ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cxliii.

An Act to enable the *Great Northern* Railway Company to alter the Line of their Railway near *Doncaster*. [9th *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, called "The *Great Northern* Railway Act, 1846:" And whereas another Act was passed in the same Session, called "The *Stamford and Spalding* Railway Act, 1846:" And whereas the Undertaking by the last-mentioned Act authorized has since the passing thereof, and in pursuance of the Powers therein contained, been transferred to and is now vested in the *Great Northern* Railway Company: And whereas it is expedient that the *Great Northern* Railway Company should be empowered to deviate from the Line of certain Parts of the Railway authorized to be constructed by the said firstly-recited Act, and to construct another Line of Railway in the Stead thereof: And whereas it is expedient that some of the Provisions of the said recited Acts should be extended and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be

enacted;

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, That all the Provisions, Matters, and Things contained in the said recited Acts, and in "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," so far as the same are now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, so far as the same Provisions, Matters, and Things are applicable thereto, as fully and effectually as if the same were repeated and re-enacted in this Act in reference to such Purposes and Things.

Powers of recited Acts and 8 & 9 Vict. cc. 18. & 20. extended to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to describe it as "The *Great Northern* Railway (Deviation near *Doncaster*) Act, 1847."

Railways to be made according to deposited Plans.

III. And whereas Plans and Sections of the new or substituted Line of Railway by this Act authorized, showing the Line and Levels thereof, and also Books of Reference to the said Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands through which the same is intended to pass, have been deposited with the respective Clerks of the Peace for the County of *Nottingham*, for the Parts of *Lindsey* in the County of *Lincoln*, and for the West Riding of the County of *York;* be it enacted, That, subject to the Provisions in this Act and the recited Acts contained, it shall be lawful for the Company to make and maintain the new Line of Railway hereby authorized, and Works connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Company to abandon the Construction of a certain Portion of the Line described in first-recited Act.

IV. And be it enacted, That it shall be lawful for the Company to abandon the Formation of a Portion of the Railway by the said firstly-recited Act authorized, and in the Stead thereof to make and maintain a new or substituted Line of Railway, with all proper Works, Stations, Approaches, and Conveniences connected therewith, commencing at a Field in the Parish of *Cantley* in the West Riding of *Yorkshire*, numbered 39 on the deposited Plans referred to in the said "*Great Northern* Railway Act, 1846," passing in or through the several Places of *Rossington*, *Cantley*, *Doncaster*, *Balby with Hexthorpe*, *Arksey*, and *Bentley* in the said West Riding, and terminating in the Township of *Bentley with Arksey* in the Parish of *Arksey* at a Field numbered 35 on the said last-mentioned Plans.

Company to abandon Portions of the Line de-

V. And be it enacted, That the said Company are hereby required to abandon such Part of the said Railway by the said firstly-recited Act authorized to be constructed as lies between the Points aforesaid;

and

and all the Powers, Authorities, and Privileges which by the said firstly-recited Act are given for making and maintaining the Portion of the Railway by this Act authorized to be abandoned shall from and after the passing of this Act cease and determine. scribed in first-recited Act.

VI. And be it enacted, That it may be lawful for the Company to construct the said Railway hereby authorized across and upon the Level of the Turnpike Roads and public Roads numbered on the first-mentioned deposited Plans as follows; (that is to say,) Number 15 in the Parish of *Rossington*, Numbers 74 and 197 in the Parish of *Doncaster*, and Numbers 16 and 22 in the Parish of *Arksey*. Power to cross certain Roads on a Level.

VII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads are so crossed upon a Level, and the Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred. Company to erectStations or Lodges where Roads cross on a Level, and abide by Rules of Commissioners of Railways.

VIII. And be it enacted, That in carrying the Railway over the Road numbered on the said deposited Plan 18 in the Parish of *Doncaster* it shall be lawful for the Company, notwithstanding any thing in "The Railways Clauses Consolidation Act, 1845," contained, to construct the Bridge over the said Road of Thirty Feet Span and Fifteen Feet Six Inches Height. As to Construction of Bridges over Roads.

IX. And whereas the new or substituted Line of Railway intended to be made under the Authority of this Act at or near the Town of *Doncaster* will cross not only the present Navigation and the navigable and flood Channel of the River *Dun*, but also Land lately purchased or agreed to be purchased by the Company of Proprietors of the Navigation of the River *Dun*, and the Works made or intended to be made thereon, or on certain Parts thereof: And whereas it is expedient that the Branch Railway in the said first-recited Act described as terminating at a Place called *Crimpsall* in the Parish of *Doncaster*, and also good and sufficient Branches, Communications, Sidings, Lyebyes, and other Works between the said new or substituted Line of Railway and the said River *Dun* Navigation, should be made and constructed under similar Powers and Provisions to those contained in the first-recited Act; be it enacted, That all the Clauses, Provisions, and Enactments, Directions, Matters, and Things, contained in the *Great Northern* Railway Act, 1846, relating or referring to or in any Manner concerning or affecting the Erection, Construction, maintaining, Regulations affecting the Erection of Bridges over the River Dun to remain in full Force.

taining, repairing, or rebuilding of Bridges over or across the said Navigation and flood Channel, and the Works connected therewith, at the Points authorized by the same Act, for the Accommodation and Convenience of the said Navigation and flood Channel, shall remain in full Force and Effect, and be applicable and adapted in regard to and as touching or concerning the providing, erecting, and building the Bridges intended to be made in pursuance of this Act over or across the said Navigation, and the navigable and flood Channel of the River *Dun*, in the Line of the said new or substituted Railway, and the maintaining, repairing, and rebuilding of the said Bridges respectively; and that the said Branch Railway in the last-mentioned Act and herein-before particularly mentioned, and also other Branches, Communications, Sidings, Lyebyes, and all other Works authorized and required to be made in and by the said recited Act, in connexion with or for the Accommodation and Convenience of the said Navigation, and the navigable and flood Channel of the said River *Dun*, shall from Time to Time after the passing of this Act be made by the said Railway Company in connexion with and for the Accommodation and Convenience of the said Navigation, and the navigable River and flood Channel of the same, at or near the Points or Places where the said new or substituted Line of Railway shall cross or pass over the said Navigation, navigable River, and flood Channel, in the like Manner and under the like Provisions and Restrictions as is or are expressed and contained in the said *Great Northern* Railway Act, 1846, or as nearly applicable and conformable thereto as may be for the Purposes and Object of this present Act; and further, that all Clauses, Provisions, Enactments, Matters, and Things inserted or contained in the said *Great Northern* Railway Act, 1846, relating to the said *Great Northern* Railway or to the said Branch Railway or to the said Railway Company, so far as the same affect or have any reference or relation to the River *Dun*, the River *Dun* Navigation, or to the Company of Proprietors of the Navigation of the River *Dun*, shall, in reference to the several Works to be constructed under the Powers or Provisions contained in this Act, in every other respect be equally applicable and favourable to the said Company of Proprietors, their Navigation and Property, Rights and Interests, under this present Act, and the Works, Matters, or Things to be made or done in pursuance thereof, as if such Clauses, Provisions, Enactments, Matters, and Things had been repeated and re-enacted in this Act, and made applicable to the Purposes or Objects thereof, any thing in this Act contained to the contrary thereof notwithstanding.

Period within which Lands are to be purchased.

X. And be it enacted, That 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 Three Years from the passing of this Act.

Period for the Completion of Works.

XI. And be it enacted, That the said Railway by this Act authorized shall be completed within Six Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

XII. And

Power to raise additional Capital by Creation of new Shares.

XII. And be it enacted, That it shall be lawful for the Company to raise, by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the said recited Acts, or which they may be authorized to raise by any other Act to be passed during the present Session of Parliament, any further Sum of Money not exceeding in the whole the Sum of Twenty-eight thousand Pounds.

New Shares to be considered same as original Shares.

XIII. And be it enacted, That the Capital so be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

Dividends on new Shares.

XIV. Provided always, and be it enacted, That in calculating the Dividends upon the Shares to be created under the Powers of this Act reference shall be had to any Difference between the Amount of Calls paid thereon and the Amount of Calls paid upon the original Shares of the Company at the Time of the Declaration of such Dividend.

As to Votes of Proprietors of new Shares.

XV. And be it enacted, That the Proprietors of any new Shares created under the Powers 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 they had been possessed of original Shares in the said Undertaking.

Power to borrow on Mortgage.

XVI. And be it enacted, That after the whole of the Sums by this and the recited Acts authorized to be raised by Shares shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any Ordinary or Extraordinary Meeting of the Company, provided that such Sums of Money do not exceed in the whole Nine thousand Pounds, in addition to the Sums which they are by the said recited Acts, or which by any other Act passed in the present Session of Parliament, they may be authorized to borrow.

Interest not to be paid on Calls paid up.

XVII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act autho-

rized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said 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 the Company's Capital.

XVIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, 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 to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Same Tolls to be taken as on original Line.

XIX. And be it enacted, That it shall be lawful for the Company to demand and receive, for and in respect of the Railway by this Act authorized, the same Tolls and Charges as they are by the first-recited Act authorized to demand and receive for and in respect of the Railway by such Act authorized to be constructed.

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two Acts were passed in the last Session of Parliament, the one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway by this Act authorized from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Line of Railway, so far as the same shall be applicable thereto.

Railway to be subject to Provisions of any future general Act.

XXI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, 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 by this Act.

XXII. And

XXII. And be it enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company, in preference to all other Payments whatsoever. Expences of Act.

XXIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

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