CHAPTER ccviii.

An Act to enable the Great Northern Railway Company to extend their railway from Melton Mowbray to Leicester; and for other purposes. [28th July 1873.]

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WHEREAS the construction by the Great Northern Railway Company (who are herein-after referred to as "the Company") of the railway and branch railways herein-after described would contribute to public and local convenience, and the Company are willing at their own expense to construct the same:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and of the lands in or through which the same are to be made and maintained, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Leicester, and are herein-after respectively referred to as the deposited plans, sections, and book 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; (that is to say,)

Short title.

1. This Act may be cited as "The Great Northern Railway (Melton to Leicester) 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. of "The Railways Clauses Act, 1863," (relating to "Construction of a railway");

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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 consolidation of shares into stock;

The giving of notices; 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 expression "the railways" means the railways by this Act authorised, and the expression "superior courts," or "courts of "competent jurisdiction," or other like expressions 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.

Power to execute works according to deposited plans.

4. 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, sidings, 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:

(Railway No. 1.) A railway, seventeen miles two furlongs nine chains in length, commencing by a junction with the railway

No. 3, authorised by "The Great Northern Railway (Newark and Melton) Act, 1872," at the authorised termination of the said railway No. 3, in the parish of Melton Mowbray, and terminating in the parish of St. Margaret's, Leicester, on the south-east side of that portion of the Leicester and Melton turnpike road called the Belgrave Road;

(Railway No. 2.) A railway two miles one furlong three chains in length, commencing by a junction with railway No. 1 in a field called Broad Hills in the parish of Tilton-on-the-Hill, and terminating in the same parish on the north side of the highway leading from Tilton-on-the-Hill to Withcote;

(Railway No. 3.) A railway two furlongs six chains fifty links in length, commencing by a junction with railway No. 1 in a field called the Great Close in the parish of Loseby, and terminating by a junction with railway No. 2 in a field called Underwolds, in the parish of Tilton-on-the-Hill;

(Railway No. 4.) A railway two furlongs eight chains thirty links in length, commencing by a junction with railway No. 1 in a field adjoining the Willow Brook in the parish of Belgrave, and terminating by a junction with the Midland Railway at a point about 640 yards north of the bridge carrying that railway over the Leicester and Uppingham turnpike road in the same parish;

The said railways will be wholly in the county of Leicester.

Lands for extraordinary purposes.

5. 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 ten acres.

Period for compulsory purchase of lands.

6. 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.

Power to take easements, &c. by agreement.

7. 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.

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Inclination of roads.

8. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
16	Melton Mowbray -	Public road - -	1 in 16 on one side and level on the other.
9	Great Dalby -	„ - -	1 in 12 on one side and level on the other.
31	Thorpe Setchofille	„ - -	1 in 15.
2	Tilton-on-the-Hill	„ - -	1 in 12.
35	Loseby - -	„ - -	1 in 8.
26a	Hungerton - -	„ - -	1 in 17.
17	Humberstone -	Turnpike road -	1 in 17.

Height and span of bridges.

9. The Company may make the arches of the bridges for carrying the railways over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
3	Great Dalby -	Public road -	15 feet -	20 feet.
35	Loseby - -	Public road -	15 feet -	20 feet.

For protection of Midland Railway Company.

10. The powers of this Act, so far as they affect the Midland Railway Company, shall, unless with the previous consent of the same Company in writing under their common seal, be exercised only subject to and in accordance with the following provisions:

Limiting interference with land, &c.

1. The Company shall not take, use, enter upon, or interfere with any railway, siding, tramway, canal towing path, or other work belonging to or leased or worked by the Midland Railway Company (all which matters are herein-after included in the expression the Midland Railway) except only so far as shall be necessary for the purpose of making and maintaining the railways as the same are, according to this Act, to be constructed:

Company to acquire easement only.

2. With respect to any land of the Midland Railway Company which the Company is by this Act authorised to use, enter upon, or interfere with, the Company shall not purchase or take the same, but the Company may purchase and take, and the Midland Railway Company may and shall sell and grant accordingly, an easement or right of using the same for the

purposes for which, but for this enactment, the Company might purchase and take the same:

Junctions with Midland Railway.

3. The junction of railway No. 4 with the Midland Railway shall be effected at such points within the limits of deviation shown on the deposited plans, and in such manner and according to such mode of construction, as shall be reasonably approved of by the principal engineer for the time being of the Midland Railway Company:

Crossing of Syston and Peterborough Railway.

4. Railway No. 1 shall be carried over the Syston and Peterborough Railway by three arches or openings of not less than twenty-six feet span each, with a headway of not less than fourteen feet six inches for a width of not less than sixteen feet:

Crossing of main line.

5. The bridge for carrying the Midland Railway over the railway No. 1 shall be not less than sixty feet wide between the parapets thereof:

Plans, &c. of works to be approved.

6. The railways, where the same respectively will be made upon or across or will otherwise interfere with the Midland Railway, shall, subject to the foregoing provisions of this enactment, be constructed according to plans, sections, and specifications, to be previously approved by the principal engineer for the time being of the Midland Railway Company, who shall report thereon within one month after the same shall have been submitted to him, and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in the manner herein-after provided;

Rails not to be disturbed.

7. Except so far as may be necessary for the purpose of effecting the junction with the Midland Railway before mentioned, the Company shall not remove or disturb any of the rails of the Midland Railway:

Traffic not to be obstructed.

8. The Company shall not in any manner in the execution of any of their works obstruct or interfere with the free, uninterrupted, and safe use of the Midland Railway Company, or any traffic thereon:

Company to pay costs of inspection during progress of works.

9. The Company shall bear and on demand pay to the Midland Railway Company the expense of the employment by that Company, during the execution of any work affecting the Midland Railway, of a sufficient number of inspectors, watchmen, and signalmen, to be appointed by that Company, for watching and signalling the same with reference to and during the execution of any such work of the Company, and for preventing, as far as may be, all interference, obstruction,

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danger, and accident from any of the operations, or from the acts or defaults of the Company or their contractors or any person in the employ of the Company or of their contractors with reference thereto or otherwise:

Compensation for injury.

10. If by reason of the execution of any of the works, or any proceedings of the Company, or the failure of any such works, or any act or omission of the Company or of their contractors, or of any person in the employ of the Company, or of their contractors, or otherwise, the Midland Railway shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their own expense, or in the event of their failing so to do, then the Midland Railway Company may make good the same, and recover the expense thereof with full costs against the Company in any court of competent jurisdiction, and if any interruption shall be occasioned to the traffic of or upon the Midland Railway, by reason of any of the matters or causes aforesaid, the Company shall pay to that company all costs and expenses to which that company may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs, expenses, and compensation to be recoverable with full costs by that company from the Company in any court of competent jurisdiction:

Bridges, &c. to be maintained.

11. The Company shall at all times maintain the bridges, arches, openings, or other works, by which their railways are carried across the Midland Railway in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the engineer of that company; and if and whenever the Company fail so to do, the Midland Railway Company may make and do, in and upon as well the lands of the Company as their own lands, all such works and things as that Company may reasonably think requisite in that behalf; and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure, shall, subject to the arbitration herein-after provided for, be repaid to them by the Company, and in default of repayment may be recovered with costs by the Midland Railway Company from the Company in any court of competent jurisdiction:

Signals, &c. at junctions.

12. The Midland Railway Company may from time to time, either on their own lands or on the lands of the Company, erect such signals and conveniences incident to the junction

by this Act authorised with the Midland Railway, and may from time to time appoint and remove such watchmen, switchmen, or other persons, as may be necessary for the prevention of danger to or interference with the traffic at and near the respective junctions. The working and management of such signals and conveniences, wherever situate, shall be under the exclusive regulation of the Midland Railway Company, and all the expenses of erecting and maintaining, and, if necessary, of altering from time to time those signals and conveniences (unless such alterations shall be made for the convenience of the Midland Railway Company), and of employing those watchmen, switchmen, and other persons, and all incidental current expenses, shall, at the end of every half-year, be repaid by the Company to the Midland Company, and in default thereof may be recovered from them with full costs of suit in any court of competent jurisdiction:

Arbitration.

13. If any difference shall arise between the Company and the Midland Railway Company, as to the true intent and meaning of the matters provided for in the several sections of this enactment, or the mode of giving effect thereto, or the reasonableness of any demand made by the Midland Railway Company by virtue thereof, every such difference shall be from time to time determined by arbitration in the manner prescribed by "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

For protection of the Leicester and Peterborough turnpike road.

11. Where railway No. 1 is intended to cross the Leicester and Peterborough turnpike road, in the parish of Humberstone, at or about the fifteenth mile marked on the deposited plans and sections, the said road shall not be diverted in the manner shown on the said plans, but the road shall be maintained in its present course, and shall be carried over the railway by a bridge of a width of not less than forty feet between the parapets thereof; and where the same railway is shown by the deposited plans and sections as intended to be carried over the said turnpike road, in the same parish, at the sixteenth mile and first furlong, the bridge over the said road shall be so constructed as to give a clear width of roadway under the same of not less than forty feet, and a clear headway of not less than sixteen feet for the whole space of the crossing.

As to lands and works common to

12. Whereas certain of the lands required for the purposes of this Act are identical with lands which the Midland Railway Com-

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Company and Midland Railway Company.

pany are authorised to purchase by virtue of the "Midland Railway (Additional Powers) Act, 1873," for the purpose of an alteration of their Nottingham and Saxby lines, and certain of the works hereby authorised may interfere with the construction, maintenance, and use of works which the Midland Railway Company are by the same Act authorised to execute, and it is fitting that provision should be made as to the purchase and ownership of the said lands, and as to the construction and maintenance of the said works: Be it therefore enacted as follows: The railway No. 1 shall be carried over the Midland Railway (Nottingham and Saxby lines), as authorised to be constructed by the "Midland Railway (Additional Powers) Act, 1873," and the Company and the Midland Railway Company shall make, within their respective authorised limits of deviation, such deviations in the line and levels of their railways respectively as shall be necessary for that purpose, and the two Companies may agree with respect to the purchase and ownership of any lands which they are respectively authorised to purchase, and the compensation to be paid to the owners, lessees, and occupiers of such lands, and the method and expense of executing any works in which both Companies may be concerned; and any differences which may arise between the two Companies respecting any of the matters aforesaid shall from time to time be settled by an arbitrator to be appointed by the common consent of both Companies, or in default of such consent to be appointed by the Board of Trade, upon the application of either Company, and the provisions of the "Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration, shall, so far as applicable, apply to every such arbitration.

Penalty imposed unless the lines are opened within the time limited.

13. 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 cent. 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 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 opened or 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 such line by unforeseen accident or circumstances beyond their control, provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

14. 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 works.

15. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period 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 is then completed.

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

16. 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.

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

17. It shall be lawful for the Company to apply towards the construction of the railways 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 from time to time, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise, in addition to the sums of money which they are already authorised to raise, any additional sum or sums not exceeding in the whole four hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock, or wholly or partially by any one or more of those methods respectively, which shares or stock shall form part of the general capital of the Company.

Shares not to issue until one fifth part paid up.

18. The Company shall not issue any share or stock created under the authority of this Act, nor shall any such share or stock 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 or stock shall have been paid in respect thereof.

As to votes of proprietors of such shares.

19. 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.

Power to borrow on mortgage.

20. The Company may from time to time borrow on mortgage in respect of the additional capital by this Act authorised, and in addition to any sums which they may now have power to borrow, any sums not exceeding in the whole one hundred and thirty-three thousand three hundred pounds, but no part thereof shall be borrowed until the whole capital of four hundred thousand pounds is issued and accepted and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been 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.

21. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over any mortgages 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.

Debenture stock.

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

Application of moneys

23. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Interest not to be paid on calls paid up.

24. 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, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

25. 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.

Railway not exempt from provisions of present and future general railway Acts.

26. Nothing in this Act contained shall exempt the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration,

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under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels.

Expenses of Act.

27. 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.

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