

[49 & 50 VICT.] *Burnley, Clitheroe, and Sabden Railway* [Ch. ciii.]
Act, 1886.



CHAPTER ciii.

An Act to authorise the construction of railways in Lan- A.D. 1886.
cashire to be called the Burnley Clitheroe and Sabden
Railway and for other purposes. [25th June 1886.]

WHEREAS the construction of the railways herein-after described
would be of local and public advantage :

And whereas the persons herein-after named with others are
willing to carry the undertaking into execution and it is expedient
that they be incorporated into a company and the requisite powers
conferred upon them :

And whereas it is expedient that the Company so incorporated
and the Lancaster and Yorkshire Railway Company be empowered
to enter into and carry into effect working and traffic agreements
as herein-after provided and that the agreement set forth in the
schedule to this Act be confirmed :

And whereas it is expedient that the Company should be empowered
to pay interest out of capital as herein-after provided :

And whereas plans and sections showing the lines and levels of
the railways authorised by this Act and also books of reference con-
taining 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 the purposes or under the powers of this Act were duly
deposited with the clerk of the peace for the county of Lancaster
and are herein-after referred to as the deposited plans sections and
books of reference :

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 :

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Short title.

1. This Act may be cited as the Burnley Clitheroe and Sabden Railway Act 1886.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (herein-after called "the Lands Clauses Acts") the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

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 Company" means the Company incorporated by this Act; the expression "the undertaking" means the undertaking of the Company by this Act authorised; the expressions "the railways" and "the railway" mean respectively the railways by this Act authorised; and for the purposes of this Act 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.

Company incorporated.

4. Sir Sydney Hedley Waterlow Baronet Sir William Hart Dyke Baronet Charles Grey Mott James Richardson and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Burnley Clitheroe and Sabden Railway Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make railways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the railways next herein-

after described with all proper stations sidings approaches works and conveniences connected therewith 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 that purpose. The railways herein-before referred to and authorised by this Act are:—

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(1.) A railway (on the deposited plans and in this Act called Railway No. 2) three miles five furlongs and two chains in length commencing in the parish or township of Read and parish of Whalley by a junction with the North Lancashire loop line of the Lancashire and Yorkshire Railway Company at or near the level crossing by that line of the road on the eastern boundary of Bridge-Hey Wood and terminating in the extra-parochial place of Standen and Standen Hey in the township of Pendleton by a junction with the Blackburn and Hellifield Railway of the Lancashire and Yorkshire Railway Company at a point seventy yards or thereabouts measuring along that railway in a southerly direction from the distance post thereon indicating $32\frac{1}{2}$ miles from Manchester:

(2.) A railway (on the deposited plans and in this Act called Railway No. 3) two furlongs in length wholly in the parish or township of Read and parish of Whalley commencing by a junction with the said North Lancashire loop line at a point one hundred and ten yards or thereabouts measured in a north-easterly direction along that line from the northern bank of the River Calder and terminating by a junction with Railway No. 2 before described at the southern corner of the cross roads immediately opposite the lodge at the entrance to Read Park:

(3.) A railway (on the deposited plans and in this Act called Railway No. 4) two miles and five furlongs in length commencing by a junction with Railway No. 3 at the termination thereof before described and terminating in the parish or township of Read and parish of Whalley at a point fifteen yards or thereabouts measured in a northerly direction from the northernmost corner of the block of cottages at or near the town of Sabden the site of which cottages is marked on the six-inch Ordnance map "Edmondson Barn."

6. The capital of the Company shall be one hundred and sixty-eight thousand pounds in sixteen thousand eight hundred shares of ten pounds each. Capital.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being Shares not to be issued until one-fifth paid.

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Calls. 8. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris. 9. If any money is payable to a shareholder 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 divide shares. 10. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares. 11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) first in payment of dividend after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of profits of the year only. 12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

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13. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

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Half shares to be registered and certificates issued.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated on certificates.

15. The provisions of the Companies Clauses Consolidation Act 1845 and Part I. of the Companies Clauses Act 1863 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of preferred shares.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled or surrendered.

17. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

18. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole fifty thousand pounds and of that sum they may borrow not exceeding twenty-five thousand pounds in respect of each eighty-four thousand pounds of their share capital but no part of either of such sums of twenty-five thousand pounds shall be borrowed until shares for the portion of capital of eighty-four thousand pounds in respect of which it is to be borrowed are issued and accepted and one half of such

Power to borrow.

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portion of capital 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 the whole of such portion of capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or 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 shall be sufficient evidence thereof.

For appointment of a receiver.

19. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. 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 three thousand pounds in the whole.

Debenture stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

22. The first ordinary meeting of the Company shall be held within eight months after the passing of this Act.

Number of directors.

23. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

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24. The qualification of a director shall be the possession in his own right of not less than fifty shares. A.D. 1886.
Qualification of directors.

25. The quorum of a meeting of directors shall be three and when the number of directors is reduced to three the quorum shall be two. Quorum.

26. Sir Sydney Hedley Waterlow Baronet Sir William Hart Dyke Baronet Charles Grey Mott James Richardson and one other person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.
Election of directors.

27. 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 two acres. Lands for extraordinary purposes.

28. 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 compulsory purchase of lands.

29. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements &c.

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Owners may be required to sell parts only of certain lands and buildings.

30. Whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Inclination of road.

31. In altering for the purposes of this Act the road next hereinafter mentioned the Company make make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith (that is to say):—

No. on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
3	Township of Wiswell parish of Whalley	Public - - -	1 in 17.5 on one side of the bridge

Height and span of bridge.

32. The Company may make the arch of the bridge for carrying the railway over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned in connexion therewith (that is to say):—

No. on Deposited Plan.	Parish.	Description of Road.	Height.	Span.
3	Township of Wiswell parish of Whalley	Public - - -	15 feet.	20 feet.

33. Where the road leading from Whalley to Padiham curves towards the Railway (No. 2) at or near Sabden Brook and where the said railway passes near the Accrington and Whalley Road the Company shall before opening the railway for public traffic construct such works in the nature of a screen as the road authority of the township of Whalley shall consider necessary or proper for the purpose of obviating or lessening danger in consequence of horses being frightened by the sight of engines or carriages travelling upon the railway.

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Screens for
certain roads.

34. For the protection of Henry Wilson Worsley Taylor of Moreton Hall or other the owner or owners for the time being of the Moreton Estates (herein-after called the owner) in the parish of Whalley the following provisions shall have effect:—

For protec-
tion of water
supply to
Moreton Hall
&c.

- (1.) In the event of the Company during or after the construction of the railways requiring to interfere with or affect any of the supplies of water now passing from Plains Wood or the lands adjoining thereto to any part of the Moreton Estates they shall at all times make good and continue all such supplies or provide supplies in lieu thereof in as full and pure a state and in as convenient a manner as the same now pass and so that no interruption shall take place in the said supplies and for that purpose shall at their own expense execute such works and provide such appliances whether on the said estates or otherwise as shall be necessary and shall thereafter keep in proper order and repair so much of any such works and appliances as shall be situate outside the owner's estates :
- (2.) All such necessary works and appliances as aforesaid shall be carried out and provided to the reasonable satisfaction of the owner :
- (3.) Any difference between the owner and the Company respecting the aforesaid matters or arising thereout shall be settled by some competent person to be nominated on the application of either party by the President, for the time being of the Institution of Civil Engineers :
- (4.) The Company shall pay all costs (as between solicitor and client) and expenses reasonably incurred by the owner of and in relation to this section and the matters therein provided for :
- (5.) The owner and his agents shall have liberty at all reasonable times to enter upon and inspect any lands or works of the Company for the purpose of ascertaining whether the provisions herein-before contained have been or are being complied with.

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Provisions
respecting
houses occu-
pied by la-
bouring class.

35. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Deposit fund
not to be
repaid except
so far as rail-
way opened.

36. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty chapter twenty a sum of twelve thousand nine hundred and ninety-nine pounds ten shillings Consolidated Three per Centum Annuities being five per centum upon the amount of the estimate in respect of the railways proposed to be authorised by the Bill for this Act as introduced into Parliament has been transferred to the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act and whereas during the progress of the said Bill through Parliament the power to make the railway therein and on the deposited plans called Railway No. 1 was struck out of the Bill and five per centum on the amount of the estimate in respect of that railway was five thousand seven hundred and ten pounds thirteen shillings and the balance of seven thousand two hundred and eighty-eight pounds seventeen shillings of the said annuities represents five per centum on the amount of the estimate in respect of the railways authorised by this Act (which last-mentioned sum is in this Act referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said recited Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railways open the

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railways for the public conveyance of passengers. Provided that A.D. 1886.
if within such period as aforesaid the Company open any portion of
the railways for the public conveyance of passengers then on pro-
duction of a certificate of the Board of Trade specifying the length
of the portion of the railways opened as aforesaid and the portion
of the deposit fund which bears to the whole of the deposit fund
the same proportion as the length of the railways so opened bears
to the entire length of the railways the Chancery Division of the
High Court of Justice in England shall on the application of the
depositors order the portion of the deposit fund so specified in the
certificate as aforesaid to be paid or transferred to them or as they
shall direct and the certificate of the Board of Trade shall if signed
by a secretary or by an assistant secretary of the said Board be
sufficient evidence of the facts therein certified and it shall not be
necessary to produce any certificate of this Act having passed any-
thing in the recited Act to the contrary notwithstanding.

37. If the Company do not previously to the expiration of the Application
of deposit.
period limited by this Act for the completion of the railways complete
and open the same for the public conveyance of passengers then
in every such case the deposit fund or so much thereof as shall not
have been paid or transferred to the depositors 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 railways 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 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 in such proportions as to the said
Chancery Division of the High Court of Justice in England may
seem fit and if no such compensation shall be payable or if a portion
of the deposit fund shall have been found sufficient to satisfy all just
claims in respect of such compensation then the deposit fund or such
portion thereof as may not be required as aforesaid shall either be
forfeited to Her Majesty and shall accordingly be paid or transferred
to or for the account of Her Majesty's Exchequer in such manner
as the Chancery Division thinks fit to order on the application of
the Solicitor to Her Majesty's Treasury and shall be carried to and
form part of the Consolidated Fund of the United Kingdom or in the
discretion of the Chancery Division if the Company is insolvent and
has been ordered to be wound up or a receiver has been appointed

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shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund shall have been repaid to the depositors or shall have become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Re-transfer
of portion
of sum
originally
deposited.

38. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth and tenth years of Her present Majesty chapter twenty or of the survivor of them or of the executors or administrators of the survivor at any time after the passing of this Act the Chancery Division of the High Court of Justice may and shall order that five thousand seven hundred and ten pounds thirteen shillings Consolidated Three per Centum Annuities (being the proportion of the said sum of twelve thousand nine hundred and ninety-nine pounds ten shillings of like annuities applicable to Railway No. 1 struck out of the Bill for this Act as aforesaid) and the interest and dividends thereof shall be transferred and paid to the persons or person so applying or to any other persons or person whom they or he may appoint in that behalf.

Period for
completion
of works.

39. If the railway is not completed within four 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 railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls for
passengers
and animals.

40. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say):—

In respect of passengers and animals conveyed on the railway:

For any person threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile:

Class 1. For any horse mule or other beast of draught or burden fourpence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny:

Class 2. For any ox cow bull or head of neat cattle threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny:

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Class 3. For any calf or pig one penny per mile and for any sheep lamb or other small animal three farthings each per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one half-penny :

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In respect of goods and minerals conveyed upon the railway :

Class 4. For all coals culm cinders cannel ironstone iron ore limestone chalk sand slag and clay (except fireclay) dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton per mile one penny halfpenny and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny :

Tolls for goods.

Class 5. For all coke charcoal pig iron bar iron rod iron hoop iron plates of iron wrought iron heavy iron castings railway chairs slabs billets and rolled iron lime bricks tiles slates salt fireclay and stone copper ore lead ore tin ore antimony and manganese and all other ores minerals and semi-metals per ton per mile twopence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny :

Class 6. For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile threepence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny :

Class 7. For cotton and other wools drugs and chemicals manufactured goods and all other wares merchandise fish articles matters or things per ton per mile fourpence halfpenny and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny :

For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton conveyed on a truck or platform belonging to the Company sixpence per mile and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

41. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.

Tolls for propelling power.

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Regulations
as to tolls.

Short
distances.

Fractional
parts of a
mile.

Fractional
parts of a
ton.

General
weight.

Weight of
stone and
timber.

Tolls for
small parcels
and articles
of great
weight or
length.

42. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :—

For all passengers animals goods or minerals conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles :

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals goods and minerals for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile :

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight :

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

43. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight or length notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :—

For the carriage of small parcels on the railway :

For any parcel not exceeding seven pounds in weight three-pence :

For any parcel not exceeding fourteen pounds in weight five-pence :

For any parcel not exceeding twenty-eight pounds in weight sevenpence :

For any parcel not exceeding fifty-six pounds in weight nine-pence :

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they may think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar

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coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages:

For the carriage of single articles of great weight on the railway :

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons the Company may demand such sum as they think fit not exceeding one shilling per ton per mile :

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which with the carriage shall exceed eight tons the Company may demand such sum as they think fit :

For the carriage of any single consignment of timber stone machinery or other single article which on account of the length thereof may require more than one carriage the Company may demand such sum as they think fit.

44. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including the toll for the use of the railway and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say) :—

Maximum rates for passengers.

For every passenger conveyed in a first-class carriage the sum of threepence per mile :

For every passenger conveyed in a second-class carriage the sum of twopence per mile :

For every passenger conveyed in a third-class carriage the sum of one penny per mile.

45. The maximum rate of charge to be made by the Company for the conveyance of animals goods and minerals (except such small parcels and single articles of great weight as aforesaid) on the railway including the tolls for the use of the railway and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say) :—

Maximum rates for animals and goods.

For every animal in Class 1 fourpence per mile :

For every animal in Class 2 threepence per mile :

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For every animal in Class 3 three farthings per mile except calves and pigs and for them one penny per mile :

For everything in Class 4 one penny halfpenny per ton per mile :

For everything in Class 5 twopence per ton per mile :

For everything in Class 6 threepence per ton per mile :

For everything in Class 7 fourpence per ton per mile :

And for every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform per mile sixpence and if weighing more than one ton one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh :

Provided that when a separate waggon or truck shall be retained by one person for the conveyance only of cattle or sheep belonging to him or under his charge the aggregate of the tolls to be paid for such waggon or truck capable of containing six cattle or twenty-five sheep and not containing more than that number shall not exceed ninepence per mile.

Passengers
luggage.

46. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Terminal
station.

47. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing
charges not
to apply to
special trains.

48. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company
may take
increased
charges by
agreement.

49. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals goods or minerals of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals goods or minerals (other than small parcels) by passenger trains.

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50. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

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Classification table of goods to be open to inspection and copies kept for sale.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Terminal charges (if any) to be specified on application.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty may be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

Penalty.

51. The agreement set forth in the Second Schedule to this Act made between certain provisional directors of the Company of the one part and the Lancashire and Yorkshire Railway Company of the other part is by this Act confirmed and made binding and obligatory on the Company and the Lancashire and Yorkshire Railway Company respectively and may and shall be carried into effect according to the true intent and meaning thereof: Provided always that the said agreement shall be subject to revision in accordance with the provisions of section 27 of the Railways Clauses Act 1863 as amended by the Regulation of Railways Act 1873 in like manner as if such agreement were made under and subject to such provisions as so amended.

Confirmation of agreement in Second Schedule.

52. The Company on the one hand and the Lancashire and Yorkshire Railway Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into contracts and agreements with respect to the following matters or any of them (that is to say) :—

Agreements with Lancashire and Yorkshire Railway Company.

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The working use management and maintenance of the railway of the Company or of any part or parts thereof :

The supply under any agreement for the railway being worked and used by the Lancashire and Yorkshire Railway Company of engines rolling stock and plant necessary for the purposes of such agreement and the employment of officers and servants for the conduct of the traffic on the railway :

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies :

The fixing collection payment appropriation apportionment and distribution of the tolls rates income and profits arising from such traffic.

Tolls on traffic conveyed partly on railway and partly on the Lancashire and Yorkshire Railway.

53. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway by the Lancashire and Yorkshire Railway Company the railways of the Company and of the Lancashire and Yorkshire Railway Company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the Lancashire and Yorkshire Railway for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railway and partly on the Lancashire and Yorkshire Railway.

Power to pay interest on capital during construction.

54. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding four pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

(A.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually

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issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :

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(B.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :

(C.) The aggregate amount to be so paid for interest shall not exceed fifteen thousand pounds :

(D.) Notice that the Company have power to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :

(E.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of 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.

55. 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.

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

56. Nothing in this Act contained shall exempt the Company or the Lancashire and Yorkshire Company or the railway of either company from the provisions of any general Act relating to railways or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by either of the said companies.

Provision as to general railway Acts.

57. 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.

Costs of Act.

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THE FIRST SCHEDULE REFERRED TO IN THE
FOREGOING ACT.

HOUSES OR OTHER BUILDINGS OR MANUFACTORIES OF WHICH PORTIONS
ONLY REQUIRED BY THE COMPANY.

Parish or Place.	Number on deposited Plans.
RAILWAY No. 2.	
Township of Read in the parish of Whalley - - - -	8, 9, 11, 12, 13, 16, 17, 18, 19.
RAILWAY No. 4.	
Township of Read in the parish of Whalley - - - -	13, 16, 17, 18, 20, 47.

THE SECOND SCHEDULE REFERRED TO IN THE
FOREGOING ACT.

AN AGREEMENT made this tenth day of June 1886 between SIR WILLIAM HART DYKE of Lullingstone Castle Dartford in the county of Kent Baronet M.P. and CHARLES GREY MOTT of Harrow Weald Lodge Stanmore in the county of Middlesex Esquire two of the provisional directors of an intended company to be called the Burnley Clitheroe and Sabden Railway Company (herein-after called "the promoters") of the one part and THE LANCASHIRE AND YORKSHIRE RAILWAY COMPANY (herein-after called "the Lancashire Company") of the other part.

Whereas the promoters are prosecuting a Bill originally introduced into Parliament under the short title of the Accrington Clitheroe and Sabden

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Railway for the construction and maintenance of the railways herein-after mentioned with all proper works and conveniences connected therewith which railways are described in the Bill so introduced as follows:—

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(1.) A Railway (No. 1) three miles and two furlongs in length commencing in the parish or township of Old Accrington and parish of Whalley by a junction with the East Lancashire Railway of the Lancashire and Yorkshire Railway Company at or near the eastern side of the bridge which carries that railway over the main public road leading from Accrington to Clayton-le-Moors and terminating in the parish or township of Great Harwood and parish of Blackburn by a junction with the North Lancashire loop line of the Lancashire and Yorkshire Railway Company at or near the point where that line crosses the south side of the road known as Mill Lane:

(2.) A Railway (No. 2) three miles five furlongs and two chains in length commencing in the parish or township of Read and parish of Whalley by a junction with the North Lancashire loop line of the Lancashire and Yorkshire Railway Company at or near the level crossing by that line of the road on the eastern boundary of Bridge-Hey Wood and terminating in the extra-parochial place of Standen and Standen Hey in the township of Pendleton by a junction with the Blackburn and Hellifield Railway of the Lancashire and Yorkshire Railway Company at a point seventy yards or thereabouts measuring along that railway in a southerly direction from the distance post thereon indicating $32\frac{1}{2}$ miles from Manchester:

(3.) A Railway (No. 3) two furlongs in length wholly in the parish or township of Read and parish of Whalley commencing by a junction with the said North Lancashire loop line at a point one hundred and ten yards or thereabouts measured in a north-easterly direction along that line from the northern bank of the River Calder and terminating by a junction with Railway No. 2 before described at the southern corner of the cross roads immediately opposite the lodge at the entrance to Read Park:

(4.) A Railway (No. 4) two miles and five furlongs in length commencing by a junction with Railway No. 3 at the termination thereof before described and terminating in the parish or township of Read and parish of Whalley at a point fifteen yards or thereabouts measured in a northerly direction from the northernmost corner of the block of cottages at or near the town of Sabden the site of which cottages is marked on the six-inch Ordnance map "Edmondson Barn."

And whereas by the said Bill it was also provided that the Company to be thereby incorporated and any company or persons for the time being working or using the railways of the Company or any part or parts thereof by agreement or otherwise might run over and use with their engines carriages and waggons and officers and servants for the purposes of traffic of every description the portions of railway and stations following belonging to the Lancashire and Yorkshire Railway Company (that is to say):—

(A.) So much of the East Lancashire Railway as is situated between the commencement of Railway No. 1 by this Act authorised and the station at Accrington including that station:

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(B.) So much of the North Lancashire loop line as is situated between the termination of the said Railway No. 1 and the Bank Top and Manchester Road stations at Burnley including those stations :

(c.) So much of the Blackburn and Hellifield Railway as is situated between the termination of Railway No. 2 by this Act authorised and Clitheroe : together with all terminal and other stations roads platforms points signals water supplies water-engines engine sheds standing room for engines and carriages booking and other offices warehouses sheds sidings junctions machinery works and conveniences of or connected with the said portions of railway and stations.

And whereas the Lancashire Company presented a petition to Parliament against the said Bill as introduced into Parliament and objected thereto and particularly to the construction of the said intended Railway No. 1 and to the running powers sought to be obtained over various portions of their railways.

And whereas the promoters in order to obviate the opposition of the Lancashire Company to the said Bill and to remove their objections thereto have withdrawn therefrom the powers to construct the said Railway No. 1 and also all the running powers contained in the said Bill and in consideration thereof the Lancashire Company have withdrawn their petition against the said Bill and have agreed to work the intended railways numbered respectively 2 3 and 4 and to convey certain traffic over the same and to approve the said Bill on the terms and in the manner herein-after set forth.

And whereas in consequence of such alterations the short title of the Bill has been altered to the Burnley Clitheroe and Sabden Railway and the Company to be thereby incorporated is to be called the Burnley Clitheroe and Sabden Railway Company (herein-after called "the Clitheroe Company").

Now therefore these presents witness that for the considerations aforesaid it is hereby mutually agreed and declared by and between the Clitheroe Company and the Lancashire Company for themselves and their respective successors and assigns as follows :—

1. The expression "the railway" whenever herein employed means and includes the railways of the Clitheroe Company as authorised by the said intended Act and the stations sidings approaches yards buildings junctions lands works and conveniences connected therewith.

2. The Clitheroe Company will make and complete the railways (except the said Railway No. 4 which is to be a single line only as herein-after mentioned) with a double line of rails on the usual gauge with efficient permanent way and with all proper and sufficient junctions sidings stations station-houses station fittings ticket cases furniture weighing machines engines and other sheds cranes water water-tanks water-cranes cattle pens turntables signals electric telegraphs telegraph instruments dwelling-houses at level crossings and all other works appliances and conveniences so that the railway shall be approved by the Board of Trade as being in all respects fit to be opened and used for public traffic and also to the reasonable satisfaction of the engineer for the time being of the Lancashire Company: Provided always that in the event of any difference arising between the Lancashire Company and the Clitheroe Company as to the reasonableness of or necessity for any requirement by the Lancashire

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Company's engineer under this article such difference shall be referred to the determination of some civil engineer to be agreed upon between the Lancashire Company and the Clitheroe Company and upon their failing to agree to the determination of a civil engineer to be appointed by the Board of Trade on the application either of the Lancashire Company or of the Clitheroe Company and the award of such engineer shall be binding and conclusive on the said companies. A.D. 1886.

3. The Clitheroe Company shall not apply to Parliament in any future session for powers to construct the said Railway No. 1 or any similar railway without the previous consent in writing of the Lancashire Company. As regards the said Railway No. 3 the Clitheroe Company may construct the same but shall not proceed to lay the permanent way thereof until requested so to do by twelve calendar months previous notice in writing from the Lancashire Company and in case any extension of time shall be necessary for completing and opening the said railway the Lancashire Company shall themselves apply to Parliament therefor at their own expense. As regards the said Railway No. 4 the permanent way shall only consist of a single line of rails between the point of divergence from Railway No. 2 and the termination at Sabden. The Clitheroe Company shall construct Railway No. 2 with a flying junction with the express line of the Lancashire Company between Blackburn and Clitheroe if required so to do by twelve calendar months previous notice in writing from the Lancashire Company and subject to any additional powers required by the Clitheroe Company for the construction of such junction being obtained by and at the expense of the Lancashire Company. The plans for such junctions and of all other works shall be prepared and deposited by and at the expense of the Clitheroe Company and shall previously to such deposit be submitted to and approved by the engineer of the Lancashire Company and any difference shall be decided as provided in article 2 of these presents.

4. Before the opening of the railway for public traffic the Clitheroe Company will to the reasonable satisfaction of the Lancashire Company's engineer make all such arrangements as shall be proper and sufficient for enabling the Lancashire Company on and after the opening of the railway for public traffic to work and use the same in accordance with this agreement. Any difference arising under this article shall be determined by arbitration in the manner herein-after provided.

5. If and whenever after the opening of the railway for public traffic any additional sidings or other works or conveniences are found expedient or necessary for the due development or the safe convenient or economical reception accommodation conveyance or delivery of traffic carried or to be carried over the railway or for compliance with the requirements of any Act of Parliament or of the Board of Trade or with the reasonable requirements of road surveyors in reference to deviations or alterations and maintenance of roads or for the performance of any obligations binding on the Clitheroe Company the same shall at the request of the Lancashire Company and to their reasonable satisfaction be provided and completed by and at the expense of the Clitheroe Company and when completed shall for the purpose of this agreement be deemed to be part of the railway and in the event of difference between the Clitheroe Company

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A.D. 1886. — and the Lancashire Company as to any of the provisions of this article the same shall be determined by arbitration as herein-after provided.

6. On and for ever after the opening of the railway for public traffic the Lancashire Company will manage work and use the same and the traffic thereon in accordance with this agreement.

7. The Clitheroe Company will for the first twelve months after the opening of the railway for public traffic and the Lancashire Company will for ever thereafter maintain the same in substantial repair and in good working order and condition.

8. On and after the opening of the railway for public traffic the Lancashire Company may and shall take and retain possession of the same as if it were their own line of railway and may and shall work and use and cause the same to be used in like manner for all traffic to be from time to time conveyed thereon and so as fairly to develop the railway and the traffic thereon and to accommodate and develop the traffic of the district and the Lancashire Company shall convey over the said railway all local traffic originating at any stations sidings collieries limeworks quarries or places lying between Hellifield on the one hand and Burnley Bank Top Station (including Bank Hall Colliery) and Holme Station on the Burnley and Todmorden line on the other hand unless otherwise consigned and the Lancashire Company shall afford to the traffic passing or intending to pass over the railway or any part thereof every reasonable and usual facility including through booking through tickets and invoices and so far as may reasonably be required through carriages and waggons and reasonably frequent and conveniently timed and arranged trains: Provided that any differences as to the due fulfilment of the obligations of the Lancashire Company under this article shall be determined by arbitration in manner herein-after provided.

9. On and after the opening of the railway for public traffic the Lancashire Company will provide and employ all station masters booking clerks porters engine drivers guards watchmen and servants and all other requisite staff and will provide all such locomotive power engines carriages trucks rolling stock plant stores material and labour as shall be proper and sufficient for the working and user of the railway by the Lancashire Company and the reception accommodation conveyance and delivery by them of the traffic thereon and the Clitheroe Company shall not be bound or entitled to employ or provide any such person or thing.

10. On and after the opening of the railway for public traffic the Lancashire Company shall have exercise and enjoy for the purpose of the management maintenance repair working and use by them of the railway all the rights powers and privileges whatsoever in that behalf of the Clitheroe Company as fully and effectually as if the railway were part of the Lancashire and Yorkshire Railway.

11. On and after the opening of the railway for public traffic the Lancashire Company will bear and pay all salaries and wages rates taxes assessments and other outgoings properly chargeable on the occupiers of the railway including the apportioned tithe commutation rentcharge and shall indemnify the Clitheroe Company therefrom but the Clitheroe Company shall out of the moneys payable

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to them under clause 14 pay the property or income tax and all interest on unpaid purchase moneys chief rents rentcharges or annual payments by way of rent for lands taken by them for the purposes of the railway and any unredeemed land tax properly and usually payable by landlords. The Clitheroe Company shall also pay the remuneration of the directors and auditors of the Clitheroe Company and the salary of their secretary and staff and their expenses.

12. From time to time after the opening of the railway for public traffic the Clitheroe Company shall make and satisfy all expenditure and liability properly chargeable against capital except as is otherwise expressly provided by this agreement. Any question arising under this article as to the necessity or desirability of expenditure shall be determined by arbitration in manner hereinafter provided.

13. On and after the opening of the railway for public traffic the tolls fares rates and charges in respect of the same and the traffic thereon shall from time to time be fixed by the general manager for the time being of the Lancashire Company and he shall have power to fix and quote such rates and fares as he may think proper and necessary and shall in other respects have and may exercise the same powers and authorities in and over the railway and the traffic thereon as he shall for the time being have power to exercise in and over the Lancashire and Yorkshire Railway and in the event of the Clitheroe Company objecting to any of the tolls fares rates and charges so fixed the same shall be settled by arbitration in the manner hereinafter provided.

14. The gross amount of all tolls fares rates rents and charges from time to time payable to the Clitheroe Company and the Lancashire Company respectively in respect of the railway and the traffic thereon or in respect of any other sources of revenue connected therewith and receivable by the Lancashire Company shall be divided between and belong to the two companies in the following proportions (that is to say):--

First. The Lancashire Company shall retain fifty-two and one half per cent. of such gross receipts in satisfaction of all the expenses of and incident to the management maintenance working and use of the railway and of all their expenditure and liabilities under this agreement :

Second. The Clitheroe Company shall be entitled to and the Lancashire Company shall pay to them the remaining forty-seven and one half per cent. of such gross receipts in manner hereinafter provided.

15. The gross amount referred to in article 14 shall comprise the matters following:--

1. All the gross tolls fares rates and charges (including terminals) receivable in respect of all traffic originating and terminating on the railway :
2. A mileage proportion of all the gross tolls fares rates and charges receivable in respect of the under-mentioned traffic after deduction of the usual clearing house terminals:--

(A.) Traffic passing to or from or over the railway from or to the stations collieries limeworks quarries or places on the railways of

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the Lancashire Company lying between Hellifield on the one hand and Burnley Bank Top Station (including Bank Hall Colliery) and Holme Station on the Burnley and Todmorden line on the other hand and traffic to be sent over the railway of the Clitheroe Company as provided in clause 8 of these presents :

(B.) Traffic passing to or from the railway from or to any station (other than as between the points mentioned in the last preceding sub-paragraph) on the lines of the Lancashire Company and lines beyond :

(C.) Through traffic passing over the railway (not arising at or destined for a station on the railway) to or from any station on the lines of the Lancashire Company and lines beyond from or to any station on the lines of the Lancashire Company and lines beyond :

it being understood that the Lancashire Company and the Clitheroe Company respectively are to be allowed in respect of the (A) and (B) traffic the terminals on their own lines respectively :

Provided always that from all the terminals so to be comprised in the said gross amount there shall be deducted and the Lancashire Company shall be entitled to retain the actual cost incurred or the allowances made to traders by them in respect of the collection cartage and delivery of carted traffic: And further provided that the revenue to be derived from refreshment rooms book-stalls and advertising stations on the railway shall exclusively belong to and be received by the Clitheroe Company.

16. The payments to be made by the Lancashire Company to the Clitheroe Company to carry out the provisions of this agreement shall be made in respect of each half year within six weeks after the 30th day of June and the 31st day of December in each year: Provided that monthly accounts shall so far as practicable be prepared by the Lancashire Company and payments on account shall be made to the Clitheroe Company on the basis of such accounts.

17. The Lancashire Company and the Clitheroe Company respectively will keep all such accounts and vouchers as shall be proper and sufficient for the purposes of this agreement which accounts and vouchers shall be open at all reasonable times for the inspection verification and transcription by the directors and agents of the Lancashire Company and the Clitheroe Company respectively and the Lancashire Company and the Clitheroe Company will afford to each other all proper and sufficient facilities for such inspection verification and transcription accordingly.

18. The Lancashire Company and the Clitheroe Company respectively will within twenty-one days after the 30th day of June and the 31st day of December in every year transmit to the other an accurate abstract of such of the accounts as are from time to time necessary to be shown for any of the purposes of this agreement.

19. Every notice request account or other writing to be given by the Lancashire Company or the Clitheroe Company to the other for any of the purposes

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of this agreement shall be sufficient if it be signed by the secretary general manager or accountant of the Company giving the notice and be left for them as regards the Clitheroe Company at their principal office or at such other place of which they shall from time to time give notice in writing to the Lancashire Company and as regards the Lancashire Company at their principal office at Manchester or at such other place of which they shall from time to time give notice in writing to the Clitheroe Company. A.D. 1886.

20. No land belonging to the Clitheroe Company shall be disposed of by them in any way as superfluous land unless it has been previously declared in writing by the general manager and engineer for the time being of the Lancashire Company that such land is not required for the purposes of the railway. Until the said superfluous lands shall have been either sold or brought into use for the actual purposes of the railway all rents and profits derivable from the same lands shall belong solely to and be received by the Clitheroe Company. Any difference relating to the said superfluous lands shall be referred to arbitration in the manner herein-after mentioned.

21. This agreement is subject to the sanction of Parliament being obtained thereto and subject to such sanction and also to revision in manner provided by the 27th section of the Railways Clauses Act 1863 as amended by section 10 of the Regulation of Railways Act 1873 this agreement shall remain in force in perpetuity: Provided always that the Lancashire Company or the Clitheroe Company may at the expiration of each period of ten years from the opening of the railway for public traffic give notice to the other company requiring the terms and conditions hereof to be revised and such terms and conditions shall be revised accordingly and in the event of differences between the two companies the same shall be settled by arbitration in manner herein-after provided.

22. All matters herein-before referred to arbitration and all differences which may arise between the Clitheroe Company and the Lancashire Company touching the true intent or construction of this agreement or touching anything to be done suffered or omitted in pursuance of this agreement or touching any of the incidents or consequences of this agreement or touching the carrying into effect of any of the articles of this agreement or touching any breach or non-fulfilment or alleged breach or alleged non-fulfilment of this agreement or touching any liability damages losses costs or expenses by reason of any such breach or non-fulfilment or alleged breach or alleged non-fulfilment or touching any claim or demand relating to any such liability damages losses costs or expenses or otherwise relating to the premises shall be referred to and determined by a single arbitrator to be appointed in the event of difference by the Attorney-General of England for the time being but save as expressly varied by this article such arbitration shall be held and conducted in accordance with the provisions of the Railway Companies Arbitration Act 1859 and every question or matter so referred shall be deemed to be in difference between the two companies and this article shall accordingly be and have effect as an agreement between the two companies for arbitration under that Act and the submission to arbitration may be made a rule of either Division of the High Court of Justice on the application of either company.

[Ch. ciii.] *Burnley, Clitheroe, and Sabden Railway* [49 & 50 VICT.]
Act, 1886.

A.D. 1886.

In witness whereof the said parties of the first part have hereunto set their hands and seals and the Lancashire Company have caused their common seal to be hereunto affixed the day and year first above written.

Signed and sealed by the said Sir WILLIAM HART
DYKE in the presence of
G. BARCLAY BRUCE, Jun.,
2, Westminster Chambers,
London, S.W. } W. HART DYKE.

Signed and sealed by the said CHARLES GREY MOTT
in the presence of
G. BARCLAY BRUCE, Jun. } C. G. MOTT.

Passed under the common seal of the LANCASHIRE
AND YORKSHIRE RAILWAY COMPANY in the
presence of
J. H. STAFFORD,
Secretary. }

