CHAPTER lxxxiv.

An Act to confirm a Provisional Certificate made by the Board of Trade under The Railways Construction Facilities Act, 1864, and The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870, for the incorporation of the Widnes Railway Company, and for the construction of the Widnes Railway. [7th July 1873.]

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WHEREAS a Provisional Certificate made by the Board of Trade under the authority of The Railways Construction Facilities Act, 1864, and The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Certificate made by the Board of Trade under the authority of the said Acts, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore 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, as follows:

Short title.

1. This Act may be cited as The Railways Provisional Certificate Confirmation Act, 1873.

Confirmation of Certificate in schedule.

2. The Certificate set out in the schedule to this Act shall be and the same is hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

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SCHEDULE.

Provisional Certificate of the Board of Trade for the Construction of the Widnes Railways, and for other purposes connected therewith.

Whereas Sir Edward William Watkin, of Northenden in the county of Chester, Knight, and William Fenton, of Rochdale in the county of Lancaster, Esquire, for and on behalf of themselves and others as the promoters of the Widnes Railways, have contracted for the purchase of the lands required for the said several railways and the works connected therewith, and have complied with the requirements of "The Railways Construction Facilities Act, 1864," and "The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870:" Now, therefore, the Board of Trade do by this their certificate, in pursuance of the said Acts, or one of them, and by virtue and in exercise of the power thereby in them vested, and of every other power enabling them in this behalf, certify as follows:

Short title.

1. This certificate may be cited for all purposes as "The Widnes Railways Certificate, 1873."

Incorporation of Acts.

2. The following Acts and parts of Acts are (except where expressly varied or excepted by this certificate or by "The Railways Construction Facilities Act, 1864,") incorporated with this certificate; (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act Amendment Act, 1860," Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863."

Interpretation.

3. In this certificate the expression "the Company" shall mean the Company incorporated by this certificate:

The expression "the railways" shall mean the railways authorised by this certificate:

The expression "the Sheffield Company" shall mean the Manchester, Sheffield, and Lincolnshire Railway Company:

The expression "the committee" shall mean the Cheshire Lines Committee incorporated by "The Cheshire Lines Act, 1867:"

"The Liverpool Extension Railway" shall mean the authorised Liverpool line of the Cheshire Lines Committee:

The expression "superior court" or "courts of competent jurisdiction," or any other like expression in this certificate or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have in this certificate the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Incorporation of Company.

4. Sir Edward William Watkin, Knight, William Fenton, and all other persons and corporations who have subscribed already or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the several railways and works herein-after described, with proper stations, works, and conveniences thereto belonging, according to the provisions of this certificate, and for the other purposes herein and in the said several Acts incorporated herewith contained; and for the purposes aforesaid such company shall be incorporated by the name of "The Widnes Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and shall have power to purchase and hold lands for the purposes of the undertaking within the restrictions herein and in the said several Acts incorporated herewith contained.

Power to make railways.

5. Subject to the provisions of this certificate and of "The Railways Construction Facilities Act, 1864," and "The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870," 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, approaches, junctions, sidings, works, and conveniences connected therewith respectively, 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, and for the purchase, possession, or user of which they have already contracted; (that is to say,)

No. 1. A railway one mile three furlongs in length, situate wholly in the township of Cuerdley in the parish of Prescot in the county of Lancaster, commencing by a junction with "The Liverpool Extension Railway" (now in the course of construction) of the Cheshire Lines Committee, at a point there two and a half chains or thereabouts eastward from the centre of the bridge carrying the public road called Barrows Green Lane over such railway, and terminating in a field belonging to Sir Richard Brooke, Baronet, in the occupation of John Johnson, in the said township of Cuerdley, at a point eleven chains north of the London and North-western Railway, and seven chains west of the private road leading to Johnson's Bridge.

No. 2. A railway one mile, one furlong, and five chains in length, commencing by a junction with the proposed railway No. 1 on the south side of the private road leading to Johnson's Bridge, in the township of Cuerdley aforesaid, and terminating in a field belonging to John Bibby, Esquire, in the occupation of Elizabeth Hulme, in the township of Widnes in the parish of Prescot aforesaid, at a point one chain or thereabouts eastward of the brook or watercourse running at the west side of such field, which said intended railway will be situate partly in the township of Cuerdley, and partly in the township of Widnes aforesaid.

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No. 3. A railway three furlongs and three chains in length, situate wholly in the said township of Widnes, commencing by a junction with the proposed railway No. 2 at a point thirty chains eastward of the termination of such railway, and terminating in a field belonging to and in the occupation of the said John Bibby, in the said township of Widnes, at a point on the south side of the public road numbered 26 on the deposited plans.

Which said intended railways will pass from, in, or into the several parishes, townships, extra-parochial or other places of Prescot, Cuerdley, and Widnes, all in the said county of Lancaster.

Power to cross roads on the level.

6. Subject to the provisions in reference to level crossings of The Railways Clauses Consolidation Act, 1845, and of Part I. (construction of a railway) of The Railways Clauses Act, 1863, the Company may in the construction of the railways carry the same respectively across and on the level of the roads next herein-after mentioned; that is to say,

Railway.	Number on deposited Plan.	Township.	Description of Road.
Railway No. 1 -	36 and 38	Cuerdley -	Private road.
Railway No. 2 -	54	Cuerdley - -	Public road.
	1	Widnes - -	
	9	Widnes - -	

Provision respecting gauge.

7. It shall be lawful for the Company to construct the railways and works hereby authorised on the gauge of 4 feet $8\frac{1}{2}$ inches.

Land for extraordinary purposes.

8. The Company from time to time, in addition to the other lands which they are by this certificate authorised to purchase, may by agreement purchase any quantity of land not exceeding five acres, joining to or near their railways, or any of them, for any of the extraordinary purposes specified in "The Railways Clauses Consolidation Act, 1845."

Power to Company to raise money by creation of shares.

9. Subject to the provisions and restrictions of "The Railways Construction Facilities Act, 1864," the Company, from time to time, may raise by the creation and issue of shares of ten pounds each, such sums of money as they shall think necessary, not exceeding sixty thousand pounds.

Calls.

10. Two pounds a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and two thirds of the amount of a share shall be the utmost aggregate amount of the calls made in any one year upon any share.

Power to borrow.

11. The Company may from time to time, subject to the provisions and restrictions of "The Railways Construction Facilities Act, 1864," borrow on mortgage any sum not exceeding in the whole twenty thousand pounds.

First ordinary meeting.

12. The first ordinary meeting of the Company shall be held within three months next after the date of the certificate.

Number and qualification of directors.

13. The number of directors of the Company shall be five, and the qualification of a director shall be the possession in his own right of ten shares at least in the undertaking.

Quorum.

14. The quorum of a meeting of directors shall be three.

First directors.

15. Sir Edward William Watkin, Knight, William Fenton, Charles Turner, Alexander Shand, and John William McClure shall be the first directors of the Company.

Advertisements.

16. All advertisements relative to the affairs of the Company shall be inserted in at least one paper published in the county of Lancaster.

As to junction with the Liverpool Extension Railway.

17. Every communication between the railway No. 1 hereby authorised and "the Liverpool Extension Railway" shall be effected in a substantial and workmanlike manner by means of connexion rails and points of the construction, and laid in the manner, most approved from time to time, and to the reasonable satisfaction of the engineer for the time being of the committee.

Provision as to expense of junction.

18. The expense of every communication hereby authorised with "the Liverpool Extension 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 watching, regulating, and adjusting the same, and the passage of the traffic thereon, shall be borne and paid by the Company, and all such communications, openings, and other works shall not only be in the first instance made and done, but also shall from time to time be altered, amended, repaired, and maintained to the reasonable satisfaction of the engineer for the time being of the committee on each occasion, and in such manner and form and by such ways and means as shall not in any way prejudice or injure the committee, or (except in so far, if at all, as may be unavoidably necessary for effecting the communication hereby authorised) impede, obstruct, or interfere with the free, uninterrupted, and safe passage along their railway.

Signals to be erected and maintained and proper persons to be provided to prevent danger at point of junction.

19. The committee may from time to time erect, maintain, and alter such signals and other works and conveniences, and appoint and remove such watchmen, pointsmen, and other servants, as they may deem necessary for the prevention of damage to, or detention of, or interference with, traffic at or near the junction between their railway and the railway No. 1 hereby authorised, and the working and management of such signals, works, and conveniences, and the control and direction of such watchmen, pointsmen, and other servants, shall belong exclusively to the committee; and all the costs and expenses during each half year of erecting and maintaining and altering such signals, works, and conveniences, and of employing and paying such watchmen, pointsmen, and other servants, shall at the expiration of each half year be repaid by the Company to the committee on demand, and in default the amount may be recovered from the Company in any court of competent jurisdiction.

Settlement of differences.

20. If any difference shall arise between the Company and the committee or their respective engineers for the time being with respect to the point at which any such communication, openings, and other works, or any of them, are to be constructed, or the mode of constructing the same, or with respect to any alteration, amendment, repairs, or maintenance thereof, or the watching, regulation, or adjustment thereof, or the passage or regulation of the traffic there, or if any other difference shall arise between the engineers of the said Company and the committee with respect to the expenses payable by the Company under

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the foregoing provisions, or with respect to any other matter in any way relating to or consequent upon the construction or use of any such communication, openings, and other works, the matters in difference shall from time to time be decided by a referee, to be appointed by the Board of Trade on the application of either of the parties, pursuant to "The Railways Clauses Act, 1863."

Saving work and property of committee.

21. Notwithstanding anything in this certificate contained, it shall not be lawful for the Company or for any other company or any persons acting under or in execution of this certificate (except only for the purpose of constructing the railway and effecting the communications by this certificate authorised), either permanently or temporarily to enter upon, take, or use any of the lands or property of the committee, or in any manner to alter, vary, or interfere with their railway, or any of the works appertaining thereto, without the consent of the committee under their common seal.

Saving rights of committee.

22. Except as is in this certificate otherwise expressed, nothing in this certificate contained shall prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities of or vested in or belonging to the committee, but all their rights, privileges, powers, and authorities are hereby expressly saved and reserved.

Sheffield Company may apply funds and raise additional capital.

23. The Sheffield Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of that company specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking hereby authorised, not exceeding in the whole forty thousand pounds, and may with the like authority contribute and apply in payment of their said subscription any money which they are for the time being, independently of this certificate, authorised to raise, and which is not required by them for the purposes for which it was authorised to be raised.

Power for Sheffield Company to raise additional share capital.

24. In addition to such share capital as the Sheffield Company are for the time being, independently of this certificate, authorised to raise, they may from time to time, by virtue and for the purposes of this certificate, raise such sums as they think requisite, not exceeding in the whole forty thousand pounds.

Mode of raising additional share capital.

25. The additional share capital by this certificate authorised to be raised by the Sheffield Company shall be raised by the creation and issue of new shares or new stock, ordinary or preference, or partly ordinary and partly preference, as the Company from time to time think fit.

New shares to be subject to same provision as shares existing.

26. Except as by or under the authority of this certificate or any Act incorporated wholly or in part with this certificate is otherwise provided, the additional share capital to be created by the Sheffield Company under this certificate, and the shares therein and the holders of those shares respectively, shall be entitled and subject to the same powers, rights, privileges, and liabilities in all respects as if that new capital were part of the ordinary share capital of the Company existing at the making and issuing of this certificate, and those shares were shares in that ordinary capital.

Power to borrow on mortgage.

27. In addition to any sum which the Sheffield Company are for the time being, independently of this certificate, authorised to raise by mortgage, they

may from time to time borrow on mortgage any sums not exceeding in the whole thirteen thousand pounds.

Power to enter into working and traffic arrangements with committee.

28. The Company and the Sheffield Company and the committee, or either of them, may from time to time enter into any contracts or agreements with respect to the following purposes or any of them; (that is to say,)

The use and working by the Sheffield Company or the committee of all or any part of the railways of the Company, and the use of the works and conveniences belonging thereto:

The conveyance by the Sheffield Company or the committee of the whole or any part of the traffic upon the said railways, or any or either of them:

The division and apportionment of such traffic between the Company and the Sheffield Company and the committee, or either of them:

The supply of any rolling or working stock required for such purposes:

The management, maintenance, and repair of the said railways, or any or either of them:

The costs and expenses of such working, management, maintenance, and repair:

The collection, delivery, and general conduct of such traffic:

The collection, taking, and levying of the tolls, rates, and charges in respect thereof:

The division between the Company and the Sheffield Company and the committee, or either of them, of the receipts arising from the traffic upon the railways, or any or either of them, subject to any deductions to be made therefrom, or any rent or other consideration to be paid by one to the other of them by virtue of any agreement.

Contract to be approved by Board of Trade, and not to affect persons not parties thereto.

29. Any such contract or agreement shall not be for more than ten years, and no such contract or agreement shall have any operation until the same shall have been approved of by the Board of Trade; and no such contract or agreement as aforesaid shall in any manner alter, affect, increase, or diminish any of the tolls, rates, or charges which the Company and the Sheffield Company or the committee shall for the time being be respectively authorised and entitled to demand and receive from any person or any other company; but all other persons and companies shall, notwithstanding any such contract or agreement, be entitled to the use and benefit of the railways, any or either of them, to which such agreement may relate, upon the same terms and conditions and on payment of the same tolls, rates, and charges as they would have been in case no such agreement had been entered into.

Power to appoint joint committee for carrying same into effect.

30. The Company and the Sheffield Company or the committee may, by any such contract or agreement as aforesaid, appoint a joint committee, composed of such number of directors of the Company and of the Sheffield Company or the committee as they may think proper, and from time to time may alter, vary, and renew any such committee as occasion may require, and may regulate the proceedings of such committee, and delegate to such committee all such powers of the Company and the Sheffield Company or the committee respectively as may be necessary for carrying into effect the purposes of such contract or agreement; and every such joint committee so appointed shall have and may exercise

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the powers so for the time being delegated to them, in like manner as the same might have been had and exercised by the said Company and the Sheffield Company or the committee respectively, or their respective directors.

Tolls:—

31. It shall be lawful for the Company to demand any tolls for the use of the railway, not exceeding the following; (that is to say,)

For passengers:

For every passenger conveyed in or by any express train, or in a first-class carriage by any other train, the sum of twopence per mile:

For every passenger conveyed in a second-class carriage by any such other train, the sum of one penny halfpenny per mile:

For every passenger conveyed in a third-class carriage by any such other train, the sum of one penny per mile.

For animals, &c.

In respect of animals conveyed upon the railway:

Class 1.—For every horse, mule, and other beast of draught or burden, twopence per mile:

Class 2.—For every ox, cow, bull, or neat cattle, the sum of one penny halfpenny per head per mile:

Class 3.—For every calf, pig, sheep, lamb, or other small animal, one halfpenny per mile.

In respect of the tonnage of all articles conveyed upon the railway:

Class 4.—For every carriage, of whatever description, having more than two wheels, and not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, fourpence per mile; and a like 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:

Class 5.—For dung, compost, and all sorts of manure, lime, limestone, and salt, and all undressed materials for the repair of public roads, the sum of one penny per ton per mile:

Class 6.—For all coal, slack, cannel, coke, culm, and cinders, the sum of three farthings per ton per mile:

Class 7.—For charcoal, stones for building, pitching, and paving, 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, one penny halfpenny per ton per mile:

Class 8.—For sugar, grain, corn, flour, hides, dye-woods, Manchester packs, earthenware, timber, staves, deals, metals (except iron), nails, anvils, vices, and chains, the sum of twopence per ton per mile:

Class 9.—For cotton and other wools, drugs, and manufactured goods, and other articles, matters, and things, the sum of threepence per ton per mile:

Provided always, that with respect to all persons and things passed over the railway for a less distance than six miles, the Company hereby incorporated may demand tolls as for six miles.

Tolls for propelling power.

32. The toll which the Company may demand for the use of engines for drawing or propelling carriages on the railway 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.

Maximum rates of charges.

33. The maximum charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway and of carriages and trucks, and for locomotive power, and for every other expense incidental to such conveyance, shall not exceed the following rates; (that is to say,)

For every passenger conveyed in or by any express train, or in a first-class carriage by any other train, the sum of threepence per mile:

For every passenger conveyed in a second-class carriage by any such other train, the sum of twopence per mile:

For every passenger conveyed in a third-class carriage by any such other train (except a Government train), the sum of one penny halfpenny per mile.

And with respect to the conveyance of animals and goods the Company may lawfully demand and receive as their maximum rate of charge for the conveyance thereof along the railway, including the tolls for the use of the railway and waggons or trucks and locomotive power, and every expense incidental to such conveyance, except a reasonable sum for loading, covering, and unloading of goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier where such services or any of them are or is performed by the Company, and except a reasonable sum for warehousing and wharfage of goods, or for any other extraordinary services performed by the Company, any rates or sums not exceeding the rates or sums following; (that is to say,)

For every animal comprised in Class 1, fivepence per mile:

For every animal comprised in Class 2, twopence per mile:

For every calf or pig, one penny per mile:

For every other animal comprised in Class 3, three farthings per mile:

For every carriage comprised in Class 4, and not weighing more than one ton and a half, fivepence per mile; and if having only two wheels, fourpence per mile:

For all articles comprised in Class 5, the sum of one penny farthing per ton per mile:

For all articles comprised in Class 6, one penny and one eighth per ton per mile:

For all articles comprised in Class 7, one penny three farthings per ton per mile:

For all articles comprised in Class 8, twopence halfpenny per ton per mile:

For cotton and other wools, drugs, and manufactured goods, the sum of threepence per ton per mile:

For fish, feathers, canes, cochineal, furniture, hats, shoes, toys, and all other articles, matters, and things, the sum of fourpence per ton per mile.

Regulations as to tolls.

The following regulations shall apply to such maximum rates and charges:

The Company shall be at liberty to fix a minimum charge of ten shillings to be taken for each carriage, and of five shillings for every horse conveyed upon the railway, notwithstanding the charge for the distance for which

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such carriage or horses respectively may be conveyed according to the rates aforesaid may not amount to those sums:

The Company shall not be compellable to provide waggons or carriages for the conveyance of coal, cannel, slack, culm, coke, or cinders; but where such waggons or carriages are not provided by the Company, a deduction of one eighth of a penny per ton per mile shall be made from the above rates of carriage for as many miles as the Company shall charge the said rates:

Where any of the before-mentioned articles, matters, persons, or things shall be conveyed on the railway for a less distance than six miles, the Company are hereby empowered to demand and receive the aforesaid charges, rates, or tolls, as the case may be, for six miles:

Where a waggon for the carriage of cattle or sheep shall be conveyed by one party the charge for any such waggon capable of containing six oxen or twenty-five sheep shall not exceed ninepence per mile:

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

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.

Foregoing restrictions not to apply to special trains

34. 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 railway, 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 on the railway.

Tolls for small parcels and single articles of great weight.

35. With respect to small packages and single articles of great weight, notwithstanding the rate of tolls prescribed by this Act, the Company may lawfully demand any tolls not exceeding the tolls following; (that is to say,)

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

If not exceeding seven pounds in weight, fourpence:

If exceeding seven pounds in weight but not exceeding fourteen pounds in weight, sixpence:

If exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, eightpence:

If exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, one shilling:

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 which 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 such term shall apply only to single parcels in separate packages.

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 single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Company may take increased charges by agreement.

36. Nothing herein contained shall be held to prevent the Company from taking any increased charge over and above the charges herein-before limited for the conveyance of goods of any description by agreement with the owners of or persons in charge of such goods, either in respect of the conveyance of such goods (except small parcels) by passenger trains, or by reason of any other special service performed by the Company in relation to such goods.

Passengers luggage.

37. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twelve pounds in weight for each first-class passenger, one hundred pounds in weight for each second-class passenger, and sixty pounds in weight for each third-class passenger, without any charge being made for the carriage thereof.

Expenses of certificate.

38. The costs and expenses of obtaining this certificate and preparatory or incidental thereto shall be paid by the Company.

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