ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccxlii.

An Act to enable the *Great Northern* Railway Company to extend their Railway from *Lincoln* to *Sleaford*; and to authorize the Amalgamation of the *Boston, Sleaford, and Midland Counties* Railway and the *Bourn and Essendine* Railway with the *Great Northern* Railway.

[25th *July* 1864.]

WHEREAS the Extension of the *Great Northern* Railway from *Lincoln* Southward to a Point on the *Boston, Sleaford, and Midland Counties* Railway between *Sleaford* and *Grantham* would be attended with much public and local Advantage, and the *Great Northern* Railway Company are willing to make such Extension at their own Expense: And whereas the *Boston, Sleaford, and Midland Counties* Railway Company (who are hereinafter meant by the Expression "the *Boston and Sleaford* Company") were incorporated by an Act passed in the Year 1853, "for making a Railway from the *Great Northern* Railway at *Boston* "in the County of *Lincoln* to the *Great Northern* Railway at *Barkstone* in the same County, and for other Purposes," and they have completed their Railway, and have created Shares to the Extent of Two hundred thousand Pounds, which they were authorized to raise by

16 & 17 Vict. c. ccxxiii.

by Shares, and have raised Sixty-six thousand six hundred Pounds which they were authorized to borrow, and there are not any Preference Shares in the Capital of the said Company: And whereas the *Boston and Sleaford* Railway joins at both its Ends the *Great Northern* Railway, and is dependent on that Railway at *Boston* and at *Grantham* for Station Accommodation, and inasmuch as it cannot be conveniently worked as a separate Undertaking it has since its opening been worked by the *Great Northern* Railway Company, and it is expedient, and both Companies desire, that it should be amalgamated with the *Great Northern* Railway upon the Conditions hereinafter expressed: And whereas the *Bourn and Essendine* Railway Company were incorporated in the Year 1857 by an Act "for "making a Railway from the *Essendine* Station of the *Great Northern* "Railway to *Bourn* in the County of *Lincoln*, and for other Pur-"poses," and they have completed their Railway, and have created Shares to the Extent of Forty-eight thousand Pounds which they were authorized to raise in Shares, and they are indebted, on Mortgage of their Undertaking, in the Sum of Sixteen thousand Pounds which they were authorized to borrow, and there are not any Preference Shares in the Capital of the said Company: And whereas the *Bourn and Essendine* Railway is only Six and a Half Miles long, and inasmuch as it cannot be conveniently or profitably worked as a separate Undertaking it has since its opening been worked by the *Great Northern* Railway Company, and it is expedient, and both Companies desire, that it should be amalgamated with the *Great Northern* Railway upon the Conditions herein-after expressed: And whereas Plans and Sections of the Railways hereby authorized, and of the Lands to be taken for the Purposes thereof, with a Book of Reference to the Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands so intended to be taken, or through which the proposed Works are intended to be made, have been deposited with the Clerks of the Peace for the County of the City of *Lincoln* and for the Parts of *Kesteven* in *Lincolnshire* respectively: And whereas it is expedient that mutual Facilities should be afforded by the *Great Northern* and the *Great Eastern* Railway Companies for the Conveyance of Traffic common to the Undertakings of the Two Companies: And whereas the Purposes aforesaid cannot be accomplished 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:

20 & 21 Vict. c. cxii.

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and

1. "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," Parts 1 and 5 of "The Railways Clauses Act, 1863," relating respectively to Construction of a Railway

way and to Amalgamation, and "The Lands Clauses Consolidation Act Amendment Act, 1860," shall be incorporated with and form Part of this Act; and the Word "Shares" when used in this Act shall include Stock.

26 & 27 Vict. c. 92. incorporated.

"Shares."

2. Subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the *Great Northern* Railway Company (who are herein-after meant when the Expression "the Company" is used) to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations, in the Line and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels described 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; namely,

Power to make Railways according to deposited Plans.

1. A Railway commencing by a Junction with the *Great Northern* Railway in the Parish of *Saint Mary-le-Wigford* in the City of *Lincoln* and County of the same City, passing through *Saint Mary-le-Wigford*, *Saint Peters-at-Gowts*, and *Saint Botolph*, all in the City of *Lincoln* and County of the same City, *Canwick Common* and *Bracebridge*, both in the City of *Lincoln* and County of the same City, and Parts of *Kesteven* in the County of *Lincoln* or One of them, *Waddington*, *Harmston*, *Coleby*, *Boothby-Graffoo*, *Navenby*, *Wellingore*, *Welbourn*, *Leadenham*, *Fulbeck*, *Caythorpe-cum-Frieston*, *Normanton*, *Carlton Scroope*, and *Honington*, all in the Parts of *Kesteven* in the County of *Lincoln*, and terminating by a Junction with the *Boston, Sleaford, and Midland Counties* Railway at the East End of the Platform of the *Honington* Station in the said Parish of *Honington*:

2. A Railway wholly in the Parts of *Kesteven* commencing by a Junction with the before-described Railway (No. 1) in the Lordship or Parish of *Carlton Scroope* near the Road leading from the Village of *Carlton Scroope* to *Honington*, passing through *Carlton Scroope*, *Honington*, *Ancaster*, *Sudbrooke*, and *West Willoughby*, and terminating by a Junction with the said *Boston, Sleaford, and Midland Counties* Railway in the said Parishes of *Sudbrooke* and *West Willoughby*, or One of them, at or near and to the Westward of the Spot where the said Railway crosses the Road leading from *Willoughby* to *Sudbrooke*.

3. Nothing in this Act, or in the Plans, Sections, and Books of Reference deposited as aforesaid with relation thereto, shall authorize the Company to make the Railway described on the said Plans as "Railway No. 3, *Sleaford* to *Bourn*."

Prohibiting Construction of Sleaford and Bourn Extension.

4. The

Railways, as Tolls, &c. to form Part of Great Northern Railway.

4. The Company may demand and receive for and in respect of the said Railways the same Tolls and Charges as they are now authorized to receive in respect of their existing Undertaking as if they were Part of such Undertaking; and the said Railways shall in all respects be deemed Part of the *Great Northern* Railway.

Level Crossings.

5. Subject to the Provisions contained in this Act and in the Acts incorporated therewith it shall be lawful for the Company in the Construction of the said Railways to carry the same across and upon the Level of the public Roads numbered on the said deposited Plan as follows; (that is to say,)

RAILWAY No. 1.

No. on Plan.	Parish.	Description.
21*a*	Waddington - - -	Public Road.
37	Waddington - - -	Public Road.
12	Harmston - - -	Public Road.
6	Fulbeck - - - -	Public Road.
25	Caythorpe-cum-Frieston -	Public Road.

but no more than a double Line of Railway shall be laid down on any such level Crossing.

Lands for extraordinary Purposes.

6. The Quantity of Land to be taken by the Company adjoining or near to the Railways for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Four Acres.

Period for Completion of Works.

7. The Railways and Works by this Act authorized shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways and Works or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Penalty if Line not completed within certain Time.

8. If the said Railways are not completed and opened for public Traffic within the Period of Five Years from the passing of this Act the Company shall be liable to a Penalty at the Rate of Fifty Pounds for every Day after the said Period until such Lines shall be so completed and opened; and the said Penalty shall be deemed a Debt due to Her Majesty in right of Her Crown, and may be recovered accordingly: Provided always, that if the Company has been prevented from completing or opening the said Railways by unforeseen Accident, or by Circumstances beyond their Control (of which Fact a Certificate, under the Hand of the Secretary of the Board of Trade, shall be the sole and conclusive Evidence), the Company shall not be liable

liable to the Payment of the same Penalty in respect of the Period during which it shall be certified that they have been so prevented as aforesaid; but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Company may apply their Funds towards Purposes of Act, and may raise additional Capital by new Shares.

9. It shall be lawful for the Company to apply towards the Construction of the Works authorized by this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking; and the Company may for the same Purposes 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 Three hundred and ten 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 may be issued at such Price (being not less than the nominal Value thereof) and upon such other Terms and Conditions as may be determined on by Three Fifths at least of the Votes of Shareholders present, personally or by proxy, at any Extraordinary General Meeting of the Company convened with due Notice of the Object.

Privileges may be attached to new Shares.

10. The Company may, with the Consent of Three Fifths at least of the Votes of their Shareholders present, personally or by proxy, at any Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act any preferential Dividend with or without other Privileges which the Company may think fit, and may also attach to the said Shares a Condition that the same may be redeemed upon Conditions to be stated in the Resolutions creating the same, and to be notified on the Certificates of such Shares; and for the Purpose of redeeming the same or any Part thereof the Company may create and issue from Time to Time fresh Shares with or without any special Advantages.

As to Dividends for First Half of a Year.

11. If in the First Half of any Year commencing on the First Day of *January* there be Profits applicable to the Purposes of Dividend upon the ordinary Shares or Stock of the Company after satisfying the Dividend and Arrears of Dividend (if any) due upon any other Preference Shares or Stock of the Company previously created and issued, and also the Dividend for such Half Year on the Preference Shares of Stock to be created under the Powers of this Act, it shall be lawful for the Company to declare a Dividend for such Half Year on such ordinary Shares or Stock.

Limit of Amount and Number of Calls.

12. 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: Provided, that 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 up in respect thereof.

As to Votes of Proprietors of such Shares.

13. 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.

14. The Company may from Time to Time under the Powers of this Act borrow any additional Sum of Money not exceeding One hundred and three thousand Pounds, either by Mortgage of their Undertaking or by the Issue of Debenture Stock, in pursuance of the Powers, and subject to the Limitations and Restrictions contained in "The *Great Northern* Railway Company's Increase of Capital Act, 1853;" but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, 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 are issued, and that no less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* 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.

15. 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.

Application of Sums raised under this Act.

16. All and every Part of the said Sums of Three hundred and ten thousand Pounds and One hundred and three thousand Pounds which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes of the Railways and Works by this Act authorized.

17. The

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

17. 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," with respect to Cancellation and Surrender of Shares; and with respect to additional Capital,

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.

Amalgamating Bourn and Essendine Railway with Great Northern Railway.

18. The Undertaking of the *Bourn and Essendine* Railway Company shall, from and after the passing of this Act, upon the Terms and Conditions herein-after mentioned, be amalgamated with and merge in and form Part of the *Great Northern* Railway; and the said *Bourn and Essendine* Railway Company shall, on and from the passing of this Act, be dissolved, unless for the Purpose of winding up its Affairs.

Providing for Exchange of Certificates of Bourn and Essendine Railway.

19. Within Three Months after the passing of this Act the *Great Northern* Railway Company shall send to every Proprietor of Shares in the *Bourn and Essendine* Railway Company a Notice, addressed to his last known Place of Abode, stating to him that at a Time to be specified in the said Notice (being not later than One Month from the Date thereof) he may exchange the Certificate of such Shares for Certificates of Stock of the *Great Northern* Railway Company at such Place as the Notice shall specify; and from and after the Time so specified any Proprietor of the said Shares who shall deliver the Certificates for the same to be exchanged and cancelled shall receive in the Stead thereof another Certificate for Stock in the *Great Northern* Railway Company One Half the nominal

Value

Value of the Shares so exchanged: Provided always, that until such Exchange the Certificates for Shares in the *Bourn and Essendine* Railway Company shall be deemed to be Certificates for Stock in the *Great Northern* Railway Company, and shall have and possess the Rights and Advantages herein-after assigned to them as fully as though they bore the Name of and were under the Seal of the *Great Northern* Railway Company.

As to Dividends on Bourn and Essendine Railway Stock.

20. The Stock for which Certificates are so to be issued to the Proprietors of Shares in the *Bourn and Essendine* Railway Company shall entitle the Holders thereof to a perpetual Dividend as from the First Day of *January* One thousand eight hundred and sixty-four at the Rate of Five Pounds *per Centum per Annum* upon the Amounts which the said Certificates respectively represent, and from the same Day all the Tolls, Rates, and Revenues of the *Bourn and Essendine* Railway Company shall be carried to the Credit of and belong to the *Great Northern* Railway Company: Provided always, that the last-named Company shall as from the same Date pay or be debited with the Interest upon the Mortgages of the *Bourn and Essendine* Railway Company.

Providing for Exchange of Certificates of Boston and Sleaford Railway.

21. Within Three Months after the passing of this Act the *Great Northern* Railway Company shall send to every Proprietor of Shares in the *Boston and Sleaford* Company a Notice addressed to his then or then last known Place of Abode, stating to him that at a Time to be specified in the said Notice (being not later than One Month from the Date thereof) he may exchange the Certificates of such Shares for Certificates of Stock of the *Great Northern* Railway Company at such Place as the said Notice shall specify; and on the Delivery at or after the Time so specified by the Proprietor of any of those Shares of the Certificates thereof to the *Great Northern* Railway Company, to be exchanged and cancelled, the Company shall deliver to him in exchange for the same a Certificate of Stock of the same nominal Amount of the *Great Northern* Railway Company: Provided always, that until such Exchange the Certificates for Shares in the *Boston and Sleaford* Railway Company shall be deemed to be Certificates for Stock in the *Great Northern* Railway Company and shall have and possess the Rights and Advantages herein-after assigned to them as fully as though they bore the Name of and were under the Seal of the *Great Northern* Railway Company.

As to Dividends on Boston and Sleaford Railway Stock.

22. The Stock for which Certificates are to be issued to the Proprietors of Shares in the *Boston and Sleaford* Railway Company shall be designated "*Great Northern* (*Boston and Sleaford*) Stock," and shall entitle the Holders thereof to perpetual preferential Dividend at and after the Rate of Four Pounds and Five Shillings *per*

per Centum per Annum upon the Amounts which the said Certificates respectively represent, and the Payments thereof shall accrue due as from the First Day of *July* One thousand eight hundred and sixty-four, and shall be payable in preference to Dividends on the ordinary Stock of the *Great Northern* Railway Company; and as from that Day that Company shall be liable to the Debenture Debt of the *Boston and Sleaford* Railway Company of Sixty-six thousand six hundred Pounds and the Interest thereon; and forthwith after the passing of this Act the *Boston and Sleaford* Railway Company shall realize such of their Assets as the Two Companies agree are not to be vested in the *Great Northern* Railway Company, and shall wind up their Affairs, distributing their surplus Monies rateably as Dividends among their Shareholders; and on and after the First Day of *January* One thousand eight hundred and sixty-five the *Boston and Sleaford* Railway Company shall be dissolved and the Functions of its Directors shall cease, and the Amalgamation of its Undertaking with that of the *Great Northern* Railway Company shall be absolute and complete.

As to Period of Payment of Dividends.

23. The Dividends herein-before made payable upon the *Bourn and Essendine* and the *Boston and Sleaford* Stocks shall be paid at the same Times and Places as the Dividends on the Stock of the *Great Northern* Railway.

Mutual Facilities for Transmission of Traffic on Railways of Great Northern and Great Eastern Railway Companies.

24. In order to facilitate the Transmission on the Undertaking of the *Great Northern* Railway Company North of *Peterborough* and of *Spalding* respectively, of Traffic coming from or destined for the *Great Eastern* Railway, the *Great Eastern* Railway Company (subject as herein-after provided) shall, for the Purposes of all Traffic whatever, whether Passengers, Cattle, Goods, Minerals, or other Things, from Time to Time and at all Times hereafter have the Right to book and invoice through from any Station or Place on their Railway to any Station or Place on the Railways of the *Great Northern* Railway Company North of *Peterborough* and of *Spalding* respectively, including all Places in *Yorkshire* and Places North of *York*, for which the Company can grant such Facilities, and including also the Undertaking of the *Manchester, Sheffield, and Lincolnshire* Railway Company if that Company shall concur in the granting of such Facilities, and for that Purpose to appoint their own Booking Clerks and Carting Agents; and the Company shall, for and in respect of all such Traffic, at all Times afford to and for the *Great Eastern* Railway Company all needful Accommodation, Facilities, and Conveniences at and over the Railways aforesaid of the Company, or any Part thereof, and at the Stations, Works, and Conveniences thereon, by the Trains of the *Great Northern* Railway Company and by Through Booking and Invoicing, Through Rates, and, so far as

reasonably may be, Through Waggons and Carriages; and shall at all Times and in all respects conduct, forward, and carry on and accommodate all such Traffic on equal Terms with and as well as if it were their own proper Traffic; and the Division of Receipts from such Traffic, after Deduction of Terminals recognized for the Time being by the Railway Clearing House and Government Duty on Passenger Traffic, shall be in Mileage Proportion; and the Route for Goods and Mineral Traffic shall be *viâ March* and *Spalding* to and from all Places except those between *Peterborough* and *Retford* inclusive, the Route for which shall be by the Main Line of the Company: Provided always, that the *Great Eastern* Company shall not be entitled to exercise any of the aforesaid Rights, nor shall the Company be required to afford any such Facilities or Accommodation, or be otherwise bound by the Provisions of this Section, except on One Month's Notice in Writing from the *Great Eastern* Railway Company of their Intention to afford, and unless and until and so long only as the *Great Eastern* Railway Company shall afford the like Rights and Accommodation, Facilities, and Conveniences for the Traffic of the *Great Northern* Railway Company on, at, and over the *Great Eastern* Railway, and at all Stations, Works, and Conveniences connected therewith; and the Rates and other Sums to be charged by the Company to the *Great Eastern* Railway Company, and by the *Great Eastern* Railway Company to the Company, respectively, shall be agreed upon between such Companies, and failing Agreement shall be settled from Time to Time by Arbitration in the Manner provided for the Settlement of Disputes by Arbitration by "The Railway Companies Arbitration Act, 1859," and the Decisions of such Arbitrator shall be binding and conclusive on all the Parties in difference, and the Costs and Expenses of such Arbitration shall be defrayed as the Arbitrator shall direct; and if Complaint is made by either of the said Companies that the other of them fails properly to convey such Traffic, or fails to afford such Facilities and Accommodation, every Question or Dispute arising thereon shall in like Manner be referred to Arbitration.

Failing Agreement as to Rates, &c. to be charged by Companies, to be settled by Arbitration.

Contingent Running Powers.

25. In the event of an Arbitrator at any Time deciding that the *Great Northern* or the *Great Eastern* Railway Companies are not duly conducting the Traffic, or affording such Facilities and Accommodation as aforesaid in accordance with the foregoing Provision, such Arbitrator shall have Power to award and order that the Company whose Traffic shall not be so duly conducted, or to whom such Facilities or Accommodation shall not have been afforded as aforesaid, shall have the Right to run with their Engines and Carriages, or the Carriages and Waggons of any other Company or Person, with Servants and Officers, over the Railway of the Company making default, and may have the Use for such Purposes of the Stations,

Watering

Watering Places, Water, and other Works and Conveniences connected therewith; and the said Arbitrator may prescribe the Nature and Extent of such Use and the Charges to be made for the same; and his Decision from Time to Time shall be binding and conclusive on the Parties, and may be enforced by any Court of competent Jurisdiction.

Interest not to be paid on Calls paid up.

26. 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 of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

27. 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 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.

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

28. Nothing herein contained shall be deemed or construed to exempt the Railways 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.

Short Title. Expenses of Act.

29. This Act may be cited as "The *Great Northern* Railway Act (*Lincoln* to *Bourn*), 1864," and 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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