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The Lancashire and Yorkshire Railway (North Lancashire Loop Line and Capital) Act, 1867.

Lands proposed to be taken at *Manchester* under the Powers of this Act, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands required or which may be taken for any of the Purposes aforesaid, have been deposited with the Clerk of the Peace for the County Palatine of *Lancaster*: And whereas by the 40th Section of "The *Lancashire and Yorkshire* and *East Lancashire* Railways Amalgamation Act, 1859," the Company are authorized to create and issue Debenture Stock for the Purpose of paying off Mortgages or Bonds or any Debenture or other Security for which or for the Interest whereof the Company are lawfully liable, or to issue such Debenture Stock instead of borrowing on Mortgage, and the Company are limited in the said Section to the Payment of a Rate of Interest upon such Debenture Stock not exceeding Four *per Centum per Annum*, and it is expedient that the said Rate be increased: And whereas it is expedient that the Company should be empowered to raise additional Capital for the Purposes of this Act and the general Purposes of their Undertaking: And whereas it is also expedient that the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Appointment and Duties of Auditors, and with respect to Certificates for Shares, should apply to the Company: And whereas the Purposes of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with 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,)

22 & 23 Vict. c. cx.

Short Title.

1. This Act may be cited for all Purposes as "The *Lancashire and Yorkshire* Railway (*North Lancashire* Loop Line and Capital) Act, 1867."

8 & 9 Vict. cc. 16., 18., & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Parts I. and II. of "The Railways Clauses Act, 1863" (relating respectively to Construction of a Railway and to Extension of Time), and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

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 Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With

With respect to the Remedies of the Creditors of the Company against Shareholders; and

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock;

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested;

And also Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to the Cancellation and Surrender of Shares, to additional Capital, and to Debenture Stock, are (except when expressly varied by this Act) incorporated with and form Part of this Act; and the said Provisions of "The Companies Clauses Act, 1863," shall apply to the Capital authorized to be raised under the Powers of this Act.

Same Meanings to Words, &c. in incorporated Acts as in this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to such Construction; the Words "the Company" mean the *Lancashire and Yorkshire* Railway Company; the Words "the Railway" mean the Railway and the Works connected therewith by this Act authorized to be constructed; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or other like Expression in this Act or any Act 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 Railway, &c. according to deposited Plans.

4. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railway herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may also execute the other Works herein-after defined, 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 those Purposes. The Railway herein-before referred to and authorized by this Act is,—

An Extension to the Neighbourhood of *Burnley* of the Railway authorized by "The *Lancashire and Yorkshire* Railway (*Blackburn and Padiham*) Act, 1866," the said Extension being Two Miles and nearly Two Furlongs in Length, and commencing by a Junction with the Line authorized by the said Act on the North-

North-west Side of the Turnpike Road leading from *Blackburn* to *Padiham* in the Township of *Padiham* and Parish of *Whalley*, and terminating by a Junction with the *Lancashire and Yorkshire* Railway near its Crossing of the *Leeds and Liverpool* Canal at *Rosegrove* in the Township of *Habergham Eaves* and Parish of *Whalley*, all which said Railway and Works will be in *Lancashire*: Provided that nothing contained in this Act, or in the deposited Plans and Sections, shall authorize the Company to construct the short Branch Railway, shown on the said Plans as being a little more than One Furlong in Length, commencing by a Junction with the proposed Extension Railway herein-before described, and wholly situate in the Township of *Padiham* and Parish of *Whalley*:

As to Conversion of Viaduct at Wigan authorized by 10 & 11 Vict. c. ccxxi.

They may convert into a solid Embankment all or any Part of the Viaduct in the Township and Parish of *Wigan* in *Lancashire* authorized to be constructed by "The *Manchester and Southport* Railway Act, 1847," the said Viaduct being between the Southerly Bank of the River *Douglas* and a Lane known as *Miry Lane* in the Borough of *Wigan* in *Lancashire*: Provided that in constructing the said Embankment across the River *Douglas* the Company shall leave not fewer than Four Openings of not less than Twenty-three Feet Six Inches Span for a Height of not less than Eighteen Feet from the Surface of the Ground:

They may stop up, discontinue, and extinguish all Rights of Way over, and appropriate to the Use of the Company, such Portion of a certain Road in the Borough of *Bolton* in *Lancashire* as lies between a Point Forty-five Yards from the South-east Corner of *Mayor Street* and a Point (indicated by the Letter B on the deposited Plans) opposite *Pump Houses* in *Spa Fields* in the said Borough: Provided that before exercising the Powers aforesaid over the said Road the Company shall in lieu thereof make a new Road in the said Borough, commencing at the said Point opposite *Pump Houses* aforesaid, and terminating in *Mayor Street* at a Point about Fifty Yards from the Bridge which carries the said Street over the *Lancashire and Yorkshire* Railway; such Road to be not less than Ten Yards wide, and to be sewered, levelled, formed, and metalled to the reasonable Satisfaction of the Corporation of *Bolton*:

They may widen the Bridge over the Road called *Lamb Lane* or *Queen's Road* in the Township of *Newton* and Parish of *Manchester*, and may widen the Approaches of the Railway to the said Bridge; provided that the new Bridge for the Purpose of the said Widening shall have a Span not less than the Width of *Lamb Lane* at the Point of crossing thereof, and in no Case a less Span than Twenty-nine Feet:

And

And they may for the Purposes of the said Widening, and also for the general Purposes of their Railway, acquire compulsorily or by Agreement certain Lands and Buildings in the said Township of *Newton* and Parish of *Manchester* aforesaid lying between *Lamb Lane* or *Queen's Road* aforesaid and *Monsell Lane*, and bounded on the North and East by Land forming Part of the Estate of the Dean and Canons of *Manchester*, on the South by the *Lancashire and Yorkshire* Railway, and on the West by the Property of the Company and others.

Power to deviate in Construction of Road.

5. It shall be lawful for the Company in constructing the said Road and other Works authorized by this Act to deviate laterally from the centre Line shown on the deposited Plans to the Extent shown upon the said Plans, and to deviate vertically from the Levels shown upon the deposited Sections to any Extent not exceeding Three Feet.

Saving Rights of the Earl of Bradford.

6. The Company shall not, without the Consent of the Earl of *Bradford*, his Heirs or Assigns, and of the Ecclesiastical Commissioners for *England* and *Wales*, or other the Parties lawfully interested therein, enter upon and take, under the Provisions of this Act, for the Purpose of constructing the said new Road and the necessary Works and Approaches connected therewith in the Borough of *Bolton*, any greater Quantity of Land than may be necessary to make and maintain such new Road with Footway and Carriageway of such Width as aforesaid, to the Intent that when such new Road is made and open for public Use the said Earl, his Heirs and Assigns, and the said Ecclesiastical Commissioners, and other the Persons lawfully interested in the adjoining Land, may have the Frontage thereto from their Lands and Property adjoining the said new Road.

As to Maintenance of Road.

7. When the new Road hereby authorized to be constructed is completed as aforesaid it shall, as regards all other Works connected therewith, be considered a Street within the Meaning of the "Public Health Act, 1848."

Rate of Inclination.

8. In altering for the Purposes of this Act the Road next herein-after mentioned the Company may make the same of any Inclination not steeper than the Inclination herein-after mentioned; (that is to say,)

No. on deposited Plan.	Township.	Parish.	Description of Road.	Intended Inclination.
17	Hapton	Whalley	Public Highway	1 in 10 on One Side.

For Protection of Leeds and Liverpool Canal.

9. And whereas the Viaduct herein-before mentioned crosses over the Canal of the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool* (in this Act called the *Leeds and Liverpool* Canal Company) in the Township of *Wigan* by means of a Girder Bridge constructed under the Authority of "The *Manchester and Southport* Railway Act, 1847," and it is expedient to provide against Obstruction to the free Navigation of the said Canal by the Execution of any of the Powers of this Act: Therefore in converting all or any Part of the said Viaduct into a solid Embankment the Company shall and they are hereby required at their own Expense to maintain the present Bridge over the said Canal, or to make in lieu thereof a good and substantial Bridge of Brick, Stone, Wood, or Iron over the same and the Towing-path thereof, with Approaches thereto, and with perpendicular Foundation Walls to such Bridge, the Underside of the Keystone or Arch of such Bridge, or the Underside of the Beams or Girders thereof, for the whole Breadth of the Span not being less in Height than the existing Bridge above the Top-water Level of the said Canal, and the Opening or Span of such existing Bridge, or Bridge to be constructed, shall be maintained of an Opening and Span not less than the Opening and Span of the existing Bridge, and the Space between the Piers of such Bridge (except so much thereof as shall be occupied by the Towing-path of such Canal) shall from Time to Time and at all Times thereafter (except during the necessary Repairs of the said Bridge or the Erection of any future Bridge in lieu thereof) be left and preserved an open uninterrupted navigable Waterway.

Damage to be made good.

10. The Company shall make good all Damage that may be occasioned by the Works and Property of the *Leeds and Liverpool* Canal Company by the Construction, Renewal, or Want of Repair of the said Arch or Bridge or Works by this Act authorized to be made, and if for Seven Days after Notice in Writing given by the *Leeds and Liverpool* Canal Company the Company neglect to proceed with due Diligence to make good such Damage, the *Leeds and Liverpool* Canal Company may, if they think fit, make good the same, and the Amount expended by them in so doing shall be paid to them by the Company: Provided always, that in any Case of pressing Necessity the *Leeds and Liverpool* Canal Company may proceed to make good such Damages and recover Payment for the same without giving such Notice as aforesaid.

Navigation of the Leeds and Liverpool Canal not to be obstructed.

11. In case by reason or in the Execution of such Bridge and Works the said Canal shall be so obstructed as that Boats, Barges, and other Vessels navigating or using the same shall not be able to pass along the same, then the Company shall pay to the *Leeds and Liverpool* Canal Company, as or by way of ascertained Damages, the Sum

Sum of Fifty Pounds for every Day during which such Obstruction shall continue on the said Canal, and so in proportion respectively for any less Time than One Day, and in default of Payment of the said Sum, on Demand being made on the Secretary of the Company, the *Leeds and Liverpool* Canal Company may sue for and recover the same, together with Costs of Suit against the Company, by Action of Debt or on the Case in any of Her Majesty's Courts at *Westminster*.

Bridge to be kept in good Repair.

12. The Company shall and they are hereby required (unless and until the said Railway where it crosses the said Canal shall at any Time be abandoned by the Company) at their own Expense to maintain the said Bridge and Works in perfect Repair, and if that Part of the said Railway shall at any Time be abandoned by the Company, the Company shall at their own Expense remove the said Bridge and Works if they shall be required so to do by the *Leeds and Liverpool* Canal Company.

Company not to deviate so as to take any Property of said Canal Company.

13. It shall not be lawful for the Company to make any Deviation or Diversion whatever in the Line, Course, or Direction of the said Railway near the said Canal as delineated and shown in the said Plans thereof deposited as aforesaid, by which the said Canal, or the Locks, Towing-paths, Bridges, Buildings, Land, Property, or Works of the *Leeds and Liverpool* Canal Company, or any of them, or any Part thereof, shall be taken, used, or damaged for any Purpose whatsoever, without the Consent in Writing, under their Common Seal, of the *Leeds and Liverpool* Company first had and obtained, save only the Right of Deviation within the Limits shown upon the deposited Plan at the Point where the said Railway is intended to be carried over the said Canal, as herein-before provided for.

Saving Rights of Leeds and Liverpool Canal Company.

14. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the Rights, Privileges, Property, Powers, or Authorities of the *Leeds and Liverpool* Canal Company.

Power to Company to apply their Funds towards Purposes of Act, and may raise additional Capital.

15. It shall be lawful for the Company to apply towards the Construction of the Works authorized by this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes for which the same were authorized to be raised, and the Company may for the same Purposes, and also for the general Purposes of their Undertaking, from Time to Time raise, in addition to the Sums of Money which they are already authorized to raise, any further Sums, not exceeding in the whole Seven hundred thousand Pounds, by the Creation of new Shares or Stock in their Undertaking, which Shares or Stock shall form Part of the general

general Capital of the Company, and may be issued at such Price (being not less than the nominal Value thereof) as may be determined on by Three Fifths at least of the Votes of Shareholders present personally or by proxy at any Extraordinary General Meeting of the Company convened with due Notice of the Object.

Privileges may be attached to new Shares.

16. The Company may, with the Consent of Three Fifths at least of the Votes of their Shareholders present personally or by proxy at any Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act a preferential Dividend, and may also attach to the said Shares a Condition that the same may be redeemed upon Conditions to be stated in the Resolutions creating the same, and to be notified on the Certificates of such Shares; and for the Purpose of redeeming the same, or any Part thereof, the Company may create and issue from Time to Time fresh Shares.

As to Dividends for First Half of a Year.

17. If in the First Half of any Year commencing on the First Day of *January* there be Profits applicable to the Purposes of Dividend upon the Ordinary Shares or Stock of the Company, after satisfying the Dividend and Arrears of Dividend (if any) due upon any other Preference Shares or Stock of the Company previously created and issued, and also the Dividend for such Half Year on the Preference Shares or Stock to be created under the Powers of this Act, it shall be lawful for the Company to declare a Dividend for such Half Year on such Ordinary Shares or Stock.

Shares not to vest until One Fifth paid up.

18. The Company shall not issue any Share or Stock created under the Authority of this Act, nor shall any Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid in respect thereof.

As to the Votes of Proprietors of such Shares.

19. The Proprietors of any Shares or Stock to be issued under the Authority of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if the same had been original Shares of the Company.

Power to borrow on Mortgage.

20. The Company may from Time to Time, under the Powers of this Act, borrow any additional Sum of Money, not exceeding Two hundred and thirty-three thousand Pounds, either by Mortgage of their Undertaking or by the Issue of Debenture Stock, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is subscribed

subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital have been subscribed for, issued, and accepted, and that One Half of such additional Capital has been paid up, and that not less than One Fifth Part of the Amount of each separate Share in such Capital has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers 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.

Existing Mortgages to have Priority.

21. Provided always, That all Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be granted by virtue of this Act.

Application of Sums raised under this Act.

22. All and every Part of the Sums of Money which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes of the Railway and Works by this Act authorized, and to the general Purposes of the Company.

Lands for extraordinary Purposes.

23. The Quantity of Land to be taken by the Company by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Ten Acres, in addition to any such Lands which they have already Authority to purchase.

Powers for compulsory Purchases limited.

24. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Railway.

25. If the Railway shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Penalty if Line not completed.

26. If the said Railway is not completed and opened for public Traffic within the Period of Five Years from the passing of this Act, the

the Company shall be liable to a Penalty at the Rate of Fifty Pounds for every Day after the said Period until such Lines shall be so completed and opened, and the said Penalty shall be deemed a Debt due to Her Majesty in right of Her Crown, and may be recovered accordingly: Provided always, that if the Company has been prevented from completing or opening the said Railway by unforeseen Accident or by Circumstances beyond their Control (of which Fact a Certificate under the Hand of the Secretary of the Board of Trade shall be sufficient Evidence), the Company shall not be liable to the Payment of the same Penalty in respect of the Period during which it shall be certified that they have been so prevented as aforesaid; but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Extension of Time for Construction of Blackburn and Padiham Branch.

27. The Time granted in the 16th Section of "The *Lancashire and Yorkshire* Railway (*Blackburn and Padiham*) Act, 1866," for the Construction of the Railway thereby authorized, shall be extended until the First Day of *August* One thousand eight hundred and seventy-one, and the 16th and 17th Sections of the said Act of 1866 shall be read as though Five Years had been inserted therein instead of Four Years.

Railway, as to Tolls, &c. to form Part of Lancashire and Yorkshire Railway.

28. The Company may demand and take in respect of the Railway the same Tolls and Charges as they are authorized to receive for and in respect of their existing Undertaking as if they were Part of such Undertaking, and the Railway shall in all respects be deemed Part of the *Lancashire and Yorkshire* Railway.

Sects. 40 to 44 of 22 & 23 Vict. c. cx., as to Debenture Stock, repealed.

29. Sections 40, 41, 42, 43, and 44 of "The *Lancashire and Yorkshire* and *East Lancashire* Railways Amalgamation Act, 1859," with respect to Debenture Stock, are hereby repealed, and it shall be lawful for the Company to create and issue Debenture Stock; provided that it shall be lawful for the Company to attach to the said Stock such fixed and perpetual preferential Interest, not exceeding the Rate of Four and a Half *per Centum per Annum*, as the Company think fit; provided also, that the Repeal of the said Sections shall not prejudicially affect any Debenture Stock already issued by the Company.

Sect. 173 and Proviso in Sect. 186 of 6 & 7 W. 4. c. cxi. repealed.

30. The 173rd Section of "The *Lancashire and Yorkshire* Railway Act, 1836," providing for the granting of new Certificates when old ones are destroyed or worn out, and the Proviso to the 186th Section of the same Act whereby the Deposit or Pledge of Certificates of Shares is made as valid and binding upon the Person making the same, and upon his Assignees and Creditors, as a Deposit or Pledge of

of the Title Deeds of Real Estate would be if made under like Circumstances by the Owner thereof, are hereby repealed, and the 13th Section of "The Companies Clauses Consolidation Act, 1845," providing that a Certificate shall be renewed when lost or destroyed, shall be incorporated with this Act, and shall apply to all Certificates of Shares or Stock in the Capital of the Company; provided that such Repeal shall not affect any Lien already created by virtue of the said Proviso upon any Certificates of Shares of the Company, nor shall the Company be bound to issue any new Certificate in lieu of any Certificate which may be said to be lost or destroyed, without reasonable Security against such Certificate having been deposited or pledged.

Providing for Appointment of Auditors.

31. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Appointment and Duties of Auditors, shall apply to the Company, and shall for that Purpose be incorporated with this Act; and any Provisions in the Acts relating to the Company for the Inspection or Audit of the Company's Accounts by any Committee appointed at a General Meeting of the Company shall, from and after the Appointment of Auditors by virtue of this Enactment, be of no Effect.

Interest not to be paid on Calls paid up.

32. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bills not to be paid out of Capital raised under this Act.

33. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or herein-after in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing 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.

34. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the recited Act authorized to be made 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,

The Lancashire and Yorkshire Railway (North Lancashire Loop Line and Capital) Act, 1867.

Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Expenses of Act.

35. All 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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