

[33 & 34 VICT.] *The Lancashire and Yorkshire* [Ch. lxxix.]
and London and North-western Railway Companies
(Steam Vessels) Act, 1870.



CHAP. lxxix.

An Act for authorising the Lancashire and Yorkshire Railway Company and the London and North-western Railway Company to run Steam Vessels between Fleetwood and Belfast ; and for other purposes. [20th June 1870.] A.D. 1870.

WHEREAS the undertaking of the Preston and Wyre Railway Harbour and Dock Company (herein-after called "the Preston and Wyre Company") is now vested, under the authority of Parliament, in the Lancashire and Yorkshire Railway Company and the London and North-western Railway Company (herein-after jointly referred to as "the two Companies") in the following proportions, (that is to say,) the Lancashire and Yorkshire Railway Company are entitled to two third parts thereof, and the London and North-western Railway Company are entitled to one third part thereof :

And whereas at the time of such vesting certain shares in steam vessels plying between the ports of Fleetwood in Lancashire and Belfast in Ireland were held by or on behalf of the Preston and Wyre Company, and such shares and the interest of the Preston and Wyre Company in the said vessels at the time of such vesting were transferred to the two Companies :

And whereas the trade between the two before-mentioned ports has from time to time largely increased, and the two Companies have from time to time contributed various sums of money towards the maintenance and repair of the said steam vessels and the construction of new steam vessels for the purpose of properly accommodating and developing such trade :

And whereas, with a view to maintain and improve the steamboat service between the said ports of Fleetwood and Belfast, it is expedient that the two Companies be authorised to purchase and acquire the shares and interests of the other shareholders therein, and to exercise the further powers by this Act conferred upon them with reference to the purchasing, hiring, building, and providing of steam and other vessels ;

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And whereas it is expedient that the two Companies on the one hand, and the North Lancashire Steam Navigation Company on the other hand, should be empowered to enter into and carry into effect agreements with reference to the providing, working, and using of steam vessels, as herein-after provided :

And whereas the affairs of the undertaking of the Preston and Wyre Company are under the management and superintendence of a committee of management appointed by the two Companies, and the management and superintendence of the steam vessels in which the two Companies are or may become jointly interested might be with advantage exercised by the same committee of the two Companies :

And whereas it is also expedient that the expenditure already incurred by the two Companies in reference to such steam vessels be confirmed, and that the Lancashire and Yorkshire Railway Company be empowered to raise further moneys for the purposes thereof and of this Act :

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 ; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Lancashire and Yorkshire and London and North-western Railway Companies (Steam Vessels) Act, 1870."

26 & 27 Vict.
c. 92. incor-
porated.

2. Part IV. (relating to steam vessels) of the Railways Clauses Act, 1863, is (except where expressly varied by this Act) incorporated with and forms part of this Act, and in construing the same for the purposes of this Act the Company means the two Companies as defined by this Act.

Interpreta-
tion of terms.

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

The expression "the Lancashire and Yorkshire Company" means the Lancashire and Yorkshire Railway Company ;

The expression "the North-western Company" means the London and North-western Railway Company ;

The expression "the two Companies" means the Lancashire and Yorkshire Company and the North-western Company as joint owners of the undertaking of the Preston and Wyre Company ;

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The expression "the Preston and Wyre Company" means the Preston and Wyre Railway Harbour and Dock Company; A.D. 1870.

The expression "the Fleetwood and Belfast Steamers" means and includes all the steam and other vessels from time to time plying between Fleetwood and Belfast, belonging to or used or worked by the two Companies under the authority of this Act; and

The expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or the Act 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.

4. The two Companies may, for the purpose of establishing, in connexion with the undertaking of the Preston and Wyre Company, an improved and efficient communication between Fleetwood and Belfast, purchase, hire, build, and provide, and subscribe towards the purchasing, hiring, building, or providing steam and other vessels of every or any description, and may maintain, hold, work, and use, and subscribe towards the maintaining, working, and using the same, and may therein and thereby convey and carry between Fleetwood and Belfast passengers, animals, minerals, merchandise, and goods of every description, and may do all acts that may be necessary to enable them to carry fully into effect the purposes aforesaid. Power to provide and work and subscribe towards steam vessels.

5. The two Companies may, by agreement, purchase and acquire the shares and interests of any other shareholders in any steam vessel in which they have acquired and immediately before the passing of this Act hold any share or shares, and they may lawfully hold and continue to hold the shares so acquired by them, whether before or after the passing of this Act. Two Companies may acquire and hold shares in steam vessels.

6. The two Companies may take, demand, and recover, for the conveyance of passengers, animals, minerals, merchandise, and goods, in the steam or other vessels so provided, worked, or used by them, such tolls and charges as they may think fit: Provided always, that as regards passengers the said tolls and charges shall not exceed the following; (that is to say,)

In respect of passengers provided with the first class or rate of accommodation on board any of the said steam or other vessels, the sum of seventeen shillings and sixpence each passenger:

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In respect of passengers provided with the second class or rate of accommodation on board the said steam or other vessels, the sum of twelve shillings and sixpence each passenger :

In respect of passengers provided with the third class or rate of accommodation on board the said steam or other vessels, the sum of seven shillings and sixpence each passenger :

Provided always, that it shall be lawful for every first-class passenger conveyed in such vessels, and having passed or intended to pass over the railway of either of the two Companies, to take with him without extra charge his ordinary luggage not exceeding one hundred and twelve pounds in weight, and every second-class passenger not exceeding one hundred pounds in weight, and every third-class passenger not exceeding sixty pounds in weight.

Authorising agreements with North Lancashire Steam Navigation Company.

7. The two Companies on the one hand, and the North Lancashire Steam Navigation Company on the other hand, may enter into and carry into effect agreements with reference to the providing, working, and using of steam and other vessels for the purposes of this Act.

Joint powers of Act may be delegated to committee of management.

8. The two Companies may delegate to the committee of management acting under the provisions of the Lancashire and Yorkshire and London and North-western Railway Companies (Preston and Wyre Harbour and Dock) Act, 1849, such of the powers by this Act conferred upon them jointly as they think fit; and such committee of management shall have and may exercise the powers so from time to time delegated to them in like manner as the same powers might be had and exercised by the two Companies.

Two Companies may make agreements with respect to the Fleetwood and Belfast steamers.

9. The two Companies are hereby empowered from time to time to enter into any contract or agreement with each other in relation to the Fleetwood and Belfast steamers or their respective interests therein, and for the working, use, and management thereof, and of the traffic passing in or upon the same, and as to any other matter or thing connected therewith, but so that no such agreement shall be inconsistent with the provisions of this Act, or prejudice or affect any persons or company not parties to any such contract or agreement.

Confirming past application of moneys towards steam vessels.

10. All moneys expended by the two Companies before the passing of this Act in or towards the purchasing, providing, using, or working of steam or other vessels between Fleetwood and Belfast shall be deemed to have been lawfully expended, and the application

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of such moneys to the purposes aforesaid is hereby sanctioned and confirmed. A.D. 1870.

11. The Lancashire and Yorkshire 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 fifty 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 Lancashire and Yorkshire Company may create and issue such shares either wholly or partially as ordinary or wholly or partially as preferential shares as they may think fit, and the clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

Power to Lancashire and Yorkshire Company to raise additional money by creation of shares or stock.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

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

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

The consolidation of shares into stock;

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

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

12. The Lancashire and Yorkshire 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.

Shares not to issue until one fifth paid up.

13. If by any other Act passed in the present session of Parliament, whether before or after the passing of this Act, the Lancashire and Yorkshire Company be authorised to raise any capital by new shares, then, subject to the provisions of the other Act and this Act respectively, the Lancashire and Yorkshire 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.

New shares raised by Lancashire and Yorkshire Company under this Act and any other Act of this session may be of same class.

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Qualifica-
tions of new
shares.

14. Except as by or under the powers of this Act otherwise provided, the new shares issued by the Lancashire and Yorkshire Company under the powers of this Act shall, in proportion to the aggregate amount thereof from time to time held by the same person at the same time, entitle the respective holders thereof to the same dividends and profits, and confer on them the like qualifications and the like right of voting, as the like amount of existing ordinary or preferential shares or stock of the Lancashire and Yorkshire Company.

Power to
apply cor-
porate funds
to purposes
of Act.

15. The Lancashire and Yorkshire 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 Lancashire and Yorkshire Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to
North-wes-
tern Com-
pany to
apply corpo-
rate funds to
purposes of
Act.

16. The North-western 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 North-western Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Application
of moneys.

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

Interest not
to be paid on
calls paid up.

18. The Lancashire and Yorkshire 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: Provided always, that this Act shall not prevent that 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.

19. The Lancashire and Yorkshire 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 that Company to construct any other railway or to execute any other work or undertaking.

Railways not
exempt from
provisions of

20. Nothing herein contained shall be deemed or construed to exempt the Preston and Wyre Railway, or the respective railways of

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the two Companies, from the provisions of any general Act relating to railways, or the better and more important 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by the Acts relating to those railways respectively. A.D. 1870.
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present and
future gene-
ral Acts.

21. 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 two Companies in the proportions in which they hold the undertaking of the Preston and Wyre Company. Expenses
of Act.

