashire Company" means the West Lancashire Railway Company and for the purposes of this Act the expression "superior courts" or "courts of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated. **4.** The Marquess de Casteja Henry Blundell Hollinshead Blundell Edward Holden Walter Smith Thomas Fisher Thomas Henry Isherwood and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railways hereby authorised and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the "Liverpool Southport and Preston Junction Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

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Power to make railways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are:—

(1.) A Railway No. 1 (7 miles 2 furlongs 9·5 chains in length) wholly in the county of Lancaster commencing by a junction with the authorised Southport and Cheshire Lines Extension Railway in course of construction at or near the point where the said Southport and Cheshire Lines Extension Railway crosses the northern bank of the brook or drain known as "The Rib" in the parish of Halsall and township of Downholland and terminating by a junction with the West Lancashire Railway at a point on that railway in the parish and township of North Meols and borough of Southport one hundred and sixty-five yards or thereabouts measured in a southerly direction along the centre line of the said West Lancashire Railway from the southern face of the bridge carrying the public road known as Roe Lane over the said West Lancashire Railway.

(2.) A Railway No. 2 (2 furlongs 5·1 chains in length) situate wholly in the township and parish of North Meols and borough of Southport and county of Lancaster commencing by a junction with Railway No. 1 at or near the point of junction of the northern fence or boundary of the public road known as Tithe Barn Lane with the western fence or boundary of the public road known as Meols Cop Road and terminating by a junction with the West Lancashire Railway at a point on that railway at or near the north-eastern face of the bridge carrying the public road known as Hawkshead Street South over the said West Lancashire Railway.

Power to stop up Tithe Barn Lane.

6. Subject to the provisions of this Act the Company may stop up and extinguish all rights of way in and over and may appropriate the site and soil of the public road known as Tithe Barn Lane for a length of two chains or thereabouts from its junction with Meols Cop Road in the parish of North Meols and county of Lancaster.

Capital.

7. The capital of the Company shall be two hundred thousand pounds in twenty thousand shares of ten pounds each.

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Shares not to issue until one-fifth paid up.

8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

9. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and four-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt for persons not sui juris.

10. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

11. Subject to the provisions of this Act the Company with the authority of three-fifths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in the capital by this Act authorised to be raised into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) first in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

13. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first

day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

14. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

16. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

18. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares whether preferred or deferred or one of each held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Power to borrow.

19. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole sixty-six

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thousand six hundred pounds but no part thereof shall be borrowed until the whole capital of two hundred thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

20. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than seven thousand pounds in the whole.

Debenture stock.

21. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

22. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

23. The first ordinary meeting of the Company shall be held within ten months after the passing of this Act.

Number of directors.

24. The number of directors shall be five but the Company may from time to time reduce and again increase the number of

directors provided that the number be not more than five nor less than three.

Qualification of directors.

25. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

26. The quorum of a meeting of directors shall be three and when the number is reduced to three the quorum shall be two.

First directors.

27. Edward Holden Walter Smith Thomas Fisher Thomas Henry Isherwood and one other person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

28. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed two acres.

Period for compulsory purchase of lands.

29. 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.

Power to take easements by agreement.

30. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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For the protection of the Lancashire and Yorkshire Railway Company.

31. The Company in constructing the Railway No. 1 shall be bound by and shall comply with the following provisions for the protection of the Lancashire and Yorkshire Railway Company (unless otherwise agreed between the Company and the Lancashire and Yorkshire Railway Company in writing under their respective common seals) :—

1. The railway where it crosses over the Manchester and Southport Railway of the Lancashire and Yorkshire Railway Company at a point six miles three furlongs or thereabouts as shown upon the deposited plans and sections shall be so carried over the said Manchester and Southport Railway within the limits of deviation shown on the said plans by means of a bridge which shall be so constructed and maintained by the Company at all times as to have a clear span or opening of at least forty-eight feet measured on the square and a clear headway of at least fourteen feet six inches measured from the upper surface of the rails of the said Manchester and Southport Railway to the underside of the girders of the said bridge for the entire span thereof ;
2. The existing levels of the said Manchester and Southport Railway at the said point of crossing shall be preserved and not altered ;
3. The bridge by which the railway shall be carried over the said Manchester and Southport Railway and all works and conveniences connected therewith shall be constructed only according to such plans elevations sections specifications and dimensions as shall be submitted by the Company to the engineer of the Lancashire and Yorkshire Railway Company and approved by him in writing under his hand before any of those works are begun or in case of his refusal or neglect to approve the same within the space of one calendar month after they shall have been submitted to him as shall be settled and determined by an engineer to be appointed on the application of either of the two companies by the President for the time being of the Institution of Civil Engineers ;
4. The Company shall at all times maintain the said bridge by which the railway shall be carried over the said Manchester and Southport Railway and all the works connected therewith in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer for the time being of the Lancashire and Yorkshire Railway Company If and whenever the Company fail so to do the

Lancashire and Yorkshire Railway Company may make and do in and upon as well the lands and works of the Company as on their own lands and works all such works and things as they may reasonably think requisite in that behalf and the sums from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by the Lancashire and Yorkshire Railway Company from the Company in any court of competent jurisdiction;

5. If by or in consequence of the execution of the works of the Company any of the signals signal posts or other like works of the Lancashire and Yorkshire Railway Company are interfered with or the view of the signals intercepted or rendered less convenient for the working of the said Manchester and Southport Railway the Company shall at their own expense remove and re-erect such signals signal posts and other works or make such alterations therein as the Lancashire and Yorkshire Railway Company may reasonably require and such removal re-erection and alteration shall be completed to the reasonable satisfaction in all respects of the engineer for the time being of that company;

6. The Company shall not without in every case the previous consent of the Lancashire and Yorkshire Railway Company in writing under their common seal take use enter upon or interfere with any of the lands railways or works from time to time belonging to or in the possession or under the power of that company except only such parts of such lands as it shall be absolutely necessary for the Company to take use enter upon or interfere with for the purpose of making and maintaining the railway and the works by which the same is to be so carried over the said Manchester and Southport Railway;

7. With respect to any land of the Lancashire and Yorkshire Railway Company which the Company is by this Act authorised to use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Lancashire and Yorkshire Railway Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same;

8. The Company shall not in any manner in the execution of any of their works obstruct or interfere with the free uninterrupted

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and safe user of the said Manchester and Southport Railway or any traffic thereon;

9. The Company shall bear and on demand pay the Lancashire and Yorkshire Railway Company the expense of the employment by that company during the execution of the works affecting the said Manchester and Southport Railway of a sufficient number of inspectors and watchmen to be appointed by the Lancashire and Yorkshire Railway Company for watching their railway and works with reference to and during the execution of such first-mentioned works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employ of the Company or of their contractors with reference thereto or otherwise;

10. If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any persons in the employ of the Company or of their contractors or otherwise the said Manchester and Southport Railway or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Lancashire and Yorkshire Railway Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic of the Lancashire and Yorkshire Railway Company by reason of any of the matters or causes aforesaid the Company shall pay to that company all costs and expenses to which that company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable with full costs by the Lancashire and Yorkshire Railway Company from the Company in any court of competent jurisdiction;

11. If any difference shall arise between the Company and the Lancashire and Yorkshire Railway Company as to the true intent and meaning of this section or the mode of giving effect thereto the settlement of which is not otherwise provided for the same shall be from time to time determined by arbitration in the manner prescribed by the Railways

Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration. A.D. 1884.

For the protection of corporation of Southport.

32. For the protection and accommodation of the mayor aldermen and burgesses of the borough of Southport (in this section referred to as "the corporation") the following provisions shall have effect (that is to say):—

1. The bridge carrying the Railway No. 1 over the Scarisbrick New Road shall be a girder bridge having a clear span on the square of not less than forty-eight feet;
2. The Company shall lower Scarisbrick New Road aforesaid two feet from its present level from its junction with Meols Cop Road to the boundary platt so as to provide a clear headway throughout under the said bridge of eighteen feet and shall complete and make good the said road to the reasonable satisfaction of the corporation;
3. The Company shall make to the reasonable satisfaction of the corporation all such cuts ditches soughs culverts and watercourses within the borough as may be necessary for efficiently connecting the drainage of the district through which the railways authorised by this Act shall pass and shall for ever thereafter maintain all such works within the boundary of the property of the Company;
4. The Company shall if required by the corporation within three years from the passing of this Act acquire a piece of land not exceeding forty-two feet in width and as far as practicable extending parallel with and being contiguous to the Railway No. 1 from the termination of Foul Lane as shown on the fourth sheet of the deposited plans to Scarisbrick New Road and shall vest the same in the corporation to be dedicated to the free use of the public as and for a highway The Company shall also if required by the corporation within five years after the passing of this Act and to the reasonable satisfaction of the corporation pave one half of the width of the said strip of land for the whole length thereof;
5. The Railway No. 1 shall be carried over Butts Lane by a girder bridge having a clear span on the square of not less than forty-two feet;
6. The Company shall make at their cost a siding connecting the gasworks siding of the corporation in Butts Lane aforesaid with Railway No. 1 The said intended siding shall be wholly on the north side of Butts Lane and be of not less than three chains radius nor of a steeper gradient

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than one in seventy And the corporation shall pay to the Company rates for all animals and goods carried over such siding to or from the point of junction with the gasworks siding calculated upon the actual mileage traversed but shall not be liable to pay to the Company any terminal charges for the use of such siding;

7. The corporation shall be at liberty at any time and from time to time after the passing of this Act to lay gas mains along the railways authorised by this Act and in under over and through any of the lands of the Company connected therewith up to the limits of their area of gas supply free of charge Provided always that the corporation shall make good to and reimburse the Company all damage and cost (if any) occasioned by the exercise of this privilege and shall exercise the same under the superintendence and to the reasonable satisfaction of the Company's engineer;

8. The Company shall carry Meols Cop Road over the railway by a bridge the gradients of which shall be one in forty-two and a half. The width of the roadway (including footwalks) shall be forty-eight feet throughout. In lieu of slopes the approaches of the bridge shall have substantial retaining walls made of good bricks and faced with best Staffordshire blue bricks. The retaining walls shall be coped on the level of the roadway with tooled stone coping not less than eight inches thick and shall be fenced by an iron fence known as "The Unclimable" of not less than four feet six inches in height above the top of the said coping. The road and footwalks shall be made paved tiled drained kerbed and channelled with all proper gullies and completely finished by and at the cost of the Company to the reasonable satisfaction of the corporation;

9. The Company shall carry Tithebarn Lane over the railway by a bridge and shall extend Tithebarn Lane forward in the direction of Bispham Road but only so far as at the required gradient shall be sufficient to reach the existing level of Bispham Road The whole of the provisions of the last sub-section with reference to Meols Cop Road and the bridge and approaches thereto therein provided for shall apply to Tithebarn Lane and the bridge herein provided for and be binding on the Company in regard thereto with the exception that the width of the roadway (including footwalks) in the case of Tithebarn Lane shall be forty-two feet throughout in lieu of forty-eight feet;

10. The Company shall carry the public footpath known as Churchgate over their Railway No. 1 and the West Lancashire Railway by a substantial iron footbridge not less than six feet in width;

11. Before the railways authorised by this Act are opened for traffic the Company shall connect Meols Cop Road with Green Lane by means of an underbridge of forty-two feet span on the square and of such headway as the level of the rails will permit allowing two-feet six inches for construction and such bridge shall be constructed at such a point between Butts Lane and Tithebarn Lane as shall hereafter be agreed upon between the Company and the trustees acting in execution of the trusts of the will of the late Charles Scarisbrick deceased provided that if the said trustees and the Company shall fail to agree within one month from the passing of this Act upon the said point the same shall be determined forthwith by the corporation;

12. The centre line of the railways authorised by this Act shall not be deviated within the borough of Southport to a greater extent laterally than sixty feet without the consent of the corporation;

13. Every passenger train running over any portion of Railway No. 1 shall stop at the Central Station of the West Lancashire Railway Derby Road Southport or at the Ash Street Station of the West Lancashire Railway Company or at a station to be constructed at or near the point where the proposed new lines Nos. 1 and 2 meet at the junction of Meols Cop Road and Tithebarn Lane within the borough of Southport for such time as may be requisite for enabling passengers coming to or leaving Southport to conveniently alight or depart at such stations and the Company (so far as such matters are within their powers) and all companies for the time being working or using Railway No. 1 shall afford for the accommodation of such passengers all reasonable facilities by through booking through tickets and so far as conveniently may be by running through carriages;

14. The Company shall plant and for ever hereafter maintain four rows of trees to the reasonable satisfaction of the corporation each tree to be planted in a cubic yard of good soil and not exceeding ten yards apart longitudinally on such portions of the western slope or on the cess of Railway No. 1 as lie between the borough boundary and the junction of Railway No. 1 with Railway No. 2 and also one row of

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trees on each side of Railways Nos. 1 and 2 from the last-mentioned point to the terminations of the said railways and will also plant and for ever hereafter maintain bushes or shrubs in six inches of good soil on so much of the western slope of Railway No. 1 as shall not be planted with trees;

15. Where the railways authorised by this Act or any of them or any works connected therewith pass over or under or in any way interfere with any of the existing sewers or gas mains of the corporation the Company shall at their own expense and to the reasonable satisfaction of the borough and the gas engineer respectively for the time being of the corporation protect the same from injury and provide for future enlargement of the same by means of good and sufficient culverts or bridges such culverts in the case of gas mains not to exceed six feet in diameter and in the case of sewers or sewers and gas mains jointly not to exceed nine feet in diameter or in such other manner as the said engineers shall respectively require and such culverts bridges or other means of protection shall be for ever maintained by and at the cost of the Company in good order and condition and so as to allow free and uninterrupted access at all times to the corporation for the purposes of inspecting repairing duplicating maintaining altering enlarging removing or replacing the same. In the event of damage being done to the property of the Company in inspecting repairing duplicating maintaining altering enlarging removing or replacing the said sewers or gas mains as aforesaid the corporation shall defray the cost of making the same good;

16. Where the Company shall in execution of the powers of this Act make any bridge for carrying any street road or way whether public or private within the borough of Southport under or over the railways authorised by this Act they shall in the construction of every such bridge make provision for enabling the corporation to lay down and maintain such sewers mains or pipes as the borough and the gas engineer of the corporation respectively shall reasonably require and the corporation shall have full power from time to time to lay down and maintain all such sewers mains or pipes under or over every such bridge and to inspect repair duplicate enlarge alter remove or renew the same but the corporation shall not in any way interfere with the headway of any bridge and shall make good all damage which may be occasioned by carrying out any such works;

17. The corporation shall at all times hereafter have free liberty to construct sewers or drains or lay mains or pipes for any purpose under or across the railways authorised by this Act at any point on giving to the Company twenty-eight days previous notice in writing of their intention so to do Provided nevertheless that all works under this subsection shall be executed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Company and the corporation shall be responsible for all damage to the railways or for any interruption of the traffic caused by such works and the corporation shall at all times keep such works in proper repair;

18. The Company shall when and where necessary for the safety of the public fence the railways within the borough of Southport by substantial brick or stone walls;

19. The corporation and the Company may enter into and carry into effect agreements for any variation in the works to be done under this section or the mode of executing the same;

20. In case any dispute shall arise between the Company and the corporation as to the necessity of any works as to which it is expressly stated in this section that they are only required to be done if necessary the same shall be referred to the decision of an engineer to be appointed by the Board of Trade on the application of either party and his decision respecting both the said dispute and the costs of the reference shall be final and without appeal;

21. All the works provided for in and all the requirements of this section shall so far as is consistent with this section be executed and fulfilled before the railways authorised by this Act or either of them are opened for traffic except the works specified in subsection 14.

For the protection of the borough of Southport and of the Scarisbrick trustees.

33. For the protection of the borough of Southport and the trustees for the time being of the will of Charles Scarisbrick deceased the following provisions shall have effect that is to say:—

Every passenger train running in the ordinary service as shown in the time tables of this or any other company for the time being running trains over any portion of Railway No. 1 shall stop at the Central Station of the West Lancashire Railway Derby Road Southport or at the Ash Street Station of the West Lancashire Railway Company or at a station to be constructed at the point of junction of the said Railways Nos. 1 and 2 at the junction of Meols Cop Road and Tithe Barn Lane

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within the borough of Southport for such time as may be requisite for enabling passengers coming to or leaving Southport to conveniently alight or depart at such stations and the Company (so far as such matters are within their power) and all companies for the time being working or using the said railway shall afford all reasonable facilities by through booking through tickets and so far as conveniently may be running through carriages for the accommodation of such passengers.

As to works affecting the Southport Waterworks Company.

34. In constructing and maintaining any works authorised by this Act affecting the mains pipes or other works of the Southport Waterworks Company (herein-after called "the water company") the Company shall unless otherwise agreed in writing between the Company and the water company observe and comply with the following conditions namely:—

1. All works matters or things which the Company under the provisions of this Act or any Act incorporated therewith may be empowered or required to do or execute with reference to any mains pipes plugs hydrants or other works of the water company shall be done and executed by and at the cost of the Company but to the reasonable satisfaction of the engineer for the time being of the water company and such works matters or other things shall not be commenced except in case of emergency until after seven days previous notice thereof in writing shall have been given to the water company;
2. If and whenever any new street road or path shall hereafter be made across the railways within the limits of supply of the water company it shall subject as herein-after provided be lawful for the water company to lay down and maintain a pipe or pipes across the railways beneath any such street road or path in like manner as if such new street road or path were at the passing of this Act an existing street road or path across the railways;
3. It shall be lawful for the water company and the engineer workmen and others in their employ at all reasonable times to enter upon any street roadway or footpath that may be constructed or altered under the powers of this Act and to do all such works as may be required for repairing maintaining altering removing or replacing any mains or pipes of the water company now laid or which may hereafter be laid under or over the said street roadway or footpath Provided always that in so doing the water company or their engineer or workmen shall not interrupt or interfere with the

traffic passing on the said street roadway or footpath And provided also that the water company shall make good and reimburse to the Company all damages (if any) occasioned by the exercise of such powers;

4. Where the Company shall in the execution of the powers of this Act make any bridge for carrying any street roadway or footpath whether public or private within the limits of supply of the water company under or over the railways they shall in the construction of every such bridge make provision for enabling the water company to lay down and maintain a main or pipe of fifteen inches diameter or any greater number of mains or pipes parallel with and by the side of each other not requiring in the aggregate more space for their accommodation than a main or pipe of fifteen inches diameter under or over every such bridge and the water company shall have full power and authority from time to time to lay down and maintain all such mains or pipes under or over every such bridge and to repair enlarge alter or renew the same Provided that if in any case the relative levels of the rails of the railways and of the surface of the road over such bridge shall not admit of sufficient depth being left to enable such mains or pipes to be so laid then and in every such case the Company shall make such convenient provision alongside or within the parapets of the bridge as will enable such mains or pipes to be laid alongside or within the same so and in such manner as the same shall be at all times accessible to the water company for any of the purposes of this section and that the water company shall be able to protect their pipes by means of a sufficient covering from being frozen;

5. It shall be lawful for the water company and the engineers workmen and others in their employment at all reasonable times during and after the construction of the railways to enter on the railways and the lands of the Company connected therewith and to do all such works in and upon the railways and lands as may be necessary for inspecting repairing duplicating maintaining altering enlarging removing or replacing any mains or pipes belonging to the water company under or over the railways and lands respectively Provided always that all such works shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Company and that in executing such works the water company or their

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engineers workmen or others in their employ shall not interrupt the traffic passing on the railways And provided also that the water company shall make good to and reimburse the Company all damage if any occasioned by the exercise of such powers;

6. All works constructed under this Act shall be constructed and maintained so that the use of the mains and pipes of the water company and their supply of water shall not be unduly impeded or interfered with;

7. If by reason of the construction or maintenance of the works by this Act authorised any of the mains pipes hydrants plugs or other works of the water company shall be damaged or injured or their supply or water impeded the Company shall make good and reimburse to the water company all damages if any occasioned by the exercise of the powers of this Act;

8. If the Company and the water company differ concerning the execution of any works to be carried out under the provisions of this Act every such difference shall be settled by an engineer to be appointed by the engineers of the parties in difference or if they cannot agree on such appointment then by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party.

For the protection of the Southport District Highway Board.

35. In constructing the railway and works hereby authorised through the townships of Downholland and Halsall within the district of the highway board for the district of Southport (hereafter referred to as the highway board) the following provisions shall have effect:—

1. The Company shall construct and for ever maintain the following bridges with approaches carrying the highways over the railway viz.:—

In the township of Downholland:

A bridge at Old Moss Lane No. 22 on the deposited plans:

A bridge at Barton Lane No. 67 on the deposited plans:

In the township of Halsall

A bridge at Plex Lane No. 78 on the deposited plans:

A bridge at Old Moss Lane No. 88 on the deposited plans:

A bridge at New Cut Lane No. 121 on the deposited plans: and

A bridge at Heathey Lane leading to Birkdale Cop No. 192 on the deposited plans:

2. Each of the said bridges shall have a clear space of not less than thirty feet between the parapet walls thereof with the gradients of the approaches not steeper than one in thirty.

The parapet walls of the said bridges shall be of brick or stone at least four feet six inches in height above the level of the highways for the whole length of the bridges:

The carriageways of the said bridges and the approaches thereto shall be in such line as may be agreed upon between the Company and the board and be paved with Lester Mills or similar quality of sets on a rock hand pitched foundation twelve inches thick covered with sand and gravel ready for paving Each bridge with the approaches shall in addition to the carriageway thereof have a cindered foot walk on each side five feet in width with a Yorkshire kerb and channel There shall be a good and substantial post and rail fence two rails high with posts well sunk into the ground and charred on each side of the approaches to the bridges Proper and efficient drainage works shall be constructed and maintained by the Company at the foot of each approach to the bridges to the reasonable satisfaction of the highway board.

3. The Company shall divert Footpath No. 75 on the deposited plans in the township of Halsall to and over Bridge No. 78 and the said footpath when diverted shall be properly and effectually cindered and maintained by the Company.

4. The Company shall provide and maintain gates with proper pale fencing for crossing the railway on the level by the Footpaths Nos. 56 83 97 and 152 on the deposited plans in the townships of Downholland and Halsall and the crossing spaces over the railway by such footpaths respectively shall be maintained by the Company and properly metalled with dry ashes.

5. All ditches drains and streams interfered with by the Company in the construction of the railway shall be made good by and at the expense of the Company who shall make ample provision and do all necessary works for preventing the flooding and injury of the highways and footpaths within the district of the highway board through or in consequence of the construction of the said railway or the works connected therewith.

6. All the above works shall be constructed by the Company to the reasonable satisfaction in all respects of the highway

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board or anyone appointed on their behalf and if any difference shall arise between the Company and the highway board the matter in difference shall be referred to and determined by an arbitrator to be on the application of either party appointed by the Board of Trade.

7. Except as by this Act expressly provided this Act or anything herein contained shall not take away alter or prejudice any of the rights powers and authorities vested in the highway board.

Provision as to junction with West Lancashire Railway.

36. The junctions of Railways No. 1 and No. 2 with the railway of the West Lancashire Company shall be effected in all respects in such manner as shall previously have been approved by the engineer for the time being of that company and the junctions and works connected therewith shall be executed by that company and the costs of such junctions and works and all costs incidental thereto shall upon demand be repaid by the Company to the West Lancashire Company and in default thereof may be recovered in any court of competent jurisdiction.

West Lancashire Company may erect signals &c.

37. The West Lancashire Company may from time to time erect maintain and alter such signals and conveniences incident to the respective junctions of Railways No. 1 and No. 2 with their railway either on their own land or on the land of the Company and appoint and remove such watchmen switchmen and other persons as may in their judgment be necessary for the prevention of danger to detention of or interference with their traffic at and near the junction and the working and management of such signals and conveniences wherever situate and the control and direction of such watchmen switchmen and other persons shall be under the exclusive regulation and control of the West Lancashire Company and all the expense of erecting altering and maintaining such signals and conveniences and of employing and paying such watchmen switchmen and other persons and all incidental current expenses at the end of every half year shall be repaid by the Company on demand and in default thereof may be recovered from them in any court of competent jurisdiction.

Expenses of watchmen during construction of works to be paid by Company.

38. The Company shall bear and on demand pay to the West Lancashire Company the expense of the employment by that company during the making of the railway adjacent to the junctions of Railways No. 1 and No. 2 with their railway of a sufficient number of inspectors and watchmen for watching their railway and works and for preventing as far as may be all interference obstruction danger and accident from any of the operations

or from the acts or defaults of any person or persons in the employment of the Company or their contractors in reference thereto or otherwise.

Damage sustained by West Lancashire Company to be repaid.

39. Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the West Lancashire Company all losses costs damages and expenses which may be occasioned to them or to any of their works or property or to the traffic on their railway or to any company or person using the same or otherwise during the execution or by reason of the failure of any of the adjacent works by this Act authorised or of any act or omission of the Company or of any person in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the West Lancashire Company from all claims or demands upon or against them by reason of such execution or failure or of any such act or omission.

Company not to interfere with traffic on West Lancashire Railway.

40. In constructing the railways by this Act authorised the Company shall not in anyway obstruct or interfere with the traffic passing along the West Lancashire Railway and if by reason of any works or proceedings of the Company there shall be any obstruction or interference with the West Lancashire Railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the West Lancashire Company at the rate of twenty pounds per hour by way of liquidated damages during the time any such obstruction or interference shall continue.

Easement only in land of West Lancashire Company to be taken for certain purposes.

41. Nothing in this Act contained shall extend or be deemed or construed to extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the West Lancashire Company or to alter vary or interfere with the West Lancashire Railway or with any of the works of that railway further or otherwise than is necessary for the construction of the junctions of the Railways No. 1 and No. 2 with the West Lancashire Railway without the consent in writing in every instance for that purpose first had and obtained of the West Lancashire Company under their common seal and with respect to any lands of the West Lancashire Company which the Company are by this Act authorised to use enter upon or interfere with for the purposes of such junctions the Company shall not purchase and take the same but the Company may purchase and take and the West Lancashire Company shall sell or grant accordingly an easement or right of using the same in perpetuity for the purposes of the junctions by this Act authorised.

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Provision as to junction with Southport and Cheshire Lines Extension Railway.

42. The junction of Railway No. 1 with the railway of the Southport and Cheshire Lines Extension Railway Company shall be effected in all respects in such manner as shall previously have been approved by the engineer for the time being of that company and the junction and works connected therewith shall be executed by that company and the costs of such junction and works and all costs incidental thereto shall upon demand be repaid by the Company to the Southport and Cheshire Lines Extension Railway Company and in default thereof may be recovered in any court of competent jurisdiction.

Southport and Cheshire Lines Extension Railway Company may erect signals &c.

43. The Southport and Cheshire Lines Extension Railway Company may from time to time erect maintain and alter such signals and conveniences incident to the junction of Railway No. 1 with their railway either on their own land or on the land of the Company and appoint and remove such watchmen switchmen and other persons as may in their judgment be necessary for the prevention of danger to detention of or interference with their traffic at and near the junction and the working and management of such signals and conveniences wherever situate and the control and direction of such watchmen switchmen and other persons shall be under the exclusive regulation and control of the Southport and Cheshire Lines Extension Railway Company and all the expenses of erecting altering and maintaining such signals and conveniences and of employing and paying such watchmen switchmen and other persons and all incidental current expenses at the end of every half year shall be repaid by the Company on demand and in default thereof may be recovered from them in any court of competent jurisdiction.

Expenses of watchmen during construction of works to be paid by Company.

44. The Company shall bear and on demand pay to the Southport and Cheshire Lines Extension Railway Company the expense of the employment by that company during the making of the railway adjacent to the junction of Railway No. 1 with their railway of a sufficient number of inspectors and watchmen for watching their railway and works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employment of the Company or their contractors in reference thereto or otherwise.

Damage sustained by Southport and Cheshire Lines Extension Railway

45. Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Southport and Cheshire Lines Extension Railway Company all losses costs damages and expenses which may be occasioned to them or to any of their works or property or to the traffic on their

railway or to any company or person using the same or otherwise during the execution or by reason of the failure of any of the adjacent works by this Act authorised or of any act or omission of the Company or of any person in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Southport and Cheshire Lines Extension Railway Company from all claims or demands upon or against them by reason of such execution or failure or of any such act or omission.

Company to be repaid.

46. In constructing the railways by this Act authorised the Company shall not in anyway obstruct or interfere with the traffic passing along the Southport and Cheshire Lines Extension Railway and if by reason of any works or proceedings of the Company there shall be any obstruction or interference with the Southport and Cheshire Lines Extension Railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Southport and Cheshire Lines Extension Railway Company at the rate of twenty pounds per hour by way of liquidated damages during the time any such obstruction or interference shall continue.

Company not to interfere with traffic on Southport and Cheshire Lines Extension Railway.

47. Nothing in this Act contained shall extend or be deemed or construed to extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Southport and Cheshire Lines Extension Railway Company or to alter vary or interfere with the Southport and Cheshire Lines Extension Railway or with any of the works of that railway further or otherwise than is necessary for the construction of the junction of Railway No. 1 with the Southport and Cheshire Lines Extension Railway without the consent in writing in every instance for that purpose first had and obtained of the Southport and Cheshire Lines Extension Railway Company under their common seal and with respect to any lands of the Southport and Cheshire Lines Extension Railway Company which the Company are by this Act authorised to use enter upon or interfere with for the purposes of such junction the Company shall not purchase and take the same but the Company may purchase and take and the Southport and Cheshire Lines Extension Railway Company shall sell or grant accordingly an easement or right of using the same in perpetuity for the purposes of the junction by this Act authorised.

Easement only in land of Southport and Cheshire Lines Extension Railway Company to be taken for certain purposes.

48. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of

Deposit money not to be repaid

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except so far as railway is opened.

Her present Majesty chapter 20 a sum of nine thousand three hundred and twenty pounds two shillings Consolidated Three per Centum Annuities being equal to five per centum upon the amount of the estimate in respect of the railways has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the "deposit fund": Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as "the depositors" unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

49. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or

inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

50. If the railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls for passengers and animals.

51. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say) :—

In respect of the passengers and animals conveyed in carriages upon the railways or any part thereof as follows:

For every person twopence per mile and if conveyed in or upon any carriage provided by the Company an additional sum not exceeding one penny halfpenny per mile.

Class 1. For every horse mule ass or other beast of draught or burden threepence per mile and if conveyed in or upon any carriage belonging to the Company an additional sum per mile not exceeding one penny;

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Class 2. For cattle per head threepence per mile and if conveyed in or upon any carriage belonging to the Company an additional sum per mile not exceeding one penny;

Class 3. For every calf pig sheep lamb or other small animal one penny per mile and if conveyed in or upon any carriage belonging to the Company an additional sum per mile not exceeding one halfpenny:

In respect of the tonnage of all articles conveyed upon the railways or any part thereof as follows:

Tolls for goods.

Class 4. For all coals culm cinders cannel dung compost and all sorts of manure lime and limestone and all undressed materials for the repair of public roads or highways per ton per mile one penny and if conveyed in carriages provided by the Company an additional sum per ton per mile of one halfpenny;

Class 5. For all coke charcoal and all stones for building pitching and paving all bricks tiles slates clay sand ironstone and iron ore pig iron bar iron rod iron sheet iron hoop iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise per ton per mile twopence and if conveyed in carriages provided by the Company an additional sum per ton per mile of three farthings;

Class 6. For all sugar grain corn flour hides dyewoods earthenware timber staves and deals nails anvils vices and chains per ton per mile twopence halfpenny and if conveyed in carriages provided by the Company an additional sum per ton per mile of three farthings;

Class 7. For all cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton per mile threepence halfpenny and if conveyed in carriages provided by the Company an additional sum per ton per mile of one penny;

Class 8. For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried and conveyed on a truck or platform one shilling per mile and a sum of fourpence per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh and if conveyed on a truck or platform belonging to the Company an additional sum per mile not exceeding twopence.

Tolls for propelling power.

52. The tolls which the Company may demand for the use of engines for drawing or propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal or for each ton of goods or other articles in addition to the several other tolls by this Act authorised to be taken.

Regulations as to tolls.

53. The following provisions and regulations shall be applicable to the fixing of all tolls and charges payable under this Act (that is to say):—

Short distances.

For all passengers animals or goods conveyed upon the railways for a less distance than three miles the Company may demand tolls and charges as for three miles:

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

Fractional parts of a ton.

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

General weight.

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight:

Weight of stone and timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

54. With respect to small parcels and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say):—

For the carriage of small parcels on the railways or any part thereof as follows:

If not exceeding seven pounds in weight threepence;

If exceeding seven pounds in weight but not exceeding fourteen pounds in weight fivepence;

If exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight sevenpence;

If exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight ninepence;

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If exceeding fifty-six pounds in weight but not exceeding one hundred and twelve pounds in weight one shilling and fourpence;

If exceeding one hundred and twelve pounds in weight but not exceeding two hundred and fifty pounds in weight one shilling and eightpence;

And for parcels exceeding two hundred and fifty pounds in weight but not exceeding five hundred pounds in weight the Company may demand any sum they think fit.

Provided always that articles sent in large aggregate quantities although made up of separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railways;

For the carriage of any one boiler cylinder bob or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons the Company may demand such sum as they think fit not exceeding eightpence per ton per mile;

For the carriage of any one boiler cylinder bob or single piece of machinery or single piece of timber or stone or other single article the weight of which with the carriage shall exceed eight tons the Company may demand any sum they think fit.

Maximum rates for passengers.

55. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including the tolls for the use of the railways and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first class carriage threepence per mile;

For every passenger conveyed in a second class carriage twopence per mile;

For every passenger conveyed in a third class carriage one penny per mile.

Maximum rates for animals and goods.

56. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and

unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say):—

For every animal comprised in Class 1 fourpence per mile;

For every animal comprised in Class 2 threepence per mile;

For every animal comprised in Class 3 one penny per mile;

For everything comprised in Class 4 one penny halfpenny per ton per mile;

For everything comprised in Class 5 twopence per ton per mile;

For everything comprised in Class 6 threepence per ton per mile;

For everything comprised in Class 7 fourpence per ton per mile;

For any carriage mentioned under Class 8 not weighing more than one ton sixpence per mile and if weighing more than one ton one penny halfpenny per mile for every additional quarter of a ton or fractional part of a ton which such carriage may weigh.

Restrictions as to charges not to apply to special trains.

57. The restrictions in this Act contained as to the charges to be made for passengers and articles shall not extend to any special trains that may be required to be run on the railways in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways.

Passengers luggage.

58. Every passenger travelling upon the railways may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first class passengers one hundred pounds in weight for second class passengers and sixty pounds in weight for third class passengers without any charge being made for the carriage thereof.

Terminal station.

59. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Company may take increased charges by agreement.

60. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by

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reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to enter into agreements as to the working &c. of railways.

61. The Company on the one hand and the West Lancashire Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and fulfil and alter and vary agreements with respect to the following matters or any of them (that is to say):—

The working use management and maintenance of the railways of the Company;

The supply under any agreement for the railways of the Company being worked and used by the West Lancashire Company of rolling stock and machinery necessary for the purposes of such agreement and of officers and servants for the conduct of the traffic of the railways;

The payments to be made and the conditions to be performed with respect to such working use management construction and maintenance;

The interchange accommodation and conveyance of traffic coming from or destined for the undertaking of the contracting company and the division and appropriation of the revenue arising from that traffic;

The appointment of a joint committee or joint committees for carrying into effect any such agreement.

Short-distance clause when railways are worked by one and the same company.

62. During the continuance of any such agreement to be entered into under the provisions of this Act for the working or use of the railways of the Company by the West Lancashire Company the railways of the contracting companies shall for the purposes of short-distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways or any part of the railways of the West Lancashire Company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short-distance charge shall be made for the conveyance of passengers animals or goods partly on the railways and partly on the railways or any part of the railways of the West Lancashire Company.

Power to use portions of railways of other companies.

63. The Company and all companies and persons lawfully using the railways of the Company may run over and use with their engines and carriages waggons officers and servants and for the purposes of traffic of all kinds the portions of railways herein-after mentioned (that is to say):

(1.) So much of the railway of the Southport and Cheshire Lines Extension Railway Company as lies between the proposed junction with that railway and their junction with the Cheshire Lines at Aintree together with the use of all stations works and conveniences connected therewith:

(2.) The railways of the West Lancashire Railway Company together with the use of all stations and works connected therewith:

And all sidings platforms points signals junctions and roads water engines engine sheds standing room for engines booking and other offices warehouses machinery works and conveniences upon or connected with such portions of railways as aforesaid and the company to whom such portions of railways belong shall make all necessary arrangements for those purposes and afford all reasonable facilities and perform all reasonable services for the passage reception delivery and transmission of traffic over the portions of railways aforesaid to and from the railways of the Company and make provision for the use of booking offices at the stations on such portions of railways and all other matters necessary for facilitating the traffic of the Company and of such other companies or persons using the railways of the Company as aforesaid.

Terms for use of portions of Southport and Cheshire Lines Extension Railway.

64. The Company shall pay to the Southport and Cheshire Lines Extension Railway Company in respect of all traffic carried by them or by any other company or persons working or using the railways over so much of the railway of the Southport and Cheshire Lines Extension Railway Company as is situated between the proposed junction therewith of Railway No. 1 by this Act authorised and the railway of the Cheshire Lines Committee at Aintree a mileage proportion of the gross receipts for the whole distance traversed by such traffic after deducting the usual Clearing House terminals on through traffic paid ons and paid outs and other usual and recognised deductions but free from any deduction for working expenses of any kind whatsoever Provided nevertheless that in respect of all traffic to and from Southport the mileage proportion of such gross receipts payable to the Southport and Cheshire Lines Extension Railway Company shall be as for a distance of ten miles and for all through traffic beyond Southport as for a distance of seven miles and that in respect of traffic arising at Southport and terminating

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at any station on the Southport and Cheshire Lines Extension Railway between the aforesaid junction and Aintree or arising at any station on the Southport and Cheshire Lines Extension Railway between Aintree and the aforesaid junction and terminating at Southport shall be one mile in addition to the actual distance traversed including the usual proportion of the terminal at the station of the Southport and Cheshire Lines Extension Railway Company Provided further that traffic to or from the stations on the railways at Hesketh Park Churchtown and Crossens shall be considered and paid for as through traffic beyond Southport as aforesaid.

Monthly accounts of all traffic conveyed by them over the Southport and Cheshire Lines Extension Railway shall be rendered and each of the aforesaid companies shall keep all such accounts and vouchers as may be necessary to show the items comprised in and verify the accounts so rendered and permit the directors and secretary of the Southport and Cheshire Lines Extension Railway Company or some person specially appointed by them for that purpose to inspect and transcribe such accounts and vouchers at all reasonable times.

Any difference between the Southport and Cheshire Lines Extension Railway Company and the Company or any other company or persons in regard to the amount or proportion of gross receipts to be allowed and paid to the Southport and Cheshire Lines Extension Railway Company or arising out of this section shall be from time to time referred to and settled by an arbitrator to be appointed in manner provided by the Railway Companies Arbitration Act 1859.

For protecting local traffic.

65. Any company in exercising the powers herein-before granted over the undertaking of another company shall not unless with the consent in writing of that company whose undertaking is so used take up at any station thereof any passengers parcels animals goods or minerals and deliver the same at another station of the same company and if any such company violate this enactment they shall for every such violation pay to such other company fifty pounds by way of penalty.

Terms upon which running powers are to be exercised.

66. The terms conditions and regulations to which the Company and such other companies and persons as aforesaid shall in exercise of any of the before-mentioned running powers be subject and the tolls or other consideration to be paid by them in respect thereof shall if not agreed upon be from time to time determined by an arbitrator to be appointed on the application of either party by the Board of Trade and the decisions of such arbitrator shall be

binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct and any of the companies or any person who shall refuse or neglect to perform observe and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to such person or company as the arbitrator shall determine any sum not exceeding fifty pounds for every such offence and twenty pounds for every day during which such offence shall continue but in the exercise of the before-mentioned powers the byelaws for the time being in force on the undertaking so used so far as such byelaws shall be applicable shall be observed.

Power to West Lancashire Company to use railways of the Company.

67. The West Lancashire Company may run over and use with their engines and carriages waggons officers and servants and for purposes of traffic of all kinds the railways of the Company hereinafter mentioned (that is to say) :—

(1.) The railways of the Company by this Act authorised :

(2.) The stations of the Company and the sidings platforms points signals junctions and roads water engines engine sheds standing room for engines booking and other offices warehouses machinery works and conveniences upon or connected with such railways as aforesaid :

And the Company shall make all necessary arrangements for those purposes and afford all reasonable facilities and perform all reasonable services for the passage reception delivery and transmission of traffic over those railways to and from the railways of the West Lancashire Company and make provision for the use of booking offices at the stations on such railways and all other matters necessary for facilitating the traffic of the Company and of the West Lancashire Company.

Terms of such use.

The terms conditions and regulations to which the Company and the West Lancashire Company as aforesaid shall be subject in respect of the said use facilities and services and the tolls or other considerations to be paid by them for the same shall if not agreed upon between them and the West Lancashire Company be from time to time determined by an arbitrator to be appointed by the Board of Trade on the application of either of the said companies and the decisions of such arbitrator shall be binding and conclusive on the parties and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct and if either of the said companies shall refuse or neglect to perform observe and conform to any decision given or regulation made by any such arbitrator in the premises they shall forfeit and pay to such person or company as the arbitrator shall determine any sum not exceeding fifty pounds

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for every such offence and twenty pounds for every day during which such offence shall continue.

For protecting local traffic.

68. In exercising the powers herein-before granted it shall not be lawful for the West Lancashire Company unless with the consent in writing of the Company to take up at any station of the Company upon any portion of the railway to be run over by the West Lancashire Company as aforesaid any passengers parcels animals goods or minerals and to deliver the same at another station of the Company and if the West Lancashire Company violate this enactment they shall for every such violation pay to the Company fifty pounds by way of penalty.

Short-distance clause when railways are used by any company other than the owning company.

69. The provisions of the foregoing section the marginal note whereof is "Short-distance clause when railways are worked by one and the same company" shall extend and apply mutatis mutandis to all cases in which any company under the powers of this Act runs over and uses any portion of the railway of another company.

Company to pay for additions to the stations on railways run over.

70. If in consequence of the use by the Company under the powers of this Act of the existing stations on the West Lancashire Railways and the portions of the Southport and Cheshire Lines Extension Railway proposed to be run over respectively any alterations or increase of the said stations respectively may from time to time be necessary for the accommodation of the traffic of the Company such alterations or increase shall be made by the company owning the station according to plans to be agreed on between them and the Company and the Company shall pay such sum as may be mutually agreed upon between them and the company owning the station intended to be enlarged or altered and any question which may arise between the two companies respecting the nature of the alterations and increase or the amount to be paid by the Company in respect thereof shall be settled by arbitration in manner provided by the Railway Companies Arbitration Act 1859.

Classification table to be open for inspection and copies to be sold.

71. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways.

Terminal charges (if any) to be specified on application.

render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

Penalty.

Interest not to be paid on calls paid up.

72. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

73. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

74. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

75. All costs charges and expenses of and incident to the praparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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