



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cxlvi.

An Act to enable the *Great Northern Railway Company* to make certain Alterations in the Line of their Railway as already authorized between *Grantham and York.* [9th July 1847.]

WHEREAS an Act was passed in the last Session of Parliament, called "The *Great Northern Railway Act, 1846:*" 9 & 10 Vict. c. 71.
 And whereas another Act was passed in the same Session of Parliament, called "The *Stamford and Spalding Railway Act, 1846:*" 9 & 10 Vict. c. 352.
 And whereas the Undertaking by the last-mentioned Act authorized to be constructed has since the passing of such Act, and in pursuance of the Powers therein contained, been conveyed to and is now vested in the *Great Northern Railway Company:* And whereas it is expedient that the said *Great Northern Railway Company* should be empowered to deviate from the Line of Railway by the firstly-recited Act authorized, and to construct other Lines of Railway in the Stead thereof: And whereas it is also expedient that some of the Provisions of the said recited Acts should be extended and enlarged; but 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
 [Local.] 21 S Spiritual

Powers
of recited
Acts and
8 & 9 Vict.
cc. 18. & 20.
extended to
this Act.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Things contained in the said recited Acts, and in "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," so far as the same are now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, so far as the same Provisions, Matters, and Things are applicable thereto, as fully and effectually as if the same were repeated and re-enacted in this Act in reference to such Purposes and Things.

Short Title
of Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to describe it as "The *Great Northern Railway (Deviations between Grantham and York)* Act, 1847."

Railways to
be made ac-
cording to
deposited
Plans.

III. And whereas Plans and Sections of the new or substituted Lines of Railway by this Act authorized showing the Line and Levels thereof, and also Books of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited with the respective Clerks of the Peace for the Counties of *Nottingham* and of the City of *York*, and of the North and West Ridings of the County of *York*; be it enacted, That, subject to the Provisions in this Act and the recited Act contained, it shall be lawful for the Company to make and maintain the new or substituted Lines of Railway herein-after authorized, and the Works connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Power to
make De-
viations.

IV. And be it enacted, That the Company shall abandon the Formation of the following Portions of the *Great Northern Railway* by the said firstly-recited Act authorized; that is to say, so much thereof as lies between a Field in the Parish of *Sutton-on-Trent* in the said County of *Nottingham* numbered 106 on the deposited Plans of the *Great Northern Railway* referred to in the "*Great Northern Railway Act, 1846*," and a Field in the Parish of *Ordsall* in the said County of *Nottingham* numbered 10 on such Plans; and also so much thereof as lies between a Field numbered 3 on the Plans lastly referred to in the Parish of *Bishopthorpe* in the Ainsty of the City of *York* and a Field numbered 17 in the Parish of *Saint Mary Bishop-hill the Elder*; and in the Stead of such abandoned Portions it shall be lawful for them to make and maintain the following new or substituted Lines of Railway, with all proper Works, Stations, Approaches, and Conveniences connected therewith; namely,

A new or substituted Line of Railway commencing in the said Field in the said Parish of *Sutton-on-Trent* numbered 106 on the deposited Plans of the *Great Northern Railway* referred to in the "*Great Northern Railway Act, 1846*," passing thence

in or through the several Places of *Sutton-on-Trent, Grassthorpe, Marnham Weston, Tuxford, East Markham, Askham, Gamston, Eaton, and Ordsall*, all in the said County of *Nottingham*, and terminating in the said Field in the said Parish of *Ordsall* numbered 10 on the said last-mentioned Plans :

And another new or substituted Line of Railway commencing in a Field numbered 3 on such Plans in the Parish of *Bishopthorpe* in the Ainsty of the City of *York*, passing thence in or through the several Places of *Bishopthorpe* and *St. Mary Bishophill the Elder*, and terminating in the said last-mentioned Parish at the South-western Extremity of the Racecourse.

V. And be it enacted, That all the Powers, Authorities, and Privileges which by the said first-recited Act are given for making and maintaining the Portions of such Railway by this Act required to be abandoned shall from and after the passing of this Act cease and determine.

Abandonment of Parts of Line.

VI. And be it enacted, That it may be lawful for the Company to construct the said new or substituted Lines of Railway across and upon the Level of the Turnpike Roads and public Roads numbered on the first-mentioned deposited Plans as follows ; (that is to say,) Number 53 in the Parish of *Tuxford*, Number 20 in the Parish of *Gamston*, Number 7 in the Parish of *Eaton*, Numbers 12a and 91 in the Parish of *Bishopthorpe*, and Number 6b in the Parish of *Saint Mary Bishophill the Elder*.

Power to cross certain Roads on a Level.

VII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads shall be crossed on a Level ; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways ; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to erect Station or Lodge where Roads crossed on a Level, and to abide by Rules, &c. of Commissioners of Railways.

VIII. And be it enacted, That 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.

Period within which Lands are to be purchased.

IX. And be it enacted, That the said new or substituted Lines of Railway shall be completed within Six 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 same, or otherwise in relation

Period for the Completion of Works.

relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Provision for
Manchester,
Sheffield, and
Lincolnshire
Railway.

X. And whereas by an Act passed in the last Session of Parliament, intituled *An Act to authorize the Great Grimsby and Sheffield Junction Railway Company to make an Extension from their Line of Railway in the Parish of Bole in the County of Nottingham to the Town of Newark-upon-Trent in the same County*; and by another Act passed in the same Session incorporating the said *Great Grimsby and Sheffield Junction Railway Company* with the *Manchester, Sheffield, and Lincolnshire Railway Company*, the said *Manchester, Sheffield, and Lincolnshire Railway Company* were authorized to construct an Extension of the Line of the *Great Grimsby and Sheffield Junction Railway* from *Bole* to *Newark*, but inasmuch as a Bill was then pending in Parliament for making a Railway from *London* to *York*, to be called the *Great Northern Railway*, a Portion of the Line of which, between a Point in the Parish of *Darlton* in the said County of *Nottingham* and the Town of *Newark-upon-Trent*, was identical with the Line by the said recited Acts authorized to be made by the said *Manchester, Sheffield, and Lincolnshire Railway Company*, it was enacted, that in case the said Bill for making the said Railway from *London* to *York* should pass into a Law it should not be lawful for the said *Great Grimsby and Sheffield Junction Railway Company* to make so much of the said Line as lies between the Point of Junction of the Two Lines in the said Parish of *Darlton* and the Town of *Newark-upon-Trent*, except upon the Default of the *Great Northern Railway Company* in manner therein mentioned, but Power was given to the said *Manchester, Sheffield, and Lincolnshire Railway Company* to use the Line of the said *London and York Railway* between the Point of Junction and the Station to be constructed for the Town of *Tuxford*, and the Stations, Warehouses, and Conveniences belonging thereto, or any of them, or any Part or Parts thereof, subject to such Regulations and upon such Terms as should be from Time to Time agreed upon between the Two Companies, with Power for the said Companies to enter into and make Contracts for that Purpose, and in case of Difference between the said Two Companies such Differences were to be settled by Arbitration in manner provided by the *Railways Clauses Consolidation Act, 1845*: And whereas by the *Great Northern Railway Act, 1846*, it was enacted, that all necessary Facilities should be afforded by the Company thereby incorporated for the Junction between their Railway and the *Great Grimsby and Sheffield Junction Railway* to admit of the uninterrupted Passage of Engines and Carriages belonging to the *Great Grimsby and Sheffield Junction Railway Company* between *Gainsborough* and the Station for the Town of *Tuxford* and the intermediate Places upon the Terms therein expressed: And whereas by the Deviation by this Act authorized to be made the *Manchester, Sheffield, and Lincolnshire Railway* will now form a Junction with the Line of the *Great Northern Railway* as authorized by this Act to be diverted in or near the Parish of *Sutton upon Trent*: Be it enacted, That on the passing of this Act so much of the said recited Enactment as restrains (in favour of the *Great Northern Railway Company*) the said *Manchester, Sheffield, and Lincolnshire Railway Company* from constructing their said intended
Line

Line between *Darlington* and *Sutton upon Trent* shall be waived, and such Waiver shall be taken to be a Performance by the *Great Northern Railway Company* of so much of the Condition imposed by the same Enactment in favour of the said *Manchester, Sheffield, and Lincolnshire Railway Company* in relation to the Construction of the said *Great Northern Railway* between the same Points.

XI. And be it enacted, That all the Enactments, Clauses, Conditions, and Provisions in the said several in part recited Acts contained for facilitating and providing for the Junction of the said Extension Line of the said *Great Grimsby and Sheffield Junction Railway* with the *Great Northern Railway* in the Parish of *Darlington* aforesaid shall, except in the event herein-after specified, extend to and be applicable to a Junction of the said Two Lines at the Point where the Line of the said *Great Grimsby and Sheffield Junction Railway* will unite with the Line of the *Great Northern Railway* as authorized to be deviated by this Act in the Parish of *Sutton upon Trent*.

Extending Provisions from Darlington to Sutton.

XII. And whereas it may be found expedient that the *Manchester, Sheffield, and Lincolnshire Railway* should form a Junction with the *Great Northern Railway* upon the deviated Line now authorized at or near the Town of *Tuxford* instead of at *Sutton upon Trent*; be it enacted, That if the *Manchester, Sheffield, and Lincolnshire Railway Company* shall apply to Parliament for Powers to extend their Railway so as to form such Junction at or near *Tuxford* aforesaid, the *Great Northern Railway Company* shall pay all the Expences incurred by the first-named Company in their Application to Parliament for and in obtaining the Act; and after the passing of such Act all the Provisions, Matters, and Things hereby or in the said recited Acts contained touching the Facilities for effecting the said Junction, and the Accommodation to be afforded for the Traffic of the *Manchester, Sheffield, and Lincolnshire Railway*, shall apply to such Junction at *Tuxford*, and to the Station to be erected there, instead of the said Junction and Station at *Sutton upon Trent* aforesaid.

As to Junction at Tuxford.

XIII. And be it enacted, That the *Great Northern Railway Company* shall erect at the said Point of Junction in the Parish of *Sutton upon Trent* a good and sufficient Station for the booking and Accommodation of Passengers and Goods, and the stopping of Trains, and shall give every reasonable Facility to the Traffic between the *Manchester, Sheffield, and Lincolnshire Railway* and the *Great Northern Railway*, subject, in case of Difference between the said Companies with regard to the Matters aforesaid, to the Award of the Commissioners of Railways, or of any Engineer to be appointed by them for that Purpose.

As to Stations at Sutton.

XIV. And whereas the estimated additional Expence of making the said new or substituted Lines of Railway is Ten thousand Pounds; be it enacted, That it shall be lawful for the Company to raise by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the said recited Acts, or which they may be authorized to raise by any other

Power to raise additional Money by Creation of new Shares.

Act to be passed during the present Session of Parliament, any further Sum of Money not exceeding in the whole the Sum of Ten thousand Pounds.

New Shares to be considered same as original Shares.

XV. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

As to Dividends on new Shares.

XVI. Provided always, and be it enacted, That in calculating the Dividends upon the Shares to be created under the Powers of this Act Reference shall be had to the Difference, if any, for the Time being between the Amount of Calls paid thereon and the Amount of Calls paid upon the original Shares of the Company at the Time of the Declaration of such Dividend.

As to Votes of Proprietors of new Shares.

XVII. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the said *Great Northern Railway*.

Power to borrow on Mortgage.

XVIII. And be it enacted, That after the whole of the Sums by this and the recited Acts authorized to be raised by Shares shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any Ordinary or Extraordinary Meeting of the Company, provided that such Sums of Money do not exceed in the whole Three thousand three hundred Pounds, in addition to the Sums which they are by the said recited Acts, or which by any other Act passed in the present Session of Parliament they may be, authorized to borrow.

Interest not to be paid on Calls paid up.

XIX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest 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 said 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.

XX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

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

XXI. And be it enacted, That it shall be lawful for the Company to demand and receive for and in respect of the said new or substituted Lines of Railway the same Tolls and Charges as they are by the said first-recited Act authorized to demand and receive for and in respect of the Railway by such Act authorized to be constructed.

Same Tolls to be taken as on Main Line.

XXII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two Acts were passed in the last Session of Parliament, the one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said new or substituted Lines of Railway from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to those Railways so far as the same shall be applicable thereto.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or any general Act relating to Railways, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Railways to be subject to Provisions of any future general Act.

XXIV. And be it enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company in preference to all other Payments whatsoever.

Expences of Act.

XXV. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in

Saving the Rights of the Crown.

in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Public Act. XXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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