CHAPTER ccxxv.

An Act for enabling the London and North-western Railway Company to enlarge and improve the Old Harbour at Holyhead, and to construct works in connexion therewith; and for other purposes. [5th August 1873.]

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WHEREAS the London and North-western Railway Company (in this Act called the Company) have under the authority of Parliament established an important system of railway and steam communication between England and Ireland, viâ Holyhead and Dublin, Howth and Kingstown, and by the London and North-western Railway (Steam Vessels) Act, 1870, they are also empowered to establish an improved steam communication between Holyhead and Greenore, and other ports in the Lough of Carlingford:

And whereas by the London and North-western (Chester and Holyhead) Railway Act, 1861, the Company were empowered to acquire additional lands at Holyhead in connexion with their Chester and Holyhead Railway, and by the London and North-western Railway (Additional Powers) Act, 1862, they were empowered, with the consent of the Commissioners for executing the office of Lord High Admiral for England, to make an embankment along the north-west side of the Old Harbour at Holyhead, and to deepen and improve such parts of the Old Harbour adjoining the said embankment as might be necessary, and also to appropriate to purposes connected with their railway the lands reclaimed from the sea by the construction of the said embankment, and they have expended a considerable sum of money in carrying those purposes into effect:

And whereas the Old Harbour at Holyhead is but little used by vessels other than those employed in the conveyance of traffic passing viâ the Company's railway between England and Ireland, and it is probable that traffic will greatly increase when the improved steam communication before referred to is effected, and it is expedient and

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would be for the public advantage in connexion with that steam communication that the Company should be empowered to enlarge and improve the said harbour, and to provide additional accommodation therein or in connexion therewith:

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

And whereas it is expedient that the Company should be authorised to raise further capital for the purposes of this Act:

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,)

Short title.

1. This Act may be cited for all purposes as the London and North-western Railway (Holyhead Old Harbour) Act, 1873.

Provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts are, except where expressly varied by this Act, incorporated with and form part of this Act:

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The provisions of the Harbours, Docks, and Piers Clauses Act, 1847, with respect to the following matters; (that is to say,)

The construction of the harbour, dock, or pier, except sections 8 and 9;

The protection of the harbour, dock, and pier, and the vessels therein, from fire or other injury; and

The recovery of damages not specially provided for, and of penalties, and the determination of any other matter referred to justices or the sheriff:

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

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;
The remedies of creditors of the Company against the shareholders;
The borrowing of money;
The conversion of the borrowed money into capital;
The consolidation of shares into stock;
The general meetings of the Company;
The making of dividends;
The giving of notices;
The provision to be made for affording access to the special Act by all parties interested:

Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863.

Interpretation of terms.

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

The expression "the Old Harbour" means the Old Harbour at Holyhead, as existing at the time of the passing of this Act.

The expression "the harbour" or "the harbour limits" means and includes the Old Harbour, as by this Act authorised to be extended, enlarged, and otherwise improved, and the works to be constructed in connexion therewith.

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 simple contract debt, and not a debt or demand created by statute.

Power to improve, &c. harbour.

4. Subject to the provisions of this Act, the Company may in the parish of Holyhead, and any adjacent extra-parochial place in the county of Anglesey, make and maintain in the lines shown on the deposited plans, and according to the levels shown on the deposited sections, the works herein-after described, and may exercise the other powers herein-after mentioned, 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; (that is to say,)

1. They may extend, enlarge, improve, widen, deepen, dredge, light, buoy, preserve, and maintain as and for the purposes of

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a tidal harbour, and works connected therewith, so much of the existing Old Harbour or basin and the shore thereof, and the lands adjacent thereto, as lie within the limits of deviation of improvement of harbour shown on the deposited plans:

2. They may make and maintain a seawall, commencing at a point on the existing seawall of the Company, fifty-seven yards or thereabouts south of the point where the public footbridge over the goods sidings of the Chester and Holyhead Railway of the Company abuts on the said existing seawall, and extending thence for a distance of one hundred and eighty yards or thereabouts in a southerly direction, and thence in a north-easterly direction, and terminating at the extreme south-western corner of the quay on Parry's Island:

3. They may make and maintain a sewer, commencing from and out of the existing sewer at the point where that sewer emerges from the said existing seawall of the Company, and extending for a distance of one hundred and thirty yards or thereabouts in a south-easterly direction, and thence for a distance of seven hundred yards or thereabouts in a north-easterly direction, and there terminating at or near the northern end of the Turkey Shore Road, and that sewer shall be substituted for so much of the existing sewer as lies eastwardly of the said point of commencement of the new sewer:

4. They may make a new road, commencing from and out of the public road which connects the turnpike road leading from Shrewsbury to Holyhead with the road leading to the said existing seawall of the Company, at a point on that public road fifteen yards or thereabouts south-east of the point of junction of that road with the road leading therefrom to Turkey Shore, and terminating at a point on the last-mentioned road fifteen yards or thereabouts north-east of the said point of junction; and in connexion therewith they may alter the footbridge on the south side of the said passenger station and remove the steps at the eastern end thereof, and extend the footbridge to and into the said new road at its north-eastern end:

5. When and so soon as the said new road and alteration of footbridge are completed and opened to the public they may stop up and discontinue as a public highway and appropriate to the purposes of their undertaking so much and such

parts of the said existing public road as lie north-westward of the new road, and thereupon all rights of way over the same shall be and are hereby extinguished:

6. They may make and maintain piers, jetties, dams, entrances, channels, cuts, sewers, culverts, wharves, quays, landings, staiths, drops, slips, stairs, railways, tramways, sidings, bonded and other warehouses, offices, sheds, and other buildings, cranes, shears, and other machinery, roads and approaches, and such other works and conveniences as may be necessary or expedient.

The harbour and the works connected therewith executed by the Company (save and except the new road and altered footbridge) shall be part of the Company's undertaking.

No interference by Company with Pelham Quay.

5. Notwithstanding anything shown on the deposited plans or in this Act contained, the Company shall not interfere in any manner with the quay in the Old Harbour known as "Pelham Quay," or with the reasonable access thereto by land or water.

Limitation of seawall.

6. Notwithstanding anything shown on the deposited plans or in this Act contained, the Company shall not construct or extend the seawall by this Act authorised to be constructed so as to shut out so much of the existing quay at Parry's Island as lies to the north-east of the extreme south-western corner of that quay, but the Company may connect the seawall with the said quay at or near that corner.

Company not to interfere with Parry's Island except in construction of seawall and sewer.

7. Notwithstanding anything shown on the deposited plans or described in the deposited books of reference or contained in this Act, the Company shall not enter upon or take any lands at or otherwise interfere in any manner with Parry's Island, except so far as may be necessary for the purpose of connecting the seawall with the said quay as aforesaid, or for the purpose of constructing the sewer by this Act authorised to be constructed, or for the purpose of filling up and raising to the level of the seawall the vacant ground lying landward thereof.

In case any difference arises between the Company and the Board of Trade as to whether or not it is necessary for the purposes aforesaid, or any of them, to enter upon or take any lands at or otherwise to interfere with Parry's Island, such difference shall be determined by an engineer to be nominated by the Board of Trade, whose decision shall be final and conclusive and binding on all parties, and the charges of such engineer shall be paid by the Company.

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Restriction as to situation of sewer.

8. Notwithstanding anything shown on the deposited plans or in this Act contained, the outlet of the sewer by this Act authorised to be constructed shall be placed by the Company in such situation below low-water mark, upon land to be acquired by the Company under the powers of this Act, or to be provided by the Board of Trade for the purpose at the cost of the Company, as the Board of Trade or any engineer appointed by them may determine; and the said sewer shall throughout the whole length thereof be constructed as a covered conduit.

Property of Board of Trade or under their management not to be taken, &c. without consent.

9. Notwithstanding anything shown on the deposited plans or described in the deposited books of reference or contained in this Act, the Company shall not enter upon, take, or otherwise interfere with any property vested in or under the management of the Board of Trade (other than property now held by the Company under lease from the Board of Trade) without the special consent of the Board of Trade, which consent the Board of Trade may give, and such consent shall be in writing, and shall be signed by a secretary or assistant secretary of the said Board.

Lands, &c. in Old Harbour not to be vested in the Company, but may be leased to the Company by the Board of Trade.

10. Notwithstanding anything shown on the deposited plans or described in the deposited books of reference or contained in this Act, no part of the lands, soil, bed, and shore of the Old Harbour, nor of the works, buildings, roads, or approaches belonging thereto, nor of any lands or hereditaments required for the purposes thereof now vested in the Board of Trade, and not now leased by them to the Company, shall become vested in the Company under or by virtue of this Act; but it shall be lawful for but not compulsory on the Board of Trade to demise and lease to the Company any of the said lands, hereditaments, and premises for the term of eighty-nine years, to be computed from the first day of January one thousand eight hundred and seventy-three, and subject to such rent, conditions, and agreements as the said Board of Trade and the Company may agree upon, and also subject to a power being inserted in such lease enabling the Board of Trade to resume possession of the said lands, hereditaments, and premises, or any part thereof, and of the works erected thereon respectively, at or at any time after the expiration of forty years from the first day of January one thousand eight hundred and seventy-three, seven years previous notice in writing under the hand of a secretary or assistant secretary of the Board of Trade of their requiring possession of the said lands, hereditaments, premises, and works, or any part thereof, being given; and the terms upon which the said lands, hereditaments, premises, and works, or any part thereof, are to be resumed shall be such as may be agreed upon

between the Company and the Board of Trade, and failing such agreement as shall be settled by a single arbitrator to be appointed by one of Her Majesty's Principal Secretaries of State, and such arbitration shall be conducted by such arbitrator in the manner prescribed by and subject to the provisions of the Railway Companies Arbitration Act, 1859, for the settlement of differences between railway companies by a reference to a single arbitrator: Provided always, that in case any such lease of any of the said lands is granted as herein-before provided, then the respective periods named in the existing lease, dated the first day of May one thousand eight hundred and sixty-three, from the Board of Trade to the Company of the lands thereby demised as the periods at which that lease shall expire, and at which the Board of Trade may resume possession of those lands, shall be extended so as to be cotemporaneous with the respective corresponding periods named in the lease to be granted under the authority of this Act.

Company may deviate to extent marked on plans, &c.

11. Subject to the provisions of this Act, the Company may in constructing the seawall, sewer, and new road by this Act authorised deviate the same to any extent within the limits of deviation of improvement of harbour shown on the deposited plans, and may deviate from the levels thereof as shown on the deposited sections to any extent not exceeding five feet.

Before commencement of works affecting harbour at Holyhead plans, &c. to be deposited at Board of Trade.

12. Previously to commencing any work whatever interfering with any portion of the Old Harbour, or which may be constructed on the site of any part of such harbour, the Company shall deposit at the Harbour Department of the Board of Trade plans, sections, and working drawings of every such work for the approval of the Board of Trade, such approval to be signified in writing under the hand of a secretary or assistant secretary of the Board of Trade, and every such work shall be constructed only in accordance with such approval, and when any such work shall have been commenced or constructed it shall not be lawful for the Company at any time to alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval; and if any such work shall be commenced or completed, or be altered, extended, or constructed, contrary to the provisions of this Act, it shall be lawful for the Board of Trade to abate, alter, and remove the same, and to restore the site thereof to its former condition at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company.

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Board of Trade may order local survey.

13. If at any time or times it shall be deemed expedient by the Board of Trade to order a local survey and examination of any works of the Company in, over, or affecting any tidal or navigable water or river, or of the intended site thereof, the Company shall defray the costs of every such local survey and examination, and the amount thereof shall be a debt due to Her Majesty from the Company, and if not paid upon demand may be recovered as a debt due to the Crown with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company.

Works abandoned or suffered to fall into decay may be removed by Board of Trade.

14. If any work to be constructed by the Company in, under, over, through, or across any tidal water or navigable river, or if any portion of any work which affects or may affect any such water or river, or access thereto, shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade to abate and remove the same, or such part or parts thereof as they may at any time or times deem fit and proper, and to restore the site thereof to its former condition at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown, and if not paid upon demand may be recovered as a debt due to the Crown with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company.

Limitation of space for construction of works, &c.

15. The powers by this Act conferred upon the Company shall not apply to or be exerciseable in respect of any portion of the Old Harbour lying north-eastward of an imaginary right line drawn from the south-western extremity of Parry's Island to the south-eastern end of that portion of Pelham Quay reserved for the use of the public: Provided, that so long as the existing fish stage or jetty is in existence the imaginary right line shall be drawn from the first-mentioned point to the southern or inner side of the said fish stage or jetty: Provided also, that the foregoing restriction shall not apply to or affect the construction of the outlet of the new sewer, or the filling up and raising to the level of the seawall of the vacant ground lying landward thereof by this Act respectively authorised: And provided always, that, save as expressly provided, nothing in this Act contained shall alter, prejudice, or affect the rights of the public now existing within the Old Harbour, and the said rights shall, save as aforesaid, continue and be reserved to the public.

In case of non-completion of works, lands,

16. If the works by this Act authorised shall not be completed within the period thereby limited, all and any lands, hereditaments, and premises which are now the property of and vested in the

Board of Trade, or which are now under the management of the said Board, and which may have been taken and entered upon by the Company with the consent of the Board of Trade, as previously mentioned (not being lands now leased by the Board of Trade to the Company), shall revert to and be again at the disposition and under the management of the Board of Trade if the said Board shall so think fit and expedient, or otherwise as they may determine.

&c. to revert to Board of Trade.

17. The Company shall, in lieu of the public quay at present existing at the southern end of the Old Harbour, provide and maintain, to the satisfaction of the Board of Trade, and at their own expense, a deep water quay frontage of not less than three hundred lineal feet in length, with convenient quay space for the use of the public, free of charge; such quay frontage shall be continuous, and the whole of it shall be on the same side of the southernmost point or bend of the seawall authorised by this Act, and the same shall be entirely reserved for the use of the public, who shall have free ingress, egress, passage, and way thereto and therefrom by water, and also by land on foot, or with horses, carriages, carts, drays, waggons, and other conveyances, through the premises of the Company, from and to the proposed new road. The Company shall also provide and maintain, to the satisfaction of the Board of Trade, and at their own expense, access by railways from the said public quay to the sidings of the Company in connexion with their line of railway.

Company to provide and maintain public quay.

The Queen's Harbour-master of Holyhead Harbour shall have absolute and undivided control and jurisdiction over the said public quay, and shall, subject to the approval of the Board of Trade, make regulations for the proper and reasonable use of such public quay by the public in manner aforesaid, and he may from time to time, with the like approval, vary such regulations and make new regulations instead of the same or any of them; such regulations shall (amongst other things) provide that, as regards entering or leaving the Old Harbour, the steam vessels of the Company shall have, within the harbour limits, preference over all other vessels: Provided always, that, save as aforesaid, the said regulations shall be so framed that the free ingress, passage through, or egress of all vessels to or from the public quay, and also by land through the premises of the Company in manner aforesaid, shall be secured to the public, and that the same shall not be interrupted or impeded by the Company.

18. The new road and altered footbridge shall, when made and completed, from time to time be repaired and maintained by and at

Provision as to repair of new road

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and altered footbridge.

the expense of the same parties, in the same manner, and to the same extent, as the portion of the road for which the new road is substituted and the present footpath are required to be repaired and maintained.

If any question shall arise between the Company and such parties as to the due completion of the new road and altered footbridge, such question shall from time to time be determined by two justices on the application of either of the parties in difference, and after not less than seven days notice to both parties of the sitting of such justices for the purpose; and the certificate of such justices of the due completion of such new road and altered footbridge shall be conclusive evidence of the fact so certified.

Powers for compulsory purchases limited.

19. 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 certain works.

20. If the seawall, sewer, and new road by this Act authorised to be constructed are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as is then completed.

Company may purchase lands by agreement.

21. The Company may, for the extraordinary purposes of the undertaking authorised by this Act, purchase by agreement any quantity of land not exceeding five acres.

Company may dispose of materials dredged, &c.

22. The Company, subject to the provisions of this Act, may use or sell and dispose of, in such manner as they think proper, the rock, stones, gravel, sand, soil, and other materials dug or dredged by them within the harbour.

Provided, that the rock, stones, gravel, sand, soil, and other materials dug, dredged, or otherwise raised by the Company during the construction of the works authorised by this Act shall not be deposited on any lands belonging to the Board of Trade (except on lands now or hereafter to be leased to the Company by the Board of Trade); and if it is requisite that such rock, stones, gravel, sand, soil, or other materials shall be deposited below high-water mark of ordinary spring tides, the Company shall deposit such rock, stones, gravel, sand, soil, or other materials, or cause the same to be deposited, at such places only as the Board of Trade may from time to time approve, and if such rock, stones, gravel, sand, soil, or other materials are deposited at any place not so approved the Company may be required by the Board of Trade to remove the same, and in default of so doing the Board of Trade may remove

the same, and the costs of such removal shall be paid by the Company to the Board of Trade. A.D. 1873.

During construction of the works, lights to be exhibited.

23. During the construction of the works by this Act authorised the Company shall exhibit every night from sunset to sunrise a light or lights, to be kept burning by and at the expense of the Company, for the guidance of vessels, which lights shall be from time to time altered by the Company in such manner, and be of such description, and be so used and placed as the Board of Trade (by writing under the hand of a secretary or assistant secretary of the Board) directs or approves, and in case the Company shall neglect to exhibit and keep any such light burning as aforesaid, they shall for every such neglect be liable to a penalty not exceeding ten pounds.

Reservation of Merchant Shipping Acts and general Acts.

24. Nothing in this Act contained shall exempt the works by this Act authorised to be constructed, or the other harbour works of the Company at Holyhead, or the Company, so far as the acts and proceedings of the Company affect the said harbour and works, from the provisions of the Merchant Shipping Law Amendment Act, 1853, the Merchant Shipping Act, 1854, or any general Act relating to harbours, docks, or dues on shipping, or on goods carried in ships, now in force or which shall be passed during the present or any future session of Parliament.

Reserving rights of Board of Trade.

25. Nothing in this Act contained shall extend to affect, prejudice, derogate from, or diminish any of the rights and privileges of the Board of Trade in any way whatsoever.

Saving powers of Board of Trade to take certain rates, &c.

26. Nothing in this Act contained shall be construed to exempt any vessel which shall go or enter within the tidal harbour from the rates and duties which the Board of Trade are entitled under the Act seventeen and eighteen Victoria, chapter forty-four, or shall hereafter be entitled under any future Acts, to levy and receive in respect of every vessel going into, entering, or using the port or harbour of Holyhead, and the Board of Trade may have, use, and exercise all such and the same powers for ascertaining the tonnage of all such vessels, and for demanding, receiving, and recovering the rates by that Act made payable to them in respect of vessels entering the tidal harbour, or otherwise in relation thereto, as are or shall be by the said Act granted in respect of such rates and duties to the said Board of Trade, and for such purpose the said tidal harbour shall remain and shall be deemed to be and to continue to be part and parcel of the port and harbour of Holyhead.

Saving rights of the Crown in the foreshore.

27. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore

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or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give in writing under the hand of a secretary or assistant secretary of the said Board), neither shall anything in this Act contained extend to take away, prejudice, or diminish or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs and successors.

Right of ingress and egress reserved to officers of Board of Trade and Customs.

28. It shall be lawful for all officers of the Board of Trade or of Customs, being in the execution of their duty, to have free ingress, passage, and way, and egress into and out of the works by this Act authorised.

Saving powers of Queen's harbour-master.

29. Notwithstanding the passing of this Act, the powers of any harbour-master, dock-master, or pier-master to be appointed by the Company shall, so far as the same affect the navigation of the Old Harbour or the harbour, be exercised by him subject to the order, jurisdiction, and control of the Queen's harbour-master or other officer or officers appointed by the Board of Trade or the Admiralty, under the provisions of the Act seventeen and eighteen Victoria, chapter forty-four, and the powers and authorities of the said Queen's harbour-master and such other officer or officers so appointed by the Board of Trade or the Admiralty shall not be in anywise prejudiced, affected, or diminished by this Act or anything herein contained.

Power to Company to raise additional money by creation of shares.

30. The Company from time to time may raise for the purposes of this Act by the creation and issue of shares such sums of money 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.

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

31. 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.

Except as otherwise provided, new shares to

32. The share capital created by the Company under this Act, and the shares therein, and the holders of those shares respectively (except any share capital and shares therein to which a preferential

dividend is attached, and the holders of those shares respectively), shall be subject and entitled to the same powers, provisions, forfeitures, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing ordinary share capital of the Company, and those shares were shares in that ordinary capital.

be subject to same incidents as ordinary shares.

33. Every person who becomes entitled to a share created by the Company under this Act shall in respect of the same be a shareholder in the Company, and shall be entitled to a dividend, either preferential or ordinary, as the case may be, with the other holders of shares of the same class or description, proportioned to the whole amount from time to time called and paid on such new shares.

Dividends on new shares.

34. The holders of the shares created under this Act shall have rights of voting and qualifications in respect thereof on the principle that each sum of one hundred pounds paid up in respect of the shares held by any such holder shall be deemed equivalent to one original share of one hundred pounds in the capital of the Company as prescribed by their Act of incorporation.

Votes and qualifications in respect of new shares.

Provided, that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up.

Provided also, that (unless otherwise specified in any resolution of the Company) no person shall be entitled to vote in respect of any share created or issued under this Act to which a preferential dividend shall be assigned.

35. The Company may raise by the creation of stock the money which they are by this Act authorised to raise by the creation of shares or any part thereof.

Company may create and issue stock in lieu of shares.

The Company may create and issue such stock either wholly or partially as ordinary or wholly or partially as preferential stock, as they may think fit, and all the provisions of this Act with respect to the shares by this Act authorised to be created, and the holders thereof, shall, so far as applicable, apply to the stock created under the authority of this present enactment, and to the respective holders thereof, as fully and effectually as if those provisions were re-enacted in respect of that stock and the respective holders thereof.

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

New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

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they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock, but nothing in this Act contained shall empower the Company to issue stock to be paid up by instalments.

Receipt clause in case of persons not sui juris.

37. If any money is payable to a holder of shares or stock in the Company being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

38. The Company may from time to time borrow on mortgage for the purposes of this Act, in addition to the sums which they are already authorised to borrow, or which they may be authorised to borrow by any other Act or Acts of Parliament, any sum not exceeding in the whole fifty-three thousand pounds, but no part thereof shall be borrowed until the whole of the capital by this Act authorised to be raised by shares or stock is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares or stock for the whole of such capital have been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share or portion of stock in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such shares or stock were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, or assigns, and that such persons or corporations, or their executors, administrators, or assigns, are legally liable for the same.

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.

Arrears may be enforced by appointment of a receiver.

39. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking, with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or principal money and interest, shall be and the same is hereby repealed, but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mort-

gages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Company may create debenture stock.

40. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863.

Existing mortgages to have priority.

41. All mortgages or bonds granted or to be granted under the authority of any former Act relating to the Company shall during the continuance thereof have priority over any mortgages granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

42. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied to the purposes of this Act only.

Power to apply corporate funds to purposes of Act.

43. 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, stock, debenture stock, or mortgage 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.

Interest not to be paid on calls paid up.

44. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

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

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

Expenses of Act.

46. 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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