CHAPTER xc.

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An Act to grant further Powers to the Great Northern Railway Company with relation to their undertaking; and for other purposes. [7th July 1873.]

WHEREAS it is expedient that the Great Northern Railway Company (who are herein-after called "the Company") should be enabled—

To make two short branch railways, the one near Peterboro' and the other at Barkston in Lincolnshire:

To purchase the additional lands herein-after described:

To alter streets in the parish of Saint Pancras in the county of Middlesex, and to close certain streets in the said parish of Saint Pancras and at Derby:

And whereas by the Edgware, Highgate, and London (Junction) Railway Act, 1865, power was given to the Edgware, Highgate, and London Railway Company (who are herein-after called "the Edgware Railway Company") to make a short branch in the parish of Saint Mary Islington from their railway at Crouch Hill to the Tottenham and Hampstead Junction Railway, near the spot where that railway was intended to cross the Holloway Road, and the powers for the compulsory purchase of land were by that Act (section 17) limited to the twenty-ninth day of June 1867, and the powers granted for the completion of the railway were limited (section 20) to the twenty-ninth day of June 1869: 28 & 29 Vict. c. cxci.

And whereas by the Great Northern Railway Act, 1867, (section 14) the undertaking of the Edgware Railway Company, so far as the same was authorised by the Acts bearing the name of that Company and passed in the years 1862, 1864, and 1866, and by the Great Northern Railway Act, 1867, was transferred to the Company upon the conditions stated in the said Act, together with all the powers, duties, and liabilities attaching to the same undertaking: 30 & 31 Vict. c. cxxxi.

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And whereas a sum of six thousand four hundred and eleven pounds eight shillings and sevenpence three per cent. consolidated bank annuities was deposited in the name of the Accountant-General of the Court of Chancery in England with respect to the said Act of 1865, and the said sum together with accumulations thereof is now standing in the name of Her Majesty's Paymaster-General, and by the 14th section of the said Act of 1867 any sum deposited with relation to the said Act of 1865 is vested in the Company:

And whereas no steps have been taken towards the construction of the branch authorised by the said Act of 1865, and no notices have been given or contracts made or other steps taken with respect to the purchase of lands for the purposes thereof, and the railways constructed since the passing of the said Act supersede the need for the said branch, and it is expedient that the money and funds now standing in the name of the Paymaster-General with relation to the said Act of 1865 should be transferred to the Company or to such persons as the Company may appoint:

And whereas the perpetually increasing traffic of the Great Northern Railway renders it necessary for the Company from time to time to increase their stations, sidings, and conveniences, and to erect additional warehouses, walls, and other buildings in connexion with the said undertaking:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and the lands to be taken for the purposes thereof, and plans of the additional lands which the Company are authorised to take under the powers of this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of all such lands, so far as those documents relate to lands in each county, were duly deposited with the clerks of the peace for Huntingdonshire, the parts of Kesteven and of Holland in Lincolnshire, Middlesex, Hertfordshire, Northamptonshire, Rutland, Nottinghamshire, the west riding of Yorkshire, and Derbyshire respectively, and the said documents are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes 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:

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Short title.

1. This Act may be cited as "The Great Northern Railway (Additional Powers) Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," Part I. (so far as applicable) of "The Railways Clauses Act, 1863," relating to "construction of a railway," the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to—

The distribution of the capital of the company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against shareholders;

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

The conversion of the borrowed money into capital;

The giving of notices;

The consolidation of shares into stock; and

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

and also Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expressions "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised; 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 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.

Interpretation of term "parish clerk."

4. The expressions "parish clerks" and "clerks of the several parishes" in sections seven, eight, and nine of "The Railways Clauses Consolidation Act, 1845," shall, with reference to the Company, and as regards those parishes or extra-parochial places in which by the standing orders of either House of Parliament plans,

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sections, and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or extra-parochial place is included, mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose:

The railways herein-before referred to and authorised by this Act are the following; (namely,)

Peterborough branch—

A Railway (No. 1) one mile five furlongs and half a chain in length, and wholly in Huntingdonshire, commencing by a junction with the Great Northern Railway in the parish of Fletton, near the bridge carrying the public road leading from Fletton to Woodstone over the said railway, and terminating in the parish of Orton, otherwise Overton Longville, at or near Botolph Bridge Stairs, by a junction with the Northampton and Peterborough branch of the London and North-western Railway:

Barkston branch—

A Railway (No. 2) three miles three furlongs two chains and twenty links in length, and wholly in the parts of Kesteven in Lincolnshire, commencing near the spot where the Nottingham and Grantham branch of the Great Northern Railway crosses on the level the public road leading from Barrowby to Allington in the parish of Barrowby, and terminating in the parish of Barkston by a junction with the main line of the Great Northern Railway, near the spot where that railway crosses on the level the public road leading from Barkston to Marston.

Power to take additional lands.

6. Subject to the provisions of this Act, the Company may enter upon and take for the purposes of their undertaking the lands herein-after mentioned; (that is to say,)

Lands at Seven Sisters Road and Clarence Road in the parish of St. Mary Islington in the county of Middlesex, abutting on the east upon the Great Northern Railway:

Lands at Wood Green station on the Great Northern Railway in the parish of Tottenham in the county of Middlesex:

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Lands near the King's Cross station of the Great Northern Railway in the parish of St. Pancras in the county of Middlesex; and the Company may stop up the following streets or roads in connexion with the last-mentioned lands, and extinguish all rights of way in and over the same, namely, Ashby Street, Northampton Street, Edmund Street, and Norfolk Street, and they may divert Suffolk Street: Provided that the Company shall not stop up the said streets, or any of them, until they shall have completed and opened to the public the new road from York Road to Saint Pancras Road, in accordance with the plan suggested by the Company in July one thousand eight hundred and seventy-two, and agreed to by the vestry of Saint Pancras:

Lands in the parish of Saint Mary Islington, bounded on the south and west by the side of Albert Place and Victoria Place, in the immediate neighbourhood of Highbury Hill Park:

Lands on the north and south sides of the authorised Alexandra Park branch of the Great Northern Railway Company near Southwood Lane in the parish of Saint Mary Hornsey:

Lands on the east side of the Great Northern Railway and the Hitchin station in the parish of Hitchin in the county of Hertford:

Lands at Peterborough on both sides of the river Nene, on the one side of the river in the parish of Fletton in the county of Huntingdon, and on the other side of the river in the parish of Saint John the Baptist in the city of Peterborough in the county of Northampton:

Lands lying between Peterborough and New England, bounded on the west by the Great Northern Railway in the parish of Saint Mark Peterborough in the county of Northampton:

Lands on both sides of the Essendine station of the Great Northern Railway in the chapelry of Essendine in the parish of Ryhall in the county of Rutland:

Lands at Bourn station of the Great Northern Railway and on the south side thereof in the parish of Bourn in the parts of Kesteven in the county of Lincoln:

Lands at Spalding station of the Great Northern Railway in the parish of Spalding in the parts of Holland in the county of Lincoln:

Lands on the south side of the Bingham station on the Grantham and Nottingham line of the Great Northern Railway in the parish of Bingham in the county of Nottingham:

Lands on the northern side of the Great Northern Railway and station in the parish of Sneinton in the county of Nottingham:

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Lands on the east side of the Retford station of the Great Northern Railway in the parish of Ordsall in the county of Nottingham:

Lands at Wrenthorpe junction in the township of Stanley-cum-Wrenthorpe in the parish of Wakefield in the west riding of the county of York:

Lands on the south-west side of the Sandal station on the West Riding and Grimsby Railway in the parish of Sandal Magna in the west riding:

Lands on the south side of and adjoining the Great Northern Railway in the township and parish of Bradford in the west riding near the Laister Dyke station of the same railway.

For the protection of the vestry of St. Mary Islington.

7. The several provisions contained in the 14th section of "The Great Northern Railway (Various Powers) Act, 1872," relating to works in the parish of Saint Mary Islington shall, so far as they are applicable to the additional lands in the same parish taken under the powers of this Act, be deemed to be incorporated in this Act as though the same were expressly repeated herein.

Local rates to be made good in the parish of St. Pancras.

8. While the Company are possessed, under the authority of this Act, of any lands, houses, buildings, or other property assessed or liable to be assessed to any parochial or other general or special rate, and until any works to be constructed under the authority of this Act in the parish of Saint Pancras are so far completed as to be assessed or liable to be assessed to an amount equal to or greater than the aggregate amount of the gross rateable value of the same lands, houses, buildings, and property in a rate made on the eleventh day of October one thousand eight hundred and seventy-two, the Company shall be liable to make good the deficiency in the assessment for such rates by reason of such lands, houses, buildings, or property being taken or used by them for the purposes of this Act, and the deficiency shall be computed according to the rental at which such lands, houses, buildings, and property respectively are rated in the said rate.

Closing certain streets in Derby.

9. The Company may stop up and extinguish all rights of way in and over Cherry Street and Little Cherry Street in the parish of Saint Alkmund, and Short Street, South Street, Baxter Street, and New Street, otherwise Granville Street, in the parish of Saint Werburgh in the town of Derby, and appropriate the soil of such portions of the said streets as are shown within the limits of deviation defined upon the plans deposited with respect to "The Great Northern Railway (Derbyshire and Staffordshire) Act, 1872."

Lands for extraordinary purposes.

10. The quantity of land to be taken by the Company by agreement under the powers of this Act for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed fifteen acres.

Period for compulsory purchase of lands.

11. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Notice to be given of taking houses of labouring classes.

12. 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, hand-bills, 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 the Company have made known their intention to take the same in manner hereinbefore required.

Power to take easements, &c. by agreement.

13. 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 required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts 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.

Railways as to tolls, &c. to form part of original railway.

14. The Company may demand and take in respect of the railways the same tolls and charges as they are authorised to receive for and in respect of the Great Northern Railway as if they were part of such undertaking, and the said railways shall in all respects be deemed parts of the Great Northern Railway.

Imposing penalty unless railway opened.

15. If the Company fail, within the period limited by this Act, to complete the railways, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the solicitor

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of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account to be opened in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Court of Chancery in England in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; 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 the railways by unforeseen accident or circumstances beyond their control: Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

16. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the court, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for completion of railways.

17. The railways shall be completed within four years from the passing of this Act, and if the railways shall not be completed within that period then on the expiration thereof the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed.

Compensation for damage to land by entry &c., for purposes of railway abandoned.

18. Nothing contained in this Act shall prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Edgware Railway Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway authorised by the Edgware, Highgate, and London (Junction) Railway Act, 1865, or shall prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the same company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in "The Railways Clauses Consolidation Act, 1845," or "The Edgware, Highgate, and London (Junction) Railway Act, 1865."

Compensation to be made in respect of portions of railways abandoned.

19. Where before the passing of this Act any contract may have been entered into or notice given by the Edgware Railway Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised by the last-mentioned Act, the Edgware Company shall be released from all liability to purchase or to complete the purchase of any such lands, but notwithstanding full compensation shall be made to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be paid by Great Northern Company.

20. All compensation which shall become payable by virtue of the two foregoing sections, or either of them, shall be paid by the Great Northern Railway Company.

Court of Chancery may order repayment of deposit.

21. The Court of Chancery may, at any time after the passing of this Act, order that any moneys or funds standing in the name of the Paymaster-General on account of that court in respect to the

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application for "The Edgware, Highgate, and London (Junction) Railway Act, 1865," and any interest or dividends which may have accrued upon any such moneys or funds, shall be transferred and paid to the Company or to such person or persons as the Company may appoint in that behalf, and upon such order being made the said moneys or funds, with the dividends or interest thereon, shall be so transferred and paid.

For protection of land of the Midland and Great Eastern Railway Companies.

22. Nothing in this Act or in the deposited plans or books of reference contained shall authorise the Company to enter upon, take, or interfere with any land, property, or works belonging to the Midland Railway Company or to the Great Eastern Railway Company, unless with the consent of the said companies respectively under their respective common seals.

Saving rights of Spalding Improvement Commissioners.

23. Nothing in this Act shall authorise or empower the Company to enter upon, take, or interfere with the public roads known as Stepping Stone Lane and Woobrain Wyegate, or either of those public roads, or with any other public roads, streets, or highways now being or hereafter to be vested in or under the control or management of the Spalding Improvement Commissioners, without the previous consent in writing of such commissioners.

Company may apply their funds towards purposes of Act, and may raise additional capital.

24. It shall be lawful for the Company to apply towards the construction of the railways hereby authorised any of the moneys which they are already authorised to raise, and which may not be required by them for the purposes for which the same were authorised to be raised, and the Company may for the same purposes and for the general purposes of their undertaking from time to time raise, in addition to the sums of money which they are already authorised to raise, any further capital not exceeding in the whole three hundred thousand pounds by the creation of new shares or stock in their undertaking, which shares or stock shall form part of the general capital of the Company, and the Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or preferential stock, as they may think fit.

Shares not to vest until one fifth part paid up.

25. The Company shall not issue any share created under the authority of this Act, nor shall any share 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 in respect thereof.

As to votes of proprietors of such shares.

26. The proprietors of any shares or stock 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 thereby would have entitled them to if the same had been original shares or stock of the Company.

Providing for consolidation of stock.

27. Any capital which the Company may have power to create in shares or stock by virtue of this Act or of any other Acts passed in the present session of Parliament may be comprised in any scheme for the consolidation of stock authorised by "The Great Northern Railway (Various Powers) Act, 1872."

Power to borrow on mortgage.

28. The Company may from time to time, under the powers of of this Act, borrow any additional sums of money not exceeding in the whole one hundred thousand pounds by mortgage of their undertaking, but no part thereof shall be borrowed until the Company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the additional capital by this Act authorised to be raised by new shares has been subscribed for, 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 share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, 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 shall be sufficient evidence thereof.

Existing mortgages to have priority.

29. All mortgages granted by the Company in pursuance of any Act of Parliament, and which shall be subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, have priority over any mortgages to be granted by virtue of this Act; but 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.

Arrears may be enforced by appointment of a receiver.

30. The powers granted by virtue of the enactments enumerated in the schedule to this Act to the creditors of the Company with respect to the appointment of a receiver are hereby repealed, and in the stead thereof be it enacted as follows:—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

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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 fifty thousand pounds in the whole: Provided that nothing contained in this enactment shall prejudicially affect any appointment of a receiver subsisting at the passing of this Act, or any proceedings then pending for such appointment.

Debenture stock.

31. The Company may create and issue debenture stock, subject to the provisions of Part III. of the "Companies Clauses Act, 1863."

Application of sums raised under this Act.

32. All and every part of the sums of money which the Company are by this Act authorised to raise by new shares or stock or by debenture stock or mortgage shall be applied only to the purposes authorised by this Act.

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: Provided always, that this Act shall not 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.

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

35. Nothing herein contained shall be deemed or construed to exempt the railways 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges or of the rates for small parcels.

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.

SCHEDULE of Enactments for the Appointment of a Receiver.

	Section
Royston and Hitchin Railway Amendment, Shepreth Extension Act, 1848 (11 & 12 Vict. cap. 119.) -	11
Stamford and Spalding Railway Act, 1846 (9 & 10 Vict. cap. 352.) - - - - - -	9
Great Northern Railway Company's Increase of Capital Act, 1853 (16 & 17 Vict. cap. 60.) - - -	22 & 23
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