



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccxiv.

An Act to empower the *Midland* Railway Company to extend the Line of their *Nottingham and Lincoln* Railway at *Lincoln*, and to make a Branch Railway to their *Lincoln* Station.

[22d July 1847.]

WHEREAS an Act was passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to consolidate the North Midland, Midland Counties, and Birmingham and Derby Junction Railways*, whereby the said Companies were united into One, under the Name of "The *Midland* Railway Company," and the said Railways and the Branches thereof respectively were vested in the said united Company under the Name of "The *Midland* Railways:" And whereas the Provisions of the said recited Act have been amended and enlarged by subsequent Acts relating to the said Company, passed respectively in the Sessions of Parliament held in the Eighth and Ninth and in the Ninth and Tenth Years of the Reign of Her present Majesty: And whereas Two Acts were passed in the Eighth and Ninth Years of Her said Majesty, one thereof for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature,

[*Local.*]

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Nature,

7 & 8 Vict.
c. 18.

Provisions of former Acts extended to this Act.

Nature, called "The Lands Clauses Consolidation Act, 1845," and the other for consolidating into One Act certain Provisions usually inserted in Acts authorizing the making of Railways, called "The Railways Clauses Consolidation Act, 1845:" And whereas it would be of great local and public Advantage if the said Company were authorized to make an Extension of the *Nottingham and Lincoln* Branch of their said Railway in the City of *Lincoln*, and to make a Branch Railway from the said proposed Extension to their *Lincoln* Station; but these Purposes 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 Provisions of the several Acts relating to the *Midland* Railway, so far as the same are or may be applicable and are now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or as may be inconsistent with the Provisions of the said Lands and Railways Clauses Consolidation Acts, 1845, as extended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 same Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things, and the said Acts and this Act shall be construed and read together as forming One Act.

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

II. And be it enacted, That the Provisions of the said "Lands Clauses Consolidation Act, 1845," and the said "Railways 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 incorporated with and form Part of this Act.

Power to raise Money on Credit of Undertaking.

III. And whereas the estimated Cost of the Works by this Act authorized is Thirty-three thousand and twenty-five Pounds; be it therefore enacted, That it shall be lawful for the said Company to raise and apply for the Purposes of this Act, on the Credit of their Undertaking and the Revenue arising thereon, any further Sum or Sums of Money not exceeding in the whole the Sum of Thirty-three thousand and twenty-five Pounds, and for such Purpose to mortgage the said Undertaking, including the Works by this Act authorized, and the Rates, Tolls, Duties, and Revenues arising thereon.

Provisions of 8 & 9 Vict. c. 16. as to borrowed Money to apply to this Act.

IV. And be it enacted, That all the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held applicable to the borrowing by the said Company of the Monies hereby authorized to be raised by them, and to the Conversion thereof into Capital: Provided always, that it shall not be lawful for the said Company to borrow on Mortgage any Sum or Sums of Money until the whole of the Capital in Shares of the said Company authorized to be raised by this or any former Act shall have been subscribed, and One Half shall have been actually paid up, or any Sum or Sums of Money which,

which, together with such Sums as may be due and owing by the said Company on Mortgage of their Undertaking at the Time of the borrowing of such Sum or Sums of Money, would amount to more than One Third of the said Capital of the Company in Shares and Stock.

V. Provided always, and be it enacted, That all Mortgages granted by the Company 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.

VI. 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.

VII. 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.

VIII. And whereas Plans and Sections showing the Line and Levels of the Railways by this Act authorized to be made, together with a Book 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 Parts of *Kesteven* in the County of *Lincoln* and of the City of *Lincoln* and County of the same respectively; be it therefore enacted, That it shall be lawful for the said Company to extend their Line to the Extent shown on the said Plans deposited as aforesaid, or to any less Extent, and to construct all proper Works and Conveniences connected therewith, upon the Lands delineated on the said Plans and referred to in the said Book of Reference deposited as aforesaid, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as may be requisite for such Purpose.

Works to be
executed
according to
deposited
Plans.

IX. Provided always, and be it enacted, That it shall not be lawful for the said Company to purchase or take, under the Powers of this Act, certain Cottages or Dwelling Houses and Premises situate in a certain

Certain Pro-
perty not to
be taken
without
certain
Consent.

certain Court or Yard in the said Parish of *Saint Mark*, and within the Limits of Deviation shown on the said Plan, and numbered 49, belonging to *John Stevenson*, and in the Occupation of *Robert Ormsby* and *James Fryer*, unless with the Consent of the said *John Stevenson*, *Robert Ormsby*, and *James Fryer*, or of the Owners and Occupiers for the Time being, in Writing first had and obtained.

Line of Railway and Works.

X. And be it enacted, That the Lines of Railway and Works to be made under the Authority of this Act shall be the following; (that is to say,)

An Extension or Branch Railway, with all proper Works and Conveniences connected therewith, commencing by a Junction with the *Nottingham and Lincoln* Line of the *Midland* Railway in the Parish of *Saint Botolph* in the City of *Lincoln* and County of the same City near the Point where the said Parish of *Saint Botolph* joins the Parish of *Saint Mark* in *Lincoln*, and passing from, through, or into the several Parishes, Townships, and extra-parochial or other Places following, or some of them, that is to say, *Saint Mark*, *Saint Martin*, *Saint Benedict*, *Saint Mary-le-Wigford*, *Saint Peter at Gowts*, *Saint Botolph*, and *Holmes Common* otherwise *The Holmes*, all situate in the said City of *Lincoln* and County of the same City, and *Boultham* in the County of *Lincoln*, and terminating at or near a certain Place called the *Public Wharf* in the Parish of *Saint Martin* in the City of *Lincoln* and County of the same City near the Gasworks there;

And a Branch Railway diverging from the said intended Extension, near the *Holmes Bridge*, over the River *Witham* in the said Parish of *Saint Mark Lincoln*, and terminating by a Junction with the said *Nottingham and Lincoln* Line of the *Midland* Railway at or near to the *Lincoln* Station, the whole of such last-mentioned intended Railway being situate in the said Parish of *Saint Mark* in the City of *Lincoln* and County of the same City.

Restraining Company from making new Crossing over River Witham.

XI. Provided always, and be it enacted, That it shall not be lawful for the *Midland* Railway Company to construct, in addition to the Crossings or Bridges already existing, any Crossing or Bridge over the River *Witham* at *Lincoln* for the Purpose of making the Line of Railway shown on the said Plan deposited with the Clerk of the Peace, from the Point marked with the Letter (A.) to the Point marked with the Letter (C.), unless with the Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, such Consent to be signified in Writing under the Hand of the Secretary to the Admiralty for the Time being, any thing in this Act contained to the contrary notwithstanding.

Certain Roads may be crossed on the Level.

XII. And be it enacted, That, subject to the Provisions in the said "Railways Clauses Consolidation Act" contained, it shall be lawful for the said Company to construct the said Branch Railways across and on the Level of the following public Highways numbered as herein-after mentioned on the Plans deposited as aforesaid; (that is to say,)

In the Parish of *Saint Mark*, *Lincoln*, the public Highway numbered 52 on the said Plans;

In

In the Parish of *Saint Mary-le-Wigford*, the public Highway numbered 3 on the said Plans ;

In the Parish of *Saint Benedict*, the public Highway numbered 3 on the said Plans ;

And in the Parish of *Saint Martin*, the Highway numbered 6 on the said Plans.

XIII. 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 shall cross on the Level the before-mentioned Roads ; and the said Company shall be subject to and 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 to 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 Points of crossing, and to abide by Rules, &c. of the Commissioners of Railways.

XIV. 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 for compulsory Powers limited.

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

Period for Completion of Works.

XVI. And be it enacted, That it shall be lawful for the Company to demand any Tolls or Charges for the Conveyance of Passengers, Goods, or Cattle, for the Use of the Railways or Extensions hereby authorized, not exceeding the Tolls or Charges which they are now authorized to demand for the Use of the *Midland* Railway by virtue of the said first-recited Act relating thereto, or by virtue of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, called "The *Midland* Railway (*Nottingham and Lincoln* Railway) Act, 1845."

Tolls.

XVII. And whereas the *Ambergate, Nottingham, and Boston and Eastern Junction* Railway, as authorized by an Act passed in the last Session of Parliament, is intended to form a Junction with the said *Nottingham and Lincoln* Branch of the *Midland* Railway in the Parish of *Colwick* between the Second and Third Mile from the Town of *Nottingham*, and the Traffic of the first-mentioned Railway is

Regulating Tolls for Traffic from Ambergate and Boston Railway.

[Local.]

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intended

intended to be conveyed along the said Branch Railway to the Station of the *Midland* Railway at *Nottingham*, or onwards to the Terminus of the first-named Railway at the *Ambergate* Station of the *Midland* Railway in the Parish of *Crich* in *Derbyshire*; be it enacted, That for the Use of the said Branch Railway, for the Conveyance of any Traffic brought thereon from the *Ambergate, Nottingham, and Boston and Eastern Junction* Railway, between such Point of Junction in the Parish of *Colwick* and the Point where the last-named Railway diverges from the *Midland* Railway at or near the *King's Meadow* in the Town and County of the Town of *Nottingham*, it shall not be lawful for the *Midland* Railway Company to charge any further Sum than the Tolls or Charges due for the Distance over which such Traffic shall be conveyed along the said *Midland* Railway, together with a reasonable Charge for the Expence of loading and unloading: Provided always, that nothing herein contained shall extend to prevent the *Midland* Railway Company from making such reasonable Charge for Station Accommodation at *Nottingham* as shall be agreed upon between the said Two Companies, or in case of Difference shall be settled by Arbitration.

Land for extraordinary Purposes.

XVIII. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes connected with the Railways and Works by this Act authorized, not exceeding Ten Acres.

Levels as shown on Section not to be deviated from, except with Consent of Owners, &c.

XIX. Provided always, and be it enacted, That it shall not be lawful for the Company, except as herein-after mentioned, and except with the previous Consent in Writing of the Owners of the Frontage Premises in which any such Deviation may be intended to be made, to deviate, in respect of the Levels of the said Railway, from the same as referred to the common Datum Line in the said Sections, but shall make the said Railway upon the Levels described in the said Sections, notwithstanding any thing in this Act or the Railways Clauses Consolidation Act (1845) contained, excepting always that Part of the Railway opposite to *Lucy Tower Lane* the Levels of which it shall be lawful for the Company, if thought expedient, to raise to the Height of Six Inches from the Levels described on the said Sections.

Locomotives not to be used.

XX. And be it enacted, That it shall not be lawful for the *Midland* or *Great Northern* Railway Companies, or either of them, to use on the Branch Railway hereby authorized to be made any Locomotive Steam Engines.

Carriages or Trucks not to remain on Railway.

XXI. And be it enacted, That it shall not be lawful for the Companies or either of them to permit or suffer any Carriages or Trucks to remain on the said Line in a loaded or unloaded State for a longer Period than shall be necessary for the Purpose of loading or unloading the same, or for conveying the same to or from the Stations and Wharfs on the said Railway.

Owners of Wharfs may drain under Railway.

XXII. And be it enacted, That it shall be lawful, if they so desire, for the Owners, Lessees, or Occupiers of the Frontage Premises on the

the Line of the said Railway, at their own Costs and Charges, to open or make Drains or lay down Pipes under the Rails of the Company, for the Purpose of conveying and discharging the Water from their respective Premises and Properties, or for conveying and supplying the same with Water from *Brayford Mere*: Provided always, that such Owners, Lessees, or Occupiers shall give to the said Company Twenty-one clear Days Notice of his or their Intention of opening or making such Drains and laying down such Pipes, and the same shall, if the Company think necessary, be opened and laid down under and according to the Direction and Superintendence of the Engineer of the said Company, and thereafter maintained and kept in repair under such Direction and Superintendence, and at the sole Cost and Charge of such of the Owners, Lessees, and Occupiers respectively of the Premises to and with which the same shall communicate and belong; and in case at any Time the said Pipes or Drains shall in the Opinion of such Engineer be in need of Repair, with the view to the Safety of the said Railway, it shall be lawful for the said Company, after Notice to the Parties using the same, to require them forthwith to make the necessary Repair, and in case such Repairs shall not be made within Seven Days after such Notice it shall be lawful for the said Company to make the same, and to recover the Costs thereof from the Party using the same by Suit at Law in any of Her Majesty's Courts of Record.

XXIII. And be it enacted, That it shall be lawful for the Owners, Lessees, or Occupiers of Timber Yards fronting and adjoining the Line of the said Railway to make, construct, and maintain, at their Expence, under the Rails of the Railway, Grooves or Shutes for the Purpose of drawing up from the Water, and landing in or conveying to the Water from the several Timber Yards, such Timber or Rafts of Timber as may be landed for the Use and Supply of such Timber Yards, or as may be conveyed from the same respectively: Provided always, that a like Notice shall be given to the Company of the Intention to construct such Groove or Shute, and the same shall be made and maintained under the like Superintendence and Direction of the Engineer of the said Company, as is herein-before provided in respect to the making of Drains and laying of Pipes for the Conveyance of Water under the said Railway; and in case at any Time the said Grooves or Shutes shall in the Opinion of such Engineer be in need of repair, with a view to the Safety of the said Railway, it shall be lawful for the said Company, after Notice to the Parties using the same, to require them forthwith to make the necessary Repairs, and in case such Repairs shall not be made within Seven Days after such Notice it shall be lawful for the said Company to make the same, and to recover the Costs thereof from the Party using the same by Suit at Law in any of Her Majesty's Courts of Record.

Grooves for drawing up Timber may be made under Railway.

XXIV. And be it enacted, That it shall not be lawful for the said Companies or either of them, in constructing any Work by this Act authorized, to lessen, abridge, or diminish the present Width of the Space lying between the Warehouses and the Water's Edge, except by the necessary Works for the Construction of the Railway by this Act authorized.

Space between Water's Edge and Warehouses not to be diminished.

XXV. And

Railway to be open to Use of any other Company.

XXV. And be it enacted, That, upon Payment of the Tolls from Time to Time demandable by the said Companies or either of them, the said Railway shall be open to the Use of every Railway Company whose Railway shall be connected with the City of *Lincoln*, and to all other Companies and Persons, subject nevertheless to the Provisions and Regulations of this Act, and the Provisions and Regulations in respect to the fit and proper Construction of Carriages in the said Railways Clauses Consolidation Act, 1845, contained, and subject also to all the Rules and Regulations made or from Time to Time to be made by the Company in relation to the said Railway by virtue of the Powers in this and the recited Acts contained: Provided always, that the said Companies or either of them may demand and take, in respect of Goods and other Matters conveyed upon any Part of the Railway hereby authorized, as Toll for the Use of the said Railway, any Sum not exceeding Sixpence *per* Ton: Provided nevertheless, that in respect of Tolls and Charges demandable for all Goods passing from or to any Part of the Railway hereby authorized, along any other Part of the *Midland* Railway or of the *Great Northern* Railway, the Railway hereby authorized shall be considered in every respect as an Extension of the *Midland* Railway or *Great Northern* Railway (as the Case may be), and as if it had originally formed Part thereof; provided also, that in such Case, for any Goods conveyed on the said Railway hereby authorized, and upon the *Midland* Railway or *Great Northern* Railway, for any Distance less than Six Miles, the *Midland* Railway Company or *Great Northern* Railway Company may demand the same Tolls as for Six Miles.

If Cranes are removed, to be replaced by Companies.

XXVI. And be it enacted, That it shall not be lawful for the said Companies or either of them to interfere with or remove any of the Cranes at present upon the Wharves, unless such Removal or Interference shall be necessary for the laying down of the Rails or other necessary Works hereby authorized; and in the event of any such Cranes being removed or interfered with, the same shall be replaced, at the Expence of the said Companies, in the same Situation, or in a Situation as near as conveniently may be to its former Site, as shall be required by the Person to whom such Crane or Cranes shall belong.

Great Northern Railway Company to pay Half Expence of Construction.

XXVII. And be it enacted, That the Railway hereby authorized to be made shall be constructed by the *Midland* Railway Company, and that One Half of the Expence of constructing the same on the North Side of the Line of the *Great Northern* Railway shall be repaid to them by the *Great Northern* Railway Company, and that the said Railway shall be kept in repair at the joint Expence of the *Midland* Railway Company and the *Great Northern* Railway Company, and the same shall thereafter, as to such Part as lies on the North Side of the *Great Northern* Railway, be and continue the joint Property of the said Two Companies, and shall be subject to such Rules and Regulations as to the Use thereof as shall be determined by the chief Engineer of each Company, or if they shall differ concerning the same, then by the Commissioners of Railways, or an Umpire to be appointed by them.

XXVIII. Pro-

XXVIII. Provided always, and be it enacted, That if that Part of the said Railway which lies North of the *Great Northern Railway* shall be used by any Person or Company other than the *Midland Railway Company* and the *Great Northern Railway Company*, the Toll and Charges paid for the Use thereof shall be divided equally between the said Two Companies.

Tolls received for Use of it to be divided between the Two Companies.

XXIX. And be it enacted, That the Junctions or Crossings hereby authorized to be made with the *Great Northern Railway*, and all such Openings in the Ledges or Flanches of such Railway as may be necessary or convenient for effecting such Junctions or Crossings, shall be made and effected under the Direction and Superintendence of the Engineer for the Time being of the said *Great Northern Railway Company*.

Crossing of *Great Northern Railway* to be superintended by their Engineer.

XXX. Provided always, and be it enacted, That the Railway shall be constructed in such a Way as not to obstruct, interrupt, or prevent the free passing over the same of all Foot Passengers, Carriages, Horses, and Cattle of every Description, except by the laying down of the Rails by this Act authorized.

Not to obstruct Passage of Road.

XXXI. And be it enacted, That nothing in this Act or the said recited Act contained shall authorize the *Midland Railway Company* to take or use any Lands belonging to or which are authorized to be purchased by the *Great Northern Railway Company*, other than such as shall be necessary for the Formation of the Railway hereby authorized, or in any Manner, except as hereby expressly authorized, to prejudice or affect the Powers, Rights, and Interests of the said *Great Northern Railway Company*.

Saving Rights of *Great Northern Railway Company*.

XXXII. 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 present 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 another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the said Tenth Year of the Reign of Her Majesty, intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the Branch Railways hereby authorized to be made, or the said *Midland Railway Company*, from the Provisions of the said several Acts respectively, but such Provisions shall be in force in respect to the said Railways and Company 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.

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

XXXIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter 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.

Expences of
Act.

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

Public Act.

XXXV. 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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