ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. ccxxx.

An Act for enabling the *Midland* Railway Company to construct a Railway from *Chesterfield* to *Sheffield*; and for other Purposes.

[25th *July* 1864.]

WHEREAS it is expedient that the *Midland* Railway Company (in this Act called "the Company") should be empowered to construct a Railway from their existing Line in the Parish of *Chesterfield* to their *Sheffield and Rotherham* Branch in the Parish of *Sheffield*, with a short Lnie to connect the intended Railway with the *Manchester, Sheffield, and Lincolnshire* Railway in the said Parish of *Sheffield*, and that for the Purpose of improving the Approaches to such intended Railway the Company should be empowered to make certain new Streets, and to alter, widen, and improve certain existing Streets in *Sheffield*: And whereas Plans and Sections showing the Lines and Levels of the proposed Railways, new Streets, and Alterations of Streets, and the Lands which the Company are by this Act empowered to acquire for the Purposes thereof, and Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Clerks of the Peace for the County of *Derby* and for the West Riding of the

County of *York* respectively: And whereas it is expedient that the Company should be empowered to raise a further Sum of Money for the Purposes of this Act: And whereas the Objects 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; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Midland* Railway (*Chesterfield* to *Sheffield*) Act, 1864."

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

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and also Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," and Part II. (relating to Additional Capital) of "The Companies Clauses Act, 1863," so far as the Provisions of the same respectively are applicable to the Purposes of and are not altered or varied by this Act, shall be incorporated with and form Part of this Act.

Same Meanings to Words in incorporated Acts as in this Act.

3. Except as is by this Act otherwise provided, the several Words and Expressions to which in the Acts incorporated wholly or partially with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Interpretation of Terms.

4. The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt and not a Debt or Demand created by Statute.

Power to take Lands.

5. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans and described in the deposited Books of Reference.

Power to make Railways according to deposited Plans.

6. Subject to the Provisions of this Act, the Company from Time to Time may make, in the Lines and in accordance with the Levels shown on the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use, the Railways following, with all proper Stations, Works, and Conveniences connected therewith; (that is to say,)

A Railway to commence in the Parish of *Chesterfield* in the County of *Derby*, by a Junction with the *Midland* Railway, and to terminate

terminate in the Parish of *Sheffield* in the West Riding of the County of *York*, by a Junction with the *Sheffield and Rotherham* Branch of the *Midland* Railway:

A Railway, all in the said Parish of *Sheffield*, to commence by a Junction with the last-mentioned intended Railway, and to terminate by a Junction with the *Manchester, Sheffield, and Lincolnshire* Railway:

And the said Railways and Works executed under the Authority of this Act shall, for the Purposes of Tolls and Charges, and for all other Purposes whatsoever, be Part of the Undertaking of the Company, as if the same had been Part of the *Midland* Railway vested in the Company by the Act (Local and Personal) Seven and Eight *Victoria*, Chapter Eighteen, intituled *An Act to consolidate the* North Midland, Midland Counties, *and* Birmingham and Derby Junction *Railways*.

As to the Inclination of certain Roads.

7. As regards the Roads next herein-after mentioned the Company may make those Roads respectively, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads; (that is to say,)

No. of Road on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
12*b*	Township of Unston in the Parish of Dronfield.	Turnpike Road.	1 in 18.
6*l*	Township of Dronfield in the Parish of Dronfield.	Public Road.	1 in 10.
15*a*	Township of Eccleshall Bierlow in the Parish of Sheffield.	Turnpike Road.	1 in 14.

For Protection of Duke of Norfolk's Estate.

8. Provided, That in making the Railway through the Duke of *Norfolk*'s Estate called "the Farm" in the Parish of *Sheffield*, between Eleven Miles and Half a Furlong and Eleven Miles Two Furlongs and a Half, on the deposited Plans of the Railway herein-before referred to, the Company shall not, without the previous Consent in Writing of the Duke or his Trustees, make the Railway otherwise than in a Tunnel or Covered Way (nevertheless such Portion as it may be requisite to cut open for the Purpose of forming the Covered Way being first cut open and then re-covered), and without any Air-shaft or other Opening therefrom in that Estate; and the Company shall not, except with the like Consent, permanently take for the Purposes of the Railway between the Points above mentioned any Land Part of that Estate exceeding in Width in any One Place Thirty-three Feet, or acquire in the Land taken for the Purposes of the Railway through that Estate, any Estate or Interest whatsoever other than an Easement, with the Right of making, maintaining, examining, repairing,

pairing, renewing, and using by themselves and others the Railway therein, and of doing all necessary and proper Acts for any of those Purposes; and the Company shall make and maintain such Retaining Walls and other Works and Conveniences for the Protection of the Estate, or the Accommodation of the Occupiers thereof, as the Company and the Duke's Trustees agree on.

For Protection of Derby and Sheffield Turnpike Road.

9. And whereas the Railway is intended to be carried over the *Derby*, *Duffield*, *Wirksworth*, and *Sheffield* Turnpike Road Three Times, and inasmuch as the Trustees of the said Road apprehend Inconvenience from the said Crossings: Therefore—

Where the Railway crosses the said Road at *Dronfield*, the Company shall take all reasonable Means to prevent any Alteration which they may make in the said Road, by lowering the same or otherwise, from causing the said Road to be flooded:

If within Twelve Months from the passing of this Act the Trustees shall, in Writing under the Hands of their Clerks, require the Company to divert the said Road between the Fourth and Sixth Furlongs of the Second Mile shown on the said Plans, and shall have obtained the Consent to such Diversion of the Owners, Lessees, and Occupiers of the Lands through which it is to be made, the Company shall construct between the said Points a new Road, as nearly as may be on the Line of the Eastern Limits of Deviation shown on the Plans deposited as aforesaid, and shall, when the said Road is completed to the Satisfaction of the said Trustees, deliver over the same to them; and the said new Portion of Road shall thenceforth be substituted for the existing Road between the said Points, and shall be subject to all the Incidents to which the Portion of Road for which it is substituted is liable.

Lands for extraordinary Purposes.

10. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may by Agreement purchase any Quantity of Land, not exceeding Ten Acres, adjoining or near to the Railways to be made under the Authority of this Act for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845."

Power for compulsory Purchases limited.

11. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Railways.

12. The Railways by this Act authorized shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease, except as to so much thereof respectively as shall then be completed.

13. After

Penalty if Railways not completed within Time limited.

13. After the Expiration of the Period by this Act limited for the Completion of the Railways, if the same be not then completed, the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the same shall be completed and opened for public Traffic; 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 Company was prevented from completing or opening such Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Provision for Regulation of Traffic at Junction with Manchester, Sheffield, and Lincolnshire Railway.

14. The Engineer for the Time being to the Company, and the Engineer for the Time being to the *Manchester, Sheffield, and Lincolnshire* Railway Company, shall from Time to Time make Rules and Regulations for the Regulation and Management of the Traffic at or near the Junction of the Railway secondly herein-before described, with the *Manchester, Sheffield, and Lincolnshire* Railway; and when such Rules and Regulations shall have been approved by the Board of Trade the Traffic at or near such Junction shall be managed and conducted in conformity therewith: Provided always, that in case the said Engineers shall fail to agree as to the Rules and Regulations to be made for the Purpose aforesaid, the Board of Trade shall, on the Application of either Party, appoint an Engineer to determine and prescribe the Rules and Regulations to be made for the Purpose aforesaid, which shall be binding and obligatory upon both Companies.

Facilities to be afforded for Interchange, &c. of Traffic at Stations at Sheffield.

15. The Company and the *Manchester, Sheffield, and Lincolnshire* Railway Company shall each afford to the other of such Companies the fullest Facilities for the Interchange and Transmission of Traffic by means of the Engines, Carriages, and Vehicles of the respective Companies requiring to use the same for the Purposes of their Traffic at the Station of the Company at *Sheffield* authorized by this Act, and at the *Victoria* Station of the *Manchester, Sheffield, and Lincolnshire* Railway Company also at *Sheffield*, with Power also to run over and use with such Engines, Carriages, and Vehicles the Lines of the respective Companies between and connecting such Stations respectively; and the Terms and Conditions of such mutual User shall be settled by Agreement between the respective Companies, and in case of Dispute the same shall be settled by Arbitration in accordance with "The Railway Companies' Arbitration Act, 1859."

For facilitating Interchange of Traffic between Midland and Manchester, Sheffield, and Lincolnshire Railway Companies.

16. In order to facilitate the Interchange of Traffic between the Company and the *Manchester, Sheffield, and Lincolnshire* Railway Company, the Company shall, at *Eckington*, so long as the *Manchester, Sheffield, and Lincolnshire* Railway Company shall run to that Place, and if they shall cease to run to *Eckington*, then at *Beighton*, provide a Train to meet every Train that shall be brought to the Place of Exchange by the last-named Company to go Southward; and if the last-named Company shall cease to run to *Eckington* the Company shall pay One Half the Expense of providing the necessary Accommodation at *Beighton*; and if any Difference of Opinion shall arise as to the Number of Trains or the Times of their Arrival at the Place of Exchange, or as to the Accommodation to be provided at *Beighton*, the same shall be settled by the Board of Trade or some Person appointed by them.

Power to make new Streets and widen and improve existing Streets in Sheffield.

17. Subject to the Provisions of this Act the Company from Time to Time may execute the following Works; (that is to say,)

They may make a new Street in *Sheffield*, from the Haymarket at the End of *Commercial Street* to *Sheaf Street*, near the Foot Bridge over the River *Sheaf*;

They may alter the Levels of *Sheaf Street*, and may make a new Street in continuation of that Street to near the Foot Bridge over the River *Sheaf* at the End of *Pond Hill*;

They may make a new Street from the Junction of *Pond Street*, *Pond's Lane*, and *Paternoster Row* to *Sheaf Island* near the South Side of *Bamforth Dam*;

They may widen to the Extent shown on the deposited Plans relating thereto the Road called *Harmer Lane* from *Pond Street* to the River *Sheaf*.

Power to deviate in Construction of new and altered Streets.

18. In constructing the new and altered Streets by this Act authorized the Company may deviate laterally from the Lines thereof respectively shown on the deposited Plans to any Extent not exceeding the Limits of such Deviation as defined on the said Plans, and may deviate from the Levels thereof respectively as shown on the deposited Sections to any Extent not exceeding Five Feet.

Limiting Period for Completion of new Streets, and Alteration and widening of Streets.

19. The new Streets and Alteration and widening of Streets by this Act authorized 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 for making the same, or otherwise in relation thereto, shall cease, except as to so much thereof respectively as shall then be completed.

Provision as to Repair and Main-

20. The said new Streets, when made and completed by the Company under this Act, and also the said Streets called *Sheaf Street* and *Harmer*

Harmer Lane as altered and widened under this Act, shall respectively from Time to Time be repaired and maintained by and at the Expense of the Board of Highways for the Township of *Sheffield*, in the same Manner and to the same Extent as other Streets or Roads within the Township of *Sheffield* are from Time to Time liable to be repaired and maintained: Provided always, that if any Question arise between the Company and the said Board as to the due Completion of such new Streets, or as to the due Completion of such Alteration of Levels of *Sheaf Street* or widening of *Harmer Lane*, such Questions shall from Time to Time be determined by Two Justices on the Application of either of the Parties in difference, and after not less than Seven Days Notice to both Parties of the Sitting of such Justices for the Purpose, and the Certificate of such Justices of the due Completion of such new Streets, or (as the Case may be) of the due Completion of such Alteration of the Levels of *Sheaf Street* or widening of *Harmer Lane* respectively, shall be conclusive Evidence of the Fact so certified.

Maintenance of new and altered Streets.

21. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is to say,)

"With respect to the Transfer or Transmission of Shares;

"With respect to the Payment of Subscriptions and the Means "of enforcing the Payment of Calls;

"With respect to the Forfeiture of Shares for Nonpayment of "Calls;

"With respect to the Consolidation of Shares into Stock;

"With respect to the Remedies of Creditors of the Company "against the Shareholders;

"With respect to the borrowing of Money by the Company on "Mortgage or Bond;

"With respect to the Conversion of borrowed Money into "Capital; and

"With respect to the Provision to be made for affording Access "to the Special Act by all Parties interested."

Parts of Companies Clauses Act incorporated.

22. The Company may raise for the Purposes of this Act, by the Creation and Issue of new Shares, such Amount of Capital as they think fit, not exceeding Four hundred and fifty-five thousand Pounds, and such new Shares may be either ordinary or preferential, or Part ordinary and Part preferential, as the Company may from Time to Time determine.

Power to raise Capital by new Shares.

23. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any Share vest in the

New Shares not to issue until One Fifth paid up.

the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid in respect thereof.

As to Amount and Issue of new Shares.

24. If at the Time of the Creation of new Shares under this Act the then existing ordinary Consolidated Stock in the 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 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 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 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 under the Powers of this Act; and every Holder of Shares or Stock in the 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 no Holder of any Shares or Stock entitled to a fixed Amount of Dividend, without further Participation in the Profits of the Company, shall be entitled to any Apportionment of any such new Shares.

Votes in respect of new Shares.

25. The Company may from Time to Time, if they think fit, attach to all or any new Shares or any Class of new Shares created 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.

Shares of same Class to have like Privileges.

26. All Shares of the same Class created under this Act shall be of like Amount, and shall confer like Privileges, and shall bear like Dividends or Interest, and be subject to like Restrictions (if any).

Vesting or other Disposition of new Shares.

27. All new Shares created under this Act shall vest in and belong to the then Shareholders who 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

28. If any Shareholder for One Month after such Offer of new Shares fail to accept the same and pay the First Instalment called for in

in respect thereof, then the Company may authorize the Directors to dispose of the same in such Manner as they may deem most for the Advantage of the Company. disposed of by Company.

29. Except as by or under the Powers of this Act otherwise provided, all new Shares issued 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 the Company (other than and except as aforesaid): 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 fixed or preferential Dividend or other special Advantages shall be assigned. Qualifications of new Shares.

30. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of new Shares, of One and the same Class, all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares. Power to raise Capital under any other Act this Session and this Act by new Shares of One Class.

31. 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 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* Mortgage, Preference Shares or Stock, or any Payment in respect of *Midland* Annuities. Saving Rights of existing Preference Shareholders.

32. After Shares for the whole of the Sum by this Act authorized to be raised by Shares shall have been taken up, and One Half of such Sum shall have been paid up, and the Company shall 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 all the Capital which the Company are by this Act authorized to raise by the Creation of new Shares are issued, and that not less than One Fifth Part of the Amount thereof has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares were issued and Power to borrow on Mortgage.

are *bonâ fide* held by Persons or their Assigns, and for which such Persons or their Assigns are legally liable, the Directors of the Company may borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of One hundred and fifty-one thousand Pounds, in addition to the Sums which they are or may be authorized to borrow by any other Act or Acts of Parliament.

Former Mortgages to have Priority.

33. All Mortgages or Bonds granted under the Authority of any former Act relating to the Company, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages to be granted by virtue of this Act.

Application of Monies.

34. All and every Part of the Money to be raised under this Act, whether by Shares or by borrowing, shall be applied to the Purposes of this Act and to no other Purpose.

Company may apply Corporate Funds to Purposes of Act.

35. The Company from Time to Time may apply for or towards all or any of the Purposes of this Act any Sums of Money which they have already raised or are authorized to raise by any of their Acts and which are not required for the Purposes to which they are by those Acts respectively made specially applicable.

Interest not to be paid on Calls paid up.

36. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

37. The Company shall not, out of any Money by this Act or any other Act authorized to be raised by the Company, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any other Railway, or execute any other Work or Undertaking.

Railway not exempt from Provisions of

38. Nothing in this Act contained shall exempt the Railway from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies

panies now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels in respect of the Railways by this Act authorized. present and future General Acts.

39. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Company. Expenses of Act.

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