



CHAPTER xl.

An Act to extend the powers of the Rotherham and Bawtry Railway Company for the acquisition of Lands for and the completion of their authorised Railways; and for other purposes. A.D. 1886.
[25th September 1886.]

WHEREAS by the Rotherham and Bawtry Railway Act 1881 (in this Act called "the Act of 1881") the Rotherham and Bawtry Railway Company (in this Act called "the Company") were incorporated and were authorised to raise a capital of £360,000 by shares and to borrow not exceeding £120,000 on mortgage and to make and maintain the railways in that Act described:

And whereas by the Rotherham and Bawtry Railway Act 1882 (in this Act called "the Act of 1882") the Company were authorised to raise additional capital to the amount of £50,000 and to borrow additional sums not exceeding £16,600 on mortgage and to make and maintain the railways in that Act described and to abandon part of the railways authorised by the Act of 1881:

And whereas by the Rotherham and Bawtry Railway Act 1884 (in this Act called "the Act of 1884") the Company were authorised to raise additional capital to the amount of £75,000 by shares and to borrow further sums not exceeding £25,000 on mortgage:

And whereas it is expedient that the powers for the compulsory purchase of lands granted by the Acts of 1881 and 1882 respectively should be revived and continued and that the periods for the completion of the railways authorised by those Acts (hereinafter called "the railways") should be revived and extended as by this Act provided:

And whereas it is expedient that the Company be authorised subject to the provisions of this Act to pay interest or dividends upon the amount paid up from time to time in respect of shares in their capital and for that purpose to raise further money as by this Act provided:

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

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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 Rotherham and Bawtry Railway Act 1886.

Incorporation of parts of general Acts.

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

The Companies Clauses Consolidation Act 1845 but so much only as respects the following matters namely:—

The distribution of the capital into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the Company against the shareholders;

The consolidation of shares into stock;

The general meetings of the Company;

The making of dividends; and

The giving of notices;

The Companies Clauses Act 1863 but only—

Part I. (relating to cancellation and surrender of shares); and

Part II. (relating to additional capital); and

The Railways Clauses Act 1863 but only—

Part II. (relating to extension of time).

Interpretation.

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

Powers for compulsory purchase of lands revived.

4. The powers conferred upon the Company by the Acts of 1881 and 1882 for the compulsory purchase of the lands for the purposes of those Acts respectively are hereby revived and extended and shall continue in force and may be exercised until but not after the expiration of two years from the passing of this Act.

A.D. 1886. capital were part of the capital of the Company authorised by the Acts of 1881 1882 and 1884 and the new shares were shares in that capital. The capital in new shares so created shall form part of the capital of the Company.

Dividends on new shares. **9.** Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Receipt clause in case of persons not sui juris. **10.** If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Extending to additional capital provisions of Act of 1881 as to dividing shares. **11.** The provisions contained in sections 13 to 20 both inclusive of the Act of 1881 with reference to the division of the shares in the capital by that Act authorised into half-shares shall extend and apply to the shares in the additional capital by this Act authorised as if the same had been re-enacted in this Act with reference thereto.

Repealing certain sections of existing Acts. **12.** Section 57 of the Act of 1881 and section 25 of the Act of 1882 and section 14 of the Act of 1884 are hereby repealed.

Power for Company to pay interest out of capital. **13.** Notwithstanding anything in the said Acts or in any Act or Acts incorporated with them contained it shall be lawful for the Company out of any moneys by the said Acts or any of them or by this Act authorised to be raised to pay interest at such rate not exceeding four pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by the Act under the authority of which such shares are issued respectively as extended by this Act for the completion of the works by that Act authorised or such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say) :—

(A) Such interest shall not begin to accrue until the Company shall have obtained a certificate of the Board of Trade to the effect that two thirds at least of the share capital authorised by the Act sanctioning the issue of the shares in respect of which such interest is to be paid have been actually issued and accepted and are held by shareholders who or whose executors administrators or assigns are legally liable for the same;

(B) Such interest shall not accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear;

5. The powers granted by the Acts of 1881 and 1882 respectively for the construction of the railways by those Acts authorised are hereby revived and extended and may be exercised by the Company for the period of three years from the passing of this Act and on the expiration of that period those powers shall cease to be exercised except as to so much of the said railways as are then completed and sections 39 and 40 of the Act of 1881 and sections 21 and 22 of the Act of 1882 respectively shall be read and construed as if the period limited by this Act for the completion of the railways had been the periods limited by the said Acts of 1881 and 1882 respectively for the completion thereof.

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Extension
of time for
construction
of railways.

If the said railways be not completed within the said period of three years then on the expiration of that period the powers by this Act granted for making and completing the same or otherwise relating thereto shall cease to be exercised except as to so much thereof as shall then be completed.

6. The Company shall not under the extended powers by this Act granted without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Restriction
on displacing
persons of
labouring
class.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

7. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue of new ordinary shares any additional capital not exceeding in the whole thirty-two thousand pounds but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Power to
raise addi-
tional capital.

8. The capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that

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

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(c) The aggregate amount so payable for interest shall not exceed thirty-two thousand pounds and shall not be deemed to be capital within the meaning of section 21 of the Act of 1881 or section 11 of the Act of 1882 or section 9 of the Act of 1884 ;

(d) Notice that the Company have power to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares ;

(e) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

14. 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.

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

15. Nothing in this Act shall exempt the Company or their 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 any future session of Parliament or from any future revisor 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.

Provision as to general railway Acts.

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

Costs of Act.

