CHAP. clxx.

An Act for conferring further Powers on the Lancashire and Yorkshire Railway Company. [24th July 1871.]

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WHEREAS it is expedient that the following powers should be granted to the Lancashire and Yorkshire Railway Company (who are herein-after referred to as "the Company"):

(1.) To construct a railway between the Lancashire and Yorkshire Railway at Chatburn in Lancashire and the North-western Railway in the parish of Long Preston in the west riding of Yorkshire, a railway in the township of Little Bolton in Lancashire, and a short railway in the township of Heap in the parish of Bury in Lancashire:

To purchase the site of the New Bailey Prison in the township and borough of Salford, which is no longer used as a prison, and to lay down rails across Irwell Street between the said site and the goods station of the Company:

To purchase certain lands in the said township and borough, or the rents and reversions or other outstanding interests therein, which property is bounded on the one side by Gore Street, and on the other three sides by the property of the Company:

To raise further capital for the purposes of this Act and for the other purposes of the Company:

And whereas the site of Saint George's Church in the city and parish of Manchester, and the churchyard and burial ground connected therewith, are nearly surrounded by the station and other lands of the Company, and the population which might be expected to form the congregation of the said church would be better accommodated in a new church built on another site, and it is expedient that the Company should have power to purchase the said site,

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subject to the conditions and restrictions herein-after contained, and that the purchase money for the same should be applied to the erection of a new church in a more convenient situation:

And whereas it is expedient that funds should be created to provide superannuation allowances to the officers and servants of the Company, and another fund to guarantee the Company against loss occasioned by the pecuniary misconduct of any of their officers and servants, and that the Company should be authorised to contribute towards the said funds, and to take part in the management thereof:

29 & 30 Vict. c. xliv.

And whereas by the 16th section of "The Lancashire and Yorkshire Railway (Blackburn and Padiham) Act, 1866," it is provided that if the railway thereby authorised is not completed within four years after the passing of that Act the powers granted to the Company shall cease, and by the 27th section of "The Lancashire and Yorkshire Railway (North Lancashire Loop Line and Capital) Act, 1867," the time granted for the construction of the said railway is extended until the first day of August 1871, and the Company are proceeding with the construction of the said railway, and it is expedient that they should have further time for the completion thereof:

30 & 31 Vict. c. cxxxvi.

And whereas by the last-mentioned Act the exercise of the powers of the Company for the compulsory purchase of lands for the purpose thereof was limited (section 24) to the 15th day of July 1870, and the powers of the Company for the construction of the railway authorised by the same Act were limited (section 25) to the 15th day of July 1872, and it is expedient that the said powers should be respectively revived and extended:

And whereas plans and sections showing the lines and levels of the proposed railways and other works authorised by this Act, and the lands in or through which the same are intended to be made, and plans of the lands which the Company are by this Act empowered to acquire and appropriate, and a book of reference to such plans, containing the names of the owners and lessees, or reputed owners and lessees, and occupiers of the said lands, have been deposited with the clerks of the peace for the west riding of the county of York and with the clerk of the peace for the county palatine of Lancaster respectively, and those plans, sections, and books of reference are in this Act referred to as "the deposited plans, sections, and books of reference" respectively:

And whereas it is expedient that some of the powers and provisions of the Acts relating to the Company should be altered and enlarged:

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And whereas the objects 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 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. In citing this Act for any purpose whatsoever it shall be sufficient to use the expression "The Lancashire and Yorkshire Railway (New Works and Additional Powers) Act, 1871."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Railways Clauses Consolidation Act, 1845," and also Part I. (relating to the construction of a railway) and Part II. (relating to the extension of time) of "The Railways Clauses Act, 1863," and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Extending certain provisions of 8 & 9 Vict. c. 16.

3. Subject to the provisions of this Act, all the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

With respect to the distribution of the capital of the Company into shares;

With respect to the transfer or transmission of shares;

With respect to the payment of subscriptions and the means of enforcing the payment of calls;

With respect to the forfeiture of shares for nonpayment of calls and the merger and re-issue of forfeited shares;

With respect to the remedies of creditors of the Company against the shareholders;

With respect to the borrowing of money by the Company on mortgage or bond;

With respect to the conversion of borrowed money into capital;

With respect to the consolidation of shares into stock; and

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

shall be applicable to the capital and moneys hereby authorised to be raised by shares or mortgage, and to the proprietors thereof.

Interpretation of terms.

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

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such construction; the expression "the Company" shall mean the Lancashire and Yorkshire Railway Company; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act 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.

Power to make railways, &c. according to deposited plans.

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, approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes.

The railways herein-before referred to and authorised by this Act are,—

(A.) A railway (about eleven miles and four furlongs in length) to commence by a junction with the Lancashire and Yorkshire Railway at the terminus thereof at or near Chatburn in the township of Chatburn and parish of Whalley in the county of Lancaster, and terminating in the township of Hellifield in the parish of Long Preston in the west riding of the county of York by a junction with the North-western Railway about twenty-nine chains to the west of the Hellifield Station of the said railway:

(B.) A railway (about one mile and four furlongs in length) wholly in Lancashire, commencing by a junction with the Blackburn Line of the Lancashire and Yorkshire Railway in the township of Little Bolton in the parish of Bolton-le-Moors at or near to the point where Hill Lane passes under the Tonge Viaduct of the said railway, and being wholly situate in that township and parish, and terminating therein about three hundred and twenty-six yards to the west of the Blackburn Road and nearly opposite to the Sharples Bleach Works, and for the purposes of the said railway and the works connected therewith to stop up and extinguish all rights of way over a road in the said township lying between Folds Road and Hill Lane, which said road intended to be stopped up for the greater portion of its length runs parallel to the said Tonge Viaduct of the Lancashire and Yorkshire Railway, and the site and soil of the said portion of road authorised to be stopped up, and

the fee simple and inheritance thereof, shall, to the extent to which the Company is or shall become, under the powers of this Act, the owners of the lands on both sides thereof, be from the time of such stopping up absolutely vested in the Company:

(C.) A branch railway (about six furlongs in length) to be wholly situate in the township of Heap and parish of Bury in the county of Lancaster, commencing near Spout Bank by a junction with the Lancashire and Yorkshire Railway, and terminating on the east side of the river Roach opposite to the Bridge Hall Paper Mills, occupied by Messieurs James Wrigley and Sons.

As to branch at Heap Bridge.

6. The Company may from time to time contract with Messrs. James Wrigley and Sons, or any member of the said firm, as to the use by the said firm or by any person authorised by them of the branch railway in the township of Heap herein-before last described, and with respect to the contribution by the said firm of funds for the construction of the same or of any part thereof, and as to the working and management of the said branch railway and the tolls and charges to be paid in respect thereof.

Railways to form part of Lancashire and Yorkshire Railway.

7. Subject to the provisions of this Act, all the said railways and the works connected therewith executed under the authority of this Act shall for the purposes of toll and all other purposes whatsoever be part of the Lancashire and Yorkshire Railway and the undertaking of the Company.

Inclination of road.

8. As regards the public carriage-road numbered 12, in the township of Nappa in the parish of Gisburn, on the deposited plans, with respect to the railway first herein-before described, the Company may make such road when altered for the purposes of this Act of any inclination not steeper than one in eight.

Width of road in Chatburn.

9. The Company may make the roadway over the bridge by which the road numbered on the deposited plan 76, in the township of Chatburn in the parish of Whalley, will be carried over the railway, of such width between the parapets as the Company think fit, not being less than fifteen feet.

As to bridges over roads in Hellifield and Nappa.

10. Notwithstanding the diversions shown upon the deposited plans, the Company shall in constructing the following works observe the stipulations herein-after mentioned; (that is to say,)

In constructing the bridge over the turnpike road numbered 15 on the deposited plans of the railway A. authorised by this Act in the township of Hellifield in the parish of Long Preston, the Company shall so construct and maintain the said bridge as

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that the existing line of such road shall be maintained at the point of crossing:

In constructing the bridge over the highway numbered 6 on the deposited plans in the township of Hellifield, the Company shall not divert the said road to a greater extent than is indicated by a red line shown on a copy of the deposited plan signed by Sturges Meek, the engineer of the Company:

In constructing the bridge over the turnpike road numbered 80 on the deposited plans in the township of Nappa in the parish of Gisburn, the Company shall not divert the said road to a greater extent than is indicated by a red line shown on a copy of the deposited plans signed by the said Sturges Meek as the engineer of the said Company.

As to construction of railway at Hellifield.

11. In constructing the railway (A.), the same shall be so constructed that the centre line thereof shall not be at a greater distance than sixty-five feet, measured in an easterly direction, from the western limit of deviation shown on the deposited plan at the point where the railway will cross the boundary of the parishes of Gisburn and Long Preston.

Saving land of North-western Railway Company.

12. Nothing contained in this Act, or in the deposited plans and sections, shall authorise the Company to enter upon, take, or use any lands of the North-western Railway Company in the township of Hellifield and parish of Long Preston, excepting for the purpose of making the junction by this Act authorised between the railway (A.) herein-before first described and the North-western Railway; and the power of making the said junction, and of entering upon and taking the lands of the North-western Railway Company for the purposes thereof, shall be subject to the provisions relating to junctions contained in the "Railways Clauses Act, 1863."

Lands for extraordinary purposes.

13. The quantity of land to be taken by the Company in connexion with the said railway for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed five acres.

Notice to be given of taking houses of labouring classes.

14. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the

Company have made known their intention to take the same in manner herein-before required.

Powers for compulsory purchases limited.

15. The powers of the Company for the compulsory purchase of land for the purposes herein-after mentioned shall not be exercised after the expiration of the periods herein-after specified; (namely,)

For the purposes of the recited Act of 1867 (North Lancashire Loop Line) the powers of the Company shall be revived, and shall be extended until the thirty-first day of December one thousand eight hundred and seventy-two:

And for the purposes of this Act the said powers may be exercised until the first day of August one thousand eight hundred and seventy-four.

Periods for completion of works.

16. If the several works herein-after mentioned shall not be completed within the periods herein-after specified, then on the expiration of such periods respectively the powers by this Act granted to the Company, or by this Act extended, for making and completing the said railways respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed; (namely,)

As to the railway authorised by the recited Act of 1866 (Blackburn and Padiham Branch), until the first day of August one thousand eight hundred and seventy-three, and section 17 of the said Act is hereby repealed:

As to the railway authorised by the recited Act of 1867 (North Lancashire Loop Line), until the first day of August one thousand eight hundred and seventy-four, and section 26 of the said Act is hereby repealed:

And with respect to the railways authorised by this Act, until the first day of August one thousand eight hundred and seventy-six.

Imposing penalty unless lines be opened.

17. If the Company fail within the periods respectively limited by this Act to complete the several railways herein-before mentioned, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the periods so limited until the railway concerning which default shall be made is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railway, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act

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17 & 18 Vict. c. 31, known as "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the third section of the Act 17 & 18 Vict. c. 31, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which the Company was prevented from completing or opening such railway by unforeseen accident, or circumstances beyond their control, of which prevention and of the time for which it may have endured the certificate of the Board of Trade shall be sufficient evidence, and that Board, upon production of such proof as they shall deem sufficient, shall grant such certificate accordingly; provided that want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

Providing for application of penalty in compensation to parties injured.

18. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway concerning which default shall have been made, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and by the recited Act of 1867 and this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and proportions as the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

Power to acquire additional land for general purposes.

19. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may enter upon, take, and use, and appropriate to the purposes of their undertaking, all or any of the lands and buildings following, delineated on the deposited plans and described in the deposited books of reference relating thereto; (that is to say,)

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New Bailey Prison and Irwell Street.

Certain lands and property in the township and borough of Salford in the parish of Manchester, forming the site of the New Bailey Prison, together with all buildings and works erected thereon, such site being bounded by Upper Booth Street, New Bailey Street, Irwell Street, and Stanley Street, in the said borough:

Provided that nothing contained in this Act shall interfere with the exercise of the powers granted to the corporation of Salford by the sixth section of "The Salford Improvement Act, 1870," (paragraph 6,) with respect to "New Bailey Street and Railway Pillars:"

Lands at Salford.

Certain lands, buildings, and property, or the reversions, rents, and other outstanding interests therein, situate in the township and borough of Salford, and bounded on the one side by Gore Street, and on the other three sides by the lands and property of the Company.

Providing for crossing of Irwell Street.

20. The Company may from time to time, at their discretion, lay down and use rails in, over, and across Irwell Street, between their existing goods station and the site of the New Bailey Prison, subject nevertheless to the following conditions:

(*a.*) There shall not at any time be laid or maintained across the street more than two double sets of rails:

(*b.*) The rails shall be so laid and maintained as that the upper edges thereof shall be upon a level with the surface of the street:

(*c.*) The rails shall be laid in the positions shown by red lines on a plan signed in duplicate by Joseph Alfred Hardcastle, Esquire, a member of the House of Commons, and the rails shall be laid down in such manner as shall be agreed upon between the surveyor of the corporation and the engineer of the Company: Provided that if the said surveyor and the engineer of the Company cannot agree as to the method of laying the same down, the matter shall be referred to the decision of an engineer to be chosen by the said surveyor and engineer, or if they cannot agree upon a referee, then by an engineer to be appointed at the request of either party by the Board of Trade:

(*d.*) The Company shall not use any other than animal power for moving carriages and waggons across Irwell Street, and shall not allow any carriages or waggons to stand on such crossings:

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(*e.*) Whilst the Company are using the said crossings between the hours of six o'clock in the evening and eight o'clock in the morning the same shall be sufficiently lighted at the expense of the Company, and if the Company fail to comply with this condition they shall be liable to a penalty not exceeding twenty pounds, to be recoverable by the corporation of Salford:

(*f.*) Until the building and opening for traffic of a bridge at the end of Irwell Street, and until restrictions and regulations shall have been agreed upon or prescribed as hereinafter mentioned, the use by the Company of the said rails between the hours of eight in the morning and six in the afternoon shall be subject to the following restrictions and regulations: There shall be constantly between the said hours a signalman, maintained by the Company, at or near the corner of Irwell Street and Stanley Street, and another at or near the corner of Irwell Street and Upper Booth Street, and it shall be the duty of the said signalmen, when any cart or carriage enters or is about to enter that portion of Irwell Street lying between Stanley Street and Upper Booth Street, to give warning thereof by effectual signals to the officers and servants of the Company, so as to prevent the crossing of Irwell Street by means of the said rails until such cart or carriage shall have passed; and it shall be the duty of the Company and its officers and servants to obey such warnings, it being the express intention of this enactment that the carts and carriages passing along Irwell Street shall during the hours aforesaid have precedence over the traffic of the railway using the said crossing. If the Company or their officers or servants fail to comply with any of the restrictions or regulations herein contained, or which shall be agreed upon or be prescribed by the Board of Trade, as in this sub-paragraph mentioned, the Company shall for every such default be liable to a penalty not exceeding twenty pounds, to be recoverable by the corporation of Salford: Provided that when any such bridge shall be built and opened for traffic by carriages or waggons, the use of the said crossing shall be subject to such restrictions and regulations as shall be agreed on between the Company and the corporation of Salford, or in default of such agreement as shall be prescribed on the application of either party by the Board of Trade:

(*g.*) Before the Company exercise the powers hereby granted of crossing Irwell Street they shall deposit one copy of the said plan signed as aforesaid with the town clerk of Salford.

Providing for bridge over Irwell.

21. If the Company shall purchase the site of the New Bailey Prison under the powers of this Act, and if a bridge for the use of carriages, carts, and foot passengers toll-free shall be built across the river Irwell at the end of Irwell Street, in continuation of the said street, the following provisions shall have effect:

(*a.*) Previously to the commencement of such bridge, there shall be submitted to the Company plans, sections, and elevations thereof, and of the immediate approaches thereto, for the reasonable approval of the Company:

(*b.*) The Company shall appropriate for the purposes of enabling the corporation of Salford to make Irwell Street between Upper Booth Street and Stanley Street of the width of sixteen yards, including the footpaths, so much land acquired by the Company under the powers of this Act on the east side of the same street as shall be sufficient for that purpose, and will, when necessary, remove the boundary wall now standing on the said land, and the Company may continue the crossing shown on the plan to be deposited as aforesaid across the intended widening of Irwell Street:

(*c.*) The Company shall contribute the sum of six thousand pounds towards the expense incurred in the construction of the said bridge, and such sum shall be paid to the treasurer of the city of Manchester and the treasurer of the borough of Salford upon their joint receipt as follows: three thousand pounds on the commencement of the works, and three thousand pounds on the certificate of the engineer that the bridge has been completed in accordance with the contract for the same.

Company may purchase church.

22. The Company may purchase, and the patron, incumbent, and any other persons in whom the district church of St. George in the city and parish of Manchester is vested may sell to the Company, the said church, and the churchyard and burying ground, and lands and buildings connected therewith, and the following conditions shall apply to such sale:

Before entering upon the said church, or any of the lands connected therewith, the Company shall pay the purchase money

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into the hands or to the order of two trustees, one of whom shall be the Lord Bishop of Manchester for the time being, and the other shall be the chairman of the Company for the time being, and in case of the death or resignation of either of the said trustees he shall be succeeded as trustee by his successor in office, and so from time to time:

The purchase money shall be applied with all due despatch to the erection of a new church, and the formation of approaches and conveniences connected therewith:

The new church shall be conveyed and belong to the same parties as are entitled to the freehold of the existing church, and shall be held upon the same trusts and for the same purposes in all respects as the existing church:

The Company and the said patron, incumbent, and the other persons (if any) in whom the existing church is vested, may contract together with respect to any of the purposes aforesaid; provided that such contracts are consistent with the provisions of this Act:

Extinguishing rights of way.

When the Company shall have acquired the said lands, they may stop up all ways or paths and extinguish all public rights of way (if any), and other rights and easements in and over the same, or over the lands immediately adjoining the same, whether purchased as aforesaid or already belonging to the Company, and may also extinguish all other rights, easements, or privileges exercised, enjoyed, or claimed in and over the said church, churchyard, and burial ground:

In case it shall be necessary to remove any remains, it shall be done with such precautions for the public health and decency, and for the security of the men employed, as the Secretary of State for the Home Department may direct.

Power to raise additional money.

23. The Company from time to time may raise by the creation and issue of shares such sums of money as they shall think necessary, not exceeding four hundred and thirty-six 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.

Shares not to be issued until one fifth part thereof shall have been paid up.

24. 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.

Qualifications of new shares.

25. Except as by or under the powers of this Act otherwise provided, the new shares issued 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 confer on them the like qualifications and the like right of voting, as the like amount of existing ordinary shares or stock of the Company.

Power to raise capital under any other Act of this session and this Act by new shares of one class.

26. 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.

Power to borrow on mortgage.

27. The Company may from time to time borrow on mortgage, in addition to any sums which they are already authorised to borrow, any sum not exceeding in the whole the sum of one hundred and forty-five thousand pounds, but no part thereof shall be borrowed until shares for the whole of the sum by this Act authorised to be raised by shares shall have been issued and taken up, and one half of such sum shall have been paid up, and the Company shall have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that shares for all the capital which the Company are by this Act authorised to raise by the creation of new shares are issued, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share has been paid on account thereof, and that such shares are bonâ fide held by persons or their assigns, and that such persons or their 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 certificate shall be sufficient evidence thereof.

Power to create debenture stock.

28. 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.

Existing mortgages to have priority.

29. All mortgages or bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing

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of this Act, and which shall be subsisting at the time of the passing of this Act, shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act.

Application of moneys.

30. All moneys raised under this Act, whether by shares or by borrowing, shall be applied for the purposes of this Act, and for the general purposes of the Company only.

Power to apply corporate funds to purposes of Act.

31. 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 virtue of any Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Closing of register of debenture stock.

32. The directors may close the register of transfers of debenture stock for a period not exceeding twenty-one days previous to the thirtieth day of June and the thirty-first of December in every year, and they may fix a day for the closing of the same, of which seven days notice shall be given by advertisement in some newspaper published in Lancashire, and any transfer of debenture stock made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same, and not otherwise, be considered as made subsequently to the said thirtieth day of June and thirty-first day of December, as the case may be, in each year.

Superannuation fund.

33. A fund may be established for the payment of superannuation and other retiring allowances to the officers and servants of the Company, to be called the "Superannuation Fund," and for the purposes of such fund three directors of the Company for the time being, or persons to be appointed by the board of directors, and the following officers of the Company, namely, the treasurer, the traffic manager, the secretary, and the chief resident engineer, shall constitute a committee for the purpose of preparing and shall prepare a scheme for the establishment of a fund for the payment of superannuation and other retiring allowances to the salaried officers and servants of the Company, being contributors to such fund, and such committee may by a majority of its members determine in and by such scheme the following matters and things; (that is to say,)

What class of officers and servants of the Company shall be entitled to contribute to and participate in the benefit of the fund, and to what extent such contribution shall be obligatory upon the officers and servants of the Company;

What (if anything) shall disqualify any officer or servant of the Company from becoming a contributor to the fund and participating in the benefits thereof;

Under what circumstances any person having been a contributor to the fund shall cease to be entitled to participate in the benefits thereof;

What proportion (if any) of his own contribution to the fund any person having been, but ceasing to be, a contributor thereto shall be entitled to receive;

What proportion (if any) of the sums contributed by any person to the fund shall be payable to his representatives in the event of his dying before he becomes entitled to a superannuation allowance;

The age at which or other circumstances under which any person shall become entitled to a superannuation allowance;

The scale upon which superannuation allowances shall be calculated, and under what (if any) circumstances such scale may from time to time be revised;

The per-centage of their salaries which the officers and servants of the Company shall contribute to the fund, not exceeding the rate of two pounds and ten shillings for each one hundred pounds of their respective salaries in the case of officers under forty years of age at the time of becoming contributors to the fund;

The future management and direction of the fund, and the number, qualification, and mode of appointment or election of the committee in whom such management and direction shall be vested, and the remuneration of the members and officers of the committee;

The mode in which, the persons by whom, and the times at which the accounts of the committee or of their treasurer or other officer shall be audited, and the manner in which contributors to the fund and others shall have access to the accounts;

The securities upon which the moneys received on account of the fund shall from time to time be invested;

And generally all such other matters and things in relation to the fund as the committee appointed by this Act shall deem fit and proper to form part of and to be included in such scheme.

Company to contribute to fund.

34. The Company shall at the end of each and every half year after the establishment of the superannuation fund contribute out of the revenues of the Company a sum equal in amount to the sum which during the same half year has been contributed thereto by the officers and servants of the Company, and such further sum as the Company and the committee from time to time agree upon, not exceeding one half of such specified contribution, provided that the

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contribution of the Company to the superannuation fund shall not affect or take away the right or power of the Company to grant out of their own proper funds superannuation or other allowances to any of their officers or servants; but the Company may at any time within ten years from the passing of this Act, with the consent of the proprietors present at a meeting convened with notice of such object, empower the directors to grant to any of their officers or servants who may be forty years of age or upwards at the time of the establishment of the fund, and either in addition to or independent of any allowance which he may be entitled to receive from the fund, such superannuation or other allowance as they from time to time think fit.

Committee may regulate their own procedure.

35. The committee appointed by this Act in relation to the superannuation fund may from time to time regulate their own procedure, and may appoint such officers and at such salaries payable out of the said fund as they may think fit.

Guarantee fund.

36. A fund may be established for the purpose of providing a guarantee to the Company for the good conduct of their officers and servants, to be called the "Guarantee Fund," and the directors of the Company may prepare a scheme for the establishment of such fund amongst those officers and servants, and such scheme may prescribe,—

What class of officers and servants of the Company shall be entitled to contribute to and to participate in the benefits of the fund;

To what extent such contribution shall be made obligatory upon the present and the future officers and servants of the Company, who may after the passing of this Act be required by the Company to give a guarantee for their good conduct;

The sum or sums of money which the officers and servants of the Company shall contribute to the fund, and the scale upon which such contributions shall be calculated and determined;

The election and appointment of the trustees of the fund and of the officers for managing the affairs and keeping the accounts thereof;

The nature of the security on which the sums received in respect of the fund shall from time to time be lent, advanced, or invested;

The losses or defalcations to be made good out of the fund, and the mode of ascertaining and determining the liabilities of the fund in respect of any claims made thereon by the Company, and the amount for which such fund is liable;

The amount or proportion of the moneys paid in respect of the fund to be from time to time held for the purpose of making good any claims thereon, and the amount or proportion of such moneys to be transferred to any superannuation fund established under the authority of this Act;

And generally all such other matters and things in relation to the said fund as the directors shall deem fit and proper to form part of, and to be included in, such scheme:

And the directors may accept and take the security of the said fund for or in respect of all or any of the officers and servants of the Company, and in lieu of any other security which they are now by law required to take from the treasurer and other officers and servants of the Company; and the Company shall allow and pay interest upon or in respect of such of the moneys paid in respect of the said fund as may be retained or held by them, such interest being calculated and paid half-yearly at the average rate of interest paid by the Company for the then ending half year upon their mortgage and bond debt, and being carried to and forming part of the said fund.

Interest not to be paid on calls paid up.

37. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, 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 is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

38. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum of money 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.

Railways not exempt from provisions of present and future general Acts.

39. Nothing herein contained shall be deemed or construed to exempt the railways by this Act authorised to be made from the provisions of any general Act relating to railways, or to 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 and alteration, under the authority of Parliament, of the maximum rates of fares and charges, and of the rates for small parcels, authorised by this Act.

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Expenses of Act.

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

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