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An Act to revive and extend the powers granted by "The Fleetwood Docks Act, 1864," and to enable the Lancashire and Yorkshire Railway Company to exercise those powers; and for other purposes. [29th June 1871.] A.D. 1871.

WHEREAS by "The Fleetwood Docks Act, 1864," (herein-after referred to as "the Act of 1864,") a Company was incorporated by the name of the Fleetwood Docks Company (herein-after referred to as "the Dock Company"), and was authorised to construct docks and other works connected therewith in that part of the estuary of the River Wyre, in the county of Lancaster, known as Kirkscar Bay, and for the purposes thereof to construct an embankment and other works for more effectually and speedily reclaiming a portion of the lands within Kirkscar Bay: 27 & 28 Vict. c. clxxxvii.

And whereas the Lancashire and Yorkshire Railway Company (herein-after referred to as "the Company"), as owners, together with the London and North-western Railway Company, of the undertaking of the Preston and Wyre Railway, Harbour, and Dock Company, are largely interested in the construction of the said docks and works, and by the Act of 1864 they were empowered to subscribe to and to take and hold shares in the capital of the Dock Company to any extent not exceeding fifty-one thousand pounds, and to appoint directors, and exercise other rights and powers in virtue of such subscription:

And whereas the Dock Company have not raised any part of the capital which they were by the Act of 1864 authorised to raise, and have failed to carry out the undertaking authorised by that Act, and the powers of that Act expired in July one thousand eight hundred and seventy:

And whereas the representatives of Sir Peter Hesketh Fleetwood, Baronet, deceased, are or claim to be the owners of the soil of Kirkscar Bay aforesaid, and of the lands required for the construction of the said docks and works, and the said owners are desirous that the said docks and works should be constructed and completed in accordance with the provisions of this Act:

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And whereas it is expedient that the powers of the Act of 1864 should be revived and extended, and that the Company should be authorised to construct and complete the said docks and other works, in lieu of the Dock Company, and that the last-named Company should be dissolved, and that the Company should be empowered to raise further money for the purposes aforesaid:

And whereas a plan and section of the said docks and works, and also a book of reference to that plan, have been deposited, with reference to this Act, with the clerk of the peace for the county of Lancaster, which plan, section, and book of reference are in this Act referred to respectively as "the deposited" plan, section, and book of reference:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Fleetwood Docks Act, 1871."

Powers of Act of 1864 revived and conferred upon the Company in lieu of the Dock Company.

2. All the rights, powers, and authorities conferred upon the Dock Company by the Act of 1864 for the construction and completion of the docks and other works thereby authorised, and otherwise in connexion therewith (except the powers of raising money by shares and by borrowing), shall be and the same are hereby revived and extended, and on and after the passing of this Act the same shall be transferred to and vested in, and may be exercised, held, enjoyed, used, and executed by the Company in the same manner, to the same extent, and as fully and effectually in all respects as under the Act of 1864 they might have been exercised, held, enjoyed, used, or executed by the Dock Company; and all the clauses, provisions, and enactments of the Act of 1864 conferring such powers shall be read and construed as if the name of the Lancashire and Yorkshire Railway Company had been used therein instead of the name of the Fleetwood Docks Company, and as if the deposited plan, section, and book of reference had been the plan, section, and book of reference mentioned in that Act, and as if those rights, powers, and authorities had been in full force and of full

ct immediately before the passing of this Act.

Powers for compulsory purchases limited.

3. The powers of the Act of 1864 for the compulsory purchase of lands are hereby revived, provided that such powers shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

4. If the docks and other works shall not be completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted for making the same, or otherwise in relation thereto, shall cease to be exercised except as to so much of the docks and other works as shall then be completed.

Provision for requiring lights to be exhibited during and after construction of the works, according to directions of Board of Trade.

5. The Company shall, on or near the dock and works connected therewith, during the whole time of the constructing, altering, or repairing thereof, exhibit every night, from sunset to sunrise, such light or lights, to be kept burning at the expense of the Company, as the Board of Trade from time to time requires or approves; and after the completion of the said dock and works shall also upon the entrances thereof always maintain, exhibit, and keep burning at their own expense, from sunset to sunrise, such lights (if any) for the guidance of ships as the Elder Brethren of the Trinity House of Deptford Strond shall from time to time direct. If the Company fails to comply in any respect with the provisions of the present section, they shall for each night in which they so fail be liable to a penalty not exceeding ten pounds.

Works affecting tidal waters may, if abandoned, be removed by Board of Trade at expense of Company.

6. If any works to be constructed by the Company on, in, over, or across any tidal lands or tidal water are abandoned or suffered to fall into decay, the Board of Trade may abate and remove the same, or any part thereof, and restore the site thereof to its former condition at the expense of the Company; and the amount of such expense shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Company.

Survey of works by Board of Trade.

7. If at any time the Board of Trade deems it expedient, for the purposes of this Act, to order a survey and examination of any work constructed by the Company on, in, over, or across tidal lands or tidal water, or of the intended site of any such work, the Company shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Company.

Dissolution of Dock Company.

8. On the passing of this Act the Dock Company shall be and is for all purposes, except the payment of their debts and liabilities (if any), and the winding up of their affairs, hereby dissolved, and all the provisions of the Act of 1864 relating to the constitution of that Company, and to the raising of money, are hereby repealed.

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Saving liabilities of Dock Company.

9. Notwithstanding the dissolution of the Dock Company and the repeal of the before-mentioned provisions of the Act of 1864, and except only as by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under the Act of 1864 shall be as valid as if the Dock Company were not dissolved and the said provisions were not repealed; and such dissolution and repeal and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the Dock Company were not dissolved, and the said provisions were not repealed, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered, or might otherwise be enforced against the Dock Company, and that Company shall be and remain liable in respect to all such rights, liabilities, claims, and demands in the same manner and to the same extent as they would have been liable in case this Act had not passed: Provided always, that the generality of the provisions of this enactment shall not be confined or restricted by any special provisions of this Act.

Power to the London and North-western Railway Company to become joint owners.

10. And whereas the Company and the London and North-western Railway Company are joint owners of the undertaking of the Preston and Wyre Railway, Harbour, and Dock in the proportions following; that is to say, two thirds thereof are vested in the Company, and one third thereof is vested in the London and North-western Railway Company; and by the Act of 1864 provision was made for enabling them to become subscribers to the undertaking of the Dock Company as therein mentioned: Therefore, if the London and North-western Railway Company shall at any time within six months after the passing of this Act signify in writing, under the hand of their secretary, their desire to become joint owners with the Company in the same proportions of the undertaking authorised by the Act of 1864 and this Act, and their intention to apply to Parliament for powers for effecting such object, the Company shall consent to their becoming joint owners in the said proportions, and shall and they are hereby required to concur in such application to Parliament, and to consent to such alterations being made in the powers by this Act granted to the Company as shall be necessary for enabling the Company and the London and North-western Railway Company respectively to acquire such a relative interest in the said undertaking as they respectively now have in the Preston and Wyre Railway.

Power for Company to raise additional

11. The Company from time to time may raise by the creation and issue of new shares such sums as they shall think necessary, not exceeding one hundred and sixty thousand pounds, exclusive of the

moneys which they are or may be authorised to raise by any other Act or Acts of Parliament, and the Company may create and issue such shares either wholly or partially as ordinary or wholly or partially as preferential shares, as they may think fit, and the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," and of the existing Acts of the Company, with respect to the following matters; (that is to say,)

money by creation of shares or stock.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls, and the merger and re-issue of forfeited shares;

The remedies of the creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," shall extend and apply to the Company, and to the additional capital which they are by this Act authorised to raise.

Shares not to issue until one fifth paid up.

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

New shares under this Act and any other Act of this session may be of same class.

13. If by any other Act passed in the present session of Parliament, whether before or after the passing of this Act, the Company be authorised to raise any capital by new shares, then, subject to the provisions of the other Act and this Act respectively, the Company, if they think fit, may raise by the creation and issue of new shares of one and the same class all or any part of the aggregate capital which they are by the other Act and this Act respectively authorised to raise by the creation and issue of new shares.

Qualifications of new shares.

14. Except as by or under the powers of this Act otherwise provided, the new shares issued by the Company under the powers of this Act shall, in proportion to the aggregate amount thereof from time to time held by the same person at the same time, entitle the respective holders thereof to the same dividends and profits, and

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confer on them the like qualifications and the like right of voting, as the like amount of existing ordinary or preferential shares or stock of the Company.

Power to apply corporate funds to purposes of Act.

15. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have power to raise by shares or mortgage by virtue of any Act relating to the Company, and which may not be required for the purposes to which they are by any such Act made specially applicable.

Power to borrow on mortgage.

16. The Company may from time to time borrow on mortgage any sum not exceeding in the whole fifty-three thousand pounds, in addition to the sums which they are or may be authorised to borrow by any other Act or Acts of Parliament, but no part thereof shall be borrowed until shares to the full amount authorised by this Act to be raised by shares shall have been issued and taken up, and one half of such amount shall have been paid up, and until the Company shall 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 shares to the amount aforesaid have been issued and accepted, and that not less than one fifth part of the amount thereof has been paid on account of each separate share before or at the time of the issue or acceptance thereof, and that such shares were issued and taken bonâ fide and are held by persons or their assigns, and for which such persons or their assigns are legally liable; 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 certificate shall be sufficient evidence thereof.

Former mortgages to have priority.

17. All mortgages or bonds granted under the authority of any former Act relating to the Company, and which shall be in force at the time of the passing of this Act, shall during the continuance thereof have priority over any mortgages to be granted by virtue of this Act.

Power to create debenture stock.

18. The Company may from time to time create and issue debenture stock, in lieu of borrowing any moneys which under the provisions of this Act they are authorised to borrow.

Application of moneys.

19. All moneys raised under the authority of this Act shall be applied to the purposes of this Act only.

Interest or dividend not to be paid on calls.

20. It shall not be lawful for the Company (out of any money by this Act or any other Act relating to them authorised to be raised by calls in respect of shares, or by the exercise of any power of borrowing) to pay to any shareholder interest or dividend on the

amount of calls made in respect of the shares held by him: Provided always, that the Company may pay to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as shall be in conformity with the provisions of "The Companies Clauses Consolidation Act, 1845," in that behalf contained.

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

21. It shall not be lawful for the Company (out of any money by this Act or any other Act relating to them authorised to be raised for the purpose of such Act) to pay or deposit any sum of money which, by any standing order of either House of Parliament for the time being 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 execute any other work or undertaking.

Railways to be subject to general Acts.

22. Nothing herein contained shall be deemed or construed to exempt the railways of the Company from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges, and of the rates for small parcels, authorised by any Act relating to the Company.

Expenses of Act.

23. All the costs, charges, and expenses of and incident to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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