

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

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Consolidation Act 1845," and "The Railways Clauses Consolidation Act, 1845," except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, so far as the same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

Short Title of Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to describe it as "*The Ambergate, Nottingham, and Boston and Eastern Junction Railway Amendment Act, 1847.*"

Railways to be made according to deposited Plans.

III. And whereas Plans and Sections of the Branch Railway by this Act authorized, showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the respective Clerks of the Peace for the Town and County of the Town of *Nottingham*, and for the County of *Nottingham*: And whereas since the Deposit of such Plans, Sections, and Books of Reference, in pursuance of an Agreement entered into between the said Company and *John Musters Esquire, of Annesley Park* in the County of *Nottingham*, it has been arranged that a certain Alteration should be made in that Part of the Line of the *Ambergate, Nottingham, and Boston and Eastern Junction Railway* which passes through the Estate belonging or claimed to belong to the said *John Musters*: And whereas a Plan and Section of such Alteration, together with a Book of Reference thereto, have been deposited with the Clerk of the Peace of the County of *Nottingham*, on the First Day of *May* in this present Year; be it enacted, That, subject to the Provisions in this Act and the recited Act contained, it shall be lawful for the Company to alter the Line of their Railway, and to make and maintain the said Branch Railway and Works connected therewith, in the Line and upon the Lands delineated on the said respective Plans, and described in the said respective Books of Reference, and according to the Levels defined on the said respective Sections, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Describing Lines of Railways.

IV. And be it enacted, That the new Line of Railway (in substitution of a Portion of the said *Ambergate, Nottingham, and Boston and Eastern Junction Railway* as at present authorized) shall commence by a Junction with the *Nottingham and Lincoln Branch* of the *Midland Railway* in the Parish of *Colwick* in the County of *Nottingham*, pass thence in or through the said Parish of *Colwick*, and shall terminate in the Parish of *Ratcliffe upon Trent* in the said County, by a Junction with the authorized Line of the said *Ambergate, Nottingham, and Boston and Eastern Junction Railway*, in a Field numbered

numbered 3 on the deposited Plans of such Railway referred to in the said recited Act; and the Branch Railway into the Town of *Nottingham* shall commence by a Junction with the *Nottingham* and *Mansfield* Branch of the *Midland* Railway, in the extra-parochial Place called *King's Meadows*, within the Liberty of the Castle of *Nottingham* in the said County of *Nottingham*, and shall terminate in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*, at or near the Wharf, Warehouses, and other Premises of the *Nottingham* Canal Company: Provided always, that the Company are hereby authorized and required to abandon such Portions of the Railway and Works authorized by the first-recited Act as are rendered unnecessary by the Alteration in the Line of such Railway hereby authorized; and all the Powers of the Company relating to the Works so to be abandoned shall, upon the passing of this Act, cease and determine: Provided also, that nothing in this Act contained shall empower the said Company to make any new Line of Railway, Deviation, or Branch Railway, except such as are herein-before particularly described, although the same may be shown upon the said Plans firstly herein-before referred to.

V. And be it enacted, That it may be lawful for the Company to construct the said Branch Railway across and upon the Level of the public Road in the said Parish of *Saint Mary*, numbered 54 and 5c on the said first-mentioned deposited Plans. Power to cross certain Roads on a Level.

VI. 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 Point where the said Branch Railway shall cross on the Level the before-mentioned Road; and the Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road as may from Time to Time be made by the Commissioners of Railways; and if the Company shall fail to erect or at all Times to maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at 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 level Crossings, and to be subject to Rules of Railway Commissioners.

VII. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Twenty Acres, in addition to the Land which they are authorized by the recited Act to take for such Purposes. Land for extraordinary Purposes.

VIII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act. Period for purchasing Lands limited.

IX. And

Period for
the Comple-
tion of
Works.

IX. 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 Act granted to the Company for executing such Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall then be completed.

As to Junc-
tions with
certain
Railways
herein
named.

X. And be it enacted, That the Junctions hereby authorized to be made with the *Nottingham and Lincoln* and *Nottingham and Mansfield* Railways, and all such Openings in the Ledges or Flanches of such Railways as may be necessary or convenient for effecting such Junctions, shall be made and effected under the Direction and Superintendence of the Engineer for the Time being of the *Midland Railway Company*, at the Expence of the *Ambergate, Nottingham, and Boston and Eastern Junction Railway Company*, and shall for ever afterwards be maintained and kept in perfect Order and Repair by and at the Expence of the said last-mentioned Company.

Midland
Railway
Company to
use Branch
Railway.

XI. And whereas the said Branch Railway by this Act authorized forms a Junction with the *Midland Railway*, and it is expedient that the *Midland Railway Company* should be enabled to use the same ; be it enacted, That it shall be lawful for the *Midland Railway Company* (subject to such Regulations and Conditions as may be from Time to Time made or required by the Commissioners of Railways) to make use of the said Branch Railway so as aforesaid authorized to be constructed to the *Nottingham Canal*, and of the Stations and Works thereon, with their Engines, Carriages, and Waggons, upon such Payment for the Use of the same as shall be agreed upon between the said Two Companies, and in case of Difference, by Arbitration : Provided always, that it shall not be lawful for the said *Ambergate, Nottingham, and Boston and Eastern Junction Railway Company* to charge any further Sum than for the actual Distance over which the Traffic shall be conveyed, together with such reasonable Charge for Station Accommodation as shall be agreed upon between the Two Companies, or in case of Difference shall be settled by Arbitration.

Power to
raise
additional
Capital by
Creation of
new Shares.

XII. And whereas the estimated Expence of making the said Branch Railway is Thirty-two thousand Pounds ; be it enacted, That it shall be lawful for the Company to raise, by creating new Shares in addition to the Sums of Money which they are authorized to raise under and by virtue of the said recited Act, any further Sum of Money not exceeding in the whole the Sum of Thirty-two thousand Pounds.

New Shares
to be consi-
dered same
as original
Shares.

XIII. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects,
whether

whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

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

Dividends
on new
Shares.

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

As to Votes
of Proprietors
of new
Shares.

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

Power to
borrow on
Mortgage.

XVII. 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.

XVIII. 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

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

[*Local.*]

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to

to construct any other Railway, or execute any other Work or Undertaking.

Same Tolls to be taken as on Main Line.

XIX. And be it enacted, That it shall be lawful for the Company to demand and receive for and in respect of the said Railways the same Tolls and Charges as they are by the said recited Act authorized to demand and receive for and in respect of the Railway by such Act authorized to be constructed.

Maximum Charges.

XX. Provided always, and be it enacted, That the maximum Tolls and Charges to be made by the Company in respect of the said Railways shall in no case exceed the maximum Tolls and Charges authorized by the said recited Act.

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.

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

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

XXII. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railways by this or the said recited Act 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 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.

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

Interpretation of Act.

XXIV. And be it enacted, That the Term "the Company" in this Act shall mean "The *Ambergate, Nottingham, and Boston and Eastern Junction* Railway Company;" and the Expression "the Railways,"

Railways," or "the said Railways," shall mean the new or substituted Line of Railway and Branch Railway by this Act authorized to be constructed.

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

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