ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. clxxxii.

An Act to authorize the *Great Northern* Railway Company to construct a Railway in *Lincolnshire* from *Sleaford* to *Bourn*. [29th *June* 1865.]

WHEREAS the Construction of a Railway in the Parts of *Kesteven* in *Lincolnshire*, from the *Great Northern* Railway at *Sleaford* to the same Railway at *Bourn*, would be of public and local Advantage, and the *Great Northern* Railway Company are willing at their own Expense to construct the said Railway: And whereas Plans and Sections showing the Lines and Levels of the Railway, 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 of the Railway, have been deposited with the Clerk of the Peace for the Parts of *Kesteven* in *Lincolnshire*: And whereas the Purposes aforesaid 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,)

The Great Northern Railway (Sleaford to Bourn) Act, 1865.

Short Title.

1. This Act may be cited for any Purpose as "The *Great Northern* Railway (*Sleaford* to *Bourn*) Act, 1865."

8 & 9 Vict. cc. 18 & 20. 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863" (relating to Construction of a Railway), shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the Words "the Company" mean the *Great Northern* Railway Company, the Words "the Railways" mean the Railways and the Works connected therewith by this Act authorized to be constructed, and the Expression "Superior Courts" or "Court of competent Jurisdiction," or other like Expression in this Act or any Act incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Same Meanings to Words, &c. in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

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

5. 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 One hundred and ninety 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.

6. 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 a preferential Dividend with or without other Privileges which

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.

7. 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 or 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.

Shares not to issue until One Fifth paid up.

8. 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 the Votes of Proprietors of such Shares.

9. 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 on Mortgage.

10. The Company may from Time to Time under the Powers of this Act borrow any additional Sum of Money not exceeding Sixty-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 One Half of such additional Capital has been paid up, and that not 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

scribers 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.

11. 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.

12. All and every Part of the said Sums of One hundred and ninety thousand Pounds and Sixty-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.

Parts of 8 & 9 Vict. c. 18. and 26 & 27 Vict. c. 118. incorporated.

13. 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,"

Relating to Cancellation and Surrender of Shares; and

Relating 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.

Powers for compulsory Purchases limited.

14. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

15. The

Lands for extraordinary Purposes.

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

Power to make Railways according to deposited Plans.

16. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railway herein-after described, with all proper Works, Approaches, and Stations, in the Lines 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.

Describing Railway.

17. The Railway by this Act authorized shall be wholly in the Parts of *Kesteven* in *Lincolnshire*, commencing in the Parish of *Old Sleaford* by a Junction with the *Boston, Sleaford, and Midland Counties* Railway at about a Quarter of a Mile to the Eastward of *Sleaford* Station, passing through *Old Sleaford*, *New Sleaford*, *Kirkby-le-Thorpe*, *Quarrington*, *Silk Willoughby*, *Burton Pedwardine*, *Scredington*, *Aswarby*, *Spanby*, *Swaton*, *Osbournby*, *Threekingham*, *Stowe Green*, *Horbling*, *Bridge End*, *Billingborough*, *Sempringham*, *Pointon*, *Birthorpe*, *Aslackby*, *Millthorpe Graby*, *Dowsby*, *Rippingale*, *Dunsby*, *Hacconby*, *Stainfield*, *Morton*, *Harmsthorpe*, *Dyke*, *Cawthorpe*, *Thurlby*, and *Bourn*, and terminating in the last-named Parish by a Junction with the *Bourn and Essendine* Line of the *Great Northern* Railway, near the Sixth Mile Post on the said *Bourn and Essendine* Line, at the Boundary dividing the Parishes of *Bourn* and *Thurlby*.

Level Crossings.

18. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," contained, it shall be lawful for the Company in the Construction of the Railway to carry the same across and upon the Level of the public Roads numbered on the said deposited Plans as follows; (that is to say,)

No. on Plan.	Parish.	Description of Road.
14	Burton Pedwardine - -	Public Road.
16	Scredington - -	Public Road.
31	Ditto - - -	Public Road.
7	Spanby - -	Public Road.
27	Ditto - - -	Turnpike Road.
22	Billingborough - - -	Public Road.
33	Ditto - - -	Public Road.
61	Ditto - -	Turnpike Road.

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No. on Plan.	Parish.	Description of Road.
3	Sempringham - -	Public Road.
12	Pointon - - -	Public Road.
8	Aslackby - - -	Public Road.
11	Dowsby - - -	Public Road.
14	Rippingale - - -	Public Road.
8	Dunsby - -	Public Road.
10	Hacconby - -	Public Road.
20	Morton - - -	Public Road.
32	Hamlet of Dyke - -	Public Road.
	Parish of Bourn - -	Public Road.
56	Bourn - - -	Public Road.

Provided that if the Railway crossing either of those Roads consists of a Single Line, not more than a Single Line of Railway shall be laid across such Roads, and in no Case shall more than a Double Line of Railway be laid down on any such level Crossing.

Period for Completion of Railway.

19. If the Railway shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway 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.

20. If the said Railway is 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 Line 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 Railway 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 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.

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

21. The Company may demand and take in respect of the Railway the same Tolls and Charges as they are authorized to receive for and in respect of their existing Undertaking, as if it were Part of that Undertaking; and the Railway shall in all respects be deemed Part of the *Great Northern* Railway.

22. Nothing

Saving Rights of the Crown.

22. Nothing contained in this Act or in any of the Acts incorporated herewith shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and, as incidental to any such Consent as aforesaid, the Company may enter into any Agreement with the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, who respectively may, with the Approval of the Commissioners of Her Majesty's Treasury, join in every such Agreement; and the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, with the like Approval, and the Company may respectively execute all necessary Conveyances, Leases, Licences, or other Deeds of or relating to any Land, Hereditaments, or Rights belonging to Her Majesty in right of Her Crown, and every Agreement so entered into as aforesaid shall be performed by the same Commissioners and the Company respectively; and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter, any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Interest on Calls not to be paid out of Capital.

23. It shall not be lawful for the Company, out of any Money by this Act 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 Capital raised under this Act.

24. 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 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 to execute any other Work or Undertaking.

25. Nothing

Railway, &c. not exempt from Provisions of present and future General Acts.

25. Nothing herein contained shall be deemed or construed to exempt the Railway 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.

Expenses of Act.

26. All the Expenses of applying for and obtaining this Act, or preparatory or incident thereto, shall be paid by the Company.

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