



ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. iv.

An Act for conferring Powers on the *Manchester, Sheffield, and Lincolnshire* Railway Company with respect to the Construction and Abandonment of Works, and in relation to their Capital; and for conferring other Powers on that Company and on the *South Yorkshire* Railway Company in relation to the *Trent, Ancholme, and Grimsby* Railway; and for other Purposes.

[5th April 1867.]

WHEREAS the Construction of a short curve Branch Railway and of a short Colliery Branch Railway or Tramway in communication with the *South Yorkshire* Railway System, in the Parishes of *Sheffield* and *Silkstone*, would be of local and public Advantage, and the *Manchester, Sheffield, and Lincolnshire* Railway Company (in this Act referred to as the Company) are willing to construct the same at their own Expense, and it is expedient that they be empowered to do so: And whereas it is expedient that the Construction of a small Portion of Railway authorized to be constructed by the Company in the Parishes of *Glossop*
[Local.] H and

The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.

and *Chapel-en-le-Frith* be abandoned: And whereas it is expedient that level Crossings be substituted for certain Bridges required by the Act of 1861 relating to the *Trent, Ancholme, and Grimsby* Railway: And whereas it is expedient that the Company be empowered to acquire certain Lands for the Purposes of their Undertaking: And whereas it is expedient that the *South Yorkshire* Railway Company and the Company be empowered to subscribe further Sums towards the Construction of the last-mentioned Railway: And whereas it is expedient that the Company and the *South Yorkshire* Railway Company, on whom Powers are conferred by this Act, be empowered to raise additional Capital for Purposes of this Act: And whereas it is expedient that the Company be empowered to make divers new Arrangements with reference to the Capital of the Company: And whereas the Objects aforesaid cannot be attained without the Authority of Parliament: And whereas Plans of the Lands to be acquired by the Company, and Plans and Sections describing the Lines, Situations, and Levels of the intended Railways, and a Book of Reference to those Plans respectively, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of Lands in the Lines of the proposed Railways or within the Limits of Deviation as defined on the Plans, and describing those Lands respectively, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*, and the Parts of *Lindsey* in the County of *Lincoln* (which are in this Act referred to as the deposited Plans, Sections, and Book of Reference): 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 as *The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.*

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

2. The following Acts and Parts of Acts (as far as the same respectively are applicable for the Purposes and are not inconsistent with the Provisions of this Act) are hereby incorporated with this Act; namely,

The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860:

The Provisions of The Companies Clauses Consolidation Act, 1845; with respect to the Matters following, (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

The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.

Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of borrowed Money into Capital, and the Consolidation of the Shares into Stock, so as to apply respectively to Shares or Stock created and Mortgages granted and Money borrowed by any Company under this Act :

Parts I., II., and III. of The Companies Clauses Act, 1863, (respectively relating to Cancellation and Surrender of Shares, to additional Capital, and to Debenture Stock,) so as to apply respectively to every Company empowered by this Act :

The Railways Clauses Consolidation Act, 1845 :

Parts I., II., and III. of The Railways Clauses Act, 1863 (respectively relating to Construction of a Railway, and to Extension of Time, and to Working Agreements).

3. Terms to which Meanings are assigned by the Acts wholly or in part incorporated with this Act have in this Act the same respective Meanings; and the Expression "Court of competent Jurisdiction," or any other like Expression in this Act, or any Act incorporated wholly or in part with this Act, shall have effect as if the Debt or Demand with respect to which that Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Expression "Superior Court" in this Act, or any Act incorporated wholly or in part with this Act, shall include any Court of competent Jurisdiction as defined in this Act.

Interpreta-
tion of
Terms.

4. Subject to the Provisions of this Act, and of the Acts incorporated wholly or in part with this Act, the Company may make, execute, and maintain, in the Lines and Situations and according to the Levels described on the deposited Plans and Sections, the Railways shown on the deposited Plans, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter on, take, hold, and use all or such of the Lands described in the deposited Plans and Book of Reference as they require for Purposes of this Act or of their Undertaking: Provided always, that it shall not be lawful for the Company to purchase or acquire otherwise than by Agreement any of the Lands in the Townships of *Barnsley* and *Worsbrough*, except the Road numbered 2 in the Plans and Book of Reference in the Township of *Barnsley* and Parish of *Silkstone*.

Power to
make Works
and take
Lands.

5. The Railways in the last foregoing Section referred to, and by this Act authorized, are the following, namely :

Description
of Railways.

(1.) A Railway Four Furlongs Two Chains and Fifty Links or thereabouts in Length, in the Township of *Attercliffe-cum-Darnall* in the Parish of *Sheffield* and West Riding of the County

The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.

County of *York*, commencing by a Junction with the Railway first described in Section Four of The *South Yorkshire Railway (Sheffield and Thorne) Act, 1862*, at a Point Eleven Chains or thereabouts, measured in a south-westerly Direction along the last-mentioned Railway, from the Centre of the Bridge which carries a public Highway or Road called *Back Lane*, leading from *Attercliffe* to *Darnall*, over that Railway, and terminating by a Junction with the *Manchester, Sheffield, and Lincolnshire Railway* at a Point Twenty-two Chains or thereabouts, measured in a westerly Direction from the westerly End of the Passenger Platform of the *Darnall Station* of the last-mentioned Railway :

- (2.) A Colliery Railway or Tramway, about a Quarter of a Mile in Length, commencing by a Junction with the *South Yorkshire Railway* in the Township of *Barnsley* in the Parish of *Silkstone* in the West Riding of the County of *York*, at a Point One hundred and seventy-six Yards or thereabouts, measured to the Eastward along the last-mentioned Railway from the Centre of a Bridge which crosses that Railway and carries a public Highway or Road leading from *Mount Osborne* to *Barnsley* across that Railway, and terminating at or near a new Colliery in a Close of Land in the Township of *Worsbrough* in the Parish of *Darfield* in the West Riding of the County of *York*, in the Occupation of *Henry Croft, William Croft, and William Batty*.

Lands for extraordinary Purposes.

6. 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 One Acre.

Powers for compulsory Purchases limited.

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

Period for Completion of Works.

8. If the Railways authorized by this Act 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 the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to cross a certain Road on the Level.

9. Subject to the Provisions in The Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the Construction of a Railway)

The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.

a Railway) of The Railways Clauses Act, 1863, contained in reference to the crossing of Roads on the Level, the Company may, in the Construction of the Railway, carry the same with a Single Line of Railway only whilst the Railway shall consist of a Single Line, and afterwards with a Double Line of Railway only, across and on the Level of the Road numbered 2 in the deposited Plans and Book of Reference in the Parish of *Silkstone*.

10. After the Expiration of the Period by this Act limited for the Completion of the Railways by this Act authorized, if the same be not then completed, the Company shall be liable to a Penalty of Fifty Pounds a Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the Lines of Railway are completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it appears by a Certificate of the Board of Trade that the Company was prevented from completing or opening the Lines of Railway by any unforeseen Accident or Circumstances beyond their Control, provided that the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Penalty for Non-completion of Railways within Period limited for Completion thereof.

11. The Company may demand and receive for and in respect of the Railways by this Act authorized the same Tolls and Charges as they are empowered to receive in respect of their existing Undertaking; and the Railways shall, for the Purpose of Tolls and Charges, and in all other respects, be deemed Part of the Railways of the Company.

Tolls, &c.

12. The Company shall abandon the Construction of the Portion of Railway next herein-after described; namely,

Power to abandon Portion of authorized Lines.

So much of the Railway first described in Section 6. of The *Manchester, Sheffield, and Lincolnshire Railway (Additional Works) Act, 1861*, as was not authorized or directed to be abandoned by the Midland Company's Act of the Session of the Twenty-fifth and Twenty-sixth Years of Her Majesty's Reign, Chapter Ninety-one, Section Forty-nine, which Portion of Railway to be abandoned commenced at or near *New Mills* in the Parish of *Glossop*, at a Point Thirty Chains or thereabouts North-west of the Bridge or Aqueduct which carries a Branch of the *Peak Forest Canal* across the River *Goyt* near *Bugsworth Mills*, and terminates in the Township of *Bradshaw Edge* in the Parish of *Chapel-en-le-Frith* in the County of *Derby* at or near *Crist Quarry*.

[Local.]

I

13. The

The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.

Compensation for Damage to Land by Entry, &c. for Purposes of Railway abandoned.

13. The Abandonment by the Company under the Authority of this Act of any Portion of any Railway or Works shall not prejudice or affect the Right of the Owner or Occupier of any Land to receive Compensation in accordance with the Provisions in that Behalf of The Lands Clauses Consolidation Act, 1845, for any Damage occasioned by the Entry of the Company on such Land for the Purpose of surveying and taking Levels, or probing or boring to ascertain the Nature of the Soil, or setting out of the Line of Railway, and shall not prejudice or affect the Right of the Owner or Occupier of any Land which may have been temporarily occupied by the Company to receive Compensation in accordance with the Provisions in that Behalf of The Railways Clauses Consolidation Act, 1845, for such temporary Occupation, or for any Loss, Damage, or Injury which may have been sustained by such Owner or Occupier by reason thereof, or of the Exercise as regards such Land of any of the Powers contained in the last-mentioned Act, or of any Acts relating to the Company.

Compensation to be made in respect of Portion abandoned.

14. Where before the passing of this Act any Contract has been entered into or Notice given by the Company for the purchasing of any Land for the Purposes of or in relation to any Portion of the Railway or Works authorized to be abandoned by this Act which shall not be required for the Purposes of any of the Works by this Act authorized, full Compensation shall be made by the Company to the Owners and Occupiers or other Persons interested in such Lands for all Injury or Damage sustained by them respectively by reason of the Purchase not being completed pursuant to the Contract or Notice; and the Amount and Application of the Compensation shall be determined in manner provided by The Lands Clauses Consolidation Act, 1845, for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Level Crossings.

15. Notwithstanding anything in The *Trent, Ancholme, and Grimsby* Railway Act, 1861, or any Act incorporated therewith, requiring the Company to carry the public Roads numbered respectively 59 and 84 on the Plans deposited with the Clerk of the Peace for the Parts of *Lindsey* in the County of *Lincoln* (and referred to in that Act), in the Township and Parish of *Frodingham* in the said Parts of *Lindsey*, and the Turnpike Road from *Brigg* to *Barton* numbered 7 on the same Plans in the Parish of *Wrawby* in the said Parts of *Lindsey*, over or under the Railway by that Act authorized, by means of Bridges, the Company may carry that Railway with not more than a Double Line of Rails across the several Roads aforesaid on the Level.

16. The

The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.

16. The Company may, with the Authority of Three Fourths of the Votes of their Shareholders present, in person or by proxy, at a General Meeting specially convened for the Purpose, from Time to Time subscribe any Sum which they think fit towards the Undertaking of the *Trent, Ancholme, and Grimsby* Railway Company (in this Act referred to as the *Trent* Company), not exceeding in the whole Thirty thousand Pounds, and may with the like Authority contribute and apply in Payment of such Subscription any Money which they are independently of this Act authorized to raise, but not required for Purposes of their Undertaking; and also any Money which they are by this Act authorized to raise; and the Company shall; in respect of the Sum subscribed, and the corresponding Shares held by them, have all the Powers, Rights, and Privileges, (except in regard to voting at General Meetings, which shall be as herein-after provided,) and be subject to all the Obligations and Liabilities of Proprietors of Shares in the *Trent* Company: Provided always, that the Company shall not sell, dispose of, or transfer any of the Shares in the *Trent* Company for which they may subscribe.

Power to Company to subscribe to Trent, &c. Undertaking, and to apply Funds for that Purpose.

17. The Company may from Time to Time raise for the Purposes of their Subscription to the Undertaking of the *Trent* Company any Sums of Money, not exceeding in the whole the Amount which the Company as aforesaid agree to subscribe, by the Creation and Issue of new Ordinary Shares or Stock and new Preference Shares or Stock in their Capital, or, at the Option of the said Company, by any of those Modes.

Power to raise Money by Shares or Stock.

18. The Company, whilst Shareholders of the *Trent* Company, may, by Writing under their Common Seal, from Time to Time appoint some Person to attend any Meeting of the *Trent* Company, and such Person shall have all the Privileges and Powers attaching to other Shareholders at such Meetings, and may vote thereat in respect of the Capital held by the Company.

Votes at General Meetings.

19. The foregoing Provisions of this Act concerning the Company in relation to the Undertaking of the *Trent* Company shall extend and apply, *mutatis mutandis*, to the *South Yorkshire Railway* Company in relation to the same Undertaking, so as to authorize that Company to subscribe in like Manner and on the like Terms and Conditions to the Undertaking of the *Trent* Company to an Amount not exceeding Thirty thousand Pounds.

Subscription by South Yorkshire Company.

20. The Company and the *South Yorkshire* Railway Company may apply for any Purpose of this Act any Money which they are for the Time being respectively authorized to raise independently of this

Power to Company to apply corporate Funds.

The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.

this Act, and which is not for the Time being required for Purposes for which the same was respectively authorized to be raised.

Power to raise additional Share Capital.

21. The Company may raise by Shares for the Purposes of this Act (other than the Subscription towards the Undertaking of the *Trent* Company) the Sum of Thirty-five thousand Pounds, in addition to the Amount they are by any other Act authorized to raise, and, with the Sanction of the Votes of Three Fifths of the Shareholders of the Company present, personally or by proxy, at a Meeting specially convened for that Purpose, may attach thereto, or to any Part thereof a Preference Dividend at a Rate not exceeding Six *per Centum per Annum* ranking next after the Preference Stock and Shares of the Company previously created.

New Shares to be subject to same Provisions as Shares existing.

22. Except as by or under the Authority of this Act, or any Act incorporated wholly or in part with this Act, is otherwise provided, the additional Share Capital to be created by the Company under this Act, and the Shares therein, and the Holders of those Shares respectively, shall be entitled and subject to the same Powers, Rights, Privileges, and Liabilities in all respects as if that new Capital were Part of the Ordinary Share Capital of the Company existing at the passing of this Act, and those Shares were Shares in that ordinary Capital.

Cancellation of Shares and Issue of Preference Stock, &c.

23. The Company may, with the Sanction of the Votes of Three Fifths of the Proprietors present, personally or by proxy, at a Meeting of the Shareholders specially convened for that Purpose, cancel any Shares from Time to Time created, but not taken up by the Shareholders of the Company, or issued to the Public; and the Company may, with the like Sanction, create and issue in lieu thereof a corresponding Number or Amount of Preference Shares or Stock, entitled to a Dividend not exceeding Six *per Centum per Annum*, ranking after the existing Preference Shares and Stock of the Company.

Preference Stock, &c. for unissued Capital.

24. The Company may, with the like Sanction, create Preference Shares or Stock equal to the Amount of the Capital which they are already authorized to raise, but which has not yet been created and issued, at a Rate not exceeding Six *per Centum per Annum*, ranking next after the Preference Shares and Stock in existence at the Time of the Creation thereof.

Power to borrow on Mortgage.

25. The Company may from Time to Time borrow on Mortgage of their Undertaking, in addition to the Amount they are now empowered to borrow, such Sums as they may think fit, not exceeding the Sum of Twenty-one thousand five hundred Pounds, but no Part thereof shall be borrowed until the whole of the additional Share Capital

The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.

Capital of Sixty-five thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of The Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of that Capital has been subscribed for, issued, and accepted, and One Half thereof is paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account thereof, before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

26. The Company may from Time to Time create Debenture Stock for the Purpose of paying off such Portion of their Debenture Debt as they are not already authorized to convert into Debenture Stock under or by virtue of the Act of the Session of the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Fifty-two, such Debenture Stock to be entitled to such Dividends (not exceeding Five per Centum per Annum) as the Company may from Time to Time be authorized by the Votes of the Shareholders as aforesaid to attach thereto.

27. The Capital of the Company in Shares or Stock and by Declaration borrowing (exclusive of any other Monies which by any Act of the present or any future Session they may be authorized to raise) is hereby declared to be as follows; (that is to say,)

Share Capital created.	Amount of Capital.
Consolidated Stock - - - - -	£ 4,733,836
6l. Preference Shares - - - - -	1,035,000
3¼ per Centum Preference Stock - - - - -	366,698
6l. per Centum Preference Stock - - - - -	872,000
Redeemable Preference 10l. Shares - - - - -	628,300
Garston and Liverpool Stock - - - - -	225,000
5 per Centum Perpetual Preference Stock - - - - -	783,000
5 per Centum Redeemable Preference 10l. Shares - - - - -	1,000,000
New Preference Shares created 1866 - - - - -	1,070,000
Share Capital authorized, but not yet created . - - - -	10,713,834
	1,056,164
Borrowing Powers - - - - -	£ 11,769,998
	£ 3,700,000

[Local.]

K

28. Notwith-

The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.

Power to Borrow.

28. Notwithstanding anything in the several Acts relating to the Company whereby their Borrowing Powers are made dependent upon the Subscription of authorized Share Capital, it shall be lawful for the Company from Time to Time to borrow on Mortgage of their Undertaking any Sum which, with the Sum already borrowed, shall not exceed in the Aggregate the Sum of Three million seven hundred thousand Pounds.

Restriction on Share and Loan Capital.

29. Provided always, That the Company shall not, under the several Acts which have been passed prior to the present Session of Parliament, raise any greater aggregate Amount by Shares or Stock than Eleven million seven hundred and sixty-nine thousand nine hundred and ninety-eight Pounds, and any greater aggregate Amount by borrowing (including their Debenture Stock) than Three million seven hundred thousand Pounds.

Power to South Yorkshire Company to borrow on Mortgage.

30. The foregoing Provisions of this Act concerning the raising of Money on Mortgage by the Company shall apply, *mutatis mutandis*, to the *South Yorkshire Railway Company* so as to authorize that Company in like Manner to raise on Mortgage any Amount not exceeding Ten thousand Pounds.

Repeal of Powers for Receiver.

31. All Powers for the Appointment of a Receiver under any Act prior to this Act, relative to the Company and the *South Yorkshire Railway Company* respectively, are hereby repealed without Prejudice to any Appointment heretofore made or Proceedings now pending.

For Appointment of a Receiver.

32. The Mortgagees of the Company and the *South Yorkshire Railway Company* respectively may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, 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.

Existing Mortgages to have Priority.

33. All Mortgages granted by either of the Companies in pursuance of the Powers of any Act of Parliament before the passing of this Act, and subsisting at the passing thereof, shall during their respective Continuance have Priority over any Mortgages granted by virtue of this Act.

Shares not to Issue until One Fifth paid.

34. No Company empowered by this Act shall issue any Share 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

The Manchester, Sheffield, and Lincolnshire Railway (Additional Powers) Act, 1867.

than One Fifth of the Amount of such Share has been paid in respect thereof.

35. All Money raised under this Act, whether by Shares or by Debenture Stock or by borrowing, shall be applied for Purposes of this Act, and for the general Purposes of the Company. Application of Money.

36. No Company shall, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent any 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. Interest not to be paid on Calls paid up.

37. No Company shall, out of any Money by this Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing any 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.

38. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made 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, authorized by this Act. Railways not exempt from Provisions of present and future General Acts.

39. The Costs, Charges, and Expenses preliminary to, and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company. Expenses of Act.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.

