



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cxlviii.

An Act to enable the *Great Northern Railway Company* to take a Lease of or to purchase the *East Lincolnshire Railway*, and the *Boston, Stamford, and Birmingham Railway*. [9th July 1847.]

WHEREAS an Act was passed in the last Session of Parliament, called "The *Great Northern Railway Act, 1846*:" And whereas another Act was passed in the same Session, called "The *Stamford and Spalding Railway Act, 1846*:" And whereas in pursuance of the Powers in the last-recited Act contained the Undertaking thereby authorized has been sold to and is now vested in the *Great Northern Railway Company*: And whereas other Acts were passed in the same Session, called respectively "The *East Lincolnshire Railway Act, 1846*," and "The *Boston, Stamford, and Birmingham Railway Act, 1846*, (*Stamford and Wisbech Line*)," whereby Two several Companies were incorporated: And whereas the Railways authorized by the Two lastly-recited Acts communicate with the authorized Line of the *Great Northern Railway*, and to a great Extent will be dependent on the same Traffic, and the said Railways might be constructed and worked with greater Economy and with greater Advantage to the Public were they placed under the same Management as the *Great Northern Railway*, and it

[Local.]

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is expedient therefore that the *Great Northern* Railway Company should be empowered to accept a Lease of or to purchase the said Undertakings; 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 Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers and Provisions of said recited Acts, so far as they are applicable to this Act, shall be extended hereto, and shall form Part of and be incorporated with this Act.

Recited
Acts ex-
tended to
this Act.

East Lin-
colnshire,
and Boston,
Stamford,
and Bir-
mingham
Railway
Companies
may grant
Leases of
their Rail-
ways.

II. And be it enacted, That it shall be lawful for the *East Lincolnshire* Railway Company, and the *Boston, Stamford, and Birmingham* Railway Company, with the Authority of Three Fifths of the Votes of the Shareholders thereof respectively who may be present, either personally or by Proxy, at some Extraordinary Meeting of each Company, severally to demise or lease their Undertakings, before or after the Completion thereof, for such Consideration or annual Rent as they shall think proper, unto the said *Great Northern* Railway Company for any Term which shall be agreed upon; and the said *Great Northern* Railway Company are hereby authorized, if they think proper, with the like Authority of the Shareholders thereof, to enter into and accept such Lease; and every such Lease shall be valid and effectual, and shall entitle the said *Great Northern* Railway Company during the Term therein granted to the full and free Use and Enjoyment of the Railway thereby demised, and the Works connected therewith.

Enabling
these Rail-
way Com-
panies to
sell their
Railways to
the Great
Northern
Railway
Company.

III. And be it enacted, That it shall be lawful for the *East Lincolnshire* Railway Company, and the *Boston, Stamford, and Birmingham* Railway Company, by and with the Authority of Three Fifths of the Votes of the Shareholders thereof respectively who may be present, either personally or by Proxy, at some Extraordinary Meeting of each such Company specially called for the Purpose, severally to sell, transfer, or dispose of, and for the *Great Northern* Railway Company, by and with the like Authority of the Shareholders thereof, to purchase or accept, the *East Lincolnshire* Railway, and the *Boston, Stamford, and Birmingham* Railway, either before or after the Execution or Completion thereof respectively, for such Consideration, and upon such Terms and Conditions, as may be mutually agreed upon, subject to the existing Liabilities affecting the same Undertaking so proposed to be sold, and subject also to the Provisions of this Act, and of the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845."

Form and
Effect of
Conveyance.

IV. And be it enacted, That the Conveyances or Assignments of the said Undertakings respectively may be in the Form in the Schedule to this Act annexed, or to the like Effect, with such Alterations therein or Additions thereto as the Circumstances of each Case and the Terms of the Purchases or Transfers may render necessary; and such Conveyances shall be duly stamped (for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the
several

several Purchase Monies), and shall be under the Common Seals of the said *Great Northern Railway Company* and of the Company so selling or transferring its Undertaking, and shall when so executed be effectual to vest the said Undertaking, and all the Rights, Privileges, Powers, and Authorities by the Act authorizing the same Undertaking given to the Company so selling and transferring the same, and also the said Railway and all Works thereby intended to be conveyed, and the Ground and Soil belonging thereto, and all and every other the Lands, Tenements, and Hereditaments, Rights, Easements, and Appurtenances whatsoever, forming Part of and belonging to such Undertaking, and all Books, Maps, Plans, and other Documents, and also, if so expressed, all the Personal Property, Monies, and Effects of or to which the Company so selling or transferring its Undertaking may, by virtue of the Act authorizing the same, or by any other Means whatsoever, be seised, possessed, or entitled at Law or in Equity at the Time of the Execution of such Conveyance, absolutely in the *Great Northern Railway Company*; and the Undertaking so conveyed shall thenceforth become and form Part of the Undertaking of the *Great Northern Railway*, subject nevertheless and without prejudice to any Mortgages, Charges, or Incumbrances which at the Time of the Execution of such Conveyance may be upon or affect the Company so selling and transferring its Undertaking, or which may affect any of the Property of the same Company.

V. And be it enacted, That within Twenty-one Days after the Execution of every such Conveyance Notice thereof shall be inserted in the *London Gazette*, and a counterpart Copy of such Conveyance under the Common Seals of the aforesaid Companies shall be deposited at the Office of the Town Clerk of the Town of *Boston* in *Lincolnshire* within the before-mentioned Period; and such Town Clerk shall receive and retain the same, and permit the Inspection thereof, and the making Copies thereof or Extracts therefrom, in the like Manner, and subject to the like Terms and Penalties, as in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament*, are expressed in relation to the Documents referred to in the same Act.

Notice of Execution of Conveyance to be given in the Gazette.

7 W. 4. &
1 Vict. c. 83.

VI. And be it enacted, That when and as soon as any such Conveyance shall have been so executed and advertised, and a counterpart Copy thereof deposited as aforesaid, the Powers of the Company which shall have so sold and conveyed its Undertaking shall cease and determine, and such Company shall be dissolved and cease to exist; and all the Rights, Privileges, Powers, and Authorities conferred on or given to the said Company by the Act authorizing the same, or by any other Means, shall apply to and be vested in the *Great Northern Railway Company*, and may lawfully be used, exercised, and enjoyed by the last-mentioned Company, or the Directors thereof, or their Officers, Agents, or Servants, under the same Penalties, Provisions, and Restrictions as are applicable to or imposed

On Execution of the Conveyance Powers of the selling Company to cease.

imposed upon the Company which shall have so sold and transferred its Undertaking; and the Corporate Seal of the *Great Northern Railway Company* shall be used when necessary in reference thereto in like Manner in every respect as though the said Undertaking formed Part of the Undertaking of the *Great Northern Railway*, and the *Great Northern Railway Company* had been originally authorized to carry the same into effect.

Contracts
not to be
affected.

VII. And be it enacted, That all Contracts, Agreements, Conveyances, Mortgages, Bonds, and Securities which may have been made or entered into with, to, or in favour of, or by or for, the Company which shall so sell or transfer its Undertaking previously to the Execution of such Conveyance, shall from and after the Execution thereof be and remain as good, valid, and effectual in favour of, against, and in reference to the *Great Northern Railway Company*, and may be proceeded on and enforced in the same Manner by or against the *Great Northern Railway Company*, to all Intents and Purposes, as if such Company had been a Party to and had executed the same, or had been named or referred to therein instead of the Company which shall have so sold or transferred as aforesaid.

Actions, &c.
not to abate.

VIII. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced previously to the Execution of such Conveyance, either by or against the Company which shall have sold or transferred its Undertaking as aforesaid, shall abate or be discontinued or prejudicially affected by reason of the vesting of the said Undertaking in the *Great Northern Railway Company*, but on the contrary the same shall continue and take effect in favour of and against the said *Great Northern Railway Company* in the same Manner in all respects as the same would or might have continued and taken effect in favour of or against the Company whose Undertaking shall have been so conveyed.

Certain
Agreements
made prior
to this Act
confirmed.

IX. Provided always, and be it enacted, That any Contract or Agreement which previously to the passing of this Act may have been executed or made by the *East Lincolnshire Railway Company*, or the *Boston, Stamford, and Birmingham Railway Company*, with the said *Great Northern Railway Company*, or by the Directors of the last-mentioned Company with the Directors of either of the other Companies respectively, concerning the making or granting and Acceptance of any such Lease or Conveyance as aforesaid, or the Terms or Conditions thereof, provided the same shall have received the Sanction of a General Meeting of the said respective Companies, shall, if the same be consistent with the Provisions of this Act, be as valid and binding on the said Companies as though the same had been entered into and had been duly authorized by an Extraordinary Meeting of Shareholders under the Provisions of this Act.

Enabling
Great
Northern
Railway
Company to
raise Money

X. And be it enacted, That for the Purpose of the said several Purchases, and for the Execution of such Portions of the several Undertakings so purchased as at the Time of the Conveyance thereof may not be completed, it shall be lawful for the said *Great Northern Railway Company*, if they see fit, to create such an additional
Number

Number of Shares, and to borrow such Sum of Money, as may be necessary for completing such several Purchases, or for constructing and working the Railway so purchased, provided that the Amount to be raised by such additional Shares for the Purpose of each particular Purchase shall not exceed the Amount of Capital authorized to be raised by the Act incorporating the Company whose Undertaking is so purchased, or by any other Act increasing the Capital of such Company, and provided that the Amount to be so borrowed shall not exceed One Third of the additional Capital thus authorized to be raised; and no Money whatever shall be so borrowed until the whole of the Money to be raised by Shares shall have been subscribed, and One Half thereof actually paid up.

by Creation
of new
Shares.

XI. 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.

Interest not
to be paid
on Calls
paid up.

XII. 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 Com-
pany's
Capital.

XIII. Provided always, and be it enacted, That it shall not be lawful for the said *East Lincolnshire* Railway Company, or the said *Boston, Stamford, and Birmingham* Railway Company, by virtue of the Powers herein-before contained, to demise or lease or to sell, or for the said *Great Northern* Railway Company to enter into or accept such Lease, or to purchase the before-mentioned Undertakings, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal, previously to the Execution of such Lease or the Completion of such Sale, that One Half of the whole Amount of the Capital (exclusive of Loans) by the Act or Acts relating to each of the said Companies authorized to be raised has been actually paid up, and expended for the Purposes authorized by such Act or Acts respectively.

Powers not
to be exer-
cised until
Half of
Capital of
each Com-
pany paid
up and ex-
pended.

XIV. And be it enacted, That the Provisions contained in the said "Companies Clauses Consolidation Act, 1845," with respect to the
[*Local.*] 22 A Conversion 8 & 9 Vict.
c. 16. with
respect to
borrowed

Money applied to this Act.

Conversion of borrowed Money into Capital shall apply to the Money hereby authorized to be borrowed.

Short Title.

XV. 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 use the Expression "The *Great Northern Railway Company's Purchase Act, 1847.*"

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.

XVI. 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 to regulate the Gauge of Railways*, and the other *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the Railways named herein from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the same Railways so far as the same shall be applicable thereto.

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

XVII. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the said Railways from the Provisions of any general Act relating to this Act or the said recited Acts, or of any general Act relating to Railways, which may pass during the present 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.

Public Act.

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

SCHEDULE.

Form of Conveyance of the Undertaking.

THIS Indenture, made the Day of in the Year of our Lord between the [*here insert, as the Case may be, "The East Lincolnshire Railway Company," or "The Boston, Stamford, and Birmingham Railway Company,"*] of the one Part, and the Great Northern Railway Company of the other Part, witnesseth, that the Railway Company, in consideration of to them paid by the Great Northern Railway Company, the Receipt whereof is hereby acknowledged, and by virtue and in pursuance and under the Authority of an Act called "The Great Northern Railway Company's Purchase Act, 1847," do hereby convey all that the Undertaking authorized by the [*here insert, as the Case may be, "The East Lincolnshire Railway Act, 1846," "The Boston, Stamford, and Birmingham Railway Act, 1846, (Stamford and Wisbech Line,)"*] and the Powers and Authorities thereby given for making and completing the same, unto the Great Northern Railway Company absolutely and for ever, but subject to all existing Liabilities affecting the same, and subject also to the Provisions of the said Act; and the said Great Northern Railway Company do hereby accept and take the same Undertaking, subject to the Liabilities aforesaid, and to the Provisions of the said Act. In witness, &c.

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