ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. ccxx.

An Act to authorize the *Stamford and Essendine* Railway Company to make a Railway from their Railway to join the *Northampton and Peterborough* Branch of the *London and North-western* Railway; and for other Purposes. [25th *July* 1864.]

WHEREAS by "The *Stamford and Essendine* Railway Act, 1853," the *Stamford and Essendine* Railway Company, in this Act called "the Company," were incorporated, and by "The *Stamford and Essendine* Railway Act, 1857," further Powers were conferred on the Company: And whereas a Railway to connect the *Stamford and Essendine* Railway with the *Northampton and Peterborough* Branch of the *London and North-western* Railway would be of public Advantage, and the Company are willing if authorized by Parliament to make such Railway: And whereas it is expedient to provide for the Use by the Company of Part of the said *Northampton and Peterborough* Branch and the Station at *Sibson* upon that Branch, and for facilitating the Interchange, Transfer, Transmission, and Conveyance of Traffic from, to, and over the Railways of the Company and of the *London and North-western* Railway Company: And whereas the Objects 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 of the Commons, in

16 & 17 Vict. c. cxcix.

20 & 21 Vict. c. lxxxii.

in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict. cc. 16., 18., & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of "The Railways Clauses Act, 1863," relating respectively to Construction and Working Agreements, and the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several Matters following; that is to say, the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for the Nonpayment of Calls, the Remedies of the Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, and the Provision for affording Access to the Special Act, also Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, to Additional Capital, and to Debenture Stock, are hereby incorporated with this Act.

Interpretation of Terms.

2. In construing the incorporated Acts for the Purposes of this Act, and in construing this Act, the Words and Expressions herein mentioned or referred to shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The Expression "the Company" or "the Promoters of the Undertaking" shall mean the *Stamford and Essendine* Railway Company:

The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression, 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:

Other Expressions and Words to which in the incorporated Acts Meanings are assigned shall respectively have the same Meanings in this Act:

The Expression "the Extension Railway" used in this Act shall mean the Railway and Works by this Act authorized to be made.

Power to make Railway.

3. The Company may make and maintain a Railway, with all proper Stations, Approaches, Works, and Conveniences connected therewith, commencing by a Junction with the *Stamford and Essendine* Railway near the *Stamford* Station thereon, and terminating by a Junction with the *Northampton and Peterborough* Branch of the *London and North-western* Railway near the *Sibson* Station on such Branch.

4. The

Railway to form Part of Undertaking.

4. The Extension Railway shall form Part of the Undertaking of the Company.

Railway to be made according to deposited Plan.

5. And whereas a Plan and Section of the Extension Railway showing the Line and Levels thereof and the Lands required for the Purposes of the Undertaking, and also a Book of Reference to such Plan, have been deposited with the Clerks of the Peace for the Parts of *Kesteven* in the County of *Lincoln*, and for the Soke or Liberty of *Peterborough*, and for the Counties of *Northampton* and *Huntingdon* respectively: Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated therewith contained, the Extension Railway shall be made in the Line and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Section, and it shall be lawful for the Company to enter upon, take, and use all or any of the said Lands which they may require for the Purposes thereof, or for the other Purposes of the Undertaking.

Power to cross certain Roads on the Level.

6. The Company in constructing the Extension Railway may carry the same, with not more than One Line of Railway so long as the Railway is a single Line, and not more than Two Lines of Railway when the Railway is a double Line, across the Road numbered on the deposited Plans as follows on the Level thereof; (that is to say,)

Description of Road.	No. on Plan.	Name of Parish.
Public - - - -	28	Barnack.

As to Execution of Works over Midland Railway.

7. The Railway hereby authorized and the Works connected therewith, where the same will cross the *Midland* Railway in the Parishes of *Uffington* and *Barnack* in the Counties of *Lincoln* and *Northampton*, shall be carried over such Railway according to Plans to be approved by and executed under the Superintendence and to the reasonable Satisfaction in all respects of the Engineer for the Time being of the *Midland* Railway Company, and at the Expense of the Company; and such Railway and Works shall be so carried and executed respectively by such Means and in such Manner only as not to interfere with the free, uninterrupted, and safe User of the *Midland* Railway, or the working of the Traffic thereon, and so as to give Three Openings, the centre Opening being of the clear Width, measured on the Square at the Level of the Rails of the *Midland* Railway at the Spot where it is to be passed over by the Railway of the Company, of Twenty-six Feet, with a clear Headway from the Level of the Rails for the whole Distance of Fourteen Feet Six Inches, and Two Side Openings of the clear Width of Fifteen Feet,

and

and having a clear Headway of Fourteen Feet Six Inches throughout the whole of such Three Openings.

Plans for Works affecting Midland Railway.

8. The Bridge or other Works by which the Railway hereby authorized shall be carried over the *Midland* Railway, and all Works and Conveniences connected therewith, shall be made only according to Plans, Elevations, Sections, and Specifications to be submitted by the Company to such Engineer of the *Midland* Railway Company, and to be reasonably approved by him in Writing under his Hand within One Month from the Time such Plan is submitted to him.

Maintenance of those Works.

9. The Company shall at all Times maintain the Bridge or other Works by which the Railway hereby authorized shall be carried over the *Midland* Railway in substantial Repair and good Order and Condition to the reasonable Satisfaction in all respects of such Engineer of the *Midland* Railway 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 Land of the Company as their own Lands all such Works and Things as the *Midland* Railway Company think requisite in that Behalf; and the Sum from Time to Time certified by such their Engineer to be the reasonable Amount of the Expenditure in that Behalf shall be repaid to them by the Company, and in default of full Repayment the Amount due may be recovered with full Costs by the *Midland* Railway Company from the Company in any Court of competent Jurisdiction.

Restricting Interference with the Lands of the Midland Company.

10. The Company shall not under the Powers of this Act, without in every Case the previous Consent of the *Midland* Railway Company in Writing under their Common Seal, take, use, enter upon, or interfere with any of the Lands belonging to or in the Possession or under the Power of the *Midland* Railway Company, except only such Part or Parts of their Lands as it shall be necessary for the Company to take and use, enter upon, or interfere with for the Purposes of making and maintaining the Works by which the Railway is according to this Act to be carried over the Railway and Lands of the *Midland* Railway Company.

Company to acquire Easements only in Lands of Midland Railway Company.

11. With respect to any Land of the *Midland* Railway Company which the Company are by this Act authorized to use, enter upon, or interfere with, the Company shall not purchase and 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.

12. Nothing

Saving Rights of the Midland Railway Company.

12. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Midland* Railway Company, otherwise than is herein expressly provided.

Powers for compulsory Purchases limited.

13. 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.

Lands for extraordinary Purposes.

14. The Company may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," in connexion with the Extension Railway, not exceeding in the whole Two Acres.

Period for Completion of Works.

15. The Extension Railway 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 executing the said Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railway not completed, &c. within a limited Period, Company to be liable to a Penalty.

16. If the Extension Railway shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day thereafter until the Railway shall be completed and opened for public Traffic; 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 were prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Railway Tolls.

17. The Company may demand and take in respect of the Extension Railway such Tolls and Charges as they think fit, not exceeding the Rates of Toll and Charge authorized to be taken on the *Stamford and Essendine* Railway; and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Extension Railway and partly on any other Railway of the Company, the Extension Railway and such other Railway shall be deemed One Railway, as if authorized by "The *Stamford and Essendine* Railway Act, 1853."

Power for Company to raise additional Capital.

18. The Company may from Time to Time raise (in addition to the Capital which they are now authorized to raise), by the Creation and

and Issue of new Shares in the Undertaking of the Company of such Amount as will allow the same to be conveniently apportioned or disposed of, according to the Resolution of any Ordinary or Extraordinary Meeting of the Company, any further Sum not exceeding Seventy-five thousand Pounds for the Purposes of the Extension Railway (and all new Shares to be created under this Act are hereinafter comprised under the Name of the "Extension Shares").

Shares not to issue until One Fifth paid up.

19. It shall not be lawful for the Company to issue any Share to be created under the Powers of this Act, nor shall any such 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 Shares shall have been paid up in respect thereof.

Application of divisible Profits of Extension.

20. The Profits of the Extension Railway applicable to Dividend from Time to Time shall be applied in the first instance in Payment of Dividend on the Extension Shares until a Dividend of such Amount (not exceeding Six *per Centum per Annum*) as the Company (with the Sanction of Three Fifths of the Votes of the Shareholders present, personally or by proxy, at any Extraordinary Meeting convened with Notice of this Purpose) shall attach to those Shares shall have been paid on the total Amount from Time to Time paid up on those Shares, and subject thereto, and also subject to such (if any) additional Capital for any Purposes of or in connexion with the Extension Railway as Parliament may hereafter sanction, the Residue of those Profits shall fall into and become Part of the general Profits of the Company.

Extension Shares not to participate in general Profits.

21. The Holders of Extension Shares shall not in respect thereof have or be entitled to any Interest or Dividend out of any Profits of the Company, except the Profits of the Extension Railway.

For ascertaining divisible Profits.

22. The Company shall keep separate Accounts of all Receipts and Payments from, for, or on account of the Extension Railway, and the Balance of the gross Receipts of the Extension Railway which shall remain, after deducting Expenses of Working and Management, and also all Interest on borrowed Money for the Time being secured or attaching upon the Extension Railway, and all Rates, Rents, and Taxes payable on or in respect of the Extension Railway, shall, for the Purposes of this Act, be deemed the Profits of the Extension Railway applicable to Dividend.

Power to borrow.

23. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage of the Extension Railway such Sums as they

they think fit, not exceeding in the whole Twenty-five thousand Pounds, but no Part of that Money shall be borrowed until the whole of the said additional Capital of Seventy-five thousand Pounds shall have been subscribed for *bonâ fide* and issued, and One Half of that Amount shall have been actually paid up, nor until the Company shall 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 all the said additional Capital of Seventy-five thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share was paid on Issue of the same, and that all such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proofs having been given the Certificate of such Justice under that Section shall be sufficient Evidence).

Debenture Stock.

24. The Company may create and issue Debenture Stock.

Application of Money raised under Act.

25. All Money raised under the Powers of this Act by the Creation of new Shares or Stock or on Mortgage shall be applied only to the Purposes by this Act authorized.

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 any other Acts 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 to any Shareholder any Interest or Dividend on the Capital by this Act authorized to be raised: Provided that nothing herein 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.

27. It shall not be lawful for the Company, out of any Money by this Act or any other Acts 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 in force for the Time being, 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 Railway, or execute any other Work or Undertaking.

Company may use a certain Portion of the London and North-western Railway.

28. The Company may run over and use with their Engines and Carriages of every Description, and with and for the Purposes of their Traffic, that Portion of the *Northampton and Peterborough* Branch of the *London and North-western* Railway between the Point of Junction therewith of the Extension Railway and the Eastern End of the Tunnel

Tunnel of the said Branch near the *Sibson* Station, and the said Station, and the Sidings, Watering Places, Booking Offices, Approaches, Buildings, Works, and Conveniences upon or connected with the said Portion of Railway and Station to be so run over and used respectively upon Payment of such Toll or Remuneration and upon such Terms and Conditions as may be agreed upon between the Company and the *London and North-western* Railway Company, or in default of Agreement as may be settled by Arbitration in manner provided by "The Railway Companies Arbitration Act, 1859."

Authorizing Agreements between Company and London and North-western Railway Company.

29. The Company and the *London and North-western* Railway Company may from Time to Time enter into Agreements with respect to all or any of the following Matters; that is to say,

The Use by the Company with their Engines and Carriages and for the Purposes of their Traffic of the said Part of the *Northampton and Peterborough* Branch and the *Sibson* Station, and the Sidings, Watering Places, Booking Offices, Approaches, Buildings, Works, and Conveniences connected therewith respectively:

The Interchange, Transfer, Transmission, and Conveyance of Traffic from, to, and over the System of Railways of the *London and North-western* Railway Company, and so much of the System of Railways of the Company as is upon Lands the Property of the Company:

And all such Agreements shall be deemed to be Working Agreements within the Meaning of "The Railways Clauses Act, 1863," and Part of that Act shall be applicable thereto accordingly.

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

30. Nothing in this Act contained shall be deemed or construed to exempt the Undertaking of 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 and of the Rates for small Parcels authorized to be taken by the Company.

Expenses of Act.

31. The Costs and Charges of applying for and obtaining this Act, and incidental thereto, shall be paid by the Company.

Short Title.

32. This Act may be cited for any Purpose as "The *Stamford and Essendine* Railway (*Sibson* Extension) Act, 1864."

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