ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. lx.

An Act to amend the Acts relating to the *Great Northern* Railway Company, to authorize an Increase of Capital, and for other Purposes.

[28th *June* 1853.]

WHEREAS the *Great Northern* Railway Company were incorporated by "The *Great Northern* Railway Act, 1846," and further Powers have been conferred upon the Company by several Acts of Parliament which have been subsequently passed, and the Company have completed, and have for some Time past opened to the Public, the greater Part of their Undertaking: And whereas in the Construction of their Railway the Company have carried the same across and upon the Level of the Roads herein-after mentioned, in conformity with the Sections deposited with relation to the said Works; but inasmuch as express Power was not taken in the Act authorizing the said Works so to cross the said Roads, Doubts have arisen concerning the same, and it is expedient that these Doubts should be removed; and it is also expedient that the Company should have Power to divert and carry over the Railway a Road in the Parish of *Hadley* in *Middlesex*, which is now crossed on the Level thereof by the Railway: And

9 & 10 Vict. c. lxxi.

whereas Plans and Sections of the proposed Diversion of Road at *Hadley*, showing the Line and Levels thereof, and also Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same Works will pass, were deposited in the Month of *November* last with the Clerk of the Peace for the County of *Middlesex*: And whereas it is necessary, for the Completion of their Undertaking, that the Company should have Power to increase the Capital which they are already authorized to raise; and it is expedient that the Company should also be empowered to convert into a permanent irredeemable Stock the Debt owing by the Company, and that the Provisions herein-after contained with respect to the Conversion of the Rent due to the *East Lincolnshire* Railway Company, and to the Redemption of certain Preference Shares of the Company, should be made: But inasmuch as these things cannot be done 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:

8 & 9 Vict. cc. 18. & 20. incorporated with this Act.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Power to divert Road according to deposited Plans.

II. The Company may divert the said Road in the Parish of *Hadley* in *Middlesex* in the Lines 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 the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes; provided that the Company shall not remove the Crossing on the Level until they shall have altered the present Brick Bridge in the Cutting, so as to give on the Bridge a Carriage Roadway of the Width of Fifteen Feet Six Inches, and also a Footpath on each Side of Three Feet Width, with a proper Hand Rail or Fence, and shall have made the Approaches to such Bridge, and shall also have made a Footpath Three Feet in Width from *Hadley Common* along the Bottom of the Railway Embankment on the West Side thereof on the Inside of the Fence to the *Barnet* Station: The Company shall at all Times keep the said Bridge and Road over it in repair, and shall use such Part of the Common as may be necessary for such Approaches; and the Churchwardens of *Hadley*, in whom the said Common is vested in trust for the Persons entitled to Right of Common, may convey the same to the Company, and may throw into the Common the Land hitherto used as Approaches to the Level Crossing, and may make a Footpath on the Common to join the Foot-

As to Crossing at Hadley Common.

path

path to be made by the Company, and the same Churchwardens may receive any Purchase Money for Land or Timber to be taken by the Company for the said Works, and give effectual Discharges for the same, and apply such Money for any Purposes the Churchwardens may deem beneficial to the Common, without distributing the Money amongst the Commoners.

Power to deviate from Plans.

III. It shall be lawful for the Company, in diverting the said Road, to deviate from the Lines shown on the said Plans with respect to those Works to the Extent delineated upon the said Plans, but not in any Case into the Lands of any Person not described in the said Plans or in the Book of Reference thereto, unless with the Consent of such Person.

Lands may be taken notwithstanding Errors in Plan, &c.

IV. The Works by this Act authorized may be made in or through any Lands delineated on the said Plans within the Limits of Deviation defined thereon, although such Lands, or the Situation thereof, or the Names of the Owners, Lessees, or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the said Plans or Books of Reference, in case it shall appear to Two or more Justices of the Peace, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of the County in which such Lands are situate.

Houses not to be taken without Consent, except those mentioned in the Books of Reference.

V. Provided always, That the Powers and Authorities by this Act granted shall not authorize the Company to pull down, or take, use, or injure, any Dwelling House or other Building, or take, use, or injure any Garden, Yard, Park, Lawn, Shrubbery, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (except such as are mentioned in the said Book of Reference so deposited as aforesaid,) without the Consent in Writing of the Owner or Proprietor or other Persons interested therein first obtained.

Power to cross certain Roads on the Level.

VI. The Company may maintain the Main Line of the *Great Northern* Railway across and upon the Level of the following public Roads; (that is to say,)

A Road in the Parish of *Helpstone* in *Northamptonshire* numbered 106 on the deposited Plans referred to in the first-mentioned Act;

A Road in the Parish of *North Muskham* in *Nottinghamshire* numbered 7 on the same Plans; and

A Road in the Parish of *Sutton-upon-Trent* in the same County, numbered 43 on the same Plans;

And also a Road in the Parish of *Tuxford* in the same County, numbered 8 on the Plans referred to in "The *Great Northern* Railway (Deviations between *Grantham* and *York*) Act, 1847."

Company to erect a Station or Lodge where Roads crossed on the Level.

VII. 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 crossed on a Level, and the Company shall be subject to and shall 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 Board of Trade; 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.

Board of Trade may require Bridges to be erected instead of level Crossings.

VIII. The Board of Trade may, if it shall appear to them necessary for the Public Safety, at any Time require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the before-mentioned Roads either under or over the Railway by means of a Bridge or Arch instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Land for extraordinary Purposes.

IX. The Company may purchase any Quantity of Land for extraordinary Purposes not exceeding Five Acres, in addition to the Land which they are at present authorized to take for such Purposes.

Period for the Completion of the Works.

X. The Works hereby authorized shall be completed within Three 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 such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to raise Money by Creation of new Shares.

XI. It shall be lawful for the Company to raise, by the Creation of new Shares, any Sum or Sums of Money not exceeding in the whole the Sum of Seven hundred and fifty thousand Pounds, in addition to the Sums which they are already authorized to raise, or which they may

may be authorized to raise by any other Act to be passed in the present Session of Parliament.

As to Conditions of new Capital.

XII. The Capital so to be raised shall be divided into Shares of Ten Pounds each, and shall bear and receive Dividends at the Rate of Four Pounds Ten Shillings *per Centum per Annum* in preference to the Payment of Dividends on the ordinary Shares of the Company, subject to a Power in the Company to redeem the same upon Six Months Notice at a Premium of Ten *per Centum*, as sanctioned by the Resolution of the General Meeting of the Company held on the Twenty-sixth Day of *August* One thousand eight hundred and fifty-two, and confirmed by the Resolution of the General Meeting of the Company held on the Twenty-sixth of *February* One thousand eight hundred and fifty-three, and such Dividends shall be calculated upon the Instalments paid upon such Shares from the Time of Payment of the same.

As to Votes of Proprietors of new Shares.

XIII. 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 in the original Capital of the Company.

Protecting existing Preference Shares.

XIV. Provided always, That nothing herein contained shall prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the Company in pursuance of or which may have been confirmed by any previous Act, or which may otherwise be lawfully subsisting.

Power to borrow Money on Mortgage.

XV. After the whole of the Capital of the Company for the Time being authorized shall have been subscribed, 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 Order of any Ordinary or Extraordinary Meeting of the said Company, not exceeding in the whole the Sum of Two hundred and fifty thousand Pounds, in addition to the Sums which they are at present or which by any other Act to be passed in the present Session of Parliament they may be authorized to borrow.

Former Mortgages to have Priority.

XVI. All Mortgages and Debentures granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be created by virtue of this Act.

8 & 9 Vict. c. 16. as to borrowing extended to this Act.

XVII. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money, and the Conversion of borrowed Money into Capital, shall extend and apply to the Monies by this Act authorized to be borrowed.

Application of Money.

XVIII. The Monies by this Act authorized to be raised, whether by Shares or by Loan, shall be applied only in carrying into execution the Objects and Purposes authorized by the Acts relating to the Company.

Conversion of Debt into Debenture Stock.

XIX. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company convened with due Notice of that Object, to resolve that any Portion of the borrowed Capital of the Company then subsisting on the Security of outstanding Mortgages or Bonds, or any Debenture or other Security for which or for the Interest whereof the Company are lawfully liable, not exceeding an Amount to be defined in and by such Resolution, may be converted into Stock of the Company of like Amount, either by Agreement with the Holders of such Mortgages or Bonds or other Security respectively, before the same respectively become due, or by paying off the same respectively when due, and issuing Stock of a corresponding Amount instead of re-borrowing the Sums so paid off; and also, with the like Consent,

Power to raise Money by means of Debenture Stock.

from Time to Time to resolve that the whole or any Part, to be defined in and by such Resolution, of the Monies which the Company shall have Authority to raise by borrowing under the Powers of any of their Acts, and which shall not then have been raised, shall or may be raised by the Creation and Issue of Stock of a corresponding Amount, instead of borrowing the same; and also, with the like Consent, to attach to the Stock so authorized to be created and issued for any of the Purposes aforesaid a fixed and perpetual irredeemable yearly Dividend or Interest, at any Rate not exceeding the Rate of Four Pounds for every One hundred Pounds thereof, payable in equal half-yearly Portions; and it shall thereupon be lawful for the Directors of the Company to carry into effect such Resolution or Resolutions, by the Creation and Issue of so much Stock as may from Time to Time be necessary for that Purpose, having such fixed Rate of Interest or Dividend as aforesaid; and the Stock so created and issued shall be a Charge upon the Tolls and Undertaking, and Lands, Tenements, and Hereditaments of the Company, but shall be distributable, transmissible, and transferable as and in other respects have the Incidents of Personal Estate; and the said Interest or Dividend shall for ever have Priority of Payment over all other Dividends on any other Stock or Shares of the Company, whether ordinary, or preference,

ference, or guaranteed; and the Stock when so created shall be termed "*Great Northern* Railway Debenture Stock."

Saving Rights of Holders of Mortgages and Bonds.

XX. Provided always, That nothing herein contained shall in anywise prejudice or affect the Rights of the Holders of Mortgages or Bonds of the Company; provided also, that after the Conversion of any such Mortgages or Bonds into Stock it shall not be lawful for the Company to issue Mortgages or Bonds or any other Securities, or again to borrow the Sum so converted, but the Powers of borrowing by the Company shall, to the Extent of the Sums so from Time to Time converted into Stock, be extinguished; and lastly, that if any Part of the said *Great Northern* Railway Debenture Stock shall be issued before the outstanding Securities shall be actually due, and before the Holders of the same shall be willing to receive Payment, in every such Case the Monies received from the Issue of such Debenture Stock shall, immediately upon the Receipt thereof, be invested upon Government Securities, and shall continue so invested until such Securities shall become due, or the Holders thereof consent to receive the same, and no Part of the Monies so invested shall be applicable to the general Purposes of the Company.

As to Votes of Holders of Debenture Stock; and Transfer and Registry of Stock.

XXI. The Holders of the said Debenture Stock shall not be entitled to vote in the Affairs of the Company, unless it shall be otherwise resolved by a Majority of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any Meeting convened with due Notice that a Resolution for that Purpose will be proposed at such Meeting; and the Provisions contained in the Sixty-second and Sixty-third Sections of "The Companies Clauses Consolidation Act, 1845," with respect to the Transfer and the Register of Consolidated Stock, shall apply to the Debenture Stock created by virtue of this Act.

Arrears may be enforced by Appointment of a Receiver.

XXII. If within Thirty Days after the Dividend or Interest on the said Debenture Stock has become payable, and after Demand thereof in Writing, the same be not paid, the Proprietor or Proprietors of such Stock, holding individually or collectively an Amount in nominal Value of Twenty thousand Pounds or upwards, may (without Prejudice to his and their Right to sue for the Dividend or Interest so in arrear in any Court of competent Jurisdiction) require the Appointment of a Receiver, by an Application to be made as hereinafter provided.

Appointment of a Receiver.

XXIII. Every Application for a Receiver in the Cases aforesaid shall be made to Two Justices; and on any such Application it shall be lawful for such Justices, by Order in Writing, after hearing the Parties, to appoint some Person to receive the whole or a competent

Part

Part of the Tolls or Sums liable to the Payment of such Dividends or Interests, until all the Arrears of Dividends or Interest which may then be due on the said Stock, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Proprietors of the said Stock, or to the Use of those of the Proprietors to whom such Dividends or Interest shall be then due; and so soon as the full Amount of such Dividends, Interests, and Costs has been so received, the Power of such Receiver shall cease: Provided always, that such Receiver shall distribute rateably and without Priority, among all the Proprietors of the said Stock to whom Interest or Dividends shall be in arrear, the Tolls or Monies which shall so come to his Hands.

As to Redemption of Rent to East Lincolnshire Railway Company.

XXIV. And whereas, under "The *Great Northern* Railway Purchase Act, 1847," the Company have purchased the Undertaking of the *East Lincolnshire* Railway Company, and have become bound by Deed under their Common Seal to pay the said *East Lincolnshire* Railway Company the annual Rent of Thirty-six thousand Pounds for the Term of One thousand Years, and by the Conditions of the same Purchase the Company are authorized at any Time to redeem the said annual Rent at the Rate of Twenty-five Years Purchase: And whereas the said annual Rent is secured by the Covenant of the Company; and it may be for the Benefit of the Company that they should be authorized to redeem the same Rent, according to the Provisions of their said Purchase: Be it enacted, That it shall be lawful for the Company, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company convened with due Notice of that Object, to resolve that the same Rent shall be redeemed according to the Provisions of the said Purchase, and that the Capital necessary for effecting such Redemption shall be raised by the Issue of *Great Northern* Railway Debenture Stock to the like Amount, in the Manner herein-before specified, and with the like Privileges and Priorities, and such Stock may be issued and applied accordingly.

Redemption of certain Preference Shares.

XXV. And whereas the Company, by virtue of the Powers of "The *Great Northern* Railway Act, No. 1, 1851," have issued Shares and received Capital to the Amount of Seven hundred and fifty thousand Pounds, upon condition that the Holders of such Shares shall receive a Preference Dividend at the Rate of Five *per Centum per Annum*, and also, under the Powers of "The *Great Northern* Railway Act, No. 2, 1851," the Company have issued Shares and received Capital to the Amount of Sixty thousand Pounds, such

such last-mentioned Shares having been issued upon the Terms of receiving a Preference Dividend of Four and a Half *per Centum per Annum*, but subject in both Cases to a Power in the Company to pay off the same Capital at a Premium of Ten *per Centum*; and it would be advantageous to the Company that the same should be redeemed: Be it enacted, That it shall be lawful for the Company, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company convened with due Notice of that Object, to resolve that the said Issues of Capital of Seven hundred and fifty thousand Pounds and Sixty thousand Pounds respectively shall be redeemed upon the Terms aforesaid, and that the Capital requisite for such Redemption shall be raised by the Issue of a Preference Stock bearing a Dividend of a fixed Amount not exceeding the Rate of Four *per Centum*; and the same Stock in respect of the said Dividend shall have the same Preference and Priority, and shall stand in the same Order of Payment, as the Stock for the Redemption of which it has been issued.

Interest not to be paid on Calls paid up.

XXVI. It shall not be lawful for the Company, 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, 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.

XXVII. It shall not be lawful for the Company, out of any Money by any Act relating to the 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 Company to construct any other Railway or execute any other Work or Undertaking.

Railway and Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict.

XXVIII. 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 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

c. 55., 7 & 8 Vict. c. 85. 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

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 another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

XXIX. Nothing herein contained shall be deemed or construed to exempt the Railways 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, 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 by this Act or the said recited Acts.

Expenses of Act.

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

Short Title.

XXXI. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Great Northern* Railway Company's Increase of Capital Act, 1853."

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