CHAPTER xlvi.

An Act to enable the Manchester, Sheffield, and Lincolnshire Railway Company to execute certain works and acquire additional lands, and for conferring upon them further powers in relation to their undertaking. [28th June 1877.] A.D. 1877.

WHEREAS it is expedient to empower the Manchester, Sheffield, and Lincolnshire Railway Company (herein-after called the Company) to alter the lines and levels or stop up and extinguish rights of way over the several roads, and to make the new road and other works herein-after mentioned:

And whereas it is expedient that the Company be authorised to enter on, use, and hold the lands herein-after mentioned and shown on the deposited plans referred to in this Act for the purposes of the works authorised by this Act, and for the general purposes of their undertaking:

And whereas it is expedient that the time limited by the Manchester, Sheffield, and Lincolnshire Railway Act, 1874, (herein-after called the Act of 1874,) for the construction of the railways and works constituting the undertaking formerly belonging to the Macclesfield, Knutsford, and Warrington Railway Company, and by that Act transferred to the Company, should be extended: 37 & 38 Vict. c. cxxxii.

And whereas it is expedient that the respective times limited by the Act of 1874 for the compulsory purchase of lands for the railway No. 10 authorised by that Act, and for the construction of that railway, should be extended:

And whereas it is expedient that the respective periods named in the Manchester, Sheffield, and Lincolnshire Railway Company (Additional Powers) Act, 1872, for the sale of superfluous lands acquired for the undertaking formerly belonging to the South Yorkshire Railway and River Dun Company, and now vested in the Company, should be extended in manner herein-after appearing: 35 & 36 Vict. c. clxxviii.

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And whereas it is expedient that the Company should be empowered to raise further moneys for the purpose of the works by this Act authorised and for the general purposes of their undertaking:

37 & 38 Vict. c. clxxii.

And whereas by the South Yorkshire Railway and River Dun Company's Vesting Act, 1874, (herein-after called the South Yorkshire Vesting Act,) the Company were authorised to raise additional capital by the creation of new shares or new stock for the purpose of redeeming the seven per cent. South Yorkshire rentcharge stock in that Act mentioned, and it is expedient that the shares or stock created for that purpose should have and take the same order, priority, preference, security, and privileges in all respects as the stock so redeemed:

And whereas it is expedient to enable the Company to raise the necessary capital for the redemption of all or any of their five per cent. redeemable preference stocks by the creation of new preference shares or stocks in lieu of and to take the same priority and preference as the stocks so redeemed:

And whereas the Company have from time to time issued some of their stocks and shares at a premium, and the premiums which have been so received have been carried to a separate account, and it is expedient that the Company be empowered to create a reserve fund therewith, and to apply such fund from time to time to such purposes as the Company may determine in manner herein-after appearing:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas plans and sections describing the lines and levels of the works authorised by this Act, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of lands in the line of the proposed works or within the limits of deviation as defined on the plans, and describing those lands, and plans of other lands by this Act authorised to be taken compulsorily, with like books of reference thereto, have been deposited with the respective clerks of the peace for the counties of Chester, Nottingham, and Lancaster, the respective clerks of the peace for the west riding and east riding of the county of York, and the clerk of the peace for the parts of Lindsey in the county of Lincoln, and which said plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference respectively:

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 Act, 1877.

Certain provisions of general Acts herein named incorporated.

2. The following enactments (as far as the same respectively are applicable for the purpose of and not varied by or inconsistent with this Act) are hereby incorporated with this Act; (namely,)

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

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 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 general meetings of the Company, and the exercise of the right of voting by the shareholders, the making of dividends, the giving of notices, and the provision to be made for affording access to the special Act;

Part II. of the Railways Clauses Act, 1863, relating to extension of time;

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

Interpretation of terms.

3. In this Act terms to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have the same respective meanings, unless there be something in the subject or context repugnant thereto; and in this Act, and for the purposes of this Act in any enactment incorporated with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which the term is used were a common simple contract debt, and not a debt or demand created by statute, and the term "superior court" shall include any court of competent jurisdiction.

Power to execute works according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works herein-after described, with all proper approaches and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on

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the deposited plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act are,—

(1.) An alteration or diversion in the line and levels of so much of the road or highway in the parish of Ordsall leading from Ordsall to Retford, in the county of Nottingham, and crossing on a level the main line of the railway of the Company there, as extends from a point thereon nine chains and five yards or thereabouts south of that level crossing, measured along that road to another point thereon six and a half chains or thereabouts north of that level crossing, measured along that road:

(2.) An alteration in the line and levels of so much of a certain other road leading out of the said road leading from Ordsall to Retford, towards the bridge over the railway of the Company, near the Whisker Hill Junction, as extends from the point of junction of those roads a distance of four chains and five yards or thereabouts, measured in an easterly direction from that point of junction:

(3.) A new road in the township of Openshaw in the parish of Manchester in the county of Lancaster, commencing at a point on the south side of North Street, opposite to and in a line with Bessemer Street, and terminating at a point where the existing footpath, herein-after referred to as being intended to be stopped up, passes under the branch railway of the Company leading to their works at Gorton:

(4.) The stopping up and discontinuing as a public footpath or highway so much of the footpath leading from North Street in the said township of Openshaw to the Gorton Old Road as lies between North Street and the point where that footpath passes under the branch railway of the Company leading to their works at Gorton:

(5.) The stopping up of a certain occupation road on and over lands in the township of Openshaw aforesaid, commencing on the south side of North Street, in the said last-mentioned township, at a point in that street one chain or thereabouts, measured along that street, from the east corner of Ferns Street, and terminating at a bridge or arch under the railway of the Company, situate twenty-one chains to the east of the junction of the Manchester and Stockport branch of the railway of the Sheffield and Midland Railway Companies Committee with the railway of the Company.

Extinguishment of rights of way over footpath and occupation road.

5. All rights of way over and along the footpath and occupation road or portions thereof delineated in the deposited plans which may under the provisions of this Act be stopped up and discontinued shall be and the same are hereby extinguished.

Power to deviate in constructing new road.

6. The Company may, in constructing the new road by this Act authorised, deviate the same to the extent of the limits of deviation marked on the deposited plans, and may deviate from the levels shown on the deposited sections of the new road to any extent not exceeding two feet, but not so as to increase the rate of inclination of the new road as shown on the deposited sections.

Provision for protection of Post Office telegraphs, &c.

7. If in the execution of the works by this Act authorised the Company desire to alter, remove, or otherwise interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, and not situate upon the Company's railway or works connected therewith, the following provisions for the protection of Post Office telegraphs shall apply; (that is to say,)

Before the Company alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus, the Company shall give to the Postmaster General one calendar month's previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto, and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Company, give the Company notice of his intention so to do, he may execute at the cost of the Company, and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due despatch in the execution thereof, and not interfering with or obstructing the use of the railway. If at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster General, along substituted wires to be provided by the Company at their own expense, to the satisfaction in all respects of the Postmaster General:

Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's

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Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster General causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues. The amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, on behalf of the Postmaster General as a penalty is recoverable from the Company:

Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General or of the Company under or by virtue of the Telegraph Act, 1868, or any agreement between the Company and the Postmaster General.

Power to acquire lands for general purposes.

8. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may from time to time enter upon, take, use, and appropriate to the purposes of their undertaking all or any of the lands and buildings following, delineated on the deposited plans and described in the deposited book of reference; (that is to say,)

Certain lands situate in the township of Dukinfield in the parish of Stockport in the county of Chester, lying and abutting upon the south side of the main line of the railway of the Company, and bounded towards the east by the Peak Forest Canal, and on the west by the River Tame;

Certain houses, lands, and buildings situate in the parish of Ordsall in the county of Nottingham, adjoining and abutting upon the southerly side of the main line of the railway of the Company, and extending from the Great Northern Railway on the east to a point about twenty-seven chains or thereabouts west of the bridge carrying the public highway over the railway of the Company near to the Whisker Hill Junction;

Certain other lands situate in the parish of Ordsall aforesaid, adjoining and abutting upon the east and west sides of the highway leading from Ordsall to Retford, and crossing the railway of the Company on the level near the cattle market there;

Certain other lands and buildings situate in the parish of Sheffield in the west riding of the county of York, lying and abutting upon the south side of the main line of the railway of the Company, bounded towards the west by a certain road called Woodbourne Road, near to the Woodbourne Junction of the railway of the Company, and extending in an easterly direction about forty chains from that road;

Certain other lands situate in the parish of Rotherham in the west riding of the county of York, lying and being on the north-west side of the Sheffield and Rotherham branch of the railway of the Company, and extending from the point where the Midland Railway crosses that branch to the Ickles Lock of the River Dun Navigation;

Certain other lands situate in the said parish of Rotherham, lying and adjoining the south side of the old course of the River Dun Navigation, at and adjoining the Ickles Lock of that navigation;

Certain other lands and buildings situate in the parishes of Balby-with-Hexthorpe and Doncaster, or one of them, in the west riding of the county of York, lying and adjoining on the south-west side of the branch railway connecting in a southerly direction the Barnsley and Doncaster branch of the railway of the Company with the Great Northern Railway;

Certain other lands and buildings situate in the parish of Darfield in the west riding of the county of York, and lying and abutting upon the north side of the Dearne and Dove Canal, and between that canal and the branch railway of the Company commonly known by the name of the Barnsley Coal Railway, at and near the point where the Cudworth and Barnsley branch of the Midland Railway crosses the Dearne and Dove Canal;

Certain other lands and buildings situate in the parish of Great Grimsby in the county of Lincoln, situate in the Lower Staith or Lower Staith Street, in Great Grimsby aforesaid, and lying between and bounded by Victoria Street and the Grimsby Old Dock;

Certain other lands, houses, and buildings situate and being in the said parish of Great Grimsby, near to the Grimsby passenger station, and abutting upon the south side of the railway of the Company, and extending from Wellow Gate on the west to Garden Street on the east;

Certain other lands and houses situate and being in Nelson Street in the borough and county of the town of Kingston-

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upon-Hull, lying between other lands and houses belonging to the Company;

Certain other lands and buildings situate in the township of Stretford in the parish of Manchester in the county of Lancaster, adjoining the Manchester South Junction and Altrincham Railway and lands belonging to the Cheshire Lines Committee;

Certain other lands, also in the township of Stretford, aforesaid, adjoining the public highway leading from Manchester to Altrincham.

As to bridge over occupation road in Dukinfield.

9. In taking, entering upon, and using the lands described in the deposited plans and books of reference and numbered 1 and 2 in the parish of Stockport, it shall not be lawful for the Company to stop up or interfere with the occupation road or way through those lands, except by carrying their railway and works over that road by means of a bridge or archway similar in height and span to that now carrying their existing railway over that road.

For the protection of the Great Northern Railway Company.

10. The Company shall not, except with the consent of the Great Northern Railway Company under their common seal, enter upon, take, or use any of the lands in the said parish of Ordsall numbered 12 on that part of the deposited plans which relates to that parish, nor on any part of the lands in that parish coloured red on a plan signed in duplicate by Richard Johnson on behalf of the Great Northern Railway Company, and Charles Sacré on behalf of the Company.

Notice to be given of taking houses of labouring classes.

11. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses; and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Power to take easements, &c. by agreement.

12. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, 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 Act with respect to lands and rentcharges, 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 apply corporate funds.

13. The Company may apply for the purposes of this Act any money which they are for the time being authorised to raise independently of this Act, and which is not required for the purposes for which the same was authorised to be raised.

Power to raise additional share capital.

14. In addition to such share capital as the Company are for the time being independently of this Act authorised to raise, they may from time to time raise such additional capital as they think requisite for the purposes of this Act, not exceeding the sum of one hundred and fifty thousand pounds, and for the general purposes of their undertaking a further sum not exceeding one hundred thousand pounds.

Mode of raising additional capital.

15. The additional share capital by this Act authorised to be raised by the Company shall be raised by the creation of new shares or new stock, ordinary or preference, or partly ordinary and partly preference, as the Company from time to time think fit.

New shares or stock to be subject to the same incidents as other shares or stock.

16. Subject to the provisions of this Act, the capital in new shares or stock created by the Company under this Act, and the new shares or stock therein, and the holders thereof respectively, shall be entitled and subject to the same powers, rights, privileges, liabilities, and incidents in all respects as if that capital were part of the now existing capital of the Company of the same class or description, and the new shares or stock were shares or stock in that capital.

No share to issue until one-fifth part paid up.

17. 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 less than one-fifth part of the amount of such share is paid in respect thereof.

Power to borrow on mortgage.

18. The Company may, in respect of the additional capital of two hundred and fifty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole eighty-three thousand pounds; but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted, and one half of such 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 capital have been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate

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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 additional 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 the said 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 certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

19. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the time of the passing hereof, 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 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 the Company.

Repealing provisions of former Acts with respect to appointment of a receiver.

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

Arrears may be enforced by appointment of a receiver.

21. The mortgagees of the Company 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 ten thousand pounds in the whole.

Power to create debenture stock.

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

Application of moneys.

23. All moneys raised by the Company under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act and the general purposes of the Company.

Powers for compulsory purchases limited.

24. The powers of the Company for the compulsory purchase of lands for the purpose of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

25. The works authorised by this Act shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall be then completed.

Extension of time for completion of certain specified works.

26. The time limited by the Act of 1874 for the construction of the railways and works at the time of the passing of that Act constituting the undertaking of the Macclesfield, Knutsford, and Warrington Railway Company, and by that Act transferred to the Company, is hereby extended for a period of three years from the first day of July one thousand eight hundred and seventy-seven.

Extension of time for purchase of lands under Act of 1874.

27. The powers granted to the Company by the Act of 1874 for the compulsory purchase of lands for the purposes of the railway No. 10 by that Act authorised are hereby extended and may be exercised by the Company for and during a period of two years from the sixteenth day of July one thousand eight hundred and seventy-seven, and on the expiration of that period those powers shall cease.

Extension of time for works authorised by the Act of 1874.

28. The time limited by the Act of 1874 for the construction of railway No. 10 authorised by that Act is hereby extended for a period of three years from the sixteenth day of July one thousand eight hundred and seventy-seven.

Extending time for sale of certain superfluous lands.

29. The Company may, notwithstanding anything to the contrary contained in the Lands Clauses Consolidation Act, 1845, or in any Act relating to the Company or to the South Yorkshire Railway and River Dun Company with which that Act is incorporated, retain and hold any lands purchased by or belonging to them which have not yet been applied to the purposes of the undertaking for-

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merly belonging to the last-mentioned Company, and now vested in the Company, or sold or disposed of by them or either of them, in the parishes following; (that is to say,) Adwick-upon-Dearne, Barnby, Don, Conisborough, Darfield, Doncaster, Fishlake, Kirk, Sandall, Mexborough, Royston, Sheffield, Silkstone, Sprotborough, Tankersley, Thorne, Thrybergh, Wath-upon-Dearne, and Warmsworth, all in the county of York, and Crowle in the county of Lincoln, for the periods following; (that is to say,) as regards such of the lands as are situate near to or adjoining any railway or station of the Company, and which the Company may be of opinion that they may require for the purposes of stations, sidings, or other conveniences, for the period of ten years from the passing of this Act, and as regards the other of the said lands for the period of five years from the passing of this Act; but the Company shall at the expiration of such respective periods of five years and ten years sell and dispose of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes of their undertaking.

Shares and stock created for redemption of seven per cent. South Yorkshire rentcharge stock to take same priority, &c.

30. The shares or stock created by the Company for the purpose of the purchase or redemption of the seven per cent. South Yorkshire rentcharge stock, in pursuance of the powers for that purpose contained in the South Yorkshire Vesting Act, shall be in lieu of and substitution for, and shall have and take the same order, priority, preference, security, and privileges in all respects as the stock so redeemed: Provided always, that the total annual interest or dividend to be paid upon and in respect of the shares or stock created as aforesaid shall not in any case exceed the total annual amount heretofore paid in respect of the interest or dividend on the stock so redeemed.

Power to raise capital to redeem five per cent. preference redeemable stocks.

31. The Company may raise such further moneys as may be necessary for the redemption of all or any of their five per cent. redeemable preference stocks by the creation of new preference shares or stock in lieu of and substitution for, and to bear and take the same order, priority, and preference as the stock so redeemed.

Premiums received on stocks and shares to be carried to reserve fund.

32. The Company may, by and out of the premiums which they have received or may receive in respect of stocks and shares issued by them at a premium, create a reserve fund, and may apply all or any part of such fund to such purpose or purposes (not being in payment of dividends or interest on any of the stocks or shares of the Company) as the Company may from time to time determine at any extraordinary general meeting of the Company convened with due notice of the object.

Interest not to be paid on calls paid up.

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

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

34. 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.

Company not exempt from provisions of present and future general Acts.

35. Nothing in this Act contained shall exempt the 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 by this Act.

Expenses of Act.

36. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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