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Cap. cclix.

An Act to enable the *West Riding and Grimsby* Railway Company to raise further Sums of Money; to extend the Time limited in respect of One of their authorized Branches; and for other Purposes. [5th *July* 1865.]

WHEREAS the *West Riding and Grimsby* Railway Company (who are meant when the Expression "the Company" is herein-after used) were incorporated by an Act passed in the Year One thousand eight hundred and sixty-two, for "the Con-" struction of a Railway from the *Bradford, Wakefield, and Leeds* " Railway at *Wakefield* to the *South Yorkshire* Railway at *Barnby-* " *upon-Don*, and of certain Branch Railways, to be called 'The *West* " *Riding and Grimsby* Railway:'" And whereas by the same Act, and the Agreement which forms a Schedule thereto, and is, with some Modifications, confirmed by the Fifty-eighth Section of the same Act, the *Manchester, Sheffield, and Lincolnshire* Railway Company (who are herein-after called "the *Sheffield* Company") and the *South Yorkshire* Railway and River *Dun* Company (who are herein-after called "the *South Yorkshire* Company") are authorized to guarantee to the *West Riding and Grimsby* Railway Company a 25 & 26 Vict. c. ccxi.

Dividend defined by the said Act on the Capital of the last-named Company raised by Shares and expended on their Undertaking to an Amount not exceeding Three hundred and sixty thousand Pounds: And whereas the Company require for the Purposes of their Undertaking and for completing the same an additional Sum of Money; and inasmuch as the same Undertaking is by virtue of the Fourth Article of the said Agreement to be maintained, stocked, worked, and used by the *Sheffield* and *South Yorkshire* Companies (unless in a certain Contingency), it is fitting that the Company and the *Sheffield* Company should be authorized to agree for extending the guaranteed Dividend provided for in the said Act to the Capital hereby authorized to be raised, or to agree upon some other Advantage to be granted to that Capital: And whereas by "The *South Yorkshire* Railway and River *Dun* Company's Transfer Act, 1864," the Undertaking of the *South Yorkshire* Company is transferred to and vested in the *Sheffield* Company for a Term of Nine hundred and ninety-nine Years, but by the Sixth and Forty-second Sections of the same Act the Rights of the *West Riding and Grimsby* Railway Company under the said Act of One thousand eight hundred and sixty-two, and under the Agreement confirmed thereby, are saved: And whereas the Time granted for the compulsory Purchase of Lands for the Purposes of the Branch Railway fifthly described in the Fifteenth Section of the said Act will expire on the Seventh Day of *August* One thousand eight hundred and sixty-five, and it is expedient that such Time should be extended: And whereas the 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

27 & 28 Vict. c. lxxvii.

Short Title.

1. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*West Riding and Grimsby* Railway Act, 1865."

As to "Superior Courts" or "Court of competent Jurisdiction."

2. The Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act, 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.

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

3. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part II. of "The Railways Clauses Act, 1863," are incorporated with and form Part of this Act.

4. The

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

4. The several Words and Expressions to which by the several Acts wholly or partially incorporated with this Act Meanings are respectively assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Powers for compulsory Purchase of Lands for making a certain Branch extended.

5. Subject to the Provisions of this Act, the Powers for the compulsory Purchase or taking of Lands granted by the said Act of 1862 for the Purpose of making the Branch Railway fifthly described in the Fifteenth Section of the same Act, being a Branch to connect the Main Line of the *West Riding and Grimsby* Railway with the *Lancashire and Yorkshire* Railway at *Crofton*, shall be extended for the Period of Two Years from the passing of this Act, but so as not in any way to prejudice or affect any of the Provisions of the Act of 1862 affecting or relating to the *Lancashire and Yorkshire* Railway Company, or the Property, Rights, and Interests of that Company; and after the Expiration of such Period the Powers by the said Act of 1862 and by this Act granted for the compulsory Purchase of the Lands authorized to be taken for such Railway shall cease to be exercised.

Power to raise additional Capital by new Shares.

6. The Company may from Time to Time raise (in addition to the Sums of Money which they are already authorized to raise) any further Sums not exceeding in the whole Sixty thousand Pounds by the Creation of new Shares in their Undertaking; provided that the Company shall not issue any Share or Stock created under the Authority of this Act, nor shall any Share or Stock vest in 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 up in respect thereof.

Limit of Amount and Number of Calls.

7. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

As to Votes of Proprietors of such Shares.

8. The Proprietors of any Shares to be issued under the Authority of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if the same had been original Shares of the Company.

Power to borrow on Mortgage.

9. The Company may from Time to Time, under the Powers of this Act, borrow any additional Sum of Money, not exceeding Twenty thousand Pounds, by Mortgage of their Undertaking or by Debenture

Debenture Stock, but no Part of that Sum shall be raised by Mortgage or on Debenture Stock until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for, and One Half thereof is paid up, and until the Company shall prove 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 such additional Capital or Stock has been subscribed for *bonâ fide*, and has been issued, and that One Half thereof has been paid up, and that Twenty *per Centum* on each Share or Portion of Stock has been paid on or before the Issue and Acceptance thereof, and that every Share or Portion of Stock is held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing Mortgages to have Priority.

10. Provided always, That all Mortgages granted by the Company 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 have Priority over any Mortgages to be created by virtue of this Act.

Guarantee of Dividend.

11. All the Provisions contained in the Fifth, Sixth, and Seventh Articles of the Heads of Agreement contained in the Schedule to "The *West Riding and Grimsby* Railway Act, 1862," as modified by the Fifty-eighth Section of the same Act, shall, if it is so agreed between the Company and the *Sheffield* Company, apply and attach to the additional Capital or any Part of the additional Capital authorized to be raised under this Act by Shares and by Loan, as fully and effectually as though the said additional Capital had been authorized to be raised by the said Act, and as though the "Debenture Debt" of the Company mentioned in the said Fifty-eighth Section had been One hundred and thirty-six thousand Pounds instead of One hundred and twenty thousand Pounds, and as though the Capital to be raised by Shares had been Four hundred and ten thousand Pounds instead of Three hundred and sixty thousand Pounds; provided that it shall be lawful for the Company and the *Sheffield* Company to agree concerning any other Dividend or Advantage to be granted to the said additional Capital, but not exceeding in pecuniary Amount the Dividends and Advantages secured by the said Act of 1862, and the Heads of Agreement confirmed thereby.

Application of Sums raised under this Act.

12. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes authorized by the said Act of One thousand eight hundred and sixty-two.

13. The

Parts of 8 & 9 Vict. c. 16., and 26 & 27 Vict. c. 118. incorporated.

13. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

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

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

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

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

With respect to the Consolidation of Shares into Stock;

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

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

And also the Clauses and Provisions of "The Companies Clauses Act, 1863,"

Part I. With respect to Cancellation and Surrender of Shares;

Part II. With respect to additional Capital; and

Part III. With respect to Debenture Stock,

Shall be incorporated with this Act, and shall apply to all Shares created and to Mortgages granted and Money borrowed under the Powers of this Act.

Interest not to be paid on Calls paid up.

14. It shall not be lawful for the Company, out of any Money by this Act or by any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying 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 in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

15. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be in force may be required

required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

16. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Expenses of Act.

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

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