CHAPTER iii.

An Act to authorise the Mansfield Railway Company to raise further capital and for other purposes. A.D. 1917.

[24th May 1917.]

WHEREAS by the Mansfield Railway Act 1910 (in this Act called "the Act of 1910") the Mansfield Railway Company (in this Act called "the Company") were incorporated and authorised to make certain railways and works in the county of Nottingham and to raise two hundred and fifty thousand pounds partly by ordinary and partly by preference shares and to borrow on mortgage or raise by means of debenture stock any sums not exceeding in the whole one-third part of the amount of the share capital for the time being issued and accepted:

And whereas by the Mansfield Railway Act 1914 (in this Act called "the Act of 1914") the Company were authorised to make the extension railways therein described and to raise additional capital not exceeding in the whole one hundred and fifty thousand pounds partly by ordinary and partly by preference shares and to borrow on mortgage or raise by means of debenture stock any sums not exceeding in the whole one-third part of the amount of such additional capital for the time being issued and accepted:

And whereas the amount paid by the Company as interest out of capital during construction was not to be deemed share capital in respect of which the borrowing powers of the Company might be exercised:

And whereas the Company have created and issued the whole of their share capital by the creation and issue of twenty thousand preference shares of ten pounds each and twenty thousand ordinary shares of ten pounds each:

A.D. 1917.

And whereas the Company have with the consent of the Treasury created and issued the sum of one hundred and twenty thousand pounds redeemable debenture stock and the balance of the moneys which the Company are empowered to borrow as aforesaid amounts to two thousand eight hundred and eighty-three pounds:

And whereas the Company have constructed and opened for goods mineral and coal traffic the whole of their main line but owing to the increased cost of materials and labour the authorised capital is insufficient to enable them to complete the subsidiary works and to complete and open their branch railways and it is expedient that the Company should be authorised to raise additional money for that purpose and for the general purposes of their undertaking:

And whereas by reason of the financial position brought about by the present war such additional money cannot be raised by ordinary or preference shares or stock except upon terms injurious not only to the holders of existing ordinary and preference shares but also to the permanent interests of the Company and it is therefore expedient that the Company should be authorised to raise the same by the issue of debentures or debenture stock:

And whereas it is expedient that the powers in this Act contained should be conferred on the Company with reference to the creation and issue of redeemable debenture stock:

And whereas it is expedient that the other powers in this Act mentioned should be conferred upon the Company:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 as the Mansfield Railway Act 1917.

Incorporation of Acts.

2. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

The borrowing of money by the Company on mortgage or bond;

The giving of notices; and

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

and Part III. of the Companies Clauses Act 1863 (relating to debenture stock) as those Acts are amended by any subsequent Act are so far as the same are applicable to the purposes of and are not varied by or inconsistent with this Act incorporated with and form part of this Act.

Interpretation.

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

The expression "the Company" means the Mansfield Railway Company;

The expression "the Act of 1910" means the Mansfield Railway Act 1910;

The expression "the Act of 1914" means the Mansfield Railway Act 1914;

The expression "the railway" means the railways and works of the Company.

Power to raise money by debenture debenture stock or mortgage.

4. The Company may subject to the provisions of this Act create and issue debentures (to be called "B" debentures) debenture stock (to be called "B" debenture stock) or mortgages of such nominal value as shall be sufficient to raise at the price at which the same shall be issued a sum not exceeding seventy-five thousand pounds All such debentures debenture stock or mortgages shall rank as to principal after the debenture stock or mortgages created and issued or to be issued by the Company under the authority of the Act of 1910 or the Act of 1914 but nothing in this Act contained shall affect the provisions of section 15 of the Act of 1910 as to interest on debenture stock and mortgages of the Company Notice of the effect of this enactment shall be endorsed upon all debentures certificates of debenture stock and mortgages created and issued by the Company under the authority of this Act.

For appointment of receiver.

5. Section 30 (Appointment of receiver) of the Act of 1914 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 The mortgagees or holders

A.D. 1917.

of debentures or debenture stock of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages debentures or debenture stock 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.

Company may issue redeemable debenture stock.

6.—(1) The Company may from time to time issue as redeemable debenture stock any debenture stock which they are by this Act authorised to create and shall previously to the issue of the same specify the terms and conditions on which the same may or shall be redeemed.

(2) There may be included among the conditions for the redemption of any such redeemable debenture stock an option to the Company to call in upon such notice as may be prescribed by the conditions and pay off such stock or any part thereof at any time before the date (if any) fixed for the redemption and also a condition for the redemption thereof or of any part or parts thereof by the substitution for the stock so to be redeemed of other debenture stock of the Company (either redeemable or irredeemable) of an equal larger or smaller amount.

(3) The Company may from time to time after providing for the payment of interest on any mortgages bonds debenture stock and preference stock of the Company and providing for other fixed charges and obligations set apart out of revenue such sums as they may consider proper for the purpose of forming a fund for the redemption at maturity of any redeemable debenture stock which under the conditions of the creation and issue of that stock is to be redeemed wholly or partly in cash and the Company may invest such fund or any part thereof and the resulting income therefrom in any securities in which trustees are by law authorised to invest trust funds or in any securities not being securities of the Company in which they may by resolution of a general meeting be authorised to invest such fund and they shall hold and apply such fund for the purpose of redeeming any redeemable debenture stock of the Company at maturity Provided that the directors may at any time and from time to time apply any part of such fund in the purchase of any redeemable debenture stock at any price not exceeding the redemption price and any stock so purchased shall be cancelled.

Borrowed money repaid may be again borrowed.

7. Section 39 (Power to re-borrow) of the Companies Clauses Consolidation Act 1845 shall apply to any moneys borrowed or re-borrowed by the Company by the creation and issue of redeemable debenture stock as well as to moneys borrowed on mortgage or bond and the powers conferred by that section may (subject to the provisions of subsection (1) of the last preceding section of this Act) be exercised by the directors of the Company from time to time by virtue of this Act and without any further or other sanction or authority and section 34 (Borrowing powers extinguished to extent of debenture stock) of the Companies Clauses Act 1863 shall not apply.

Power to borrow temporarily.

8.—(1) The Company may borrow temporarily on the security of any debentures or debenture stock (whether redeemable or irredeemable) which they are by this or any other Act authorised to create or issue or re-issue and when any sum so borrowed is paid off or satisfied and the debentures or debenture stock constituting the security therefor shall have been transferred or surrendered to the Company such debentures or debenture stock shall not be deemed to have been issued or to be extinguished but the same may be re-issued by the Company and when so re-issued shall confer upon the holders thereof the same rights and priorities in all respects as if the same had never previously been issued and section 34 (Borrowing powers extinguished to extent of debenture stock) of the Companies Clauses Act 1863 shall not apply.

(2) The re-issue of any such debentures or debenture stock under the power by this section given to the Company shall be treated as the issue of a new debenture or new debenture stock for the purposes of stamp duty or duty on loan capital chargeable under section 8 of the Finance Act 1899 but shall not be so treated for the purposes of any provision limiting the number or amount of debentures or debenture stock to be issued:

Provided that any person lending money on the security of a debenture re-issued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp duty or any penalty in respect thereof unless he had notice or but for his negligence might have discovered that the debenture was not duly stamped but in any such case the Company shall be liable to pay the proper stamp duty and any penalty.

A.D. 1917.

Powers may be exercised by directors.

9. Notwithstanding the provisions of this Act or any Act relating to the Company or any Acts incorporated therewith the directors of the Company may from time to time by virtue of this Act and without further or other sanction or authority exercise the powers conferred by this Act.

Restriction on raising money during war.

10. Notwithstanding anything contained in this Act the Company shall not under or in pursuance of the powers of this Act raise or borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Application of money.

11. All money raised under this Act shall be applied only for the purposes of this Act and for the general purposes of the Company to which capital is properly applicable.

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

12. 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.

Provision as to general Railway Acts.

13. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act.

14. 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.

Printed by EYRE and SPOTTISWOODE, LIMITED,
FOR
Sir FREDERICK ATTERBURY, K.C.B., the King's Printer of Acts of Parliament.

To be purchased through any Bookseller or directly from
H.M. STATIONERY OFFICE at the following addresses:
IMPERIAL HOUSE, KINGSWAY, LONDON, W.C.2, and 28, ABINGDON STREET, LONDON, S.W.1;
37, PETER STREET, MANCHESTER; 1, ST. ANDREW'S CRESCENT, CARDIFF;
23, FORTH STREET, EDINBURGH;
or from E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America and other Foreign Countries of
T. FISHER UNWIN, LTD., LONDON, W.C.2.