



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. lxxxviii.

An Act to enable the *Midland Railway Company* to make certain Branches from and Enlargements of their Railway; and for other Purposes.
[22d July 1848.]

WHEREAS an Act was passed in the Seventh and Eighth Years 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 Companies to whom such Railways respectively belonged were united into One Company, under the Name of "The *Midland Railway Company*," and the same Railways and all Branches thereof respectively were and are now vested in such united Company: And whereas the Provisions of the said last-mentioned Act have been amended and enlarged by several subsequent Acts passed respectively in the Eighth and Ninth, Ninth and Tenth, and Tenth and Eleventh Years of the Reign of Her said present Majesty: And whereas it would be of local and public Advantage if certain Branch and Junction Lines of Railway were made from the said *Midland Railway*, or in connexion therewith, namely, to *Ripley* in the Parish of *Pentrich*, in the Parish of *St. Alkmund*, in the Township of *Long Eaton*, in the Parish of *Sawley*, in the Parish of *Rotherham*, and to *Cinderhill Wharf* in the Parish of *Bilborough*: And whereas it is expedient to widen the *Midland Railway*, and lay down additional Lines of Railway at or near the Goods Shed of the *Derby Station*, and to enlarge the

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Derby

7 & 8 Vict.
c. 18.

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

Derby and *Burton* Stations respectively : And whereas the said *Midland Railway Company* are willing, with the Assistance of the several Persons who have subscribed or shall subscribe to the said Undertaking, to make and maintain the said Railways and Works ; 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 the "Railways Clauses Consolidation Act, 1845," and the "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 shall be read and construed as forming Part of this Act.

Provisions of
recited Acts
extended to
this Act.

II. And be it enacted, That all the Provisions of the said recited Acts relating to the *Midland Railway Company*, 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 "Lands Clauses Consolidation Act," or of the said "Railways Clauses Consolidation Act," as extended to this Act, shall extend to and be incorporated with this Act, in respect of the Railways and Works hereby authorized to be constructed, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to the said Railways and Works ; and the said recited Acts and this Act shall be construed and read together as forming One Act.

Short Title.

III. And be it enacted, That in reciting this Act in other Acts of Parliament, and all legal Documents, it shall be sufficient to use the Expression "*Midland Railway, Ripley Branches, Act, 1848.*"

Power to
raise Money
by Creation of
new Shares.

IV. And whereas the estimated Expense of making the said Railways and Works amounts to the Sum of Ninety-three thousand Pounds : Be it enacted, That it shall be lawful for the said Company to raise for the Purposes of this Act, by Contribution amongst themselves, or by the Admission of other Persons or Subscribers to the Undertaking, or in part by each of these Means, the Sum of Ninety-three thousand Pounds, in addition to the Sums which by any of their former Acts they are already authorized to raise ; and the Monies or Capital so to be raised shall be divided into new Shares or Stock, and such new Shares or Stock shall be divided amongst the Persons who have subscribed or shall hereafter subscribe to the Purposes of the said Undertaking in the Proportion that they have or may hereafter subscribe thereto ; and the new Shares or Stock so to be created shall be considered Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects as are contained in the said first-recited Act with reference to the new Shares or Stock thereby authorized to be created in lieu of Money authorized to be borrowed, or for paying off any Mortgages, Bonds, or Securities created by the respective Companies thereby incorporated, whether in reference to the making and enforcement of Calls in respect of such

such new Shares or Stock, or the Forfeiture of such Shares or Stock in default of Payment of such Calls, or with reference to the Rights and Privileges to be conferred by such Shares or Stock, or otherwise, except so far as such Provisions, or any of them, may be modified by or be inconsistent with the Provisions in this Act contained: Provided always, that Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders in respect of the Money by this Act authorized to be raised, and Three Months at the least shall be the Interval between successive Calls.

V. And be it enacted, That after the whole of the said Sum of Ninety-three thousand Pounds shall have been subscribed, and One Half of the Sum by this and the said recited Acts relating to the *Midland* Railway Company authorized to be raised by Shares shall have been paid up, it shall be lawful for the said Company, subject to the same or the like Provisions as are contained in the said first-recited Act relating to the said Company, with reference to the Monies thereby authorized to be borrowed, to borrow on Mortgage for the Purposes of this Act such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General Meeting of the said Company, not exceeding in the whole the Sum of Thirty-one thousand Pounds, in addition to the Sums which they are by the said Acts authorized to borrow.

Power to borrow on Mortgage.

VI. 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.

VII. And be it enacted, That it shall be lawful for the Company, if they shall think fit, to raise the Sum by this Act 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.

VIII. 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.

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

Interest not to be paid on Calls paid up.

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.

Works to be
constructed
according to
deposited
Plans.

X. And whereas Maps or Plans and Sections, showing the Line or Situation and Levels of the Railways and Works by this Act authorized to be made, and the Situation of the Stations aforesaid proposed to be enlarged or improved, 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 of the said Railways and other Works, have been deposited with the Clerks of the Peace of the Counties of *Derby*, *Nottingham*, and *Stafford*, and the West Riding of the County of *York*: 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 *Midland* Railway Company to make and maintain the said Railways, Enlargements of Stations, and Works in the Lines 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 to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Lines of
Railway.

XI. And be it enacted, That the Railways to be made under the Authority of this Act shall be the following; (that is to say,)

A Railway commencing by a Junction with the said *Midland* Railway in the Parish or Chapelry of *Allestree* in the County of *Derby*, and terminating in the Township or Chapelry of *Ripley* in the Parish of *Pentrich* in the County of *Derby*:

A Railway from and out of the Line of the first-mentioned intended Railway commencing by a Junction therewith in the Parish of *Denby* in the County of *Derby*, and terminating in the said Township or Chapelry of *Ripley* and said Parish of *Pentrich*:

A Railway out of the Line of the said first-mentioned intended Railway commencing by a Junction therewith in the said Township or Chapelry of *Ripley* and Parish of *Pentrich*, and passing in and through and terminating in the said Township or Chapelry and Parish:

A Railway from and out of the Line of the said *Midland* Railway commencing in the Township of *Little Chester* in the Parish of *St. Alkmund* in the said County of *Derby*, and terminating in the said Parish of *St. Alkmund*:

A Railway from and out of the said *Midland* Railway commencing at or near the Southern Junction of the *Erewash Valley* Branch of the said *Midland* Railway in the Township

or

or Chapelry of *Long Eaton* in the Parish of *Sawley* in the said County of *Derby*, and terminating within such last-mentioned Township or Chapelry and Parish by a Junction with the Line of the said *Midland* Railway from *Rugby* to *Derby* :

A Railway from and out of the Line of the said *Midland* Railway commencing at or near the South End of the *Masbrough* Station in the Township of *Kimberworth* and Parish of *Rotherham* in the West Riding of the County of *York*, and terminating in the said Township of *Brinsworth* and Parish of *Rotherham* by a Junction with the *Sheffield and Rotherham* Branch of the said *Midland* Railway :

A Railway commencing by a Junction with the *Nottingham and Mansfield* Branch of the *Midland* Railway in the Parish of *Basford* in the County of *Nottingham*, and terminating by a Junction with a certain Railway belonging to Messrs. *North* and Company near to *Cinderhill Wharf* in the Parish of *Bilborough* in the said County of *Nottingham*.

XII. And be it enacted, That it shall be lawful for the said *Midland* Railway Company to alter and widen the Line of the *Midland* Railway, and to make additional Lines of Railway, between the North End of the Goods Shed of the *Derby* Station in the Parish of *St. Peter* in the said County of *Derby* and the South Side of the Bridge by which the said *Midland* Railway is carried over the *Derby and Sandiacre* Canal in the Parish of *St. Alkmund* in the said County of *Derby* ; and also to enlarge and improve the *Derby* Station adjoining thereto, and lay down Sidings, and make all other necessary Works in connexion therewith ; and also to improve, enlarge, and extend the Station on the said *Midland* Railway called the *Burton* Station, and for the efficient working thereof to lay down Sidings, and make all necessary and proper Works, Approaches, and Conveniences connected therewith.

As to En-
largement of
Derby and
Burton Sta-
tions.

XIII. Provided always, and be it enacted, That nothing in this or the " Railways Clauses Consolidation Act, 1845," contained shall be construed to authorize the said Company in constructing the Junction Line at *Masbrough* to deviate the Centre of the said Railway to the North of the Centre Line as shown on the Plans deposited with the several Clerks of the Peace herein-before referred to.

Company not
to deviate the
Centre Line
to the North
at *Masbrough*.

XIV. Provided always, and be it enacted, That in making the Junction Line at *Masbrough* the said Company shall not and they are hereby expressly prohibited from taking more than Ten Yards in Width of the Land belonging to Messrs. *Walker* described in the Book of Reference, such Land to be measured from the present outside Fence of the said *Sheffield and Rotherham* Branch Railway, without the Consent in Writing of the said Messrs. *Walker*, their Heirs or Assigns, and shall not make or erect any Houses or other Buildings upon the Land so to be taken.

Company not
to take cer-
tain Property
without Con-
sent.

XV. And be it enacted, That, subject to the Provisions contained in the said " Railways Clauses Consolidation Act " in reference to the crossing

Power to
cross Roads
on the Level.

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crossing of Roads on a Level, it shall be lawful for the said Company to carry the said Railways or any of them across the several Turnpike Roads and Highways numbered on the Plans deposited as aforesaid as follows, on the Level thereof; (that is to say,)

In the Township of *Little Eaton* in the Parish of *St. Alkmund*, the Roads numbered 14 and 27 :

In the Township of *Horsley* in the Parish of *Duffield*, the Road numbered 9 :

In the Township of *Horsley* in the Parish of *Horsley*, the Road numbered 45 :

In the Township of *Kilburne* in the Parish of *Horsley*, the Road numbered 20 :

In the Parish of *Denby*, the Roads numbered 30 and 73 :

In the Township of *Ripley* in the Parish of *Pentrich*, the Road numbered 4.

Company to erect Stations or Ledges at Points of crossing, and abide by Regulations of Commissioners of Railways.

XVI. 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 Railways 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 and 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.

Tolls.

XVII. And be it enacted, That it shall be lawful for the said *Midland Railway Company* to demand and receive, in respect of the Use of the Railways by this Act authorized to be made, such Tolls and Charges as they are authorized to demand and receive in respect of the Use of the said *Midland Railway*, but not exceeding in Amount the Tolls and Charges which the same Company are authorized to demand and receive in respect of the Use of the *Syston and Peterborough Line* of the said Railway under and by virtue of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, called the "*Midland Railway, Syston to Peterborough, Act, 1845.*"

Company may take increased Charges by Agreement.

XVIII. And be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges by this Act authorized, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

XIX. And

XIX. And be it enacted, That it shall be lawful for the Company, in addition to the Lands which they are at present authorized to purchase, and in addition also to the Lands herein-before authorized to be purchased by them for the Purposes of the Construction of the Railways and other Works by this Act authorized, to purchase any Quantity of Lands for extraordinary Purposes not exceeding Ten Acres.

Power to purchase Lands for extraordinary Purposes.

XX. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving Rights of the Crown.

XXI. And be it enacted, That the Powers of the said 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 Purchase of Lands limited.

XXII. And be it enacted, That the said Railways and 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 and the said recited Acts granted to the said Company for executing the said Railways and Works shall cease to be exercised, except as to so much of the said Railways and Works respectively as shall then be completed.

Period for Completion of Works.

XXIII. And be it enacted, That all Costs, Charges, and Expenses attending the passing of this Act or incidental thereto shall be paid by the said *Midland* Railway Company, *pari passu* with the Costs, Charges, and Expenses of every other Act of Parliament passed in the present Session to which they may be liable, out of the first Money which shall come to their Hands, and in preference to every other Payment whatsoever.

Expenses of Act.

XXIV. 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 another Act was passed in the Tenth

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.

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 said Railways, or any of them, or the said Company in respect thereof, from the Provisions of the said general Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company so far as the same shall be applicable thereto.

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

XXV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways 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.

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1848.