



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cxii.

An Act to empower the *Boston, Stamford, and Birmingham* Railway Company to make a Railway from the *Syston and Peterborough* Railway at or near *Peterborough* to the *Stamford and Wisbech* Line of the *Boston, Stamford, and Birmingham* Railway in the Parish of *Thorney* and *Isle of Ely*.
[2d July 1847.]

WHEREAS an Act was passed in the last Session of Parliament, called "The *Boston, Stamford, and Birmingham* Railway Act, 1846, (*Stamford and Wisbech* Line,)" whereby a Company was incorporated under the Name of "The *Boston, Stamford, and Birmingham* Railway Company," and Powers were given to such Company to make a Railway from the *Syston and Peterborough* Railway at *Helpstone* near *Stamford* to join the *Wisbech* Branch of the *Lynn and Ely* Railway near the Town of *Wisbech*, herein called "The *Stamford and Wisbech* Line of the *Boston, Stamford, and Birmingham* Railway:" And whereas it would be productive of much public and local Advantage and Convenience if a Railway were made from the *Syston and Peterborough* Railway in the Parish of *Saint*

[Local.]

16 M

John

9 & 10 Vict.
c. 93.

John the Baptist in or near the City of *Peterborough* to the said *Stamford and Wisbech* Line of the *Boston, Stamford, and Birmingham* Railway in the Parish of *Thorney* in the *Isle of Ely* and County of *Cambridge*, and the said *Boston, Stamford, and Birmingham* Railway Company are willing to make such Railway, if authorized by Parliament so to do: And whereas Two Acts were passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, called, respectively, "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845:" 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 the said Railways Clauses Consolidation Act, 1845, and the said Lands Clauses Consolidation Act, 1845, shall, so far as the same are applicable, and are not modified by this Act, or inconsistent with the Provisions thereof, be held to apply to the Railways and Works by this Act authorized to be made, and such Acts, modified as aforesaid, shall be read and construed as forming Part of this Act.

8 & 9 Vict.
cc. 18. & 20.
extended to
this Act.

Provisions
of first-
recited Act
extended to
this Act.

II. And be it enacted, That all the Provisions of the said recited *Boston, Stamford, and Birmingham* Railway Act, 1846, (*Stamford and Wisbech* Line,) so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or are inconsistent with the Provisions of the said recited Lands Clauses Consolidation Act, or of the said Railways Clauses Consolidation Act, as modified and extended to this Act, shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things; and the said Act and this Act shall be construed and read together as forming One Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament and all legal Documents it shall be sufficient to use the Expression "The *Boston, Stamford, and Birmingham* Railway (*Peterborough and Thorney* Line) Act, 1847."

Power to
raise Money
by Creation
of new
Shares,
which shall
form Part
of general
Capital.

IV. And be it enacted, That it shall be lawful for the said Company to raise for the Purposes of this Act the Sum of Eighty thousand Pounds by the Creation of new Shares, in addition to any Sums which they are already authorized to raise, upon such Terms and in such Manner as may be or may have been agreed upon at any General Meeting or Meetings of the Company specially convened for the Purpose; and the new Shares created by virtue of this Act shall be considered Part of the general Capital of the Company, and as such shall be subject to all the Provisions of the said *Boston, Stamford, and Birmingham* Railway Act relating to such general Capital.

V. And

V. And be it enacted, That after the whole of the Capital in Shares by this Act and the said *Boston, Stamford, and Birmingham* Railway Act authorized to be raised shall have been subscribed, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sums authorized by the said last-mentioned Act, the Sum of Twenty-six thousand six hundred Pounds, and to secure the Payment of the Sum so to be borrowed, with Interest, by Mortgage of the Undertaking of the *Boston, Stamford, and Birmingham* Railway Company (including the Railway hereby authorized to be made).

Power to borrow Money on Mortgage.

VI. And be it enacted, That if, after having borrowed any Part of the Money by this Act, and by the *Boston, Stamford, and Birmingham* Railway Act, or either of them, authorized to be borrowed, the said Company shall pay off the same, it shall be lawful for them again to borrow the Sum so paid off, or any Part thereof, and so from Time to Time.

Re-borrowing.

VII. Provided always, and be it enacted, That all Mortgages granted by the Company, or for which they were liable before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages to be created by virtue of this Act.

Former Mortgages to have Priority.

VIII. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the Sum by this Act, and by the said *Boston, Stamford, and Birmingham* Railway Act, or either of them, authorized to be borrowed, or any Part thereof, by creating new Shares or Stock of the Company, instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to pay off such Loan, or any Part thereof, if they so think fit, by creating new Shares or Stock of the Company in manner aforesaid; but no such Augmentation of Capital shall take place without the previous Order of a General Meeting specially convened for that Purpose.

Power to convert Loan into Capital.

IX. 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.

X. 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

Deposits for future Bills not to be paid out of such

the Com-
pany's
Capital.

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 authorising the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway to
be made ac-
cording to
deposited
Plan.

XI. And whereas Plans and Sections showing the Line or Situation and Levels of the before-mentioned intended Railway, together with Books of Reference to the said Plans containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerks of the Peace for the County of *Northampton*, for the Liberty or Soke of *Peterborough*, for the *Isle of Ely*, and for the County of *Cambridge* respectively; be it therefore enacted, That, subject to the Powers of Deviation contained in the said Railways Clauses Consolidation Act, it shall be lawful for the said Company to make the said Railway and other Works in the Line or Course 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 it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Line of
Railway.

XII. And be it enacted, That such Railway shall commence by a Junction with the *Syston and Peterborough* Railway in the Parish of *Saint John the Baptist* in or near the City of *Peterborough* within the Soke or Liberty of *Peterborough* in the County of *Northampton*, about a Furlong to the North of the Turnpike Road leading from *Peterborough* to *Wansford*, shall pass through or into the several Parishes and Places following, or some of them, (that is to say,) *Saint John the Baptist Peterborough*, *Peterborough*, *Dodsthorpe* otherwise *Dogsthorpe*, *Gunthorpe*, *Werrington*, *Eastfield*, *Newark*, *Eastfield* and *Newark*, *Orney*, *Walton*, *Paston*, *Eastwood*, *Eye*, *Eyebury*, *Borough Fen*, *High Borough Fen*, *Low Borough Fen*, *Newborough*, the *Hurn*, in the Soke or Liberty of *Peterborough* aforesaid, and *Thorney* in the said *Isle of Ely*, and shall terminate by a Junction with the said *Stamford and Wisbech* Line of the *Boston, Stamford, and Birmingham* Railway, as authorized to be constructed by the *Boston, Stamford, and Birmingham* Railway Act, 1846, (*Stamford and Wisbech* Line,) at or near a certain Field in the Parish of *Thorney* in the *Isle of Ely* in the County of *Cambridge* numbered 6 in such Parish on the Plans referred to in the last-mentioned Act.

Certain
Roads may
be crossed
on a Level.

XIII. And be it enacted, That, subject to the Provisions in the said Railways Clauses Consolidation Act contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the said Railway by this Act authorized to be made, to carry the same across the several Highways herein-after mentioned on the Level thereof; (that is to say,)

In the Parish of *Saint John the Baptist Peterborough*, the Road numbered 38 on the Plans deposited as aforesaid:

In the Parish of *Eye*, the Road numbered 53, and the Road numbered 75 and 79 on the said Plans.

XIV. 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 said Railway crosses the before-mentioned Roads on the Level, and the said 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 said 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 a Station or Lodge at the Points of crossing, and to abide by the Rules, &c. of the Commissioners of Railways.

XV. And be it enacted, That the Junction with the *Syston and Peterborough* Branch of the *Midland* Railway hereby authorized to be made, and all such Openings in the Ledges or Flanches of the said Railway as may be necessary or convenient for effecting such Junction, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Midland* Railway Company.

As to Junction with the *Midland* Railway.

XVI. And be it enacted, That nothing in this Act contained shall extend to authorize or enable the *Boston, Stamford, and Birmingham* Railway Company to take or enter upon any of the Lands or Grounds of the said *Midland* Railway Company, or to alter, vary, or interfere with the said *Syston and Peterborough* Branch of the *Midland* Railway, or any of the Works thereof, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the *Midland* Railway Company in every Instance for that Purpose first had and obtained.

Not to take Lands, &c. of the *Midland* Railway Company, without Consent.

XVII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is herein expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the *Midland* Railway Company.

Saving the Rights of the *Midland* Railway Company.

XVIII. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Ten Acres.

Lands for extraordinary Purposes.

XIX. 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.

Limiting Period for compulsory Purchase of Land.

Period for
Completion
of Works.

XX. And be it enacted, That the Railway and other Works by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for executing the same shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Tolls.

XXI. And be it enacted, That it shall be lawful for the said Company to demand and receive, in respect of the Use of the Railway hereby authorized to be made, and in respect of the Use of the Carriages and Engines used thereon, and for the Conveyance of Passengers, Goods, Cattle, and other Articles and Things set forth and enumerated in the said *Boston, Stamford, and Birmingham* Railway Act, 1846, (*Stamford and Wisbech* Line,) thereon, any Tolls or Charges not exceeding the Tolls and Charges which they are authorized to demand and receive for similar Purposes on the said *Stamford and Wisbech* Line of the *Boston, Stamford, and Birmingham* Railway, under and by virtue of the said recited *Boston, Stamford, and Birmingham* Railway Act, 1846 (*Stamford and Wisbech* Line).

Passengers
Luggage.

XXII. And be it enacted, That every Passenger travelling upon the Railway hereby authorized to be made may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, and Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for Carriage thereof.

Railway 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. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for 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, one thereof intituled *An Act for regulating 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 Railway by this Act authorized to be made, or the *Boston, Stamford, and Birmingham* Railway Company in respect thereof, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Expences of
Act.

XXIV. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of every other Act of Parliament passed in the present Session

Session to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to every other Payment whatsoever.

XXV. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of 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.

Railway to
be subject to
Provisions of
any general
Act.

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

Public Act.

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