CHAPTER XXV.

An Act for making and maintaining a Bridge for carrying the Road from Treorki to Cwm Park over the River Rhondda Fawr, in the county of Glamorgan. A.D. 1875.

[13th May 1875.]

WHEREAS the construction and maintenance of a free bridge, with approach roads and other works in connexion therewith, for carrying the road from Treorki to Cwm Park over the river Rhondda Fawr in the parish of Ystradyfodwg, in the county of Glamorgan, would be of great public and local advantage:

And whereas plans and sections showing the situation and levels of such bridge and approach roads, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Glamorgan, and are herein-after respectively referred to as "the deposited plans, sections, and book of reference:"

And whereas it is expedient that the powers of making and maintaining the said works should be vested in the Highway Board for the Pontypridd No. 1 District of Highways (herein-after referred to as the Board), within which district the said works are situate:

And whereas it is expedient that the said parish should pay the expense of constructing and maintaining the said works out of moneys arising from the rates included in the expression "highway rate" as herein-after defined:

And whereas the objects and purposes aforesaid 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 of the Commons, in this present Parliament assembled, and by the authority of the same, as follows:

A.D. 1875.

Short title.

1. This Act may be cited for all purposes as "The Cwm Park Bridge Act, 1875."

Provisions of certain general Acts incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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

The expression "the Board" means the Highway Board for the Pontypridd No. 1 District of Highways ;

The expression "the parish" means the parish of Ystradyfodwg ;

The expression "highway rate" includes any rate, whether highway rate or not, out of the produce of which moneys are payable in satisfaction of precepts of the Board ;

The expression "bridge and roads" means the bridge, roads, and works by this Act authorised, or any part thereof respectively.

Undertakers of Act.

4. The Board shall be the undertakers to carry this Act into execution, subject to the same conditions as if the purposes of this Act were purposes of the Highway Acts.

Power to construct works.

5. Subject to the provisions of this Act, the Board may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the bridge, road approaches, and other works herein-after described, with all proper 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 book of reference as may be required for those purposes. The works herein-before referred to and authorised by this Act will be wholly situated in the parish of Ystradyfodwg, in the county of Glamorgan, and are as follows :

(1.) A bridge for the passage of horses, carriages, and other traffic over the river Rhondda Fawr, commencing at a point on the north-eastern side of the river, at or near the upper or northern side of David Morgan's timber yard, in the main street of the village of Treorki, and extending for a distance of about fifty-two feet to the opposite or south-western side of the river :

(2.) An approach road, commencing at a point in the main street of the village of Treorki, about twelve yards northward of the eastern post of the gate leading into the said timber yard on the north side thereof, and terminating at the commencement of the bridge before described :

(3.) An approach road, commencing at a point on the road leading from Treorki to Cwm Park, about fifty-three yards north-eastward of the centre of the bridge carrying the last-mentioned road over the Taff Vale Railway, and terminating at the termination of the bridge before described on the south-western side of the said river:

(4.) A bridge or culvert over the Dare Brook in connexion with and about sixty-six yards north-eastward from the commencement of the last-mentioned approach road.

Incidental works.

6. For the purposes of this Act, the Board from time to time may, within the limits of deviation shown on the deposited plans, dig and make proper foundations in the river Rhondda Fawr, and in the lands on each side thereof, and make dams in the river during the making or repairing of the bridge across the same, and cut, level, embank, and secure the banks of the river, and cut, remove, scour, take, and carry away all trees, roots of trees, beds of gravel, sand, mud, and other impediments in the river, and execute all other works necessary or convenient for making, maintaining, and repairing the said bridge and roads.

Correction of errors in deposited plans.

7. If there be any omission, misstatement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands, shown on the deposited plans or specified in the deposited book of reference, the Board, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to two justices of the county of Glamorgan for the correction thereof, and if it appears to the justices that the omission, misstatement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in their certificate state the particulars of the omission, misstatement, or wrong description.

Deposit of certificate of correction.

8. Such certificate of the justices shall be in duplicate, and one part thereof shall be deposited with the clerk of the peace for the county of Glamorgan, and a duplicate thereof with the parish clerk of the parish in which the lands in question lie, and the certificate and duplicate respectively shall be kept by the clerk of the peace and the parish clerk respectively with the other documents to which the same relate, and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate, and the Board may execute the works in accordance with the certificate.

Power to deviate laterally.

9. In making the bridge and roads, the Board may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon.

Power to deviate vertically.

10. In making the bridge and roads, the Board may deviate from the levels thereof shown on the deposited sections to any extent not exceeding three feet.

A.D. 1875.

But not into lands not mentioned in book of reference without consent.

11. Provided that no such deviation shall extend into the lands of any person whose name is not stated in the book of reference without his previous consent, unless his name is omitted by mistake, and the fact that the omission proceeded from mistake be certified as by this Act is in that behalf provided.

Period for compulsory purchase of lands.

12. The powers of the Board 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.

River not to be obstructed.

13. During the making and repairing of the bridge and roads the Board shall take all precautions and provide all works and conveniences proper and sufficient for keeping the flow of water in the river Rhondda Fawr free from all obstruction, except only such obstruction as is unavoidable, and if and whenever the Board make or occasion any obstruction they shall make to all persons interested full compensation for all loss, damage, or injury thereby occasioned.

Period for completion of works.

14. The bridge and roads shall be completed within five years after the passing of this Act, and on the expiration of that period the powers of the Board for making the same, or otherwise in relation thereto, shall cease to be exercised, except with respect to so much thereof as is then completed: Provided that, notwithstanding the expiration of that period, the Board may from time to time repair, rebuild, improve, and maintain such of the works as they execute within that period.

Bridge to be public.

15. From and after the completion of the bridge and roads they shall be deemed a public bridge and public highways, and, subject to the provisions of this Act, all persons, whether with or without horses, animals, and carriages, shall have free liberty to pass over the same without any interruption.

Power to abandon portion of road leading from Treorki to Cwm Park.

16. The Board may, when the said bridge and approach roads are completed and opened to the public, abandon and discontinue so much of the said road leading from Treorki to Cwm Park as lies between the approach road thirdly described and the said main street in the village of Treorki, and thereafter all rights of way over the portion of road so abandoned shall be extinguished.

Expenses to be paid out of highway rate.

17. The parish highway rate shall bear the costs and expenses incurred in carrying this Act into execution, and in maintaining and repairing the bridge and roads when constructed.

Expenses of Act.

18. 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 Board out of the first moneys which shall come to their hands from the highway rate of the parish.

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CHAPTER xxvi.

A.D. 1875.

An Act for enabling the Midland and North-eastern Railway Companies to make certain Junction Lines of Railway in connexion with their authorised Railway between Swinton and Knottingley; and for other purposes. [13th May 1875.]

37 & 38 Vict. c. cxxxiii.

WHEREAS by the Midland and North-eastern Railways Act, 1874, (in this Act called "the Act of 1874,") the Midland Railway Company and the North-eastern Railway Company (in this Act called "the two Companies") were authorised to make a railway (in this Act called "the Swinton and Knottingley Railway") in the west riding of the county of York from the Midland Railway near Swinton to the North-eastern Railway near Knottingley, and a joint committee for the purpose of exercising all the powers, authorities, and rights by that Act granted to and vested in the two Companies jointly was appointed and incorporated by the name of "The Midland and North-eastern Railway Companies Committee" (in this Act called "the committee"):

And by the said Act running and other powers were conferred upon the Great Northern Railway Company and the Manchester, Sheffield, and Lincolnshire Railway Company (in the said Act and in this Act called "the running Companies") over and in respect of the Swinton and Knottingley Railway and the sidings, works, and conveniences connected therewith; and it was provided, inter alia (section 59), that if within twelve months after the passing of that Act the running Companies, or either of them, gave to the two Companies, or either of them, notice in writing under their common seals or seal of their desire that the junctions therein-after described should be constructed, the two Companies, or one of them, should in the next or next succeeding session of Parliament use their bonâ fide endeavours to obtain power to make the following junction lines of railway; (that is to say,)

A.D. 1875.

(*a.*) A convenient junction, near Mexborough, between the Swinton and Knottingley Railway and the South Yorkshire Railway;

(*b.*) Two convenient junctions, near South Kirkby, between the Swinton and Knottingley Railway and the West Riding and Grimsby Railway of the running Companies, one on the north and one on the south side of that railway;

and that the running Companies should have and might exercise and enjoy in respect of the said junctions, and any sidings, works, or conveniences connected therewith, the like powers, rights, and privileges, subject to the like restrictions, terms, and conditions as were by that Act conferred and imposed upon them in respect of the Swinton and Knottingley Railway:

And whereas it is expedient that the two Companies should be authorised to make the said junction lines of railway and the other railway herein-after described, and to acquire for general purposes connected with their joint undertaking the additional lands herein-after mentioned:

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

And whereas it is expedient that the two Companies should be authorised to raise additional capital for the purposes of this Act, and that the other powers by this Act conferred should be granted:

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:

Short title.

1. This Act may be cited for all purposes as the Midland and North-eastern Railways Act, 1875.

Provisions of certain general Acts incorporated.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,)

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

The Railways Clauses Consolidation Act, 1845:
Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863:
The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; namely,
The construction of the Act and of other Acts to be incorporated therewith;
The distribution of the capital of the Company into shares;
The transfer or transmission of shares;
The payment of subscriptions and the means of enforcing the payment of calls;
The forfeiture of shares for nonpayment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of the shares into stock;
The powers of the directors and the powers of the Company to be exercised only in general meeting;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested; and
Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Midland Company" means the Midland Railway Company; the expression "the North-eastern Company" means the North-eastern Railway Company; the expression "the railway" or "the railways" means the railways by this Act authorised, or any part thereof; 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, for the purposes of this Act, be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make railways.

4. Subject to the provisions of this Act, the two Companies may make and maintain in the lines and according to the levels

A.D. 1875.

shown on the deposited plans and sections the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, purchase, take, and use such of the lands delineated on the said plans thereof and described in the deposited books of reference relating thereto as may be required for that purpose.

The railways herein-before referred to and authorised by this Act will be wholly situate in the west riding of the county of York, and are:

1. A railway (No. 1) four furlongs eight chains and nineteen yards in length, commencing in the township and parish of Adwick-upon-Dearne by a junction with the authorised line of the Swinton and Knottingley Railway, and terminating in the township of Swinton and parish of Wath-upon-Dearne by a junction with the Manchester, Sheffield, and Lincolnshire (late South Yorkshire) Railway:
2. A railway (No. 2) six furlongs three chains and four yards in length, to be wholly situate in the township and parish of South Kirkby, commencing by a junction with the authorised line of the Swinton and Knottingley Railway, and terminating by a junction with the West Riding and Grimsby Railway, belonging to the Great Northern and Manchester, Sheffield, and Lincolnshire Railway Companies:
3. A railway (No. 3) one mile two furlongs two chains and fifteen yards in length, to be wholly situate in the townships of North Elmsall, South Kirkby, and South Elmsall, in the parish of South Kirkby, commencing in the said township of North Elmsall by a junction with the authorised line of the Swinton and Knottingley Railway, and terminating in the township of South Elmsall aforesaid by a junction with the said West Riding and Grimsby Railway:
4. A railway (No. 4) five furlongs five chains and seven yards in length, to be wholly situate in the township and parish of Pontefract, commencing by a junction with the authorised line of the Swinton and Knottingley Railway, and terminating by a junction with the Wakefield, Pontefract, and Goole Branch of the Lancashire and Yorkshire Railway.

Protecting Lancashire and Yorkshire Railway.

5. For the protection of the Lancashire and Yorkshire Railway Company, be it enacted as follows:

(1.) The junction of Railway No. 4 with the Lancashire and Yorkshire Railway shall, notwithstanding the junction shown on the deposited plans, be made on the east side of

the bridge marked A on the said plans, and which carries the Lancashire and Yorkshire Railway over the road known as the Top Road, leading from Pontefract to Ferry Bridge:

(2.) If at any time the Lancashire and Yorkshire Railway Company shall deem it necessary to widen their line or to construct sidings at or near the said point of junction, the two Companies shall, at their own expense, adapt their Railway No. 4, and the works connected therewith, to such altered circumstances, and shall not be entitled to any compensation for the expense of such adaptation: Provided that no such widening or sidings shall deprive the two Companies of the benefit of a good and efficient junction with the Lancashire and Yorkshire Railway by means of their Railway No. 4:

(3.) The works rendered necessary by such widening or sidings, so far as they affect the Lancashire and Yorkshire Railway, and the altered point of junction between Railway No. 4 and the Lancashire and Yorkshire Railway caused thereby, shall be agreed on between the engineer of the two Companies and the engineer of the Lancashire and Yorkshire Railway Company, or if they cannot agree, then the matter shall be determined by a referee to be appointed by the Board of Trade on the application of either party, at the cost of the two Companies:

(4.) Except as is hereby expressly provided, the provisions of the Railways Clauses Act, 1863, relating to junctions, shall apply to the junction of Railway No. 4 authorised by this Act with the Lancashire and Yorkshire Railway.

Railways to be part of undertaking of two Companies.

6. With respect to tolls and charges, and for all other purposes whatsoever, the railways and works shall be part of the joint undertaking of the two Companies, as if the same had formed part of the undertaking authorised by the Act of 1874.

Power for two Companies to apply moneys to purposes of Act.

7. Each of the two Companies may appropriate and apply to the purposes of this Act any of the moneys which under and by virtue of any existing Acts they have raised or are authorised to raise, and which shall not be wanted for the purposes of those Acts.

Power to two Companies to raise additional capital

8. Each of the two Companies may raise by the creation and issue of new shares or stock any sum not exceeding fifty thousand pounds, in addition to the moneys which they respectively are or may be authorised to raise by any other Act or Acts of Parliament,

A.D. 1875.

and such new shares or stock may be created and issued either wholly or partially as ordinary or wholly or partially as preference shares or stock, and either alone or together with any other moneys or capital which the Company raising the money may be then authorised so to raise.

Shares not to be issued until one fifth paid up.

9. The two Companies, or either of them, shall not issue any new share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

As to amount and issue of new shares by Midland Company.

10. If at the time of the creation of new shares by the Midland Company under this Act, the then existing ordinary consolidated stock in that Company be at a premium, or of greater actual value (according to the market price thereof in the city of London) than the nominal value thereof, such new shares shall be of such amounts (not other than an integral number of pounds sterling per share) as will allow the same to be conveniently apportioned among the then holders of all shares or stock in the Midland Company, (other than and except shares or stock to which any guaranteed or preferential dividend of a fixed amount without further participation in the profits of that Company shall have been assigned,) in proportion to the number of shares or amount of stock held by them respectively, and such new shares may be either of one class or of different classes, and the directors of the Midland Company may from time to time (but subject to the provisions of this Act) fix the amounts and times of payment of the calls on the new shares created by them under the powers of this Act, and every holder of shares or stock in the Midland Company at the time of such creation as aforesaid (other than and except as aforesaid) shall in such proportion as aforesaid be entitled to an allotment of the new shares according to the provisions of this Act, and upon such terms and conditions as the Midland Company shall determine at the time of the creation of such new shares, and no holder of any shares or stock entitled to a fixed amount of dividend without further participation in the profits of the Midland Company shall be entitled to any apportionment of any such new shares.

Votes in respect of new shares in Midland Company.

11. The Midland Company may from time to time, if they think fit, attach to all or any new shares, or any class of new shares, created by them under the powers of this Act, any total or partial, permanent or temporary, restrictions of the rights of voting and other qualifications of the holders thereof.

Midland Company's shares of same class to have like privileges.

12. All new shares of the same class created by the Midland Company under this Act shall confer like privileges, and shall bear like dividends or interest, and be subject to like restrictions, if any.

Vesting or other disposition of Midland Company's new shares.

13. Subject to the provisions of this Act, all new shares created by the Midland Company under this Act shall vest in and belong to such of the then shareholders as shall accept the same, and pay the first instalment thereon to the amount and at the time which shall be fixed by the directors and specified in the letter offering the new shares.

Shares not accepted may be disposed of by Midland Company.

14. If any shareholder in the Midland Company for one month after such offer of new shares fail to accept the same, and pay the first instalment called for in respect thereof, the Midland Company may authorise the directors to dispose of the same in such manner as they may deem most for the advantage of that Company.

Qualifications of Midland Company's new shares.

15. Except as by or under the powers of this Act otherwise provided, all new shares issued by the Midland Company under the powers of this Act shall, in proportion to the aggregate amount from time to time paid up on the new shares held by the same person at the same time, entitle the respective holders thereof to the same dividends and profits, and confer on them the like qualifications and the like rights of voting, as the like amount paid up on existing shares or stock of that Company (other than and except shares or stock to which any guaranteed or preferential dividend of a fixed amount, without further participation in the profits of the Midland Company, shall have been assigned): Provided always, that, unless otherwise determined by the meeting sanctioning the new shares, no person shall be entitled to vote in respect of any of the new shares to which a fixed or preferential dividend or other special advantage shall be assigned.

Saving rights of existing preference shareholders of Midland Company.

16. This Act, or anything therein contained, shall not prejudice or affect any preference or priority in the payment of interest or dividend on any other shares or stock which shall have been granted by the Midland Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, or any dividend on any Midland Railway debenture stock.

New shares or stock raised by Midland Company under this Act, and any other Acts of past or

17. Subject to the provisions of any Act already passed by which the Midland Company are authorised to raise capital by new shares, and to the provisions of this Act, and any other Act passed in the present session, whether before or after the passing of this Act, by which the Midland Company may be authorised to raise capital by new shares or stock, they may, if they think fit, raise by

A.D. 1875.

present sessions, may be of same class.

the creation and issue of new shares or stock of one and the same class, all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by means of new shares or stock; but nothing in this Act contained shall empower the Midland Company to issue stock to be paid up by instalments.

Rights of voting for new shares or stock in North-eastern Company to be in proportion to the nominal amount thereof.

18. The new shares or stock created by the North-eastern Company under this Act shall, unless otherwise provided by the prescribed terms of issue or creation thereof, confer on the respective holders or proprietors thereof rights of voting and qualifications in proportion to the aggregate nominal value of such shares or amount of such stock, and not in proportion to the number of such shares; and for such purposes every entire sum of fifty pounds of such nominal value of shares or amount of stock shall be equivalent to one share or sum of fifty pounds in the capital stocks of that Company; and no shareholder shall vote or be entitled to be present at the meetings of that Company in respect of any number of such new shares or any amount of such new stock which, with any other shares or stock held by him in that Company, shall constitute a less interest in the capital stocks of that Company than fifty pounds in nominal value.

North-eastern new shares or stock to rank pari passu with others if so determined, and the dividends to be a charge against revenue.

19. The North-eastern Company may, by the resolution creating or authorising the creation of any of the new shares or stock by this Act authorised, determine that such new shares or stock shall rank pari passu with any other shares or stock of that Company created subsequently to the passing of that resolution, and also, if so determined, with any other shares or stock which shall have been created and issued subject to such a contingency, and the dividends thereon shall be payable accordingly, and shall be a charge upon and payable out of the net revenue of that Company.

North-eastern new shares or stock may be created subject to redemption.

20. The North-eastern Company may, by the resolution creating or authorising the creation of any of the new preference shares or stock by this Act authorised, attach thereto a condition that the same may be redeemed on the terms then determined.

For the purpose of such redemption, and for the redemption of any other shares or stock of that Company liable to be redeemed, that Company may from time to time create and issue new shares or stock to an amount not exceeding the aggregate amount of the shares or stock proposed to be redeemed.

Provided that that Company may, subject to the provisions of this Act, attach to the new shares or stock to be created for such redemption any rights or privileges which by this Act they may attach to the shares or stock for which such new shares or stock are

to be substituted, but so that the dividend payable in respect thereof shall, in case such new shares or stock are made preferential, not exceed four pounds ten shillings per centum per annum.

Receipt in case of persons not sui juris.

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

Power to borrow on mortgage.

22. Each of the two Companies may from time to time borrow on mortgage any sum not exceeding sixteen thousand pounds, in addition to the sums which they respectively are or may be authorised by any other Act or Acts of Parliament to borrow, but neither of the two Companies shall borrow any part of the sum so authorised to be borrowed by them until shares for so much of the additional capital of fifty thousand pounds by this Act authorised to be raised by the Company desirous of borrowing as is to be raised by shares are issued and accepted, and one half thereof is paid up, and such Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of such capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if such capital is raised by shares, that such persons or corporations, or 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.

Arrears may be enforced by appointment of a receiver.

23. Mortgagees of either of the two Companies under this Act 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 authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

A.D. 1875.

Existing mortgages to have priority.

24. All mortgages and bonds granted by either of the two Companies before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall, during the continuance of such mortgages and bonds, and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted, have priority over any mortgages to be granted by that Company by virtue of this Act, and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by either of the two Companies.

Midland Company may create debenture stock.

25. The Midland 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 at any time after the passing of this Act created and issued by that Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by that Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

Lands for extraordinary purposes.

27. The quantity of land to be taken by the two Companies for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed ten acres.

Power to purchase additional lands.

28. Subject to the provisions of this Act, the two Companies, in addition to the other lands which they are by this Act authorised to acquire, may from time to time enter upon, purchase, take, use, and appropriate to purposes connected with their joint undertaking, all or any of the lands and buildings following delineated on the deposited plans thereof, and described in the deposited books of reference relating thereto; (that is to say,)

Certain lands and buildings in the said township and parish of Pontefract, adjoining and on the southern side of the street called South Gate, and lying between Friends Meeting House Lane and Slutwell Lane.

Powers for compulsory purchases limited.

29. The powers granted by this Act for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Site of roads stopped up to vest in two Companies on another road being substituted by them.

30. Where under the powers of this Act the two Companies shall divert or stop up any road and substitute another in lieu thereof, the soil and site of the road so diverted or stopped up, to the extent of the lands on both sides of such road purchased by or

belonging to the two Companies, shall thereupon vest in and thenceforth be held by them in fee, as part of their joint undertaking.

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

31. And whereas in the construction of Railway No. 4 it may happen that portions only of the lands, buildings, or properties numbered on the deposited plans 57 to 64, both inclusive, in the township and parish of Pontefract, will be sufficient for the purposes thereof, which portions can 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 persons interested in the lands, buildings, or properties aforesaid may be required to sell and convey to the two Companies the portions only of the premises which may be required by them, without the two Companies being obliged or compellable to purchase the whole or any greater portion of the premises shown on the deposited plans, the two Companies paying for the portions required by them, and making compensation for any damage sustained by the owners thereof by severance or otherwise.

On expiration of time limited for completion of railways, powers to cease.

32. If the railways 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 two Companies for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Penalty imposed unless the lines are opened within the time limited.

33. If the two Companies fail within the period limited by this Act to complete the railways, they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in respect of which the penalty has been incurred is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway in respect of which the penalty has been incurred.

The said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in reference to which the penalty has been incurred, in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act, 1854.

Every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or

A.D. 1875.

judge as is specified in that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General on behalf of the Court of Chancery in England in the bank and to the credit specified in such warrant or order, and shall not be paid thereout except as herein-after provided.

But no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the two Companies were prevented from completing or opening the railway in respect of which the penalty has been incurred by 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.

Application of penalty.

34. Every sum of money so recovered by way of penalty as aforesaid 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 railway in respect of which the penalty has been incurred 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 two Companies 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 Court of Chancery in England may seem fit.

If no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid to or for the account of Her Majesty's Exchequer, in such manner as the Court of Chancery in England thinks fit to order on the application of the Solicitor of 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 Court, if either of the two Companies becomes insolvent and is ordered to be wound up, or if a receiver has been appointed in respect of such Company, then the portion of such penalty recovered from such Company as aforesaid, shall wholly or in part be paid to such receiver, or to the liquidator or liquidators of such Company, or be otherwise applied as part of

the assets of such Company for the benefit of the creditors thereof.

Two Companies to be joint owners of railways.

35. The Midland Company and the North-eastern Company shall be and be deemed joint owners of the railways, with equal rights and in equal shares, and they may severally or jointly use the railways, and every part thereof, as fully as if the same had formed part of the undertaking of each of the two Companies.

Provisions as to joint committee, &c. in Act of 1874 made applicable to this Act.

36. All the powers, authorities, and rights under this Act vested in the two Companies jointly shall be exercised on their behalf by the committee and in the name of the committee, and the provisions of the Act of 1874 contained in sections 46 to 53, both inclusive, of that Act, shall extend and apply to this Act, and to the railways, as if the railways had formed part of the undertaking authorised by the Act of 1874, and that Act and this Act shall in respect of those provisions be read as one Act.

Amending sect. 2 of Act of 1874.

37. Section 2 of the Act of 1874 shall be read and have effect as if the expression Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, had been inserted therein instead of the expression Part III. (relating to debenture stock) of the Railways Clauses Act, 1863.

Running, &c. powers to Great Northern and Manchester, Sheffield, and Lincolnshire Railway Companies granted by Act of 1874 extended to railways by this Act authorised.

38. The Great Northern Railway Company and the Manchester, Sheffield, and Lincolnshire Railway Company respectively shall have and may exercise and enjoy in respect of the railways, and any sidings, works, and conveniences connected therewith, the like powers, rights, and privileges, subject to the like restrictions, terms, and conditions, as are by the Act of 1874 conferred and imposed upon them in respect of the railway by that Act authorised, and sections 54, 55, 56, 57, 58, and 60 of that Act shall extend and apply to this Act, and to the railways, as if the railways had formed part of the railway by that Act authorised.

Interest not to be paid on calls paid up.

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

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

40. The two Companies, or either of them, 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

A.D. 1875.

or hereafter in force, may be required to be deposited in respect of any application to Parliament for an Act authorising them, or either of them, to construct any other railway, or to execute any other work or undertaking.

Railways not exempt from provision of present and future general Acts.

41. Nothing in this Act contained shall exempt the two Companies, or either of them, or the railways, 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 by this Act.

Expenses of Act.

42. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the two Companies in equal shares.

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