



CHAP. v.

An Act for making a Railway from the East Lincolnshire line of the Great Northern Railway at Firsby to the town of Wainfleet All Saints, in the parts of Lindsey in the county of Lincoln ; and for other purposes. [13th May 1869.]

A.D. 1869.  
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**W**HEREAS the making and maintaining of a railway from the East Lincolnshire line of the Great Northern Railway at Firsby to the town of Wainfleet All Saints, in the parts of Lindsey in the county of Lincoln, would be of public and local advantage :

And whereas the persons herein-after named, with others, are willing at their own expense to carry the undertaking into execution if authorized so to do, and are desirous of being incorporated into a company for that purpose :

And whereas plans and sections of the proposed railway, showing the line and levels thereof and the lands which may be taken for the purposes of this Act, and also books of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerk of the peace for the parts of Lindsey in the county of Lincoln, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference :

And whereas the objects 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 :

1. This Act may be cited for all purposes as "The Wainfleet and Firsby Railway Act, 1869." Short title.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses  
[Local.-5.] A 1 8 & 9 Vict.  
cc. 16., 18.,  
and 20.,  
23 & 24 Vict.  
c. 106., and

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26 & 27 Vict.  
cc. 92. & 118.  
incorporated.

Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts (Amendment Act), 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-  
tion 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 or inconsistent with such construction; the expression "the company" means the company incorporated by this Act; the expression "the railway" or "the undertaking" means the railway by this Act authorized; the expression "superior courts" or "court of competent jurisdiction," or any other like expression 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 common simple contract debt, and not a debt or demand created by statute.

Company  
incorporated.

4. James Martin, Henry John Seels, Byron Mason, Edwin Crow, Isaac Gunson, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, or assigns respectively, shall be united into a company for the purpose of making and maintaining the railway to be called "the Wainfleet and Firsby Railway," and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "the Wainfleet and Firsby Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to  
make railway  
according  
to deposited  
plans.

5. 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 railway herein-after described, with all proper stations, 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 books of reference as may be required for that purpose. The railway herein-before referred to and authorized by this Act is,—

A railway four miles two furlongs and four chains in length, wholly situate in the parts of Lindsey in the county of Lincoln, commencing in the parish of Firsby by a junction with the East Lincolnshire line of the Great Northern Railway, and terminating in the parish of Wainfleet All Saints.

6. The capital of the company shall be eighteen thousand pounds, in one thousand eight hundred shares of ten pounds each.

Capital, and number and amount of shares.

7. 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 of the amount of such share shall have been paid in respect thereof.

Shares not to issue until one-fifth part paid up.

8. One fifth of the amount of a share shall be the greatest amount of a call, and two months at the least shall intervene between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

9. Subject to the provisions of this Act, the company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Power to divide shares.

10. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined at a general meeting of the company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share, and the company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on half shares.

11. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share

Dividend on preferred shares to be paid out of the profits of the year only.

A.D. 1869. — for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the company.

Half shares to be registered, and certificates issued.

**12.** Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any such certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

**13.** The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

**14.** The provisions of "The Company's Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the company all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expense attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

**15.** No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the company.

Half shares to be half shares in capital.

**16.** The several half shares under this Act shall be half shares in the capital of the company, and every two preferred or deferred half shares held by the same person shall confer such right of voting at meetings of the company and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

**17.** The company may from time to time borrow on mortgage any sum not exceeding in the whole six thousand pounds, but no part thereof shall be borrowed until the whole capital of eighteen thousand pounds is subscribed for, 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 the capital has been subscribed for, 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 the 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 subscribers or their assigns, and that such subscribers or their 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 his certificate that the proof aforesaid has been given him, which certificate shall be sufficient evidence thereof.

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**18.** The mortgagees of the company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than six hundred pounds in the whole.

Arrears may be enforced by appointment of a receiver.

**19.** The company may create and issue debenture stock.

Debenture stock.

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

Application of monies.

**21.** The first ordinary meeting of the company shall be held within twelve months next after the passing of this Act, and the subsequent ordinary meetings of the company shall be held twice in every year, in the months of February or March, and August or September, as the directors may appoint.

First and subsequent meetings.

**22.** The quorum of general meetings of the company shall be six shareholders present personally or by proxy, holding in the aggregate not less than one thousand pounds in the capital of the company.

Quorum of general meetings.

**23.** The number of the directors shall be five, but it shall be lawful for the company from time to time to reduce the number, provided that the number be not less than three.

Number of directors.

**24.** The qualification of a director shall be the possession in his right of not less than twenty shares.

Qualification of directors.

**25.** The quorum of a meeting of directors shall be three, until the number of directors is reduced to three, and then the quorum shall be two.

Quorum of directors.

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First directors.

Election of directors.

**26.** James Martin, Henry John Seels, Byron Mason, Edwin Crow, and Isaac Gunson shall be the first directors of the company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present personally or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

**27.** The quantity of land to be taken by agreement by the company for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed two acres.

Powers for compulsory purchases limited.

**28.** 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.

Powers to cross certain roads on the level.

**29.** Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, it shall be lawful for the company in the construction of the railway to carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
8 - - -	Firsby - - -	Public road.
2 - - -	Thorpe - - -	Public road.
27 and 28 - - -	Thorpe - - -	Public road.
20 and 21 - - -	Wainfleet All Saints - - -	Public road.
44 - - -	Wainfleet All Saints - - -	Public road.

Deposit money not to be repaid

**30.** Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her

present Majesty, chapter twenty, a sum of eight hundred and seventy-three pounds, being five per centum upon seventeen thousand four hundred and fifty-six pounds, the amount of the estimate in respect of the railway authorized by this Act, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the company shall previously to the expiration of the period limited by this Act for the completion of the railway either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the company have paid up one half of the amount of the capital by this Act authorized to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the lords of the said committee, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the lords of the said committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

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until line opened or half the capital paid up and expended.

**31.** The said sum of money deposited 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 railway, 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 said sum of money shall have been found sufficient to satisfy all just claims in respect of such

Providing for application of deposit in compensation to parties injured.

A.D. 1869. — compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivor or survivors of them; provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

**32.** The railway shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the company for executing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls for passengers and animals.

**33.** The company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway:

For every person conveyed in or upon any carriage, the sum of twopence per mile; and if conveyed in or upon any carriage belonging to the company an additional sum of one penny per mile:

For every horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon any carriage belonging to the company an additional sum of one penny per mile:

For every ox, cow, bull, or head of neat cattle, the sum of twopence per head per mile; and if conveyed in carriages belonging to the company an additional sum of one penny per mile:

For every calf, pig, sheep, lamb, and other small animal, one penny each per mile; and if conveyed in carriages belonging to the company an additional sum of one halfpenny per mile.

Tolls for goods.

In respect of goods conveyed on the railway:

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, ashes, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny farthing; and if conveyed in carriages belonging to the company an additional sum per ton per mile not exceeding one halfpenny:



For all iron, stone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile not exceeding one penny; and if conveyed in carriages belonging to the company an additional sum per ton per mile not exceeding one halfpenny:

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For all sugar, grain, corn, flour, hides, dye woods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, iron hurdles, and for light iron castings, per ton per mile not exceeding twopence; and if conveyed in carriages belonging to the company an additional sum per ton per mile not exceeding one penny:

For cotton and other wools, drugs, rags, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the company an additional sum per ton per mile not exceeding one penny:

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the company, not exceeding sixpence per mile; and one penny halfpenny per mile for every additional quarter of a ton which any such carriage may weigh.

**34.** The tolls which the company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorized to be taken.

Tolls for propelling power.

**35.** The following provisions and regulations shall apply to the fixing of all tolls and charges under this Act; (that is to say,)

Regulations as to tolls.

For all passengers, animals, or goods conveyed on the railway for a less distance than three miles, the company may demand tolls and charges as for three miles:

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the company may demand tolls and charges for passengers as for one mile, and for animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile:

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For a fraction of a ton the company may demand tolls according to the numbers of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

With respect to all articles except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for  
small parcels  
and single  
articles of  
great  
weight.

**36.** With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway, as follows :

For any parcel not exceeding seven pounds in weight, three-pence :

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence :

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence :

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence :

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the company may demand any sum which they think fit :

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight :

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons, but shall not exceed eight tons, the company may demand any such sum as they think fit, not exceeding sixpence per ton per mile :

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the company may demand such sum as they think fit.

Maximum  
rates for  
passengers.

**37.** The maximum rates of charge to be made by the company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive

power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,) A.D. 1869.

For every passenger conveyed in a first-class carriage the sum of threepence per mile :

For every passenger conveyed in a second-class carriage the sum of twopence per mile :

For every passenger conveyed in a third-class carriage the sum of one penny halfpenny per mile.

**38.** The maximum rate of charge to be made by the company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks or locomotive power, and every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier where any such service is performed by the company), shall not exceed the following sums; (that is to say,) Maximum rates for animals and goods.

For every horse, mule, or other beast of draught or burden, fourpence per mile ;

For cattle, twopence per head per mile ;

For calves, pigs, sheep, and small animals, one penny per mile ;

For all coal, coke, and other articles herein-before classed therewith, one penny halfpenny per ton per mile ;

For all iron and other articles herein-before classed therewith, twopence per ton per mile ;

For all sugar, grain, and other articles herein-before classed therewith, threepence per ton per mile ;

For all cotton and other articles herein-before classed therewith, fourpence per ton per mile ;

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence, and one penny halfpenny for every additional quarter of a ton weight which such carriage may weigh.

**39.** Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof. Passengers luggage.

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Terminal station.

**40.** No station shall be considered a terminal station in regard to any goods conveyed on the railway except such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Restrictions as to charges not to apply to special trains.

**41.** The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

**42.** Nothing in this Act shall prevent the company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the company in relation thereto, or in respect to the conveyance of animals or goods (other than parcels) by passenger train.

Saving rights of the Commissioners of Sewers for the County of Lincoln.

**43.** Except as is by this Act otherwise expressly provided, nothing in this Act contained shall be deemed or construed to extend to prejudice, diminish, alter, abridge, or take away any of the jurisdictions, rights, powers, or authorities vested in the Commissioners of Sewers for the County of Lincoln, and all the jurisdictions, rights, powers, and authorities vested in them shall be as good, valid, and effectual to all intents and purposes as if this Act had not been passed.

Saving rights of General Commissioners for Drainage of the River Witham.

**44.** Except as is by this Act otherwise expressly provided, nothing in this Act contained shall be construed to give authority to the company to extinguish, abridge, interrupt, prejudice, or affect any of the rights, interests, powers, privileges, or authorities of the General Commissioners for Drainage of the River Witham, acting under or by virtue of an Act of Parliament passed in the second year of the reign of His Majesty King George the Third, intituled "An Act for draining and preserving certain low lands  
" called the Fens, lying on both sides of the river Witham in the  
" county of Lincoln, and for restoring and maintaining the naviga-  
" tion of the said river from the high bridge in the city of Lincoln  
" through the borough of Boston to the sea," and under or by virtue of a certain Act of Parliament made and passed in the fifty-second year of the reign of His said Majesty King George the Third, intituled  
" An Act for rendering more efficient an Act of His present Majesty  
" for draining lands lying on both sides of the river Witham in the  
" county of Lincoln, and restoring the navigation of the said river,

“ and for repealing another Act of His present Majesty in relation to  
“ the said drainage and navigation,” and under or by virtue of a  
certain Act of Parliament made and passed in the forty-first year of  
the reign of His said Majesty King George the Third, intituled “ An  
“ Act for the better and more effectually draining certain tracts of  
“ land called Wildmore Fen, and the West and East Fens, in the  
“ county of Lincoln, and also the low lands and grounds in the  
“ several parishes, townships, and places having right of common  
“ on the said fens, and other low lands and grounds lying contiguous  
“ or adjoining thereto,” nor in any manner to supersede, lessen, or  
interfere with any of the rights, interests, powers, privileges, and  
authorities vested in such general commissioners by virtue of the  
said several above-mentioned Acts, or any of them, or any other Act  
now in force; but the same shall be and continue in force to all  
intents and purposes as if this Act had not passed, anything herein  
contained to the contrary thereof in anywise notwithstanding.

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**45.** Provided always, and be it enacted, that nothing in this Act  
contained shall extend to prejudice, diminish, alter, or take away  
any of the rights, privileges, powers, or authorities vested in or  
enjoyed by the Queen’s most Excellent Majesty, her heirs and  
successors, as well in right of her Crown as in right of her Duchy of  
Lancaster.

Saving  
rights of the  
Crown and  
the Duchy of  
Lancaster.

**46.** The company shall not, out of any money by this Act  
authorized to be raised by calls or by borrowing, pay interest or  
dividend to any shareholder on the amount of calls made in respect  
of the shares held by him; provided that the company may pay to  
any shareholder such interest or money advanced by him beyond  
the amount of the calls actually made as is in conformity with  
“ The Companies Clauses Consolidation Act, 1845.”

Interest not  
to be paid  
out of  
capital.

**47.** The company shall not, out of any money by this Act  
authorized to be raised, pay or deposit any sum of money 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 applica-  
tion to Parliament for the purpose of obtaining an Act authorizing  
the company to construct any other railway or execute any other  
work or undertaking.

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

**48.** Nothing herein contained shall be deemed or construed to  
exempt the railway from the provisions of any general Act relating  
to railways, or the better or 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, under the authority of Parliament, of the

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

[Ch. v.] *The Wainfleet and Firsby Railway Act, 1869.* [32 VICT.]

A.D. 1869. — tolls for small parcels, and the maximum rates of fares and charges by this Act authorized.

Expenses  
of Act.

49. All the 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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